



# IBA IMPACT Report

## The environment and the legal profession

Key findings from the Impact Report on how lawyers advance the sustainability agenda

# Impact Report (extraction) – Environmental sustainability

## Introduction

The pages of this document concentrate on the environmental sustainability components of a larger study, commissioned by the International Bar Association\* (IBA), that examined the ways in which, and to what degree, legal professionals contribute to society. The IBA report on the social and economic impact of the legal profession (the 'Impact Report') contains the full conclusions.

With regard to the environmental sustainability agenda, the research highlights the way in which the work of legal professionals indirectly advances it in multiple ways, with lawyers:

- contributing to the creation of environmental policies or international climate agreements;
- representing parties in environmental-related cases and advocating for state action;
- creating awareness for their clients about the impact of their activities; and
- encouraging proactive behaviours to minimise such impact and support communities in the aftermath of natural disasters.

The following paragraphs examine the above areas where law intersects with achieving United Nations Sustainable Development Goals (SDGs) – seven out of 17 SDGs are related to environmental sustainability, including: climate action; the protection of life; access to clean water and sanitation; affordable clean energy; responsible consumption and production methods; and the development of sustainable cities and communities.

Findings include:

- 53 per cent less air pollution around the world can be achieved through improved regulatory controls;
- countries with a strong rule of law are quicker to adopt renewable energy initiatives, reduce private business carbon emissions and reduce environmental damage; and
- in the past five years, there have been 2,180 climate-related lawsuits in over 65 jurisdictions, more than double the amount of the previous period, according to the UN Environment Programme (UNEP) and Columbia University.

This report can be downloaded [<https://ibanet.org/document?id=IBA-Impact-Report-The-environment-and-the-legal-profession>]

The full Impact Report is available on the IBA website: [www.ibanet.org/Economic-impact-of-the-legal-profession-valued-at-\\$1.6tn-states-new-IBA-study](http://www.ibanet.org/Economic-impact-of-the-legal-profession-valued-at-$1.6tn-states-new-IBA-study).

For IBA reports, guides, articles, podcasts, webinars and more on environmental, social and governance issues visit [www.ibanet.org/esg-hub-page](http://www.ibanet.org/esg-hub-page).

\*The International Bar Association), the global voice of the legal profession, is the foremost organisation for international legal practitioners, bar associations and law societies. It was established in 1947.

# Environmental Sustainability

## Background

Over the past decades, the issue of environmental sustainability has become increasingly prevalent on the agendas of world leaders, across geographies and industries. Seven of the 17 UN SDGs relate to environmental sustainability, ranging from climate action and the protection of life on land and under water to the access to clean water and sanitation, affordable clean energy, responsible consumption and production patterns, and the chance to live in sustainable cities and communities.

Businesses around the world are also increasingly **committing to environmental sustainability**, making it core to their strategies and operations. 96 percent of S&P 500 companies issued an environmental sustainability report in 2022 (a historic high),<sup>1</sup> almost 4,000 of the largest companies worldwide have set science-based carbon targets,<sup>2</sup> and approximately 500 have pledged to reach net zero emissions by 2050.<sup>3</sup> Beyond their direct (scope 1) commitments, businesses are also focusing on their broader effects, aiming to engage with suppliers and partners who share their commitments.

Younger generations are also increasingly aware of and committed to environmental sustainability, using it as a driver in their choice of products, services, and even jobs. Research shows climate change is one of the issues that Gen Z (the generation born between 1996 and 2010) care about most,<sup>4</sup> and a 2022 survey of 2,000 workers in the United Kingdom revealed that half of them would consider leaving a job because of the employer's net-zero policies. At the same time, McKinsey's latest Global Survey on environmental, social, and governance (ESG) issues found that one-third of employees think their organization's work on ESG topics has a strong positive effect on their own commitment to the organization and, in turn, to overall employee retention.<sup>5</sup>

As environmental sustainability becomes a key concern of citizens, companies, states, and international organizations, it is also becoming more and **more central to the work of legal professionals**. Their involvement in drafting environmental policies, representing people and organizations in cases with high environmental implications, advocating for climate-related causes, or supporting communities to build resilience when facing environmental disasters makes an indirect, yet significant, contribution to promote environmental sustainability.

