

What I want to be able to say to a jury of my peers

As a litigant in person, in times of both extreme danger and currently preventable catastrophe, it is important to me to have my voice in front of a jury and give a thorough account of my actions. **I would like to make a factual submission, because I wish to set out a full explanatory context to answer the allegation.** If this was an ordinary crime in ordinary circumstances my approach would not be appropriate or relevant, but this isn't ordinary; parameters and borders are beyond the legal norm. I am embarking on an answer, part of which is not currently recognised within the law (it should be). Thus I want to set out the factual premise which prompts and drives my answer to the allegation, making use of critical legal theory. My basic purpose therefore, through this factual submission, is full transparency. At the centre of this case are not only my actions, but the actions of the **UK government** which I was responding to, **the law** as it relates to **the climate and ecological emergency** and the **role of civil disobedience** in creating change. This also includes a review of the predicaments within the law currently as it applies to climate activists. Here is what I want to be able to say. I think it will take about a day and a half to say it, with breaks.

SUMMARY

1. I don't contest that I broke one pane of glass at the Department for Transport (DfT).
2. The DfT, in pursuing a number of policies including HS2, and as part of the UK Government and its wider policy agenda, are committing crimes against humanity, with both a landscape of policies that are actively destructive and an unwillingness to instigate sufficient policy measures for mitigating and adapting to climate and ecological breakdown. People are already dying as a result.
3. I took the action as part of ongoing pressure from a social movement making use of civil disobedience as a tool for change, which is recognised both historically and in the social sciences as having a significant role to play in creating change.
4. The context of my action is in the face of:
 - a. the climate and ecological crisis - think of explosive, armoured vehicles making their way to every city, town, village in the world, or already arrived in some. No one will escape impact, whether through permanent flooding, drought, famine, war, disease and ultimately the collapse of civilisations.
 - b. business and political leaders actively building these armoured vehicles, despite having been told unequivocally what will happen as a result.
 - c. current law and current democratic and economic forms that are inadequate to meeting these times - there is entrenched power, systematised destruction and missing law.
5. As a result, entrenched power seeks to stop protest and punish climate defenders, rather than climate offenders. Defences that we might have used previously have been closed down by various rulings. These rulings suggest citizens can make use of democracy and the law to get the change they seek. But this is not possible to achieve with sufficient speed or power, because democracy has been captured by the interests of entrenched power - for example billionaire media moguls decide who gets elected. Also laws exist that protect power - for example the corporate courts which are being used to sue those pursuing climate friendly policy. Those with the

power to prosecute are not doing so - when did the Crown Prosecution Service (CPS) last prosecute a climate offender? And the regulators' powers to investigate are vastly reduced by underfunding. Some of us are still pursuing international law channels for example Climate Genocide Act Now (CGAN) have made the detailed case to the Met Police that climate activism would be unnecessary if they arrested criminal activity from within the UK Government, but the Met have argued against this, with a reluctance to address politicians and a mis interpretation of the Rome Statute law regarding oblique intent. Others have and are pursuing specific cases, but the higher UK courts have suppressed evidence- I provide evidence of this below. There is also law missing at international and national level.

6. The missing law would:
 - a. Recognise 'ecocide' as a fifth category of crimes against peace, i.e. to criminalise those conducts that involve the loss, damage or destruction of flora and fauna ([this law has been drafted](#)).
 - b. Afford rights to nature as the basis of all life on earth, including our own (tribunals have [already been run independently](#))
 - c. Recognise the duty of citizens to act as [Conscientious Protectors](#) when entrenched power is threatening life and current legal bodies/ democratic forms are not able or willing to act. With others, I am submitting a draft law in support of this omission (next section).
7. The entrenched power within the system is resulting in circular and self-referential arguments, regardless of actual justice or logic. (This is a result of the pathology of forms of [cognitive denial](#) and addiction, which also show up in [economics](#) and [insurance](#)).
8. In Extinction Rebellion, we call for the shoring up of democracy by the establishment of deliberative democracy processes (e.g. Citizens Assemblies). They already exist in some sense in the form of trial by jury. Therefore I am asking my Judge to be a responsible upholder of the higher laws of justice in allowing me to speak freely to the jury. And I am asking the jury to take all the above into account and to recognise my act and wider work as that of a *Conscientious Protector*, and to accordingly make use of their right to acquit me via 'jury nullification' (sometimes called a 'perverse verdict').
9. Climate defenders are often told that we are "not above the law" by judges. We want to reply that we see politicians and business leaders able to act both against and above the law, and against justice. We are therefore answering to the higher, missing law that requires us to defend life. We ask judges to look at this time at their own responsibilities.
10. The failure of civil courts and the refusal of the criminal justice system to protect my family and every family, left me with no other option than to take non-violent action to save life. It is the responsibility of the courts that I stand here in court today.
11. Article 6 of HRA 1998 guarantees the right to a fair trial, but I cannot receive a fair trial when it is the fault of the courts that I stand here today. Arguably, the case against me should be dismissed, because I cannot receive a fair trial.
12. I accept whatever verdict the jury reach - I simply want to have my voice and speak the truths that need to be told in this extreme circumstance- one in which our current political economy is driving the 6th mass extinction of life on earth.

DRAFT LAW OF CONSCIENTIOUS PROTECTION

Recognizing that various national and international laws on Conscientious Objection give people the right to desist from participating in acts of grave violence,

Recalling the right of people to break unjust laws, exercised for centuries for example by those helping people to escape from slave plantations,

Reaffirming the principle of necessity, which gives every person the right to act to prevent harm, both to intervene in the direct nexus of harm, and if harm is caused by a chain of events that lead to harm,

Affirming the International Expert Panel's definition of Ecocide as "unlawful or wanton acts committed with the knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment caused by those acts",

Recalling Article 98 of Ecuador's Penal Code, which defines Ecocide as "crimes against the environment and nature or Pacha Mama and crimes against biodiversity",

Drawing attention to France's Climate & Resilience Act of 2021, which defines the crime of offences which "cause serious and lasting damage to health, fauna, or the quality of the air, soil or water",

1. Everyone shall have the right to act in conscientious protection against ecocide, genocide, and its harms against peoples and Mother Earth as a living being. Conscientious protection is everyone's right stop the harm by breaking laws which fail to protect a liveable planet for the present and the next seven generations of all species. Conscientious protection is everyone's right to act according to their conscience when existing legal political institutions are captured to protect the interests of corporations and shareholders over the right to life of ordinary people across the globe.

2. Everyone shall have the right to act to prevent the harms of ecocide and genocide when existing laws and the judicial system are unable or unwilling to prevent such harms. These acts of conscientious protection are done out of necessity and hence shall not be subject to prosecution or litigation when they intervene to stop a chain of events that are proven to contribute to ecocide and genocide.

3. Everyone shall have the right to freedom of expression on the Climate and Ecological Emergency, the violations of Mother Earth rights and the effects of ecocide and genocide of most frequently marginalized, particularly indigenous and colonised peoples. This right shall include the freedom to manifest their belief in the public square, court rooms, prisons or any situation in which other freedoms may have been curtailed.

4. No one shall be subject to coercion which would impair their freedom to publicly manifest their conviction as long as this manifestation does not cause harm to other beings.

5. No one shall be under any duty, whether by contract or by any statutory or other legal requirement, to participate in or follow regulations that aggravate the Climate and Ecological Emergency and the violation of indigenous people's sovereignty and Mother Earth rights.

6. The freedoms and rights outlined in Art. 1 to 5 shall be subject only to such limitations as are decided on by International Citizen's Tribunals, which follow the principle of lay juries and are put together through a global process of sortition, while ensuring representation of those most affected by the crimes of ecocide and genocide.

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1. What I have done and how I feel about it

1.1 Dear Jury Members, in October 2019 I broke one pane of glass at the UK Government's Department for Transport building, on Horseferry Road.

1.2 I took this action because I believed, based on detailed research, that it was a necessary action that could result in lives being saved. So I feel at peace with having done it, though I accept it has had negative impacts.

1.3 I did the action peacefully. What I mean by that is that I took care that no one could be harmed. I was there for some time before I took a small hammer and bradawl to the window. Police and security officers were on site to take care of safety as best they could -the site had been cordoned off, for example.

1.4 I believe that actions that include the least possible force, that are done with love and with the intention of protecting life, can be defined as being peaceful.

1.5 I have no regrets about taking the action, though I was surprised by the cost of the damage and wish it could have been less.

1.6 It is important to me and I believe it is important to the functioning of our democracy, that I can share in some detail why I did the action and why I don't consider myself to be a criminal.

2. The concept of having a defence in law, and jury nullification

- I am told that I have no defence in law, as are many climate activists these days who have committed acts of civil disobedience in the traditions that have won ordinary people many rights and privileges we enjoy today - for example the right to vote, to be in a trade union, to roam the countryside.
- Defences in law that have been available to protestors include the necessity defence / duress of circumstances, which suggest that there was a reason we needed to do what we did and also the human rights to protest is evoked.
- However, these defences are being systematically closed down for a variety of stated reasons which are considered by me and others to be inaccurate and unjust. They centre around the suggestion that we have other means to achieve our ends because the UK is a functional democracy and we could make use of the legal system instead. I aim to dispute these assertions from people who enjoy positions of privilege within the UK establishment.
- It should be noted that a lack of defence in the law can indicate that the law is out of step with society, the direction of progress, and natural justice. It should be noted then that having a defence in law is reliant on social and political norms, and those norms are established largely by those with access to power who wish to defend business as usual and their positions of power. This should be clear in history:
 - An enslaved African person had no defence in law if he or she escaped from their enforced labour between the 16th and 19th centuries.
 - In the USA, Rosa Parks may have had no defence in law when she broke Jim Crow Laws and was arrested for sitting in a seat reserved for people racialised as White in 1955.
 - Until 1991, a woman could be charged with assault and would have no defence in law if she had been trying to stop her husband from raping her. This is because the position set out in 1822, that a husband "cannot be guilty of a rape upon his wife" remained on the statute. The illegality of rape within marriage was not laid out explicitly until the Sexual Offences Act 2003.
 - Women were routinely sacked for becoming pregnant till the late 1970s.
 - A woman in the UK who insisted on voting in an election before 1928 had no defence in law; neither did a person racialised as Black in South Africa until the 1990s.
 - Oscar Wilde and Alan Turing had no defence in law when arrested for having sex with a man. Two of our greatest British men came to tragic ends as a result, as did many thousands of other gay men.
- Whether a defendant officially has a defence in current law or otherwise, it is still possible for a jury to acquit- so called Jury nullification, based on the right of jurors to act on their own conscience. This right is expressed on a plaque at the Old Bailey since it is central to our legal system. It is important that jurors are told that they have this right. It is also important jurors have all the relevant information to hand that might lead them to feel a nullification is appropriate.
- The removal of defences, the prevention of defendants from speaking their motivations and rationale and the criminalisation of those seeking to share the jury

nullification point are all examples of the self reinforcing power system at play - something that is highlighted in critical legal theory. One should be able to supply critical legal arguments when legal arguments alone are insufficient.

