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Tort law: a viable instrument in climate change actions against corporates?



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Responsibility for climate change-related harms

D's conduct → climate change → event or change → current or future loss to P(s)

1. Who is responsible for climate change?
2. What is climate change responsible for?
3. Standard of care: What action is required to prevent dangerous climate change?

1. Responsibility for anthropogenic climate change

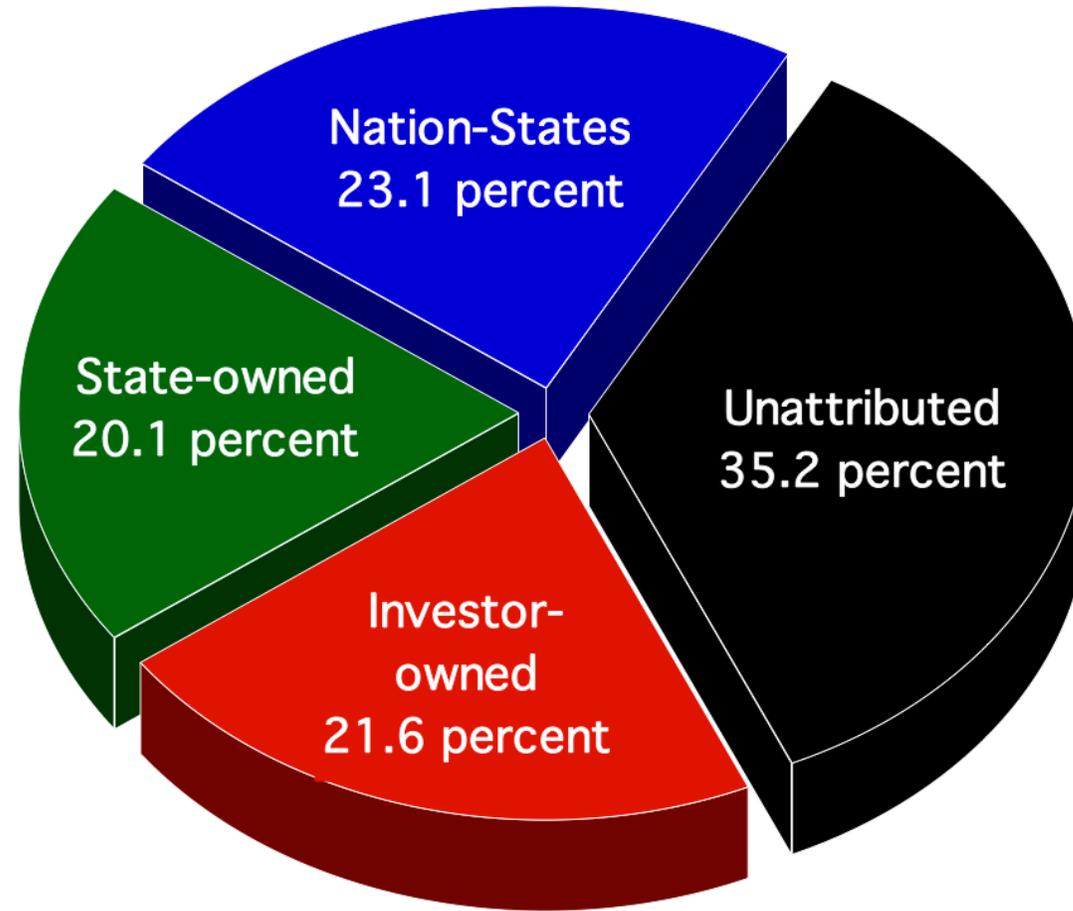
Major developments in past 10 years

- Heede study (2013)
- Carbon Majors Database (2017)
- Climate Accountability Institute (2019)