## Legal professionals' contribution to environmental sustainability

The work of legal professionals indirectly advances the environmental sustainability agenda in multiple ways. They contribute to the creation of environmental policies or international climate agreements, represent parties in environmental-related cases, advocate for state action, create awareness for their clients about the impact of their activities and encourage proactive behaviors to minimize such impact, and support communities in the aftermath of natural disasters.

In the following paragraphs, this report details **four types of impact mechanisms**, including illustrative examples and relevant statistical findings. These categories include:

1. Shaping environmental policy and international climate agreements.

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<sup>1</sup> <https://www.ga-institute.com/research/ga-research-directory/sustainability-reporting-trends.html>

<sup>2</sup> <https://sciencebasedtargets.org/companies-taking-action>

<sup>3</sup> <https://www.iea.org/data-and-statistics/charts/number-of-companies-with-net-zero-targets-by-year-and-sector>

<sup>4</sup> <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-gen-z>

<sup>5</sup> <https://www.mckinsey.com/capabilities/strategy-and-corporate-finance/our-insights/esg-momentum-seven-reported-traits-that-set-organizations-apart?cid=other-eml-mtg-mip-mck&hlkid=3049fd9096c34404935ccd8fa718a91e&hctky=1926&hdpid=5f47d8ae-27ad-464c-a8df-9884a588b7ee>

2. Leading environmental sustainability cases and advocacy efforts
3. Providing assistance in the aftermath of environmental disasters
4. Implementing internal programs for environmental stability

## 1. Shaping environmental policy and international climate agreements

The contribution of legal professionals to environmental policies and agreements is one of their leading drivers of impact in this area. This is because both international climate agreements, such as the Conferences of the Parties (COPs), and the corresponding national policies play a key role in the setting and tracking of environmental targets. In addition, some of the most important actors in the environmental sustainability space come from highly regulated industries (e.g., energy generation, heavy industries, transportation).

For example, European Commission directives have been a key driving force in the penetration of new renewable energy sources into the European energy mix. They have also contributed to an increased network development and interconnectivity, key prerequisites for the effective integration of renewable energy sources. Similarly, the Inflation Reduction Act (IRA) is expected to significantly accelerate the US journey towards environmental sustainability.

While legal professionals are not the main actors of the policymaking process, their role in drafting the legislative acts makes them contributors to the impact of the resulting policies. Furthermore, this report's research shows that these policies are paying off, as the better the regulatory quality of a country, the lower its levels of air pollution.

For example, had all countries analyzed<sup>6</sup> experienced the same levels of pollution as those in the top quartile in terms of regulatory quality, they would have experienced 53 percent less pollution and better air quality.

The contributions of legal professionals to environmental policies are not limited to Europe and North America. In regions with a high reliance on fossil fuels and, especially, coal mining, such as Australia and South Africa, legal professionals are also actively engaged in the incorporation of ESG goals into their national legislation.

Apart from the specific direct impact detailed above, legal professionals' work in environmental sustainability also generates other types of social

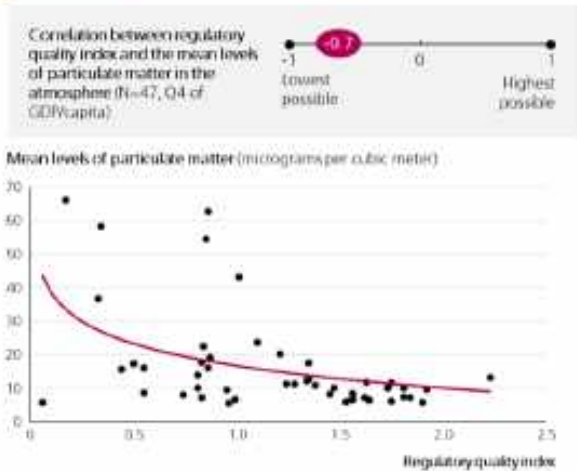
**53%**  
**less air  
pollution**  
could be achieved by  
improving **regulatory  
quality**

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<sup>6</sup> Based on 47 developed countries where data on both the input and output KPIs is available

Relationship between regulatory quality and air pollution

## The higher the regulatory quality in a country, the lower the levels of air pollution



and indirect economic impact. For instance, lower levels of air pollution can decrease the number of cases of respiratory disease while also generating savings in healthcare costs, creating **synergetic effects** across different impact areas.