3. Philosophy of law; law within systems of oppression and domination

3.1 We are asked to uphold the rule of law, the mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law. For rule of law to be valid, the Government that makes the law and the democracy that underpins that, must be free from tyranny (unjust or oppressive government power) and authoritarianism (a form of government in which the governing body has absolute, or almost absolute, control. Typically this control is maintained by force, and little heed is paid to public opinion).

3.2 CIVICUS Monitor, a global research organisation which rates countries' democratic and civic values, has downgraded the "increasingly authoritarian" UK in its annual global index of civic freedoms. This is because of the Government's recent introduction of restrictive legislation, including in relation to public protest. The CIVICUS 'People Power Under Attack 2022' report downgraded the UK's rating from "narrowed" to "obstructed", a category which includes Poland, Hungary and South Africa. Highlighted legislation included the Police, Crime, Sentencing and Courts (PSCS) Act and the Public Order Bill, which give the police additional powers to restrict the activities of protesters, and the group also point to the Government's "hostile rhetoric" towards migrants and human rights campaigner groups.

3.3 In recent times I have taken to asking lawyers what they believe the purpose of the law ultimately is. I wonder what your response might be? No one seems entirely clear, though responses suggest the law is here to protect. The question then is who or what is to be protected? Is the law here primarily to protect ordinary people and the environment that sustains life, or is it here primarily to protect those with money and power? For if it is the former then the law is clearly failing us, and if it is the latter then it is immoral and corrupt. As the first President and Prime Minister of Ghana, Kwame Nkrumah said "*Law, with its executive arms, must be inspired at every level by the ideals of its society*".

3.4 As a form of philosophy of law, Critical Legal Studies suggests we are shaped by the values embedded in our laws, and trained not to question them. It suggests there are interest groups and power differentials that shape the law to their own interests, making it important to hear from many voices if we are to step outside the influences we are subject to, that result in our own biases. It acknowledges that lawyers have their own biases and can look for law to justify and push these. There are competing stories to be heard, and the stories of the powerful dominate. We know from studies of Homo sapiens (Noah Yuval Harari) that we believe the stories we tell ourselves, and the ones we have already heard. So it's super important for other voices to be heard too. This is also a form of 'cognitive justice' which the African jurisconsult Esther Stanford-Xosei has defined as one of the key strands of planetary repair (the other two being 'reparatory justice' and 'environmental justice').

3.5 A Police Federation publication which sets out the functions of a constable, is learned by rote: "*A Constable is a citizen, locally appointed, whose authority derives from the Crown. Their prime functions are the protection of life and property, the maintenance of order, the prevention and detection of crime and the prosecution of offenders against the peace*". A former Metropolitan Police officer who works for XR says that: "It is important that the protection of life comes before the protection of property!"

3.6 For myself, I perceive an unfolding 'sacred battle'. The higher purpose of law, to support our humanity to thrive and our wellbeing to be upheld, is battling with the corruption of an insatiable, traumatised aspect of human beings which has systematised and globalised domination and exploitation. There are lawyers who have surrendered and been co-opted to the rapacious side of this battle and there are those in paralysis, unsure of whether to risk their own status and income by taking an honourable position. And then there are those lawyers, as there have been through history, whom so many of us admire and owe our freedoms to, who use every last ounce of their skill and energy to fight for justice.

3.7 We can note, for example, the courageous position taken by Lawyers are Responsible, through which 173 lawyers have signed a declaration to say they are unwilling to support legal processes to enable 'business as usual' for fossil fuel companies, and will not prosecute climate activists because of the injustices in our system which are outlined in this document. Signatories include some of the most prominent and influential members of the legal profession, such as Sir Geoffrey Bindman KC, Chair of the British Institute of Human Rights; Farhana Yamin, one of the architects of the Paris Agreement on Climate Change; Imran Khan KC, who represented the family of Stephen Lawrence; Professor Leslie Thomas KC, Gresham Professor of Law; and Jolyon Maugham KC, founder of the Good Law Project.

3.8 It is important to understand history here; we can see from historic examples how out-of-step the law and legal process can be. In 1493, the Vatican issued what is now known as 'The Doctrine of Discovery' which gave Portugal and Spain the authority to take over any land not previously inhabited by or claimed by Christians, and to use what was on it and subjugate any people living there. This 'papal bull', was used all around the Americas, Africa, what is now Australia and New Zealand and elsewhere to justify the horrors of colonisation. The doctrine was used recently in Canada and the US by governments and corporations when encroaching on indigenous territories. This March 2023, it was finally rescinded; the Vatican said the papal bulls were "*manipulated for political purposes by competing colonial powers in order to justify immoral acts against Indigenous peoples that were carried out, at times, without opposition from ecclesiastical authorities... In no uncertain terms, the Church's magisterium upholds the respect due to every human being. The Catholic Church therefore repudiates those concepts that fail to recognize the inherent human rights of Indigenous peoples, including what has become known as the legal and political doctrine of discovery.*" ([Vatican press release](#))

3.9 Sir Francis Bacon first laid out the legal basis on which the British Empire was allowed to exterminate and make extinct whole peoples, for example tribes of the Algonquin peoples of North America (Turtle Island). This was then formalised by Emer du Vattel, one of the lawyers who codified international law in the late 18th century. He said "*nations are justified in uniting together as a body with the object of punishing and even exterminating such savage peoples*". In other words, genocide was codified as being legally allowed!

3.10 Laws of slavery go back millennia¹. The chattel enslavement and trade in African people was enshrined in laws, as were the White supremacist beliefs that justified this. It

¹ <https://www.britannica.com/topic/slavery-sociology/The-law-of-slavery>

was 2015 before the compensation paid to former slave owners was finally paid off; yet demands for reparations for the impacts of slavery have been refused on the grounds that slavery was legal at the time!

3.11 So we can see that self-interested, corrupted power decides the law and then uses the law to justify its own power. As the African jurisconsult Esther Stanford-Xosei points out, there isn't simply a set of laws that have legitimacy. There are laws made by those with power; so that when we are asked to uphold laws we also need to be asking "whose laws?" and "what purpose do they serve?" and "what laws are available to us to protect ourselves"?

3.12 A clear example of overreach and the system protecting itself is in the live case of climate defenders being referred to the Attorney General, a politically appointed position, to consider how to prosecute a protestor who held up a sign saying "Jurors - you have an absolute right to acquit a defendant according to your conscience". The Attorney General is considering whether this protestor should be charged with perverting the course of justice, or contempt of court. The case was referred from the Old Bailey, which highly ironically bears a plaque that states "The case of these jurymen was reviewed on a Writ of Habeas Corpus and Chief Justice Vaughan delivered the opinion of the Court which established *The Right of Juries to give their verdict according to their convictions*".

4. The context of the climate and ecological emergency (CEE) and the cognitive defences to accepting and facing reality

4.1 Before I go on to describe the legal issues related to the climate and ecological crisis, it is important to lay out some specific facts regarding the science and the implications for our civilization, as described by leading academics.

4.2 In XR trials, time after time the CPS have said they accept the science of climate change and therefore defendants don't need to provide scientific evidence or go into lengthy detail about the implications. I dispute this - it is the jury that need to hear what we understand as climate activists and therefore we need to be able to tell the jury something about the science. (It also begs the question: who are the CPS going to prosecute if they understand that the life support systems of the earth are being actively destroyed?)

4.3 Climate feedback loops and tipping points are important to grasp. The climate is a system, and systems have what are called "feedback loops" in them, and "tipping points". Imagine rolling a large ball up a hill - if every 10 metres another person joined you in pushing the ball uphill, that is a feedback loop - the ball gets more of a push the further you get, and its rolling uphill speeds up. Imagine getting to the top of the hill and the ball rolls away under its own gravitational pull downhill - that is a tipping point. Change is happening, it is getting faster and you can't stop it. Feedback loops and tipping points are the scary stuff of climate science, when irreversible damage is done to the life support systems of Earth. Examples are the albedo feedback effect regarding the loss of ice in the arctic - melted ice is dark water which absorbs more sunlight, so the speed of warming increases. The concept of climate tipping points was introduced by the International Panel on Climate Change (IPCC) 20 years ago, but back then it was thought they would only occur if global warming reached 5°C. Recent IPCC assessments, however, suggest that tipping points could be reached between 1°C and 2°C of warming.

4.3 We are already seeing tipping points in the [southeast Amazon rainforest](#), which is no longer a carbon sink due to a combination of local warming and deforestation. This not only affects the world's ability to keep climate change in check, but poses significant food and water security risks to countries in the region and may lead to irreversible biodiversity loss. The irony of the idiotic removal of the Amazon rainforests and the murder and displacement of the indigenous peoples who live sustainably in the forests, mainly to provide land for cattle ranching and soya plantations to feed the cattle, is that there won't be land to cultivate when the system tips. The rainforest makes its own rain - that's how the incredible systems of life work. The trees act as what are called 'biotic pumps' and they make the weather that the forest survives in.

4.4 Scientists believe we are in the danger zone for five such tipping points, and that at 1.5°C of warming they are likely to be breached. Scientists don't know exactly how much carbon could ultimately be released by thawing permafrost or when. According to one report, 2°C of warming could mean the loss of 40 percent of the world's permafrost.

4.5 '[Planetary wobble resonance](#)' describes the wobbling of one of Earth's major climate components, the Atlantic meridional overturning circulation (AMOC) - you have heard of

part of it at least: the jet stream - as it approaches a tipping point. This frightening phenomenon holds weather patterns for longer, causing heat domes in one part of the world (e.g. [Canada](#) in 2021) and devastating floods, such as those in [Germany and Belgium](#), in another.