Source attribution science



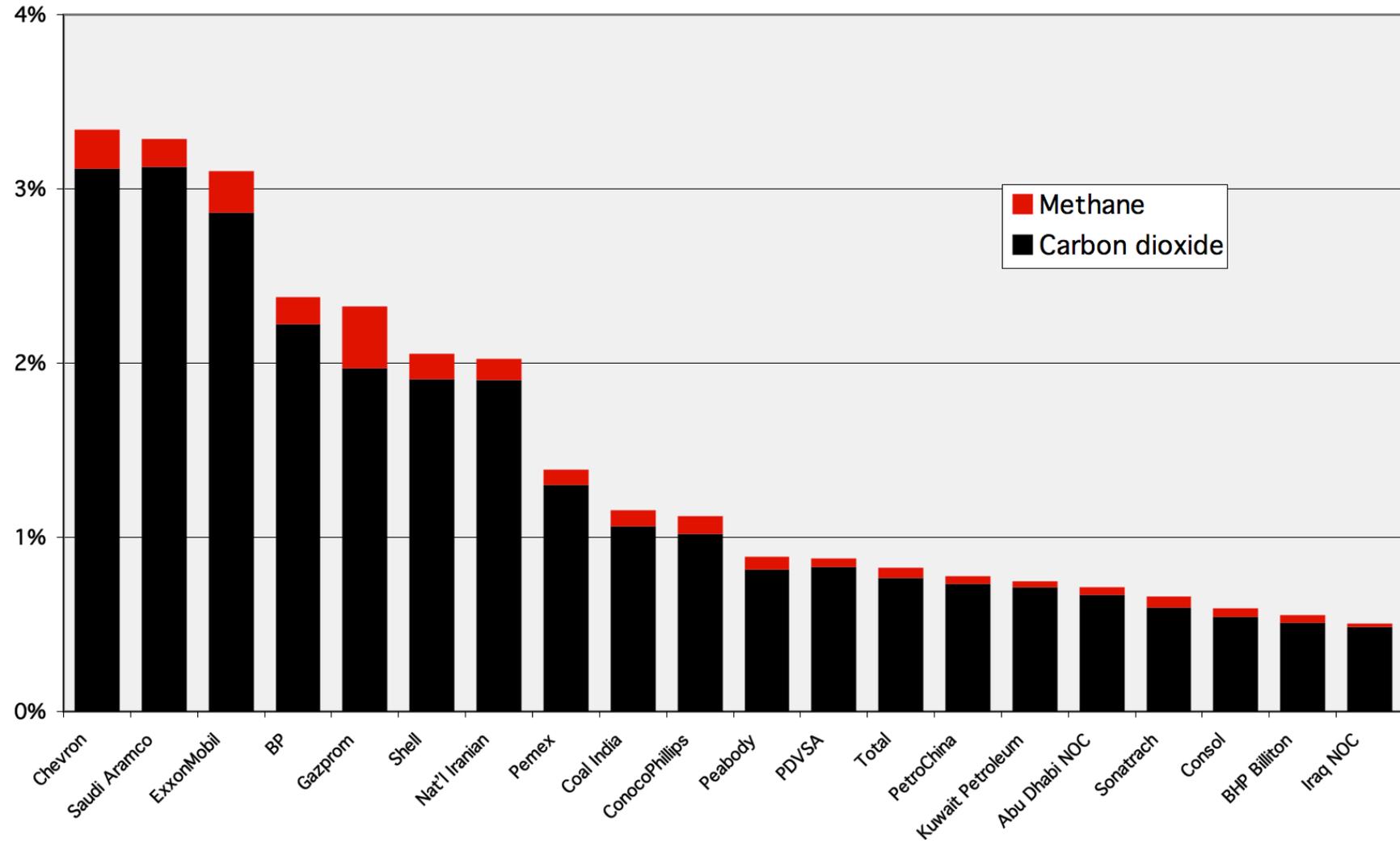
Carbon Majors and Other emissions 1751-2013



Source: Climate
Accountability
Institute

Top Twenty IOC & SOE cumulative emissions of CO₂ & methane, 1751-2013

Percent of world 1751-2013



Source: Climate
Accountability
Institute



2. What is climate change responsible for?

Increase in probability and/or intensity of an event due to climate change

- Individual extreme event;
- Long-term trends; or
- Persistent changes

Climate change and
extreme event
attribution science

Some impacts are easier to attribute to climate change than others

3. Assessing liability: standard of care

- Context: size of global carbon budget for 1.5°C (IPCC AR6)
- Halving of GHG emissions by 2030 on 2019 levels (IPCC AR6)
- Net zero as soon as possible and by mid-century at latest (IPCC AR6)
- No room for new fossil fuels in 1.5°C world (International Energy Agency, 2021)
- Major overproduction of fossil fuels for both 1.5°C and 2°C worlds

(UN Environment Programme, 2021)





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