## 2. Leading environmental sustainability cases and advocacy efforts

As environmental protection regulation evolves, so does the number of cases in need of legal representation. According to the United Nations Environment Program (UNEP) and Columbia University, in the past five years, there have been 2,180 climate-related lawsuits in over 65 jurisdictions, **more than double** the amount of the previous period.<sup>7</sup>

A decisive step for climate justice in Europe which could have global impact, derives from the landmark European Court of Human Rights (ECHR's ruling on global

warming, declaring that Switzerland had failed to comply with its duties under the Convention on Human Rights concerning climate change.<sup>8</sup> This is the first time an international court has issued a decision in the environmental area related to human rights, which may inform other upcoming opinions by international courts, including the International Court of Justice.

Communities around the world are taking their governments to Court over their inadequate climate action.<sup>9</sup> One such example is the case of the class action brought against Anglo American on behalf of over 100,000 Zambian people residing close to a former lead mine and suffering the severe consequences of continuous exposition to lead poisoning, which is detailed in a case study below.

Another example is the 2023 court ruling that the US state of Montana,<sup>10</sup> by supporting the fossil fuel industry violates its youth's rights to a clean and healthy environment was obtained by the legal case initiated by a non-profit organization with lawyers whose fees depend on donations to the non-profit.<sup>11</sup>

There is a notorious increase in cases in least developed countries as well, accounting for almost 20 percent of the total, especially in countries home to vast rainforests.<sup>12</sup>

7. <https://www.reuters.com/sustainability/climate-change-lawsuits-more-than-double-5-years-impacts-hit-home-2023-07-27/>

8. Ruling on the Verein KlimaSeniorinnen Schweiz and Others v. Switzerland case, delivered on 9 April 2024;

<https://www.echr.coe.int/w/grand-chamber-rulings-in-the-climate-change-cases>; <https://www.bbc.com/news/science-environment-68768598>. This case follows a previous very significant national judgement dictated in The Netherlands in 2019, the "Urgenda Case", where a Dutch environmental group, the Urgenda Foundation and 900 Dutch citizens sued the Dutch Government for failure to prevent global climate change. The Netherlands Supreme Court upheld that by failing to reduce greenhouse gas emissions by, at least, 25% by end of 2020, the Dutch government was in breach of the ECHR. See Urgenda Foundation v.State of the Netherland, judgement of the Supreme Court of the Netherlands, 20 December 2019. <https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/>. See page 77 for further details.

<sup>9</sup> According to the "Global trends in climate change litigation:2023 snapshot", there are 2,341 environmental litigation cases, 190 of which were filed in the period June 2022 to May 2023, [https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2023/06/Global\\_trends\\_in\\_climate\\_change\\_litigation\\_2023\\_snapshot.pdf](https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2023/06/Global_trends_in_climate_change_litigation_2023_snapshot.pdf)

<sup>10</sup> See page 10 for further details.

<sup>11</sup> Ruling on the Verein KlimaSeniorinnen Schweiz and Others v. Switzerland case, delivered on 9 April 2024;

<https://www.echr.coe.int/w/grand-chamber-rulings-in-the-climate-change-cases>; <https://www.bbc.com/news/science-environment-68768598>

<sup>12</sup> <https://www.reuters.com/sustainability/climate-change-lawsuits-more-than-double-5-years-impacts-hit-home-2023-07-27/>

The resolution of cases in court appears to be linked to better environmental outcomes at a macro level. For example, countries with higher resolution rates of court cases have higher shares of protected biodiversity.

In other cases, lawyers support through arbitration processes to settle the differences between the parties.

Beyond representing clients in court, many legal professionals are also involved in advocacy actions related to environmental sustainability. The Rights of Nature movement is an example of a legal instrument developed to enable natural elements (e.g., ecosystems, species) to have inherent rights and legal protection similar to individuals or institutions.

