

CCBE initial Statement on Climate Change

16/02/2023

EXECUTIVE SUMMARY

This paper constitutes an initial statement of the CCBE which is intended both to set out CCBE's commitments as well as to assist its member Bars and Law Societies in relation to the urgent matter of climate change. The document is divided into three parts. The first part acknowledges the climate change urgency situation and the role Bars, Law Societies and lawyers can play in contributing to mitigating the climate crisis and strengthening climate justice while fulfilling their function in upholding the rule of law, human rights and access to justice. The second part sets out CCBE's own commitments in view of the climate change urgency. Finally, the third part proposes possible ways Bars and Law Societies could consider in order to encourage lawyers to engage in climate conscious legal practice, in a way which is compatible with their professional duties, the administration of justice, and the rule of law.

The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 46 countries and, through them, more than 1 million European lawyers.

The defence of the rule of law, the protection of fundamental and human rights and freedoms, including the right of access to justice and protection of the client, and the protection of democratic values inextricably associated with such rights, are among the main missions of the CCBE.

With this initial statement, the CCBE wishes to set out its own commitments and to assist its member Bars and Law Societies in relation to the urgent matter of climate change which, according to the Article 1 of the Framework Convention on Climate Change (UNFCCC), is defined as follows: *'a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods'*.

Having regard to the damaging effects of climate change for people and the planet, as well as to its long term impacts on the economy and the earth's ecosystems, the CCBE notes that to date 183 countries, including the European Union and all the States of the members of the CCBE, have ratified the Paris Agreement to the United Nations Framework Convention on Climate Change, to hold the increase in global warming to *'well below 2°C'* and to pursue efforts to limit the increase to 1.5°C above pre-industrial levels.

The United Nations Intergovernmental Panel on Climate Change (IPCC) confirmed in its Sixth Assessment Report¹ that *'human influence has warmed the climate at a rate unprecedented in at least*

¹ <https://www.ipcc.ch/assessment-report/ar6/>

2 000 years², that ‘the world faces unavoidable multiple climate hazards over the next two decades with global warming of 1.5°C. Even temporarily exceeding this warming level will result in additional severe impacts, some of which will be irreversible’³ and that ‘unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1.5°C or even 2°C will be beyond reach’⁴.

The Parliamentary Assembly of the Council of Europe⁵ has also expressed serious concerns over a range of environmental issues that directly affect human health, dignity and life, including climate change.

Further, the European Commission’s European Green Deal includes among its goals that Europe should become the first climate-neutral continent, with climate, energy, transport and taxation policies fit for reducing net greenhouse gas emissions by at least 55% by 2030 (compared to 1990 levels), and with no net emissions of greenhouse gases by 2050.

More recently, various courts and tribunals have delivered important judgements in this field within national, European and international jurisprudence.

The CCBE acknowledges that Bars and Law Societies play an essential role in ensuring that lawyers fulfil their function of strengthening and upholding the rule of law, human rights and access to justice. The possibility for everyone to be advised, defended and represented in legal proceedings where their freedoms are at stake is a fundamental right in the European legal sphere. The legal profession plays a crucial role in the realisation of this fundamental right. This important role of the lawyer also means that lawyers shall not be identified with their clients or client's causes.

It also acknowledges that lawyers have played a crucial role, through both climate change litigation and legal advice, in ensuring fundamental positive social changes, and that they can play a leading role in mitigating climate change to avert its worst effects.

It acknowledges these efforts of lawyers, Bars and Law Societies as markers of their contributions to the UN Sustainable Development Goals and, more broadly, as part of the social responsibility of the legal profession, regarding which reference is made to the CCBE paper on Corporate Social Responsibility and the legal profession key considerations for Bars and lawyers⁶.

In view of the above, based on comprehensive assessments, the CCBE is committed to develop plans aimed at:

² <https://news.un.org/en/story/2021/08/1097362>

³ <https://www.ipcc.ch/2022/02/28/pr-wgii-ar6/>

⁴ <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/>

⁵ See notably [Resolution 1976 \(2014\) on Climate change: a framework for a global agreement in 2015](#); and [Resolution 2210 \(2018\) on “Climate change and implementation of the Paris Agreement”](#); [Resolution 2396 \(2021\)](#) and [Recommendation 2211 \(2021\)](#) on “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe” which notably proposed the adoption of an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment ; [Resolution 2399 \(2021\)](#) and [Recommendation 2214 \(2021\)](#) on “The climate crisis and the rule of law”; [Resolution 2415 \(2022\)](#) and [Recommendation 2219 \(2022\)](#) on “Inaction on climate change – a violation of children’s rights”; [the launching meeting of the Network of Contact Parliamentarians for a healthy environment](#) (27 January 2022).

⁶ https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/CSR/CSR_Guides_recommendations/EN_CSR_20221125_Corporate-Social-Responsibility-and-the-Legal-Profession-Key-Considerations-for-Bars-and-Lawyers.pdf

- (a) **taking** action in relation to its own activities in a manner consistent with restricting global warming to 1.5°C, and to report in a transparent way to the Plenary Session on the actions it has taken and their outcome;
- (b) **submitting** on a short term its activities to a thorough and concrete analysis by external experts, including a calculation of its CO2 footprint;
- (c) **supporting** member Bars in their efforts to assist their own members to act to mitigate climate change, including by encouraging member Bars to establish a committee focusing on climate change and its consequences for the legal profession (where not already in place), also in terms of new fields of law;
- (d) **providing** guidance to member Bars on how lawyers, when approaching any matter arising in the course of legal practice, should take into account the likely impact of that matter upon the climate crisis in a way which is compatible with lawyers' professional duties and the administration of justice;
- (e) **collecting, disseminating and publicising** educational tools and resources to support member Bars to help their own members to incorporate into their daily practice advice and representation on the impacts of climate change, and prepare for the likely impacts of climate change upon their daily practice;
- (f) **promoting** the exchange of best practices among the European legal profession so as to permit analysis, cross comparison and development of best practice guidelines, including on how to mitigate climate change and its impacts;
- (g) **engaging** with current and future climate change-related legislative, regulatory and policy reforms at European and international level, and, where appropriate, at national level among its membership, insofar as it impacts on the practice of law, access to justice and the rule of law; and
- (h) **working** actively with others for the greatest impact in addressing climate change as it affects the role of the legal profession, including member Bars and other professional bodies in the EU and internationally.

In addition to this, the CCBE encourages its member Bars and Law Societies to take steps in encouraging lawyers to engage in climate conscious legal practice, in a way which is compatible with their professional duties, the administration of justice, and the rule of law.

Climate conscious legal practice can be achieved in many ways. Bars and Law Societies could consider the following examples and choose and adjust actions according to identified needs:

- (i) **undertaking** continuing legal education on matters pertaining to climate change, in recognition of the pervasive impact of climate change on society, the rule of law and legal practice;
- (j) **considering** also the likely impact of climate change in matters arising in the course of legal practice;
- (k) **advising** clients, where applicable, about the disclosure of climate-related risks and opportunities related to their entire business operation, including supply chains⁷;
- (l) **adopting** science-based targets to reduce the direct and indirect greenhouse gas emissions associated with their own daily legal practice;

⁷ See also CCBE paper on [Corporate Social Responsibility and the legal profession: Key considerations for Bars and lawyers](#)

(m)**encouraging** legal aid or pro bono litigation in the fields of climate change and environmental protection.