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Model Statute for Proceedings Challenging Government Failure to Act on Climate Change

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Reforming litigation rules to achieve climate justice

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Addressing global climate change requires many solutions. Recent citizen climate litigation has led to judges in some countries requiring governments to reduce greenhouse gas emissions or take other steps to protect communities from climate impacts. Unfortunately, in many jurisdictions there are legal obstacles preventing citizens from even getting through the courthouse door. Judges are also experiencing difficulties adapting existing judicial procedures to remedy government climate inaction.

This new Model Statute would lower such hurdles. Building on recent successes and judicial reasoning, it highlights the role of litigation in setting requirements for governments to protect the public. With the advice of leading experts, the Model Statute provides detailed rationales, precedents and 23 specific Articles for reforms. The adoption of some or all of the Model Statute by judges, rules of court or policy-makers will help ensure a critical and timely reduction in greenhouse gas emissions in pursuit of climate justice.

Download a PDF version of the Model Statute

A PDF version of the Model Statute can be downloaded without charge from the International Bar Association website: www.ibanet.org.

A direct link to the *Model Statute for Proceedings Challenging Government Failure to Act on Climate Change*, as well as other related materials, is available at www.ibanet.org/Climate-Change-Model-Statute.aspx. There are no restrictions on making copies of the Model Statute provided copies do not alter the PDF version.

Check the Model Statute web link for periodic updates

Following the February 2020 release of the Model Statute, it is intended that periodic updates will be made to its Commentary and endnotes in response to future cases and rulings, so readers may want to refer back to this web link for updates. If possible, new developments will also be listed by jurisdiction so readers can reference the latest changes from their country. (The endnotes include references to pertinent decisions of courts and tribunals as well as rules of court and commentaries pertinent to climate litigation and climate-related human rights claims.)

Help keep the Model Statute updated

If you have information about any new cases, changes in court or tribunal procedures where climate issues are involved, or anything else you think may be of relevance to readers of the Model Statute, please send a link to the document or a scanned copy electronically to the current Co-Chairs of the Expert Working Group that guided development of the Model Statute:

- David Estrin: davidestrin@rogers.com / destrin@osgoode.yorku.ca
- Roger Martella: roger.martella@verizon.net

Implementing the Model Statute in your jurisdiction

If you would like additional assistance in implementing the Model Statute in your jurisdiction, contact the Model Statute Expert Working Group Co-Chairs Roger Martella or David Estrin at the email addresses listed above.

Related material

To view the 2014 IBA Task Force on Climate Change Justice and Human Rights report, *Achieving Justice and Human Rights in an Era of Climate Disruption*, visit tinyurl.com/ClimateJustice2014.