

Global Climate Pledge

World Lawyers' Pledge on Climate Action[†]

Saskia Stucki^{a,*}, Guillaume Futhazar^a, Tom Sparks^a, Bruce Ackerman^b, Fatou Bensouda^c, Lalit Bhasin^d, David R. Boyd^e, Chunghwan Choi^f, Martyn Day^g, Eduardo Ferrer Mac-Gregor Poisot^h, Idayat Hassanⁱ, Donald W. Kaniaru^j, Helen Keller^k, Viviana Krsticevic^l, Antonio Oposa Jr^m, Anne Petersⁿ, Paulo Sérgio Pinto de Albuquerque^o, Flavia Piovesan^p, Caleb Pollard^q and Christina Voigt^r

^aSenior Research Fellow, Max Planck Institute for Comparative Public Law and International Law, Germany

^bSterling Professor of Law and Political Science, Yale University[‡], USA

^cFormer Chief Prosecutor of The International Criminal Court (2012–2021)

^dAdvocate, FCI Arb; President, Society of Indian Law Firms; Immediate Past President, The Bar Association of India

^eUN Special Rapporteur on Human Rights and the Environment; Associate Professor of Law, Policy, and Sustainability, University of British Columbia, Canada

^fPresident, LAWASIA

^gSenior Partner and Co-Founder, Leigh Day & Co., UK

^hVice President of the Inter-American Court of Human Rights

ⁱDirector, Centre for Democracy and Development (CDD), Nigeria

^jManaging Partner, Kaniaru & Kaniaru Advocates, Kenya

^kConstitutional Court of Bosnia and Herzegovina; European Court of Human Rights (2011–2020)

^lExecutive Director, Center for Justice and International Law, Americas

^mNormandy Chair for Peace

ⁿDirector, Max Planck Institute for Comparative Public Law and International Law, Germany

^oEuropean Court of Human Rights (2011–2020); Professor, Faculty of Law of the Catholic University of Lisbon, Portugal

^pVice-President of the Inter-American Commission on Human Rights

^qPresident, Pacific Islands Students Fighting Climate Change

^rProfessor, University of Oslo, Norway; Co-Chair of the Paris Agreement Implementation and Compliance Committee (PAICC); Chair of the Climate Change Specialist Group of the IUCN World Commission on Environmental Law

Abstract. The World Lawyers' Pledge on Climate Action is an open letter from and to the global legal community, calling for the mainstreaming of climate concerns throughout the law and legal profession. It seeks to rethink and redefine the role and responsibilities of lawyers in the climate crisis, and invites lawyers of all kinds—including practitioners, judges, scholars, civil servants, law students, and lawmakers—to integrate climate concerns into their respective areas of expertise and work. The magnitude and urgency of the climate crisis require *all* lawyers, not just environmental lawyers, to be part of the solution and contribute to climate-protective legal development.

The Pledge can be endorsed and signed at www.lawyersclimatepledge.org.

Keywords: Climate mainstreaming, environmental mainstreaming, integration, role of lawyers, climate-informed lawyering

[†]This Pledge has been published, without any endorsement *per se*, by the Editor-in-Chief, EPL and IOS Press.

[‡]For identification purposes only, does not represent Yale University's endorsement of the merits.

*Corresponding author. E-mail: stucki@mpil.de.

We, the signatories of the *World Lawyers' Pledge on Climate Action*, as concerned members of the legal community, commit ourselves to taking action against climate change. To this end, we will take personal and institutional responsibility, to the best of our abilities and within our respective fields of activity and expertise. We will cultivate a heightened awareness of the relevance of our activities to climate change and vice versa, and seek to integrate, address, and mitigate climate concerns throughout our professional life. We call upon the global legal community—including practicing lawyers, judges, academics, civil servants, law students, lawmakers, and all others working in and with the law—to join us in this vital endeavour. Together, we can initiate, foster, and sustain the change necessary to avert climate catastrophe, and transition our societies and laws towards a sustainable future.

1. Background

The science of climate change is clear—we are facing a climate emergency.¹ Climate change is part of an unprecedented series of overlapping and mutually reinforcing ecological crises, and time is running out to prevent its most dangerous impacts on the environment and on human and other life.² The 2015 Paris Agreement calls on States to hold ‘the increase in the global average temperature to well below 2°C above pre-industrial levels’ and to pursue ‘efforts to limit the temperature increase to 1.5°C above pre-industrial levels’. This requires immediate and systemic changes, societal transformations, and concerted action to drastically reduce greenhouse gas emissions within this decade, and to reach global net-zero emissions of CO₂ around 2050.³ Critical measures to reach climate neutrality must include, among many other steps, divestment from and replacement of fossil fuels with clean, safe, and renewable sources of energy; a shift from animal-based to plant-based food systems, and reduction of food waste; and protection and restoration of nature and its ecosystems, including halting deforestation and increasing reforestation.⁴ Simultaneously, sustained adaptation efforts must be made to enhance resilience to those effects of climate change that are already being experienced worldwide, and which disproportionately affect vulnerable communities.