# Case study – European Court of Human Rights Ruling against Switzerland on Climate Change<sup>13, 14, 15, 16, 17, 18</sup> (1/2)

On April 9, 2024, the European Court of Human Rights (ECtHR) ruled that the Swiss government was not taking sufficient action to mitigate the effects of climate change. The ECtHR determined that there had been a violation of the right to respect private and family life covered by article 8 of the European Convention of Human Rights (ECHR) by the Swiss authorities. Further, the Court declared a breach of Article 6 § 1 of the ECHR on the right of access to the court, given Swiss authorities' dismissal of the complaints raised by the Swiss Senior Climate Women arguing lack of sufficient justification.

- The idea of a climate case in Switzerland was suggested by Greenpeace, following the ruling of the *Urgenda Foundation vs the State of Netherlands* case. The Swiss Firm leading the procedure was convinced that the debate on climate change should not be restricted to the political sphere, but that human rights issues in this regard should be, in order to move these issues forward, answered by the courts. A young female lawyer designed the strategy to articulate it through the Swiss Senior Climate Women Association.
- The complaint was filed in 2016 before the Swiss federal government by an

association which initially represented a few hundred members, a number that grew up to over 2,500 Swiss women above the age of 64 (the Verein KlimaSeniorinnen Schweiz or Senior Women for Climate Protection), at the time the judgment was issued. The association argued that the State was not doing enough under its national legal obligations to guarantee the good health of elderly people, who are particularly vulnerable to the effects of sharp temperature increases linked to climate change.

- In order to make the case suitable for Strasbourg, it was necessary to substantiate the human rights argument in detail from the outset, i.e., already in the 2016 application. Following its submission in 2016, the government refused to decide it on its merits in 2017. In 2018, the Federal Administrative Court dismissed the appeal, as did the Federal Supreme Court in 2021. The case was then brought before the ECtHR. The 3<sup>rd</sup> section gave it priority, and in 2022, relinquished its jurisdiction in favor of the Grand Chamber.

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<sup>13</sup><https://www.klimaseniorinnen.ch/wp-content/uploads/2024/04/Judgment-Verein-KlimaSeniorinnen-Schweiz-and-Others-v.-Switzerland-Violations-of-the-Convention-for-failing-to-implement-sufficient-measures-to-combat-climate-change.pdf>

<sup>14</sup> <https://www.coe.int/en/web/portal/-/three-climate-change-rulings-from-the-european-court-of-human-rights#:~:text=Switzerland%2C%20the%20Court%20found%20violations,measures%20to%20combat%20climate%20change>

<sup>15</sup><https://www.justiceinfo.net/en/131548-switzerland-condemned-echr-decisive-step-climate-justice-europe>

<sup>16</sup> <https://commonslibrary.parliament.uk/a-new-precedent-for-climate-change-in-human-rights-law/#:~:text=Verein%20KlimaSeniorinnen%20Schweiz%20argued%20that,and%20adapt%20to%20climate%20change>

<sup>17</sup> <https://www.ciel.org/news/historic-climate-ruling-on-climate-justice/>

<sup>18</sup> See *Urgenda Foundation v. State of the Netherlands*, judgment of the Supreme Court of the Netherlands, 20 December 2019. <https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/>. See page 14 in Executive Summary

## Case study – European Court of Human Rights Ruling against Switzerland on Climate Change (2/2)

The ECtHR established that article 8 of the Convention recognized the right of individuals to effective protection by the State authorities against the serious adverse effects of climate change in their life, health, wellbeing, and quality of life. It went even further pointing out that States must establish relevant targets and timetables within a domestic regulatory framework to enable effective mitigation measures of greenhouse gas emissions, up to including “net neutrality”. The Court found that the implementation of this framework had serious shortcomings. In addition, the three national instances, two of them courts, which decided that the complaint did not have to be considered on its merits, amounted to the Swiss authorities failing to take account of the incontrovertible scientific

data on climate change and failed to take seriously the grievances of the association.

The ECtHR judgment in this case is final and its implementation will be supervised by the Council of Europe’s Committee of Ministers.

Probably the largest contribution of this ruling is that it sets up a precedent for the countries party to the ECHR (46 countries). It may also inform other climate appeals on the responsibility of countries in relation to climate change before the International Tribunal for the Law of the Sea, Inter-American Court of Human Rights and before the International Court of Justice. The judgment also reinforces the vital role of courts at international and domestic level to hold governments to their legal obligations to protect human rights from environmental risk.