4.6 [Professor Will Steffen](#), of Australian National University and the Stockholm Resilience Centre, wrote in 2018 that *"Even at the current level of warming of about 1°C above pre-industrial, we may have already crossed a tipping point for one of the feedback processes (Arctic summer sea ice), and we see instabilities in others – permafrost melting, Amazon forest dieback, boreal forest dieback and weakening of land and ocean physiological carbon sinks. And we emphasise that these processes are not linear and often have built-in feedback processes that generate tipping point behaviour. For example, for melting permafrost, the chemical process that decomposes the peat generates heat itself, which leads to further melting and so on."*

4.7 A [Frontiers](#) science paper from January 2021, authored by 17 ecological scientists from across the globe, said: *"The scale of the threats to the biosphere and all its life forms - including humanity - is in fact so great that it is difficult to grasp even for well-informed experts".* Sir David King and Professor Michael Mann are amongst scientists saying we don't have carbon budget left. That climate tipping points are already being breached. *"If we don't take action, the collapse of our civilisations and the extinction of much of the natural world is on the horizon."* [Sir David Attenborough](#)

4.8 Impacts: The consequences we will experience when these tipping points are breached include what academics call "multi bread basket" failure, meaning food system collapse. Meaning not enough food to eat and spikes in prices so that food is not affordable - you can already feel the impacts of food price inflation in the UK. Our human civilisation is adapted for a stable climate and natural environment, with predictable weather and a vast web of invisible life that together let us grow food, build safe shelter, and transport essentials to where they're needed. This stable world is gone, [according to climate researchers](#). We are heading into uncharted territory. We don't know whether the natural cycles and processes that our civilisation depends upon can survive climate change and our destruction of wildlife. [The World Economic Forum](#) says that climate change is the biggest risk we face. Not acting now is a huge, huge gamble. Even isolated natural disasters such as droughts have killed off flourishing civilisations in the past, [says the IPCC](#) - and what's coming our way is much, much worse. The international system of states, international peace and cooperation, trade, and finance that structure modern civilisation all depend on this stability - [they cannot cope with lots of simultaneous major disruption around the globe](#). But as we pump greenhouse gases into the atmosphere [faster than at any time since the dinosaurs](#) and [destroy wildlife at unprecedented rates](#), the climate and environment are [becoming highly unstable](#). At 3°C of temperature rise, [huge swathes of Earth will become unliveable](#). Climate shocks and simultaneous crop failures around the world [are going to become much more likely](#). Natural habitats will change fast, and animals and plants [may not be able to adapt fast enough](#).

4.9 A peer-reviewed paper published in October 2019, '[Increasing risks of multiple breadbasket failure under 1.5 and 2 °C global warming](#)', concluded: *"Risks of simultaneous*

crop failure ... increase disproportionately between 1.5 and 2 °C, so surpassing the 1.5 °C threshold will represent a threat to global food security." From David Spratt: "Food production tumbles as a consequence of a greater than one-fifth decline in crop yields, a decline in the nutritional content of food crops, a catastrophic decline in insect populations, desertification, monsoon failure and chronic water shortages, and conditions too hot for human habitation in significant food-growing regions". Scientists from [Anglia Ruskin University's Global Sustainability Institute](#) announced that their model was projecting how "society will collapse by 2040 due to catastrophic food shortages" – unless humanity suddenly changed course. A particular danger is that food crises could develop on several continents at once, said Cynthia Rosenzweig, a senior research scientist at the NASA Goddard Institute for Space Studies and one of the lead authors of the report. "The potential risk of multi-breadbasket failure is increasing," she said. "All of these things are happening at the same time." The UK imports 46% of its food. According to [Professor Jem Bendell](#), in 2018, Several Northern European countries experienced declines up to 50% in some crops (Feed Navigator, 2018). The potato harvest in Germany, the biggest European producer, was down 25%-30% compared with usual quantities (Pieterse 2018). The Lithuanian government declared a state of emergency, and Latvia acknowledged the harvest as a natural disaster (Food Ingredients First, 2018).

4.10 These aren't changes that will happen gradually, it is most likely what is known as exponential change, when things suddenly speed up and rapidly decline. Impacts include excess heat or heat domes leading to deaths within 6 hours as "wet bulb temperatures" are reached if people don't have access to cooling centres. In the UK when we hit 40degC last year vulnerable people died as a consequence- its estimated over 3000 people died. A paper published in March 2021 suggests that beyond 1.5°C, [tropical regions of the world will be left uninhabitable](#): "These results suggest that limiting global warming to 1.5 °C will prevent most of the tropics from reaching ... [an extreme wet-bulb temperature] of 35 °C, the limit of human adaptation."

4.11 At 3°C and 5°C, respectively, projections suggest an eventual near-complete loss of the Greenland Ice Sheet (which holds enough ice to raise sea levels by [7.2 meters](#) or 23.6 feet) and complete loss of the West Antarctica Ice Sheet (which holds [ice](#) equivalent to [3.3 meters](#) or 10.8 feet of sea level rise). Melting of this level will redefine coastlines everywhere. Populations will find themselves having to evacuate uninhabitable places (including flooded areas of Britain) and that up to a billion people will be on the move - such displacements, nowhere near this scale, have driven wars and social breakdown. Where will these people go? Will they just be left to die? 32 million people have recently been displaced in the floods in Pakistan, hundreds of thousands in Nigeria and Somalia are in or on the brink of famine. Three terrible examples of the depths of injustice, in countries that have contributed so little to the underlying cause of their suffering.

4.12 We are also in the sixth mass extinction event (there have been 5 others - people tend to know about the one that wiped the dinosaurs out, though there have been others). Biodiversity, the fancy word for nature, is in collapse, we are heating the planet more significantly and more quickly than happened in the Permian mass extinction when 97% of

all life was wiped out. Insects have declined 70-80% already, a key part of the web of life. It is possible that we are on a pathway to human extinction.

4.13 We are ingesting a credit card worth of plastic every two weeks, or children's bodies are polluted through the "forever chemicals" passed on in the placenta and breast milk (still best to breast feed). Our soils are in decline; it is said we have about 40 harvests left.

4.15 This polycrisis will lead to war, mass starvation and violence, as the rule of law is lost. Professor Kevin Anderson of the Tyndall Centre for climate impact research has said that it is widely accepted that without rapid action we are on a pathway to the collapse of our civilisation. Sir David Attenborough has amplified this warning. The World Health Organisation has said this is the biggest threat to human health humanity has ever faced, as pandemics and other diseases also rampage. 2020 research commissioned by the Ministry of Defence (MOD) says we are heading towards 3.5°C (and its assuming countries are meeting their targets which they aren't). The report warns that as early as 2030, the world could face a perfect storm of food, water and energy crises. In 2021 The government established an independent Climate Change Committee (CCC) and issued a warning that we should prepare for a 4°C warmer world, despite having said in 2008 that it is "*potentially beyond our ability to adapt.*" In fact there is, according to Professor Kevin Anderson of the Tyndall Centre, a widespread view that 4°C is: "*incompatible with an organised global community*". In other words we are facing the collapse of our civilisation.

4.16 Prof Johan Rockstrom of the Potsdam Institute on Climate Impact Research has given his expert estimation that he believes without mitigation and adaptation measures half the world will die - this is of order 4 billion people. It is worth comparing this to the entire deaths created by the second world war - an estimated total of 70-85 million people perished, or about 3% of the 2.3 billion (est.) people on Earth in 1940. So we are talking about the equivalent of unleashing 50 world wars.

4.17 There are psychological barriers to facing the full horror of the situation we are in, which our culture encourages, helping us to avoid psychological pain and a sense of responsibility. [Wilful blindness](#), for example, also known as the Ostrich Effect. There's [a number of reasons](#) why we choose to not see what is in fact obvious. Cognitive Dissonance is another defence mechanism, involving denial of reality, when something causes uncomfortable psychological tension that doesn't match our expectations of the world. [Regression](#) is retreating into more child-like states to defend us against feeling anxiety.

4.18 Whilst we may hope our leaders, across all sectors of society, are going to sort this out for us, we would better let go of this expectation and actively hold them to account. This would mitigate for a number of other psychological traps. [System Justification Theory](#) suggests we may keep upholding our current destructive way of life, through an imposed lack of imagination and a need to feel safe, even if that very mechanism makes us less safe in reality! Likewise we assume those in leadership positions have our best interests at heart ([authority bias](#)), a mechanism that enabled us to cope with being around parents that were potentially less than ideal! We also tend to [conform](#) to what the crowd is doing, because our safety as an individual for millennia has centred on avoiding being ostracised. A 2016 report called [Thinking the Unthinkable](#), based on interviews with leaders across the world,

made it clear that our leaders are perilously inadequate at facing the very real possibility of extremely difficult, non-normative events. This was most apparent as Covid-19 hit: pandemics were named as the most impactful, high-likelihood event on the [Cabinet Office National Risk Register](#) created as a result of the 2004 Civil Contingencies Act, and yet we were simply unprepared when the pretty inevitable happened.

4.19 I honestly don't mean to get you down; and anyway that can contribute to some more psychological blockages! We can be adept at being [cognitive misers](#), not investing the time and energy to process new and complex information in order to change our perspective. We have [learned to feel helpless and powerless](#), so that we don't even bother to try to change things, we become resigned to how things are. It's also possible that if you think of yourself as different from me, an activist and environmental campaigner, you may be subconsciously rejecting the information I am sharing, as there's a sense of clashing with your different group identity (this is [in-group bias](#) - a feature of our nature as social animals!). There's one final psychological theory, to leave you with: [Terror Management Theory](#). The proposition is that we would rather our own children die than have to let go of a culture that helps us to ignore the deep anxiety we carry about death. And there's nothing like consumer capitalism to keep us on our treadmills and in our distractions.

5. The failings of the State and the law to tackle the CEE, including missing law

5.1 The CPS say they accept the climate science. *Since the CPS accepts the science, why aren't they prosecuting those who kill by causing climate breakdown?*

We rebels wouldn't have protested in the way we did and wouldn't be in court, if the CPS had done its job and prosecuted the killers. The complete annihilation of several low lying island states is an act of unprecedented genocide and the murder of millions in the global south is an unprecedented crime against humanity.