Climate change poses an ever-worsening existential danger to human societies, both to living and future generations, and in particular to communities in the Global South and to vulnerable groups. Climate change is among the most pressing and serious threats to human rights, such as the right to life (and in particular life with dignity), health, bodily integrity, adequate water and sanitation, as well as to many other socio-economic and cultural rights.⁵ Human rights and environmental protection are two sides of the same coin.⁶ On the one hand, States must take all adequate and necessary preventative measures against climate change caused by both public and private actors in order to protect fundamental human rights. On the other hand, effective protection of human rights, including indigenous peoples’ rights, is indispensable to empower climate defenders to protect their communities, their environments, and our planet. Climate change is also a multiplier of existing threats to international peace and security, and a threat to the stability of States, regions, and communities.⁷ Climate-related disasters such as food and water scarcity, sea-level rise, desertification, and extreme weather events will contribute to forced migration on scales never seen before.⁸ Mass climate migration risks leaving vast numbers of people in situations of extreme vulnerability and is likely to overstrain the abilities of States, international organisations, and NGOs to provide humanitarian relief. A just transition—and in particular a transition compliant with fundamental human rights—is therefore vital.

The international community has long recognised the gravity of climate change and the urgent need for global solutions.⁹ In 2015, the landmark Paris Agreement was adopted and, at the time of writing, 191 States are parties to the agreement. Those States have committed themselves to the goal of limiting global warming to well below 2°C. Nevertheless, current trajectories of greenhouse gas emissions indicate that States are not yet on track to meet the goal of the Paris Agreement. The global community and its legal systems are yet to rise to the challenge of the climate crisis.

In 2017, more than 15,000 scientists from 184 countries signed the World Scientists’ Warning to Humanity, urging the global community to take immediate action against the current trajectory of catastrophic climate change, and called upon scientists, media, and lay citizens to push for

meaningful climate action.¹⁰ We have heard the world scientists' call. As members of the legal community, we add our voices, our commitment, and our best efforts in the global fight against climate change.

2. The Role of Law and the Responsibilities of Lawyers

Law is a powerful, yet ambivalent tool in humanity's fight against the climate crisis. The law can, as it often does at present, amplify and entrench the causes, corporate drivers, and institutional enablers of climate change. But more importantly, the law can also serve as a vital instrument for structural change at all levels, by providing effective and binding solutions to prevent, mitigate, and manage the climate crisis.¹¹

For the law to fully realise its potential as a progressive force in the climate crisis, the active engagement of concerned citizens, activists, NGOs, and other stakeholders is essential in order to demand new norms, better norms, and the better enforcement of norms. While it is important to call upon our political leaders to take climate action—and to hold them accountable for inaction—we, as those closest to the law, can and must do more than externalising responsibility for climate action. Internalising climate responsibility and agency means that we need not only ask ourselves: what can and should *others* do?, but also: what can and should *we* do?

As members of the legal community, we recognise our professional responsibility to guide, assist, support, and promote, to the best of our abilities, legal efforts to fight the climate crisis at all levels—global, regional, national, and local. Whereas it may be contrary to the socialisation of many lawyers to involve themselves in issues of a political nature, it must be unequivocally stated that the climate crisis is not an ordinary or partisan political issue. It is an existential threat that cuts across any social, political, ideological, or other strata, interests, allegiances, or grievances, and concerns everyone, everywhere.

The magnitude and urgency of the climate crisis require every one of us to contribute to the monumental task of transitioning to climate-protective development. The climate crisis is a cross-sectoral problem that calls for cross-sectoral solutions and efforts from all

segments of law. Lawyers of all kinds, *not just environmental and climate lawyers*, are therefore asked to consider, integrate, and apply issues of climate change and climate justice within and throughout their respective areas of activity and expertise. Simply put, climate concerns must be mainstreamed in every area of the law.

3. An Urgent Call for Mainstreamed Climate Action

Climate science is clear and compelling; law is central to the fight against climate change; and lawyers have a special role in bringing about the necessary legal changes. We, as lawyers, commit to take responsibility for our own conduct, and call upon all members of the global legal community to join us in taking climate action at the structural, professional and personal levels. There are many ways in which we can integrate climate responsibility into our work, and keep the climate issue on the legal agenda in our respective fields. Climate mainstreaming can occur in all areas of law and legal activity.