## Case study – Class action to remove lead pollution in Zambia <sup>19</sup>

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The Broken Hill mine in Zambia was, for most of the 20<sup>th</sup> century, the largest lead smelter in the African continent. It was operated by the South African subsidiary of Anglo American, one of the largest mining companies in the world.

While the mine ceased operations decades ago, the population of the nearby town of Kabwe is likely still suffering from its effects. The exposure to high and unsafe levels of lead may have caused a significant share of the population of Kabwe to suffer from some form of lead poisoning. The effects of lead poisoning include learning difficulties, behavioral problems, impaired growth, anemia, and organ damage. After prolonged exposure, the effects become irreversible. Lead also increases the risk of miscarriage and can be transmitted through both the placenta and breastmilk.

Despite the health impact of lead poisoning, efforts to remove the polluted soil have been very weak, as neither Anglo American nor the Zambian government have assumed responsibility over the clean-up. As a result, citizens of Kwane presented a class action on behalf of over 140,000 women and children affected by lead poisoning before the High Court of South Africa. Legal support was provided by Amnesty International and the Southern Africa Litigation Centre (SALC), a joint initiative of the IBA and the Open Society Initiative for Southern Africa. The SALC's purpose is to promote and advance human rights, democratic

governance, Rule of Law, and access to justice in Southern Africa through strategic litigation, advocacy, and capacity strengthening.

Amnesty International and the SALC participated in the proceedings as *amici curiae*<sup>26</sup> to avail the jurisdiction of the court to hear such a case. The case was presented in South Africa (the country of origin of Anglo American, the company that operated the smelter), rather than Zambia. This is due to the fact that collective representation such as that achieved through class action is not allowed in Zambia.

However, in 2023 the tribunal in charge dismissed the case. The decision was motivated by the insufficient evidence of the link between Anglo American's operation of the smelter and the lead poisoning, as well as the argument that a business that operated a long time ago cannot be held accountable to the same standards that would apply in the present day. However, the people of Kabwe and the organizations supporting them have shown their intent to appeal the judgment.

This verdict goes on to show the challenges in applying restorative justice, but also how collective representation, strategic litigation, and advocacy can help advance cases with significant environmental and health implications and push the envelope in a way that allows the justice system to evolve in its social mandate.

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<sup>19</sup> <https://mg.co.za/the-green-guardian/2022-03-26-anglo-knew-for-decades-about-lead-poisoning-at-zambia-mine-lawyers-say/>

<sup>20</sup> <https://foreignpolicy.com/2023/02/08/zambia-south-africa-anglo-american-mining-court-lawsuit/>

<sup>21</sup> <https://www.southernafricalitigationcentre.org/about/>

<sup>22</sup> <https://www.amnesty.org/en/latest/news/2023/01/south-africa-hears-historic-class-action-for-lead-poisoning/>

<sup>23</sup> <https://www.theguardian.com/global-development/2023/dec/18/south-african-judge-throws-out-kabwe-zambia-lead-poisoning-class-action-case-against-anglo-american-mining>

<sup>24</sup> <https://www.angloamerican.com/media/our-position-on-kabwe>

<sup>25</sup> <https://www.hrw.org/report/2019/08/23/we-have-be-worried/impact-lead-contamination-childrens-rights-kabwe-zambia>

<sup>26</sup> *Amicus curiae*, (Latin: "friend of the court"), one who assists the court by furnishing information or advice regarding questions of law or fact. He is not a party to a lawsuit and thus differs from an intervenor, who has a direct interest in the outcome of the lawsuit and is therefore permitted to participate as a party to the suit. <https://www.britannica.com/topic/amicus-curiae>

## Case study – Youth v. State of Montana <sup>27 28 29 30</sup>

In March 2020, a group of 16 youths between the ages of five and 22 sued the State of Montana for violating their right to a clean environment through the support of a fossil-fuel-driven energy system. The youths were represented by a team of legal professionals from “Our Children’s Trust,” an NGO specializing in environmental law, together with the Western Environmental Law Center and McGarvey Law. Lawyers’ fees who worked on this case were dependent on donations received by the NGO.