5.2 Dec 2022: With the world set to pass the 1.5°C temperature limit in the Paris Agreement, and as the UK Government, hot on heels of COP27, approves plans for a new coal mine, which Caroline Lucas MP has described as a "crime against humanity", a former Government lawyer has renounced his professional status over what he describes as "*the British courts' support for climate genocide*". Tim Crosland, who is now the Director of the climate justice charity, Plan B, said:

"My maternal grandmother was a German Jew who escaped to England in the 1930s – just in time. Out of 15,000 German judges under the Nazi regime, only one, Lothar Kreyssig, actively denounced the genocide as unlawful. Others were later tried and convicted at Nuremberg for their complicity in crimes against humanity. The British Government knows full well that human-made climate change will annihilate whole peoples, whole regions of the world, and whole generations. It knows it will devastate our own country too. Yet it remains so captive to the fossil fuel industry that it permits the City of London to support 15% of global carbon emissions, accelerates new oil and gas licences in the North Sea and has just announced the opening of a new coal mine in Cumbria. This is genocide. It is the ultimate crime against humanity and life on earth. It is only possible because of the complicity of the courts and certain members of the legal profession. I have witnessed at first hand the Supreme Court's willingness to lie, in order to conceal from the public the deadly consequences of Heathrow expansion. And I watch on in horror as the courts send more and more of my friends and colleagues to prison – courageous and truthful people – for peacefully defending the life and lands that they love. A barrister has the professional duty to respect the authority of the courts. But I cannot respect these courts any longer. Consequently, I have formally renounced my status as a barrister as an act of protest and conscience."

5.3 Former Barrister Tim Crosland, a person I have called as a witness in my case, has also provided detailed information about the suppression of evidence in the High Court. From Tim's witness statement:

"I was called to the Bar of England and Wales in 1994. I have an LLM in international human rights and environmental law from the University of Utrecht. Working for the Government Legal Department I developed an expertise in legal mechanisms supporting international co-operation around the rule of law, in particular in relation to human rights. I was a Deputy Director of the Serious Organised Crime Agency and Chair of the Commonwealth Cybercrime

Initiative. In 2014 I led a Government delegation to Nigeria, with support from the Foreign and Commonwealth Office (as it was then), which influenced the Government of Nigeria to withdraw the death penalty from its Cybercrime Bill. While there, Nigeria's Office of National Security talked to me about the loss of 80% of the volume of Lake Chad since the 1960s, the primary freshwater resource for 20 million people, due to a combination of poor irrigation methods and climate change.

I left the Government Legal Department in 2015 and began research into the climate crisis. I established the 'COP21 Support Network' to provide relevant information to the negotiating teams of the less well-resourced nations. As a result of this work, I was invited to attend the UN talks in Paris as a legal adviser to parties including the Alliance of Small Island States (AOSIS). I was an active participant in the negotiations which culminated in the Paris Agreement on Climate Change in December 2015.

Following the adoption of the Paris Agreement, I established Plan B. Earth as a Charitable Incorporated Organisation, to advance the goals of the Paris Agreement and specifically the temperature goal of limiting average global warming to 1.5°C above pre-industrial levels.

I am the lead author of a two-part peer-reviewed paper on the requirements for implementation of the Paris Agreement:

Environmental Liability, Law, Policy and Practice, Vol 24, Issue 3, 2016 [The Paris Agreement Implementation Blueprint](#): a practical guide to bridging the gap between actions and goal and closing the accountability deficit (Part 1), Tim Crosland Plan B, UK, Aubrey Meyer, The Global Commons Institute, UK, Margaretha Wewerinke-Singh University of the South Pacific, Vanuatu.

Environmental Liability, Law, Policy and Practice, Vol 24, Issue 5, 2016 The Paris Agreement Implementation Blueprint: a practical guide to bridging the gap between actions and goal and closing the accountability deficit (Part 2) [same authors]

Of my co-authors, Aubrey Meyer was previously nominated for the Nobel Peace Prize by a cross-party group of British MPs for his work on distributing the global carbon budget equitably between different countries. Margaretha Wewerinke-Singh is now Assistant Professor at the Grotius Centre for International Legal Studies (Leiden University) and Adjunct Senior Lecturer at the Pacific Centre for Environment and Sustainable Development (University of the South Pacific).

These papers have been cited by the Intergovernmental Panel on Climate Change (IPCC) - considered to be the gold standard for research into climate change and relied upon by Governments.

I have written numerous articles relating to the Paris Agreement for the mainstream media including for The Times and The Independent and have been interviewed on the BBC Radio 4's Today Programme, Sky News, Al Jazeera, Channel 4 and many other media outlets.

I was invited to submit, and submitted, an amicus brief to the Climate Change and Human Rights Inquiry conducted by the Philippines Commission on Human Rights.

Last year, Dr James E. Hansen, the former NASA scientist, one of the world's most eminent climate scientists, whose testimony to the US Congress in 1988 sounded the global alarm on climate change wrote, a [widely-publicised letter](#) to the Prime Minister, Boris Johnson, concerning the proposed new coal-mine in Cumbria, in which he said: *"There are also UK citizen climate leaders that are demanding an honest accounting of the climate impacts of government decision-making, including investments in energy projects. Towards this end, I am certain that Tim Crosland, director of Plan B.Earth (tim@planb.earth) would be willing to work with your team."*

As Director of Plan B, I have led a number of legal actions against the Government concerning the relationship between its policies and decisions and the Paris Agreement. In the first such case, which we commenced in December 2017, we argued that the Government had failed to revise its long-term climate goal under the Climate Change Act 2008 (which at the time demanded a reduction of 80% emissions by 2050 compared to the 1990 benchmark) to bring it into line with the Paris Agreement. This was two years after the adoption of the Paris Agreement. The Defendant to this action was the Secretary of State for Business, Energy and Industrial Strategy ("BEIS"), while the Climate Change Committee ("the CCC"), the Government's statutory adviser on climate change, was an interested party.

By January 2018, the CCC, recommended a review of the target, which the Government commissioned in April 2018. This process culminated in the adoption of the more ambitious 'net zero' target in June 2019. The Director of "Clean Growth" at BEIS at the time of our legal action was Tim Lord. It was he who gave evidence for the Government in response to our legal action.

In April 2021, after leaving his role in Government, Tim Lord made a [public statement](#) (via Twitter) implying that Plan B's legal action was one of the catalysts for the net zero target: *"UK story on this starts in 2008, when the Climate Change Act set a target of 80% emissions reduction by 2050 - extremely ambitious at the time. That target was around long enough to become part of the furniture, and was rarely questioned. Net zero not really on the radar ... Next big milestone was 2015, when the Paris Agreement committed to net zero ... Fast forward to 2017 - net zero was not even mentioned in any party manifesto at the election in May of that year. In October of that year the Clean Growth Strategy said virtually nothing on net zero - just the para below. Very much not a commitment to legislate any time soon. Then in early 2018, @PlanB earth legal action against the UK's 2050 target (of 80% at the time) gathered pace. The government announced in April of that year that it would be reviewing the target. Perhaps coincidence, perhaps not..."* [emphasis added]

I submit the matters above as evidence of my expertise concerning the requirements of the Paris Agreement.

I should emphasise that I know the Defendant, Gail Bradbrook. Like Dr Bradbrook, I am part of Extinction Rebellion and have worked with her in that connection. I consider her to be a person of the highest integrity and a friend.

I am not being paid to write this statement or to appear as an expert witness on her behalf. I am willing to appear as a witness because I believe I can assist the court with relevant evidence that would not otherwise be accessible to the jury.

It is my expert opinion that the Department for Transport, led at the time by the Rt Hon Chris Grayling MP, actively misled the British public concerning the consistency between the expansion of Heathrow Airport and the Paris Agreement, in order to clear the way for the £14bn project. That opinion is supported by:

- the documentary record
- legal admissions made by the Department of Transport and the Attorney General's Office in the course of legal proceedings
- the evidence of other experts, to which I shall refer

On behalf of Plan B, I brought a legal action against Mr Grayling's decision in June 2018 to approve plans for the expansion of Heathrow Airport.

Under the Planning Act 2008, s.5(8), the Government had a legal obligation to explain how the plans related to its climate change policies.

The Department of Transport knew that Heathrow Expansion was inconsistent with the 1.5°C temperature goal of the Paris Agreement. According to its own figures, expansion would result in approximately 40,000,000 tonnes of carbon dioxide emissions, just from UK aviation, every year by the year 2050 (see central estimate for LHR Northwest Runway below). (See DfT's UK Aviation Forecasts, October 2017, Table 36 p.107)

Baseline				LGW Second Runway			
	low	central	high		low	central	high
2015	36.2	36.2	36.2	2015	36.2	36.2	36.2
2020	37.2	38.9	40.7	2020	37.2	38.9	40.7
2030	36.6	38.6	41.6	2030	37.0	39.1	42.4
2040	36.3	38.1	41.4	2040	36.7	39.3	43.1
2050	35.0	37.0	42.1	2050	36.5	39.3	44.3
LHR Extended Northern Runway				LHR Northwest Runway			
	low	central	high		low	central	high
2015	36.2	36.2	36.2	2015	36.2	36.2	36.2
2020	37.2	38.9	40.7	2020	37.2	38.9	40.7
2030	40.4	42.8	45.2	2030	41.2	43.5	45.7
2040	39.2	41.7	44.4	2040	39.8	42.3	45.1
2050	37.6	39.2	44.0	2050	38.1	39.9	44.1
MtCO ₂ , departing flights							

Table 36 Total UK international and domestic departing aircraft CO₂ forecasts, MtCO₂

The Department of Transport also knew that emissions on this scale were inconsistent with the Paris Agreement goal of limiting warming to 1.5°C.

In January 2018, the Government had received the draft report of the [Intergovernmental Panel on Climate Change](#) (IPCC), which made that clear. Later in 2018, the Department of Transport published a report it had commissioned itself, [International aviation and the Paris Agreement temperature goals](#), which states “for 1.5°C global scenarios, any continued emissions of CO₂ from aviation using fossil fuels beyond around 2050 will be inconsistent with the Paris Agreement goals in the absence of extra measures, or alternatively, correspondingly increased negative emissions”.

The DfT knew that breaching the 1.5°C Paris goal would have “dire implications for humanity”, exposing the public to intolerable risk. The IPCC’s report, for example, had said: “limiting global warming to 1.5°C, compared with 2°C, could reduce the number of people both exposed to climate-related risks and susceptible to poverty by up to several hundred million by 2050...”.

