



Climate necessity defence, important?



# EXPECTATION VS. REALITY



THE TEMPERATURE RISE  
LIMIT SET OUT IN THE PARIS  
AGREEMENT IS 1.5C

BUT THE CURRENT POLICY IS  
HEADING TO A 2.7C  
TEMPERATURE RISE

WE MUST LOWER THE  
GREENHOUSE GAS EMISSIONS  
AND ACHIEVE NET ZERO TO  
STAY WITHIN THE 1.5C LIMIT

# PEOPLE ARE TAKING THE STREETS!

ACTIVISTS MAY ENGAGE IN  
CIVIL DISOBEDIENCE AS A FORM OF  
PROTEST TO THE GOVERNMENT  
AND COMPANIES TO TAKE CLIMATE  
ACTION

BUT THEY MAY ALSO RISK LEGAL  
DETENTION





What climate necessity defence?



necessity defence is an argument that you can use in court, saying that the illegal thing that you did was necessary to avoid greater harm, therefore your action is justified

climate necessity defence is saying like "it was necessary for me to block the crude oil transport, because using it is harming the environment and people"

🔍 why is it important?



Forum of public hearing



The judicial process demands response from the government



highlights the issue



increases the quality and quantity of public discussion

# SPREAD THE WORD

NECESSITY DEFENCE IN CLIMATE CHANGE CASES CAN BE A STRATEGY TO PRESSURE THE GOVERNMENT TO TAKE CLIMATE ACTION AND SPREAD THE CAUSE TO A BROADER AUDIENCE



# EASIER SAID THAN DONE



## DIFFICULTY IN USING NECESSITY DEFENCE IN CLIMATE CHANGE CASES MAY BE:

Proving that there's no other legal alternatives to prevent climate change - like congressional action

Explaining the relationship between the action and the harm - climate change caused harm are likely to be transboundary

Proving that the harm is imminent - can the government immediately prevent the harm? or must there be steps taken to do so?

# SO..?

climate necessity defence is still very new in climate change cases and there is a very rare chance of success. But...

it can be a valuable tool to highlight the pressing issue of climate change and lack of action to prevent it. It gives a forum for protesters to explain their motivations to a wider audience and demand a response.

In *Brockway v Washington*, the defendants were able to use the defence and explain the government's inaction on crude oil use and its impacts (with the help of experts in various fields). 3 members of the jury even said that it educated them on climate change.

For now, we'll have to see how it develops in the future!