In August 2021, despite the State’s attempt to prevent the case from going to court, Judge Kathy Seeley from the First Judicial District Court of Montana allowed the case to proceed to trial. In response, in June 2022, the Attorney General of Montana filed a Writ of Supervisory Control and Motion to Stay, requesting the Supreme Court of Montana to take supervisory control of the case away from the trial judge. The Supreme Court denied the request, allowing the case to go to trial.

Starting in June 2023, the trial included the testimonies of multiple youths who found themselves physically harmed by the immediate effects of environmental damage (e.g., two brothers who had to leave their hometown because of how the bad air quality was affecting their asthma) as well as testimonies from climate, energy, and medical experts (e.g., Christopher Dorrington, Director of the Montana Department of Environmental Quality, and Dr. Terry Anderson, economist and senior fellow at Stanford University).

In August 2023, judge Kathy Seeley ruled that the State was indeed violating the youths’ constitutional right to a clean and healthful environment, as well as their rights to dignity, health and safety, and equal protection of the law. The ruling was supported by the Constitution of the State of Montana which states that “the State and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.” The court also declared recent alterations to the Montana Energy Policy Act, which were limiting the environmental considerations used for project permitting, as unconstitutional.

The current ruling is nonetheless declaratory, as the District Court of Montana does not have the power to mandate the State to engage in the process of fundamentally altering its policies. In addition, the Attorney General of Montana intends to appeal to the Supreme Court. Yet, the case is seen as a landmark win by the environmental and youth activist community and expected to be a first step toward a fundamental change in the way policymakers in the United States and beyond address fossil-fuel energy projects.

According to the International Monetary Fund, in 2022, fossil fuel subsidies accounted for USD 7.1 trillion, over 7 percent of the world’s GDP. Eliminating these subsidies would reduce fossil fuel CO<sub>2</sub> emissions to 43 percent below baseline levels in 2030, setting the world on track for attaining the Paris Agreement goal of containing global warming to 1.5° - 2°C.

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<sup>27</sup> <https://www.ohchr.org/en/stories/2023/08/about-our-human-rights-us-youths-win-landmark-climate-case#:~:text=In%20the%20case%2C%20the%20plaintiffs,them%20both%20mentally%20and%20physically.>

<sup>28</sup> <https://www.ourchildrenstrust.org/montana>

<sup>29</sup> <https://www.reuters.com/business/environment/un-seeks-help-children-battling-climate-change-court-2023-08-28/>

<sup>30</sup> <https://news.bloomberglaw.com/environment-and-energy/montana-youth-climate-plaintiffs-get-historic-win-in-state-case>

Despite these examples, the work of legal professionals does not always link to progress against environmental sustainability targets. The Rule of Law is often higher in more developed countries, with higher levels of CO<sub>2</sub> emissions and overall environmental footprints. While this is the result of more complex historical, social, economic, and political factors, many legal professionals also help protect the status quo of, e.g., the persistence of fossil fuel subsidies as part of the adversarial legal system. As in all impact areas above, lawyers also need to act on both sides of environmental disputes. In some cases, the lawyers aim to hold states accountable to international climate agreements or restrict private businesses' carbon emissions, while in others, they have challenged state actions intended to mitigate climate change or prevent environmental damage. The principal purpose of such litigation, whether viewed as pro-environmental or not, is to ensure that states comply with their law and international obligations.

### 3. Providing assistance in the aftermath of environmental disasters

Legal professionals often play a key role in communities' or countries' ability to withstand and recover from environmental crises and disasters. The aftermath of such events generates a multitude of problems of legal nature: from the need to access relief or insurance to the complex need of dealing with the administrative burden of having lost somebody. At the same time, those hit hardest by disasters often come from economically and socially vulnerable communities who struggle to understand the complexities of legal procedures, and likely lack access to support.

For example, in the aftermath of the Fukushima Daiichi earthquake and related nuclear disaster, the work of legal professionals was key to the structuring and distribution of relief and aid measures, as well as to the prosecution of the Tokyo Electric Power Company (TEPCO) representatives found responsible for the disaster.<sup>31</sup> The response of the Australian legal community during the 2019-20 bushfire emergencies is another emblematic example of legal professionals supporting their communities in times of natural disasters.