3.1. Law Professors, Legal Educators, and Students

As legal educators, we can infuse climate change issues into the various topics we teach. We commit ourselves to make visible the relevant connections between climate change and the legal fields, norms, and doctrines that are the subjects of our courses and lectures. We will discuss substantive linkages, procedural barriers and opportunities, and systemic conflicts and synergies of climate concerns within all areas of law. Through our work as legal educators, we influence and impact the next generations of lawyers. It is therefore our particular responsibility to educate law students in a manner that prepares and enables them, in this new era of climate emergency, to effectively use the tools that the law provides. Reciprocally, as law students, we are in a position to stimulate and demand engagement with climate change issues throughout and beyond our legal education. On an institutional level, all of us will work to ensure that law school curricula are updated to include comprehensive coverage of environmental issues, in order to train and sensitise students for a future in legal practice or

scholarship that is better equipped to face and tackle the climate crisis.

3.2. *Practitioners, Solicitors, and Attorneys*

As legal practitioners, we will integrate climate considerations throughout our contentious and non-contentious work. In our role as advisors and draftspersons, we will seek to foster full compliance with the letter and the spirit of climate-protective laws. We will accompany, support, and represent concerned citizens, climate activists, indigenous peoples, NGOs, and others, in their pursuit of climate justice. In doing so, we will respect the agency of the individuals and communities we work with. Where possible and appropriate, we will use our skills and positions to bring actionable climate cases before courts, and will pursue or support strategic climate litigation. In parallel, we choose to refrain from providing legal advice to individuals or corporate actors who seek to circumvent or undermine meaningful climate action or avoid climate responsibility, where that is compatible with our professional standards. On an institutional level, we will work to ensure that our professional associations attend to and incorporate climate issues, and establish climate action networks to better organise our collaborative efforts in litigating and supporting climate action across the full range of fora.

3.3. *Judges, Arbitrators, and Mediators*

As judges, arbitrators, and mediators, we reaffirm our commitment to fulfilling our functions with a twin respect both for the independence and impartiality that underpins trust in judicial processes, and respect for the rule of law. Within the bounds of good judicial practice, respect for the separation of powers, and the canons of legal interpretation, we will furnish and adopt climate-friendly interpretations of legal norms and instruments. We will consider the broad and intersecting network of laws that bear upon issues of climate change and climate justice, and will take into account and give judicial effect to binding climate goals where relevant to the cases we decide. We have an essential role in upholding human rights—including in relation to environmental harms—and we will perform our critical function of holding governments and public authorities

accountable for their inaction and failures in fighting climate change. We will act with integrity and judicial courage, conscious always of the social role of the law and its consequences.

3.4. *Lawmakers and Civil Servants*

As lawmakers and civil servants, we will advocate and work—within and beyond the political institutions in which we serve—for achieving the goal of just transition to a climate-neutral and sustainable society. We will ensure that our national parliaments, regional bodies, and local authorities commit to and implement ambitious climate goals. As lawmakers, we will mobilise the political courage and support necessary to enact the strict measures that are needed to reduce greenhouse gases and reach climate neutrality. We are committed to representing the long-term interests of our constituents (present and future generations) by supporting systemic transitions away from fossil fuels and animal agriculture, and will resist pressures from powerful industry lobbies. As civil servants, we will implement laws and policy decisions in ways that consider climate issues and give the best possible concrete effects to abstract climate goals. All of us will ensure that the climate implications of legislation, policy decisions, and enforcement—in all fields—are heard, understood, and taken into account. We will have regard to the intersecting factors which place some communities in situations of particular vulnerability to climate change, and will seek to ensure that their interests, needs, and voices are heard in our debates.

3.5. *Legal Scholars and Researchers*

As legal scholars, we can serve a crucial bridging role in facilitating the translation of abstract climate goals into concrete legal formulation, implementation, and enforcement. We are in a position to think through the problems posed by climate change and its adverse effects in all areas of law, and to frame adequate legal responses to address climate issues. Importantly, we can help to develop the conceptual and doctrinal vocabulary and tools that enable advocates, lawmakers, civil servants, or judges to realise and operationalise more ambitious climate policies in legal practice. As researchers and scholars, we commit to highlighting

and integrating climate concerns in our scholarly and research activities in all areas of law, and to make the relevant work accessible to everyone. On an institutional level, we will push for climate action and responsibility within our scholarly networks and associations, and will seek to ensure that our universities and research institutions have, and act in accordance with, ambitious climate action plans.

3.6. Consultation and Advisory Functions

When consulting for governments, corporations, NGOs, activists, and others, we commit to highlighting the relevant climate change and climate justice issues that bear upon the questions posed to us. We will point out deficiencies in existing regulations, and new or proposed regulatory instruments, with a view to strengthening and improving their efficacy and coverage. We choose to refrain from offering legal advice which would assist actors in avoiding meaningful climate action, and choose to refrain from working with companies and individuals whose actions present an obstacle to an effective and just transition.

