A Net Zero Civil Justice System?

Kluwer Mediation Blog
April 29, 2021
John Sturrock

Please refer to this post as: John Sturrock, 'A Net Zero Civil Justice System?', Kluwer Mediation Blog, April 29 2021

My question is this: How can we design a civil justice system in Scotland fit for the future, not only post-Covid but addressing climate change and minimising environmental harm? How can we build a Net Zero Carbon Civil Justice System in and for Scotland with COP26 coming up, how can we show leadership to other nations?

This month, I’d like to float another idea and seek comments and suggestions from readers: A Net Zero Civil Justice System.

What does or will the Law Society of Scotland recommend to its members to achieve an environmentally sustainable approach to helping clients to resolve disputes?

What further can members of the Scottish Bar do to reduce fossil fuel emissions?

What encouragement might judges individually and collectively give to litigants?

This raises some interesting questions:

- What can or will the Scottish Courts and Tribunal Service do to reduce fossil fuel emissions?
- What can or will the Scottish Courts and Tribunal Service do to reduce landfill waste?
- What can or will the Scottish Courts and Tribunal Service do to reduce water usage?
- What can or will the Scottish Courts and Tribunal Service do to reduce paper usage?

The Scottish Justice Secretary, Humza Yousaf QC, recently informed us that the Scottish Government has committed to reducing emissions by 75% by 2030. Experts say that we need to translate big picture commitments into sectoral delivery and real results on the ground, and to do so quickly.

The next Conference of the Parties on climate change, COP 26, will take place in Glasgow this November. Arguably, it is one of the most important global meetings ever. Scotland now needs to commit to implementing what was agreed at a previous COP in Paris. Overall, we are told that this commitment has been woefully insufficient so far, written in the context of my own country, Scotland, but, I hope, adaptable to other jurisdictions.

The Master of the Rolls, Sir Geoffrey Voss, recently set out radical proposals for an effective and efficient civil justice system in England and Wales, including online integration of alternatives such as mediation, leading to, he argues, significant economic benefits for the country.

The world is on track for a 3 degree increase in warming. However, levels must be maintained at below a 2 degree increase if we are to avoid very serious damage to the environment and to our individual and collective futures. The world faces tipping points such as desertification of all seven continents, species extinction and permafrost loss which could push parts of the earth into irreversible change. Feedback loops which will accelerate climate conditions we now see as trends.

Scotland, including the civil justice system, must act now. The Scottish Government has committed to reducing emissions by 75% by 2030. Experts say that we need to translate big picture commitments into sectoral delivery and real results on the ground, and to do so quickly.

This is not an easy task. We all have a part to play in this, as Scotland’s Climate Assembly recently reminded us. We have no choice. The Committee on Climate Change has challenged us all in Scotland to walk the talk.

There is increasingly strong scientific and political consensus. The financial sector is beginning to understand the long-term consequences for investment and risk. As President Biden made clear recently, this is the decade where things must change and this is the time when we must start to make a real difference. We must act now.

Scotland, including the civil justice system, must surely be to move from traditional resource-heavy processes to those which achieve the twin benefits of efficient dispute resolution and a lower carbon footprint.

The way forward for Scotland, and I hope for other countries, is to move from traditional resource-heavy processes to those which achieve the twin benefits of efficient dispute resolution and a lower carbon footprint. The Scottish Courts and Tribunal Service must act now.


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