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<sup>31</sup> <https://www.nytimes.com/2020/09/30/world/asia/japan-fukushima-tokyo-electric.html>

## Case study – Legal aid in the aftermath of the Fukushima earthquake and nuclear accident <sup>32 33 34 35</sup>

On March 11, 2011, a 9.0-magnitude earthquake hit the Eastern coast of Japan. A tsunami followed a few minutes later, flooding many coastal areas and damaging the Fukushima Daiichi nuclear power plant, which suffered a major failure in its cooling systems that led to the release of nuclear material to the environment. The “triple tragedy” of the earthquake, tsunami, and nuclear accident caused over 20,000 deaths (most caused by the earthquake and tsunami, very few related to the nuclear accident), destroyed over 120,000 buildings and damaged over 1 million more, and led to the evacuation of 470,000 citizens. As of today, the estimated cost of the disaster amounts to USD 220 billion.

The heavy toll this took on victims’ displacements and livelihoods led to an unprecedented need for relief and compensation. Even though the nuclear accident had been triggered by the Great East Japan Earthquake, a natural disaster, the operator of the Fukushima Power Plant (Tokyo Electric Power – Tepco) was strictly liable for covering the compensation costs under Nuclear Damage Compensation Law.

Yet, both distributing and accessing the compensation posed difficulties. Fairly and promptly distributing the compensation brought the challenge of rapidly defining the legal framework and guidelines, as well as of processing a very high volumes of claims.

In terms of accessing the compensation, many victims had limited knowledge of their rights and ways to claim them, as well as insufficient resources to pay for legal representation.

To help address these issues, the Japanese authorities set up a dedicated Nuclear Damage Claim Dispute Resolution Center (“Center”) in cooperation with the Japanese legal community and the bar. The Center was in charge of handling

the mediation of damage claims arising from the Fukushima Nuclear Power Plant accident.

To handle a growing volume of requests, the Center employed approximately 300 mediators and 200 legal clerks at the peak of its activity. It also invested in developing expedited claim management processes. The Japanese legal community and the bar contributed to the creation of a special law aimed at relaxing the requirements for legal aid, in order to facilitate the access to legal representation for a higher number of victims.

At the end of 2023, the TEPCO had paid out JPY 10 trillion in compensation to the victims of the nuclear power plant accident, with the Center facilitating some of those payments. Approximately 27,000 internally displaced persons (IDPs) remain in evacuation and some legal proceedings including mediation at the Center are still ongoing for the compensation claims of these IDPs. There have been disputes related to the necessity of their evacuation for those who had evacuated without government’s orders or recommendations. Nevertheless, besides its contribution to the resolution of a significant volume of claims, the Center has also facilitated the development of standard procedures and expertise that can be leveraged in other crises conditions.

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<sup>32</sup>[https://www.reconstruction.go.jp/english/topics/Progress\\_to\\_date/English\\_December\\_2023\\_genjoutorikumi-E.pdf](https://www.reconstruction.go.jp/english/topics/Progress_to_date/English_December_2023_genjoutorikumi-E.pdf)

<sup>33</sup> <https://www.britannica.com/event/Japan-earthquake-and-tsunami-of-2011>

<sup>34</sup> <https://www.bbc.com/news/world-asia-56252695>

<sup>35</sup> Global Facility for Disaster Reduction and Recovery (2012). *Learning from Megadisasters Knowledge Note 6-3*.

#### 4. Implementing internal programs for environmental sustainability

Legal professionals and firms are becoming increasingly aware of the opportunities and challenges related to the implementation of environmental sustainability policies within their organizations. Many legal organizations and law firms have launched environmental sustainability programs, often prioritizing work in areas where they can achieve the greatest impact with limited disruption to their operations, such as sustainable procurement, more energy-efficient office buildings, and a reduction of business travel.