However the Department of Transport’s public statements in support of Heathrow expansion concealed the information that, according to the Government’s own figures, the project was inconsistent with the Paris Agreement temperature goal. Its [Airports National Policy Statement](#), for example, stated: “The Government ... concludes both that expansion via a Northwest Runway at Heathrow Airport (as its preferred scheme) can be delivered within the UK’s carbon obligations ...”.

We commenced legal proceedings against the Department of Transport to shine a light on what we knew to be true - that the expansion of Heathrow Airport was inconsistent with maintaining the 1.5°C temperature goal that is necessary to protect the public from intolerable risks of disaster.

Under the pressure of legal action, the Department of Transport conceded that they had not in fact assessed Heathrow expansion against the Paris Agreement at all. They had instead used the historic and discredited 2°C target, which all Governments had rejected as inadequate in December 2015. The Department of Transport’s pleaded position was that the Paris Agreement was “not relevant”: “For the avoidance of doubt, the above matters confirm that the Secretary of State and his officials did not ignore the [Paris Agreement](#), or that there would be emerging material within Government evidencing developing thinking on its implications, but it was concluded that such material should not be taken into account, i.e. it was not relevant” [emphasis added]

To this date, the Department of Transport has provided no explanation for why it considered the 2°C target, rejected by all Governments, to be relevant, but the Paris target, which it has adopted and ratified, to be irrelevant.

Its position is all the more surprising given the Government’s own policy position, as currently set out in its [Net Zero Strategy](#), which refers to the “catastrophic” implications of breaching 1.5°C: “People are rightly concerned, with the latest IPCC report showing that if we fail to limit global warming to 1.5°C above pre-industrial levels, the floods and fires we have seen around the world this year will get more frequent and more fierce, crops will be more likely to fail, and sea levels will rise driving mass migration as millions are forced from

their homes. Above 1.5°C we risk reaching climatic tipping points like the melting of arctic permafrost – releasing millennia of stored greenhouse gases – meaning we could lose control of our climate for good. But the good news is that there is, still, a path to avoid catastrophic climate change.” (Executive Summary, p.14)

Good information is the life-blood of democracy. The Department of Transport’s concealment from the public of the true risks of Heathrow Expansion, exposing the public to extreme danger, undermined the democratic process. I regularly discussed the situation with Dr Bradbrook.

5.4 There is UNEQUAL ACCESS to justice. The Law in the UK is quite frankly in a bad way.

- **LEGAL AID ISSUES:** Those like myself, who are willing to commit acts of civil disobedience, are finding it increasingly difficult to access legal support, through the Legal Aid process. (Following a legal aid application, I was asked to provide £2000 pcm towards legal costs, but my monthly income amounts to less than that!).
- **UNDERMINING JUDICIAL REVIEW:** Judicial review is a key process in the UK which allows people to bring court challenges against decisions by public bodies. But the Government is planning on weakening the right that the public has to seek an effective solution after a finding of unlawfulness. This means that even if a court finds that a Government decision is unlawful, it may have to allow the decision in that case to stand, even if this may cause irreparable harm to the environment. If unlawful decisions are allowed to stand, it erodes the rule of law and puts people in a position where they are unable to defend their rights. It also flies in the face of the UK’s legal obligations under the European Convention on Human Rights and Aarhus Convention to provide an effective remedy. Interesting research study relates to this: published in June, but relating to the time 2020-2021 shows levels of successful JRs halved in 12-month period 2020-2021; with the only plausible explanation being that judges are feeling pressured by government ministers not to accept challenges to government policies and projects, following strong public criticism from the Attorney General, Lord Chancellor and the prime minister amongst others.
- **OFFSHORE LAW AVOIDANCE:** Those with wealth are able to go “offshore” in order to avoid the law. Secrecy jurisdictions are places where wealthy individuals and corporations go, not only to avoid and evade taxes, but also to avoid and evade laws (half of world trade goes through them). These mechanisms are not available to ordinary people and environmental campaigners. The Financial Secrecy Index from the Tax Justice Network ranks these places that supply corruption services. The British Overseas Territory- The Cayman Islands was ranked the worst offender in the world with the UK itself in position 12. The UK, along with its Crown Dependencies and Overseas territories, if treated as one entity, would rank first on the index; we are the worst offenders in the world for supplying corruption services, including the evasion of law. The wealth extraction enabled by these secrecy jurisdictions leads to extremes of inequality, which is statistically correlated with a lack of societal consensus and political will to tackle the climate crisis. The sums held offshore are astronomical – of order \$32trillion (£20 trillion). Typically this money, which should

rightly be available to Governments to apply taxation, is used to buy Government bonds. This means we not only lose tax revenue, we pay interest on our losses! This money could enable the green transition desperately needed to save life on earth. The world's legal systems and mechanisms are captured to the provision of corruption services, rather than to tackling the biggest issues facing humanity and the UK frequently blocks measures to address this.

- PURCHASING LAW THROUGH INJUNCTIONS: Meanwhile individuals, businesses, and public institutions with access to money can use it to "buy" injunctions. Injunctions are being increasingly employed against environmental campaigners to restrain us from preventing the destruction of nature and escalating climate crisis. This undermines the democratic process as the basis for law making.

5.5 There is WEAKLY APPLIED LAW and LAW BREAKING by the UK Government.

- UK breaching international environmental rights law, UN announces. The UN has confirmed that the UK is failing to allow people to stand up and defend the environment effectively in court, putting it in non-compliance of the Aarhus Convention – a key international access to justice law. With COP26 taking place in a matter of weeks, ClientEarth lawyers say this seriously calls into question the UK's commitment to environmental democracy and its self-positioning as a climate leader.
- Laws to protect the air, water, soil etc. are weakly applied and breaking them / being fined can be viewed as a "cost of doing business". Also see [recent cases of water boards being allowed to dump sewage into the UK's polluted rivers](#)
- Our government has been found guilty three times of breaching air pollution limits. 64,000 people are estimated to die annually - where is the remedy?

5.6 UNJUST LAWS: Corporate courts (formally known as ISDS) can be written into trade rules. They enable transnational corporations to sue countries outside of the national legal system for almost anything they don't like – banning toxic chemicals, introducing a sugary drinks tax, anti-smoking policies, capping water rates – you name it. Either the corporations want payoffs in the millions or even billions, or they use corporate courts as a threat to force governments to back down. 'Corporate courts' may sound abstract, but their impact on people and the planet is real, and devastating. From suing governments for phasing out coal, to threatening democratic protests, here are some real-life examples of what this unfair legal system can do, and why we need to fight it. Corporate courts have long been used to oppose environmental protections. Now that we are finally seeing more governments around the world begin to take long needed action to tackle the climate crisis, we are seeing more and more corporate court cases challenging those actions.

- The Netherlands is being sued by two fossil fuel companies, RWE and Uniper, for phasing out coal power
- The US is being sued by a Canadian fossil fuel company, TC Energy, after President Biden cancelled the Keystone tar sands pipeline
- One UK fossil fuel company, Ascent Resources, is suing Slovenia over fracking
- Another UK fossil fuel company, Rockhopper, is suing Italy over a ban on offshore oil drilling close to the coast.
- Anglo-American are suing Colombia over an open cast coal mine.

- Oil and Gas company Lone Pine are suing Canada over a moratorium on fracking in Quebec
- Chevron are suing Ecuador after compensation was ordered for a devastating oil spill
- It's also in other areas- Philip Morris the tobacco giant are suing Australia over plain packaging cigarettes

5.7 It is unjust that the UK Government licences new fossil fuel exploration and the banks have been allowed to provide \$3.8trillion in financing to new fossil fuels since the Paris climate agreement. A Judicial Review in 2021 of UK's policy of new oil and gas projects in the North Sea found that the government wasn't acting illegally, even though such projects are incompatible with our Paris obligations and the public subsidies involved mean they are poor value for the taxpayer (and note Antonio Guterres comments in April 2022: "Investing in new fossil fuels infrastructure is moral and economic madness.")

5.8 There is also MISSING LAW.

- Nature has insufficient legal rights –the right of a tree to live or a river to flow unpolluted is not generally recognised in the law. I say generally because there are ground breaking cases where the rights of nature, have been recognised. It may seem odd for a tree or a river to have rights, but consider that lifeless entities that exists only paper and then become institutionalised- i.e. a corporation, have many more rights. (Law Society studied these issues in landmark paper 2022 Horizon Report for The Law Society "Law in the Emerging Bio Age"). The Woodland Trust has also called for ancient trees to be given the same level of protection as ancient buildings. Corporations are able to adversely impact nature on a daily basis but there is little legal basis to create a balance and uphold the rights of that impacted nature. Currently environmental protection primarily sits under civil law, with only limited criminal legislation (such as the Water Resources Act and the Environmental Protection Act (including the need for licences required to dump at sea). Those companies in breach of civil law or liable under appropriate criminal legislation are subject to damages and / or fines. Large companies are able to absorb these as part of the costs of doing business and they are clearly not acting as sufficient deterrent. The [concerns of staff](#) at the Environment Agency who have blown the whistle on their inability to do their job needs to be acknowledged. Officers say cuts and operational decisions have made England's regulator 'toothless'.
- Ecocide: The law is not strong enough to protect life on earth. Barrister Polly Higgins drafted the 5th Crime against Peace (the Law of Ecocide) to sit with four others in the Rome Statutes (alongside Crimes Against Humanity, War Crimes, Crimes of Genocide and Crimes of Aggression). The Law of Ecocide, has the purpose of criminalising mass damage and destruction of nature and providing remedy to those suffering the worst effects of the outcomes of Ecocide. Significant actors in business and government who are perpetuating and increasing the use of fossil fuels (emissions went up by 2.7% in 2018) and destroying large swathes of nature would be prosecuted as criminals. Why for example have things like this been allowed to happen: Lobbyists for ExxonMobil have described the oil giant's backing for a carbon tax as a [public relations ploy](#) intended to stall more serious measures to combat the

climate crisis. Two senior lobbyists based in Washington told an undercover reporter for Unearthed, the investigative journalism branch of Greenpeace, that they worked to undermine Joe Biden's plans to limit greenhouse emissions and other environmental measures in his infrastructure bill. One of the lobbyists also admitted that Exxon "aggressively" fought against climate science and funded shadow groups to deny global heating. Keith McCoy, a senior director in Exxon's Washington government affairs team, was recorded on video in May saying that the company backs a carbon tax "as an easy talking point" and an "advocacy tool" because "there is not an appetite for a carbon tax" and that Republican legislators who oppose taxes in principle will never let it happen.