3.7. Individual and Institutional Self-Conduct

Lastly, although the emphasis must first and foremost be placed on the systemic transitions that are needed to achieve a just transition to climate neutrality, structural changes must be supplemented by individual responsibility. We commit to organising our own conduct in the most climate-neutral way possible. We commit to reducing the climate impacts of our professional activities, our buildings and offices, and other matters associated with our professional lives, and to persuade colleagues, co-workers, employers, and employees to join us in this effort. Among other measures, we will reduce the impact of our events by avoiding unnecessary air travel wherever possible, facilitating virtual attendance at meetings, and switching to plant-based catering; utilise renewable energy sources; and—while prioritising emissions reductions at source—make subsidiary use of carbon offsetting and carbon capture technologies where appropriate to further reduce the climate impact of our activities. We will continually improve our awareness of climate concerns, and will actively re-examine our ways of working in order to identify opportunities to reduce our carbon

footprint to a necessary minimum. We will encourage our institutions to mandate and incentivise climate-friendly behaviours, to set ambitious goals for the amelioration of our climate and other environmental impacts, and to report transparently on progress towards those goals.

We, the signatories of the World Lawyers' Pledge on Climate Action, firmly believe that together—and by mobilising the tools of our shared vocation—we can make a difference. This requires all of us to recognise and practice individual as well as institutional responsibility for the fate of planet earth, our shared and only home.

Endnotes

¹ Ripple, William J., et al. (2020), "World Scientists' Warning of a Climate Emergency", *BioScience*, Vol. 70, No. 1, pp. 8-12; World Meteorological Office (2021), *State of the Global Climate 2020*, WMO-No.1264, available at: https://library.wmo.int/docnum.php?explnum_id=10618 (accessed on 4 December 2021).

² United Nations Environment Programme (2019), *Global Environment Outlook GEO-6*, Cambridge: Cambridge University Press.

³ IPCC (2018), "Summary for Policymakers", *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, Geneva: Intergovernmental Panel on Climate Change; IPCC (2021), *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Masson-Delmotte, V., P. Zhai, A. Pirani, S.L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M.I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J.B.R. Matthews, T.K. Maycock, T. Waterfield, O. Yelekçi, R. Yu, and B. Zhou (eds.)], Cambridge: Cambridge University Press.

⁴ Ripple, William J., et al. (2020), "World Scientists' Warning of a Climate Emergency", *BioScience*, Vol. 70, No. 1, pp. 8-12; IPCC (2018), "Summary for Policymakers", *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, Geneva: Intergovernmental Panel on Climate Change.

⁵ See Human Rights Committee General Comment No. 36: Right to Life, CCPR/C/GC/36 (2019), para 62, available at: <https://undocs.org/CCPR/C/GC/36> (accessed on 4 December 2021); Statement on human rights and climate change by the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons

with Disabilities, HRI/2019/1 (2020), available at: <https://undocs.org/HRI/2019/1> (accessed on 4 December 2021).

⁶ Report of the UN Special Rapporteur on Human Rights and the Environment on Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, A/74/161 (2019), available at: <https://undocs.org/A/74/161> (accessed on 4 December 2021).

⁷ Rüttinger, Lukas, et al. (2015), *A New Climate for Peace*, available at: https://climate-diplomacy.org/sites/default/files/2020-11/NewClimateForPeace_FullReport_small_0.pdf (accessed on 4 December 2021); UN Security Council Resolution 2349, S/Res/2349/2017 (2017), available at: [https://undocs.org/S/RES/2349\(2017\)](https://undocs.org/S/RES/2349(2017)) (accessed on 4 December 2021).

⁸ Rigaud, Kanta Kumari, et al. (2018), *Groundswell: Preparing for Internal Climate Migration*, Washington, DC: World Bank, available at: <https://openknowledge.worldbank.org/handle/10986/29461> (accessed on 4 December 2021); United Nations High Commissioner for Refugees (2020), *Global Trends 2020*, available at: <https://www.unhcr.org/statistics/unhcrstats/60b638e37/global-trends-forced-displacement-2020.html> (accessed on 4 December 2021).

⁹ The urgent need for increased climate action is also clearly recognised by a majority of the worlds' population: UNDP (2021), *The People's Climate Vote*, available at: <https://www.undp.org/publications/peoples-climate-vote> (accessed on 4 December 2021).

¹⁰ Ripple, William J., et al. (2017), "World Scientists' Warning to Humanity: A Second Notice", *BioScience*, Vol. 67, No. 12, p. 1026.

¹¹ See, for example, the detailed *Pro Bono Guide to the Climate Crisis* produced by the Australian Pro Bono Centre, available at: <https://www.probonocentre.org.au/wp-content/uploads/2020/08/Pro-Bono-Guide-to-the-Climate-Crisis-FINAL-27-August-2020-1.pdf> (accessed on 4 December 2021).