#### The perception of the impact

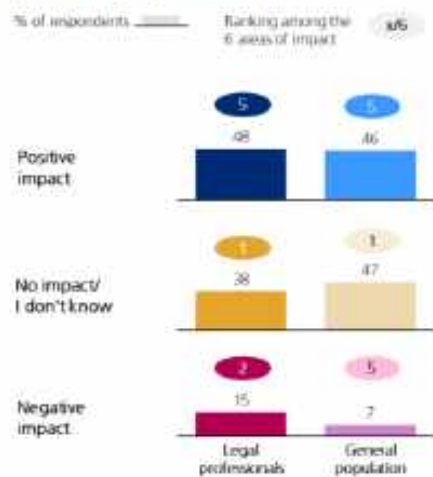
Environmental sustainability is the area where both the legal professionals and the general population surveyed were least likely to attribute any type of impact to the legal profession. Moreover, 15 percent of the legal professionals surveyed saw the impact as negative.

The activities in which respondents to the surveys see the most positive environmental impact are the representation of parties in environmental cases and the contribution to the drafting of environmental policies (64 and 63 percent of positive impact respectively).

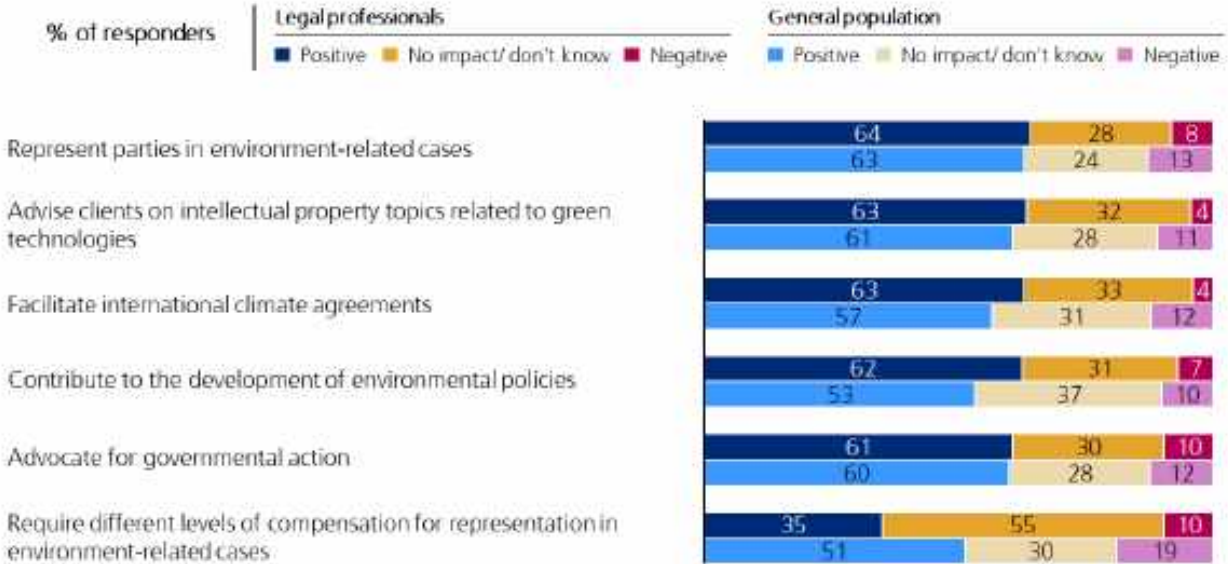
While the relatively low perception of positive impact may be influenced by respondents' own levels of concern about environmental sustainability, there is a perception of lawyers preventing a change of the *status quo* when defending the "big emitters". As previously discussed, ensuring independent legal representation for both sides of an issue is a fundamental right. There is still a need to better communicate the role of the work of legal professionals in driving environmental sustainability, as well as to address potential deterrents of an enhanced positive impact.

The perception of the legal profession's impact on environmental sustainability

#### The impact of legal professionals on sustainability is least visible among both legal professionals and the general population



## The work on environmental cases, followed by policymaking are seen as most impactful



### Conclusion

Businesses, international organizations, and the civil society worldwide are increasingly committed to environmental sustainability targets.

The work of legal professionals is closely linked to the environmental sustainability agenda through their contributions to policymaking, representation of parties in environmentally related cases, advocacy efforts, or community work in the aftermath of disasters, as described in the cases above.

However, this is the area where both legal professionals and the general public perceive a lower impact of the legal profession. This indicates an opportunity for **actions** addressed at improving awareness, intensifying the legal profession advocacy efforts in environmental matters, and playing a more relevant role in this area to enhance the profession’s contribution to it.



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