5.9 Attempts to use current law to tackle the CEE

5.9.1 Numerous cases have been brought before the courts on the basis that decisions or policies of the Government are inconsistent with the 1.5°C Paris temperature limit, and that breaching that limit implies loss of life and suffering on an unimaginable scale. Examples include Plan B.Earth's cases against the Secretary of State for Business, Energy and Industrial Strategy (for failing to align the carbon target to that limit); against the Secretary of State for Transport (for approving Heathrow expansion plans, despite the undisputed evidence they were inconsistent with that limit); and against HM Treasury (for permitting the City of London to support 15% of global carbon emissions, driving the world towards 4°C warming). The response of the courts has been i) to deny that the 1.5°C limit has any legally binding effect; and ii) to suppress from public view the evidence of the deadly consequences.

5.9.2 Cases that are stalled or a work in progress, from Jon Fuller:

- 5.9.2.1 The 'Climate Genocide Act Now' (CGAN) attempt to prosecute, led by Jonathan Neal Fuller.
 - Over twenty years ago it should have been apparent to all within the criminal justice system that climate breakdown was going to annihilate several low lying island states and decimate agriculture across a swathe of the planet. If there was any way to stop politicians and fossil fuel industries from committing the most extreme crimes against humanity and destroying entire nations (genocide) the criminal justice system should have intervened. Key figures across the environmental movement were warning we were witnessing an extreme crime against humanity and the world's scientists warned that sea level rise was beginning to destroy nations, force people from their land, severely impact food supplies and kill hundreds of thousands of people every year. Because the criminal justice system had failed, the CGAN team attempted to intervene.
 - On the anniversary of the Nuremberg Trials in November 2019 CGAN submitted a detailed dossier of evidence to the police, seeking a criminal investigation into the activities of UK Prime Ministers for crimes against humanity and genocide associated with the range of policies that contribute to climate breakdown, the annihilation of low lying island states and mass loss of life. An account of this work is provided in the attached witness statement provided by Jonathan Neal Fuller, the founder of CGAN.

- CGAN referred to international criminal law (Rome Statute of the International Criminal Court) and the International Criminal Court Act 2001, which brought the Rome Statute within UK jurisdiction. Key to the case was Article 30.2(b) of the Rome Statute of the International Criminal Court that applies to crimes of 'oblique intent'.
- The specialist police division with responsibility for the case (SO15) refused to commence a criminal investigation. SO15 did not dispute the evidence that the policies that drive climate breakdown are causing mass loss of life but said there had to be 'intent' to commit the crimes for there to be any prospect of a successful prosecution. CGAN repeatedly pressed SO15 to explain why the oblique intent provision in Article 30.2(b) could not be applied to this case but SO15 refused to explain its thinking. SO15 and appeal bodies were pressed to explain the thinking but the request for an explanation was always refused.
- In 2021 CGAN took the case to the International Criminal Court in the Hague (ICC). The ICC process moved slowly but by the end of 2021 it was clear the ICC would maintain that it did not have jurisdiction. It too refused to explain why.
- In 2022 CGAN established, from another case that had been referred to the ICC, that a particular form of words had to be used to prove the ICC had jurisdiction. CGAN decided it would resubmit an updated dossier of evidence, but news emerged of the appointment of a new Metropolitan Police Commissioner who promised a new policing regime, following a number of high profile scandals at the Met. CGAN decided to wait until the new commissioner took up duty and make a second attempt to seek a criminal investigation. If that failed, CGAN would resubmit the case to the ICC. The new Met Commissioner, Sir Mark Rowley, promised to clamp down on corruption and to police without fear or favour. Shortly after he took up duty, CGAN re-submitted its case with an updated dossier of evidence. Soon after CGAN resubmitted its case to the Met, a letter refusing to mount a criminal investigation was issued. CGAN again asked for an explanation. but it appeared this would again be refused.
- In the meantime CGAN had been writing to judges who heard trials involving climate protest cases. CGAN informed the judges of the facts of its case, noting that the police were protecting those who kill by driving climate breakdown, but prosecuting those trying to stop the killers. CGAN informed judges that the police had perverted the course of justice by refusing to use ICCA 2001 legislation to stop the killers. CGAN made the point that the only reason climate protesters were appearing in court was because of a catastrophic failure within the criminal justice system (had the police used the legislation to stop the killers, none of the climate protesters would have taken the action they did, none of them would have been prosecuted and none would have ended up in court before a judge).
- In December 2022 SO15 replied, implying it had heard from judges and felt obliged to explain its thinking.

- Also in December 2022, CGAN learned that the campaign groups 'UK Youth Climate Coalition' and the New Zealand 'Students for Climate Solutions' submitted a joint case to the ICC against the Board members of BP PLC. This case also depended upon the oblique intent provision in Article 30.2(b) of the Rome statute. Jonathan Neal Fuller informs me that at a launch event in The Hague the Prosecutor of the ICC, Karim A A Khan KC, briefly discussed the case with a representative of 'Students for Climate Solutions'. I am informed that Mr Khan saw no obstacle to a case being considered involving the mass loss of life associated with climate breakdown. CGAN informed SO15 of this crucial development (that the ICC did not appear to support SO15's thinking).
 - In March and April 2023 the Directorate of Legal Services at The Met wrote to CGAN attempting to explain why it felt it was justified in refusing to commence a criminal investigation. CGAN replied to both letters. The correspondence reveals that there was no lawful basis for the decision taken by SO15. The Directorate's argument reveals a series of flaws, a failure to properly read the dossiers of evidence and an apparent belief that The Met has a duty to the democratically elected politicians who were causing mass death and suffering. CGAN explained that the Met's duty is to Parliament and to enforce the legislation enacted by Parliament without fear or favour.
 - The CGAN case and the attached witness statement shows ICCA 2001 allows for a criminal investigation and prosecution.
 - It is obvious to me that policies that are annihilating the low lying island states, destroying vast swathes of agriculture around the globe, forcing millions of people from their homes and threatening to kill my children and millions of others, is a criminal offence. It is so obviously a criminal offence that the checks and balances that ought to apply in a functioning democracy should have been deployed to stop politicians from killing. Had the criminal justice system intervened to stop the killing, I might never have felt obligated to take the action I did.
- 5.9.2.2 Other proceedings by official bodies
 - In December 2017 the campaign group Plan B Earth launched a civil case against the UK government in an attempt to challenge the UK's emissions reductions targets. Plan B Earth made it clear that climate change was an existential threat and the government's inadequate policies would lead to unprecedented suffering. The application for a Judicial Review was refused.
 - There have been other civil proceedings launched by Friends of the Earth, The Good Law Project and Client Earth. These cite the breach of human rights associated with the devastating consequences caused by the policies that drive climate breakdown. Climate breakdown denies the right to property, to family and to life.
 - Article 13 of ECHR, the right to an effective remedy, was brought into UK law by HRA 1998. However, the refusal in 2018 of the High Court to hear the Plan B Earth case, amounts to the denial of an effective remedy. The courts determined that government had the right to set climate targets, even if that right meant unprecedented suffering and killing.

5.10 Lawyers themselves are pushing back in protest at the unjust legal landscape

- As well as the actions described above of Tim Crosland in committing an act of civil disobedience in the high court, and stepping down from the Bar in protest we have also noted:
 - More than 250 lawyers, including many King's Counsel, writing an open letter in September 2022, warning that breach of the 1.5°C Paris limit implied mass loss of life and collapse of the rule of law.
 - In March 2023, more than 170 lawyers risking regulatory action by publicly refusing to act for new fossil fuel projects or to prosecute those taking non-violent direct action with a Lawyer Declaration of Conscience.
 - In April 2023, following the debate prompted by the Declaration, the Law Society published guidance stating that solicitors do not need to accept instructions leading to climate catastrophe, and the ethics lead for the Bar Standard Board acknowledging that barristers may refuse instructions where they are afflicted by conscience.
- A group of over 60 leading academics working in criminology and related fields, have named (April 2023) their intention to hold the judiciary to account for their actions and their support for climate defenders:

Police powers and climate protesters

Sir, We are academics working in the fields of criminology, penology, social harm, crime and policing. We object to the expansion of police powers against the right to protest and the disproportionate ways that those powers have been directed against climate protesters. The government has failed to take the action necessary to rein in climate offenders. At the same time it is intensifying the use of policing and judicial powers against climate defenders. If we are to disrupt the exploitative and deadly industrial processes that are killing the planet's future, then we need to hold the government, the police and the judiciary to account for their actions now. For this reason, we pledge to lend our full support to climate defenders who are criminalised by the state; to draw upon our expertise as academics and researchers to challenge all forms of policing and judicial intervention which stand in the way of building a sustainable world; and to work with civil society groups to end social dependence on fossil fuels and to end universities' links with fossil fuel companies.

Professor David Whyte, Dr Angela Sherwood, Dr Thomas MacManus, Professor Penny Green, Queen Mary University of London; Dr Santiago Abel Amietta, Keele University; Dr Una Barr, Liverpool John Moores University; Dr Andrea Brock, University of Sussex
Plus a further 57 signatories at thetimes.co.uk/letters

The Times,
19/04/2023

6. The use of legal rulings to prevent the use of specific legal defences (and the response of the UK Government to climate protests)

6.1 [NETPOL article, April 2023](#) *"Protest trials typically differ from 'ordinary' criminal trials, and how the higher courts are explicitly attempting to remove this difference. In 'ordinary' trials, much of the play between defence and prosecution can concern the facts of the case: who did what, how, when, and so on. As part of this process, the prosecution may seek to establish opportunity and motive; the defence to reject and rebut. But in the trials of protesters, a very different dynamic takes hold. In these trials, the facts themselves are rarely (or not greatly) in doubt: the defendants typically accept that they did what they did. Instead, they seek to explain their motives to the jury, seeking an acquittal on the basis that they acted as they did not to hurt the wider community, but to defend it. They do this either by putting forward a defence of 'necessity', or, where a specific law allows it, a defence of reasonable, or legal, excuse. Typically, the defence argues that they acted proportionately to prevent a greater crime, or to save someone from harm".*

"What we are increasingly seeing, however, is that these arguments are being shut down by the Court of Appeal. In its Stansted 15 ruling, the Court of Appeal effectively removed the 'necessity defence' (including prevention of crime) from all future protest cases. This means that unless the law under which protesters are charged has a specific clause allowing for lawful excuse, juries cannot take the defendants' motives into account when reaching a verdict. And following the Colston acquittal, Suella Braverman – then the Attorney General – referred the defendants' reliance on Ziegler to the Court of Appeal; the Court ruled that whilst Ziegler applied for a number of minor offences, such as obstruction of the highway, it should not apply to criminal damage cases heard in the Crown Court. The judge in the Colston case, the Court of Appeal ruled, was wrong to allow the jury to consider whether a conviction would have been a disproportionate interference in the defendants' ECHR rights."

