

The following is the translation from Portuguese to English of a recommendation by the Federal Council of the Brazilian Bar Association (OAB) regarding the role of the OAB and lawyers in combating climate change, approved April 25, 2023:

The Federal Council of the Brazilian Bar Association,

CONSIDERING the scientific consensus on global warming and its grave consequences for populations around the world, especially for those who are most vulnerable and have contributed least to the climate crisis, according to reports from the Intergovernmental Panel on Climate Change;

CONSIDERING that Brazil has ratified the Paris Agreement under the United Nations Framework Convention on Climate Change, committing to limit global warming well below 2°C and to make efforts not to exceed a temperature of 1.5°C above pre-industrial levels;

CONSIDERING that the Constitution of the Republic of Brazil has as one of its foundations the dignity of the human person, as one of its objectives the promotion of national development in a free, fair and solidarity-based society, recognizing the inviolability of the right to life and the right to an ecologically balanced environment for present and future generations, and the centrality of the protection of Human Rights in the Brazilian constitutional order;

CONSIDERING that Law No. 6,938/1981, which establishes the National Environmental Policy, aims to reconcile economic and social development with the preservation of environmental quality and ecological balance;

CONSIDERING that Law No. 12,187/2009, which establishes the National Policy on Climate Change, provides that everyone should act, for the benefit of present and future generations, to reduce the impacts resulting from anthropogenic interference on the climate system;

CONSIDERING the commitment of the legal profession to the Democratic Rule of Law, the defense of Human Rights, the access to justice and the constitutional order;

CONSIDERING that lawyers have historically played a fundamental role in positive social change and can contribute to the mitigation of the climate crisis and adaptation to its effects;

Recommends to the Federal Council of the Brazilian Bar Association, its State Chapters and respective Subsections, (i) to actively participate in the processes of legislative drafting and respective infra-legal regulation drafting related to climate change policies; (ii) to seek membership in consultative and deliberative bodies related to climate change policies; (iii) to evaluate the adoption of appropriate legal measures aimed at challenging norms and conduct, active or omissive, that may negatively impact efforts to reduce greenhouse gas emissions and to adapt to the effects of climate change; (iv) to periodically disseminate information to lawyers aimed at raising their awareness of the impacts of climate change and incorporating measures into their professional practice that tend to cooperate with efforts to reduce greenhouse gas emissions.

Recommends to lawyers that, in their professional practice, always observing professional ethics, they inform their clients or the companies with which they maintain professional ties of the risks and legal responsibilities that may arise from actions or omissions that contribute negatively to the climate crisis, in situations where this information is within their professional capacity and knowledge.

Recommends to lawyers and, in particular, to law firms whose annual turnover exceeds BRL 10,000,000.00 (ten million Brazilian reais) or whose professionals, legal or otherwise, total at least 30 (thirty) people, and to legal departments of medium and large-sized companies, to commit to reducing direct and indirect greenhouse gas emissions associated with their professional practice, and, when absolute reduction is impossible, to offset them, in order to achieve carbon neutrality by the year 2050, adopting, among others, the following measures:

1. developing programs to reduce greenhouse gas emissions from their activities, promoting training of their personnel;
2. prioritize, to the extent possible, the reduction of the use of transportation means, through remote activities, as well as the use of transportation means that do not contribute or contribute in a reduced way to climate change;
3. review practices and relationships with clients and suppliers, in order to promote the transition to a low-carbon legal profession;
4. evaluate, in the year 2030 and, from then on, every 5 (five) years, the progress already made, and voluntarily, provided that an appropriate methodology is adopted, measure the existing carbon footprint at the end of each evaluated period, and, in the year 2050, obtain a report produced by a certifying entity, attesting to the achievement of the carbon neutrality goal;
5. promote *pro bono* activities that allow access to justice for individuals and legal entities without financial capacity and negatively affected by the climate crisis.

Recommends the Federal Council of the Brazilian Bar Association to annually review this recommendation, so that it can be adjusted to national and international best practices, aiming at achieving measures tending to cooperate with urgent efforts to reduce greenhouse gas emissions and to adapt to climate change.