"[Defendants want] the chance to explain the reasons for their actions to a jury. But of course, this is what Reid's action rules out. In his pretrial ruling on all the Insulate Britain cases, Reid explicitly cited the Court of Appeal's decision on the Stansted 15, ruling out a necessity (or prevention of crime) defence. Further, he echoed the Court of Appeal by ruling that a Ziegler defence was not available for public nuisance. Following previous Court of Appeal cases, Reid ruled that a conviction could not interfere disproportionately with the defendants' ECHR rights; proportionality is already automatically accounted for in the details of the offence. In these circumstances, the only task of the jury is to decide if the prosecution has successfully made its case that a public nuisance has been caused as alleged; the motivation of the defendants is unimportant. The logic is circular and structural".

"But for juries to be able to decide these matters, they must first meaningfully be able to hear arguments; for defendants to speak truth to power, they must first meaningfully be able to speak; for courts to respect protest rights, they must first meaningfully be able to weigh context and motive, as well as fact. Increasingly, however, the courts are not forums where juries can assess the moral or community value of the actions of defendants and can

act democratically as representatives of society to push back against state abuse. Without this space or the availability of applicable defences, courts have, by design, been turned – principally by the Court of Appeal, but also by the decisions of the CPS, and the legal reforms and wider social policies of the current and previous Conservative governments – into hostile spaces for the freedoms they are supposed to protect.”

6.2 So a lay person might imagine there would be many ways to defend our activities in court. They would be wrong. Through a number of recent rulings, our ability as climate defenders to give account of ourselves and to run a specific legal defence has been closed down via a number of rulings driven by the Government-appointed, politically motivated Attorney General. The defence of ‘necessity’ is disallowed, we are told, because a ‘nexus’ is lacking: this reveals an over-simplistic, outdated view of cause and effect and no understanding of the complex planetary systems of which we are part. A ‘nexus’ is a connection, or series of connections, with a causal link. **I WILL ADD HERE THE SPECIFIC WAYS THESE RULINGS ARE USED IN MY CASE ONCE THE CPS HAS SHARED THEIR VIEWS**

6.3 The reason why these rulings are made is so that any evidence activists may wish to give can be deemed ‘inadmissible’. This is a game being played by those with power - it's a classic power move. It has led to the ridiculous situation of climate activists being jailed for talking about climate change during their case! In the case of the Colston 4, specific formal defences were allowed which enabled the defendants to explain to the jury why they did what they did, and they were found not guilty. In the case of the Shell 7, the jury was told the defendants had no defence in law, but the defendants were allowed still to speak. The jury found the Shell 7 not guilty, as they had the right to do, following their own consciences. These acquittals are important to climate activists because as a randomly selected group of people, a jury can show the mood of the public. The mood of the public is with climate activists (80% of the British public agree there is a CEE and 65% agree with nonviolent direct action to tackle it). So the legal system is being required to disempower juries from agreeing with us. This is a critical issue. There are times when the law is out of step with the public mood. If one accepts that the law is broken, one can point to the fact that the law is morally behind the leading edge of society; hence the important role of juries in gauging the social sense of what is acceptable behaviour, and their right to provide a ‘perverse verdict’. As Lord Jonathan Sumption said at the Royal Society of Medicine 2020 “*It can be morally acceptable to break the law - a classic dilemma when the moral and legal don't align*”.

6.5 The recent restrictive rulings make four main points:

1. That we can use the law to seek remedy (I show above this hasn't largely been possible)
2. That we can use democracy to make change instead (I show below why we don't have a reliable functional democracy).
3. That we are protected by human rights legislation (this is actively under attack)
4. That judges are not able to judge on the functioning or not of democracy (even though their rulings rely on it! Hence my argument that there is a missing law of conscientious protection). Here are some examples:

- In *Hutchinson v Newbury Magistrates' Court* (2000) 122 ILR 499, where a protester sought to justify causing damage to a fence at Aldermaston on the grounds that she was trying to halt the production of nuclear warheads, Buxton LJ said: *"In a case in which the defence requires that the acts of the defendant should in all the circumstances have been reasonable, his acts must be considered in the context of a functioning state in which legal disputes can be peacefully submitted to the courts and disputes over what should be law or government policy can be submitted to the arbitrament of the democratic process. In such circumstances, the apprehension, however honest or reasonable, of acts which are thought to be unlawful or contrary to the public interest, cannot justify the commission of criminal acts and the issue of justification should be withdrawn from the jury."*
- Summaries from HHJ REID, 17th October 2022: Earlier in Jones Lord Hoffman had said: *"The law will not tolerate vigilantes. If the citizen cannot get the courts to order the law enforcement authorities to act then he must use democratic methods to persuade the government or legislature to intervene. ... The rule of law requires that disputes over whether action is lawful should be resolved by the courts. If the citizen is dissatisfied with the law as laid down by the courts he must campaign for Parliament to change it."*
- Thacker et al: *"There are many alternative ways available for protest and articulation of views"* "The appellants acts therefore had to be considered in the context of a functional state"
- Hoffman says we should be *"expected to call the police and not take the law into their own hands"*
- We are told we have human rights protection, yet the Government's attempt to create a British Bill of Rights was nicknamed by Liberty the "Removal of Rights Bill".
- Mr Possnett (a defendant) in his submissions suggested that we do not have a functioning democracy and therefore he ought to be entitled to act in the way he did due to that state of affairs. *"As I pointed out I, as a judge, have no jurisdiction even to consider whether our democracy is functioning or not. I am bound to decide cases on the basis that it is and that the rule of law exists"*.
- Judge Silas Reid IB ruling 31st Oct 2022 point 54: *"Whether the defendants are right that recourse to ordinary democratic means has failed or not, they are not permitted to break the criminal law in order to demonstrate any such failure or to demonstrate the present and stark dangers they perceive the world and humanity to be in and avoid conviction due to their motivations in acting the way they did."*
- *"But ... the protesters' remedy , if any, was to challenge the legality of the licence by judicial review. Or, if that failed, they could seek to have the law changed. But that must be effected by lawful means. Whatever the honest apprehension of danger to the community, it is not reasonable to resort to force."* In my view, the comments of Lord Hoffman apply equally if one substitutes "criminal activity" for "force", especially in the context of an allegation of criminal damage. In any event there is a strong, if not irresistible, argument that the acts of criminal damage alleged in the current cases involve the use of force.
- This has led to climate protestors being jailed for contempt of court for mentioning their motivations, e.g. climate change, fuel poverty and need for insulation. Katy Watts, a lawyer at advocacy organisation Liberty, said it was *"deeply concerning"* to

see protesters imprisoned just for mentioning the reason for their actions. *"We all have the right to stand up for causes we believe in. But we have seen a kind of pincer movement going on over the scope of convention rights in protest cases, which [is] increasingly narrowing our rights,"* she said. *"The way that some protest trials, in particular those involving climate activists, have been managed has interfered with defendants' rights to freedom of expression."*

6.4 UK Government response to increasing climate related protests - the undermining of our ability to protest effectively

- A system of entrenched power where important truths are not being shared with sufficient urgency, clarity and leadership (we also have had many years of actively funded climate denial) is very able to ignore and downplay many standard forms of protest, e.g. the signing of petitions, going on organised marches, writing to MPs. All of which environmentalists including myself have participated in for years.
- The purpose of disruptive protest is to ensure that issues of vast importance cannot be ignored and side-lined. There is now an active attempt to remove all forms of effective protest, which can be considered nails in the coffin of our so-called democracy.
- The new PCSC Act and the new Public Order Bill dramatically increase the powers of the courts and the police in suppressing peaceful non-violent protest - with huge increases in sentencing, the potential to rule any meaningful protest whatsoever unlawful and effectively suppressing absolutely all forms of protest as of course many, many people are now afraid to protest at all.
- Statutory instruments are a form of delegated legislation, for example where the Home Secretary can introduce new powers for the police to stop specific forms of protest. Statutory instruments which have been criticised for bypassing parliamentary processes.
- Slow walking is a form of effective protest used by movements to slow traffic - whether to cause disruption to everyday life or disruption to a project that is destructive. Legislation was introduced in Parliament in April 2023 by statutory instrument and is said to complement the Public Order Bill. (In February, the House of Lords removed a clause on slow walking in the Public Order Bill. The government also failed to ban slow walking in its 2022 Police Crime Sentencing and Courts Act.)
- The Public Order Bill has been criticised by the UN High Commissioner for Human Rights, Volker Turk. He described the legislation as "deeply troubling" and incompatible with the UK's international human rights obligations. In a [statement](#), Mr Turk said: *"This new law imposes serious and undue restrictions on these rights that are neither necessary nor proportionate to achieve a legitimate purpose as defined under international law. This law is wholly unnecessary as UK police already have the powers to act against violent and disruptive demonstrations."* Mr Turk said he was concerned that the law appeared to target protests about human rights and environmental issues: *"As the world faces the triple planetary crises of climate change, loss of biodiversity and pollution, governments should be protecting and facilitating peaceful protests on such existential topics, not hindering and blocking them."*

- The public order bill is the kind of legislation you might expect to see in Russia, Iran or Egypt. Illegal protest is defined by the bill as acts causing "*serious disruption to two or more individuals, or to an organisation*". Given that the Police Act redefined "serious disruption" to include noise, this means, in effect, all meaningful protest.
- For locking or gluing yourself to another protester, or to the railings or any other object, you can be sentenced to 51 weeks in prison – in other words, twice the maximum sentence for common assault. Sitting in the road, or obstructing fracking machinery, pipelines and other oil and gas infrastructure, airports or printing presses can get you a year. For digging a tunnel as part of a protest, you can be sent down for three years.
- Even more sinister are the "serious disruption prevention orders" in the bill. Anyone who has taken part in a protest in England or Wales in the previous five years, whether or not they have been convicted of an offence, can be served with a two-year order forbidding them from attending further protests. Like prisoners on probation, they may be required to report to "*a particular person at a particular place at ... particular times on particular days*", "*to remain at a particular place for particular periods*" and to submit to wearing an electronic tag. They may not associate "*with particular persons*", enter "*particular areas*" or use the internet to encourage other people to protest. If you break these terms, you face up to 51 weeks in prison.
- The over-criminalising of peaceful non-violent climate protesters stands alongside the weaponising of court powers to suppress protest. In October 2019 the police issue a blanket S14 across whole of London outlawing any XR protest anywhere, even a sole person with a banner. Later on the High Court eventually did the right thing and ruled this S14 as unlawful, but the damage in terms of suppressing protest and arresting hundreds of people had already been done. We already described the use of injunctions to prevent protestors for undertaking specific protests (HS2 have bought a route wide injunction for example).
- Use of High court injunctions with Insulate Britain. Perfectly adequate criminal laws in place - WoH, public nuisance - that could have been used to remove and prosecute. Instead High Court civil injunctions were used, meaning people are tried in the High Court, without juries, with the threat of very long prison sentences, unlimited fines, seizure of assets and huge High Court costs. Even people silently standing on a grass verge with a banner are in breach of the injunctions and have been arrested, tried in High Court, and remanded in prison. These civil injunctions are quite possibly illegal, because of this over-reach, yet High Court judges have presided over these civil proceedings without questioning them. This is not upholding the Rule of Law. And no-one can afford the High Court costs to challenge them.
- The public order bill is the kind of legislation you might expect to see in Russia, Iran or Egypt. Illegal protest is defined by the bill as acts causing "serious disruption to two or more individuals, or to an organisation". Given that the Police Act redefined "serious disruption" to include noise, this means, in effect, all meaningful protest. This law was quickly enforced to suppress free speech at the Coronation with the pre-emptive arrest of the head of the organisation Republic who was unloading placards.

7. The state of democracy in the UK

- Democracy is founded on the belief that the people will submit to certain curtailments through the law on the basis that they will be ***protected by the State***.
- Baroness Brown, chair of the Adaptation Committee of the independent (but Government backed) Committee on Climate Change, said: "The Government's lack of urgency on climate resilience is in sharp contrast to the recent experience of people in this country. People, nature and infrastructure face damaging impacts as climate change takes hold. These impacts will only intensify in the coming decades. "This has been a lost decade in preparing for and adapting to the known risks that we face from climate change. Each month that passes without action locks in more damaging impacts and threatens the delivery of other key Government objectives, including Net Zero. We have laid out a clear path for Government to improve the country's climate resilience. They must step up."
- If it is to be said here in court that we have a functional democracy- it should be noted that members of the [British public don't agree](#) (including myself)
 - 73% of British people feel they have little or no say in how things are run in the UK
 - A quarter of the public (26%) think democracy works badly in the UK
 - 1 in 8 don't think we have a democracy

Here are some reasons why:

- UN Special Rapporteur Freedom of Association Clement Voule [#UK](#) - "*Colleagues and I raise concern over the [#PublicOrderBill](#) which could result in grave restrictions on the exercise of FoAA rights. No person should be held criminally, civilly or administratively liable for the mere act of organising or participating in a peaceful [#protest](#)".*
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?qId=27724>
- The UK has been ranked amongst as of the worst nations in western Europe to undertake peaceful protest. Civicus, a global alliance of civil society group ranked the UK on a par with El Salvador and Liberia.
- Sept 2020 The UK government has been formally warned by the Council of Europe for threatening [press freedom](#) after it blacklisted a group of investigative journalists and denied them access to information.
- The last time the UK was issued with a [state-focused media](#) freedom alert was in May 2020, when an OpenDemocracy journalist was banned from asking questions at the UK government's daily coronavirus press conference.
- The UK remains one of the worst counties in western Europe for freedom of the press, according to the latest report by [Reporters Without Borders](#) (RSF).
- Ranked 33rd in the list of 180 countries, Britain was placed behind Jamaica, Surinam, Ghana, Namibia, South Africa, Latvia and Liechtenstein in the advocacy group's [2019 World Press Freedom Index](#).

- A key original founder (Sir Robbie Gibb) and fundraiser for the new right-wing news channel GB News is in a business partnership with two Home Office political appointees who are conducting the Government's strategic reviews into extremism and political violence. At the time he founded GB News, Gibb was in a business partnership with John Zak Woodcock, who sits in the House of Lords as Lord Walney; and William Shawcross, the former Charity Commission chairman. This month, the Telegraph [revealed](#) that John Woodcock would be conducting a new Government review into political extremism in Britain, reporting that it would look into how 'far-left' groups might "hijack" anti-racist and environmental movements. His review is due to report its findings on the "extreme fringes" of both the right and left to Boris Johnson and Priti Patel next May. A month earlier, William Shawcross was appointed by Priti Patel to the role of the Government's Independent Reviewer of the controversial counter-terrorism 'Prevent' strategy – in a process which former regional chief crown prosecutor Nazir Afzal [described](#) as "rigged".
- There are SERIOUS concerns about the government trying to undermine free speech, including in Orwellian move to apparently protect free speech, including of groups that promote hatred of LGBTQ+, named by a Yale professor Jason Stanley highlighted two passages from his book, *How Fascism Works: The Politics of Us and Them*, as a classic move that is part of fascism.
- This week the global coalition for transparency and anti-corruption has put the UK "under review", heightening concerns about the government's commitment to openness following a series of scandals. Kevin Keith, chair of the UK Open Government Network, said: *"The UK government's reputation for openness and accountability is in freefall."*
- In a letter to the government, the Open Government Partnership said the UK had failed to live up to its pledges to improve transparency and accountability.
- Another undermining move is the review of judicial reviews, where the pillar of the court system is allowed to check whether parliament is actually following the law- a crucial part of a functional democracy
- Undermining human rights through the spy cops bill - trying to give immunity to undercover police who might rape activists.
- A controversial review of human rights law.
- Schools told not to use materials from groups that are anti-capitalist - deemed to be an "extreme political stance"
- There are also close ties between the current cabinet and the policy exchange think tank
- We don't know who funded the Policy exchange investigation into XR (it is listed by [Who Funds You?](#) as among the UK's most opaque think tanks.) but we know they have [received funding](#) from the power company Drax, the trade association Energy UK, and the gas companies E.ON and Cadent, whose fossil-fuel investments are threatened by environmental activism.
- April 2022, OpenDemocracy delivered an open letter to the transparency watchdog, the Information Commissioner's Office (ICO), signed by more than 100 newspaper editors, MPs, journalists, celebrities and campaigners, calling on it to fix Freedom of Information.

- There is growing concern about the state of Freedom of Information (FOI) and government secrecy in Britain. A judge criticised the Cabinet Office for its “profound lack of transparency” after OpenDemocracy exposed the existence of a FOI ‘clearing house’ in government, which was vetting responses to requests from journalists and others. And 2020 was the worst year on record for Freedom of Information in the UK, with just 41% of requests made to central government granted in full.
- “It’s the sun wot won it” Dial M for Murdoch: News Corporation and the corruption of Britain by Tom Watson and Martin Hickman, Allen Lane, 384 pp. Labour MP Tom Watson and Independent journalist Martin Hickman throw some light on the way in which politicians in the UK have bowed down before Rupert Murdoch’s wealth and power, as well detailing the incestuous relationship between his newspapers and a corrupt police force. - Watson in his role as a member of the Culture, Media and Sports Committee attempted to expose the pernicious influence the media mogul has had on UK politics
- Attorney General declared the donation from company owned by Terence Mordaunt, who chaired the climate sceptic think tank Global Warming Policy Foundation
- Suella Braverman received £10,000 from a company owned by a leading climate denier to support her campaign for the Conservative leadership, according to the most recent update to the register of MPs’ interests.
- The Attorney General, who came sixth in the leadership race, declared a donation of £10,000 from First Corporate Consultants Ltd, which is owned by the Bristol Port owner Terence Mordaunt.
- Mordaunt chaired the Global Warming Policy Foundation (GWPF) between 2019 and 2021. The GWPF has been vocal in its opposition to climate crisis policies such as net zero and was sanctioned by the Charity Commission in 2014 for failing to adhere to rules on “balance and neutrality”.
- Priti Patel accepted £100,000 donation from firm run by oil trader
- Open democracy revealed the NZW think tank that influences tory party (e.g. Steve Baker) received more than half a million dollars through a fund linked to the controversial billionaire Koch brothers.
- When Sir David King was the Government’s special representative on climate change in the run up to the Paris Agreement in 2015, he wanted to publicise a report that would have revealed to the public the extreme danger from climate breakdown. But he was [blocked](#) from doing so by a special adviser at 10 Downing Street, who didn’t want to upset Rupert Murdoch.
- [Attacks on investigative journalism](#): OpenDemocracy – alongside the [National Union of Journalists](#), [Reporters Without Borders](#) and [Index on Censorship](#) have raised the alarm about sweeping powers that could be used in a crackdown on investigative journalism within the National Security Bill.
- [UK has sank down](#) Transparency International’s annual Corruption Perception Index shining a light on some of the more nefarious inner workings of the British state.
- [Influential “think tanks”](#) that shape Government policy are [funded by](#) dark money fossil fuel enriched elites.
- £3.5m of Tory donations linked to pollution and climate denial, says report Millions given to party and MPs last year came from entities linked to fossil fuels,

high-polluting industries and climate denial (The climate website DeSmog analysed Electoral Commission records).

- Democracy is further being undermined through new protest laws and through [voter suppression](#) through bringing in ID cards.
- There is an ongoing experience of politicians and political parties saying one thing and then doing the opposite - I have included a supplementary "charge sheet" demonstrating examples of this.

8. A conclusion about the law, democracy and the destruction of life on earth

It is often stated that we should “uphold the rule of law” - with the understanding there is an imperfect system, that we are benefitting from nonetheless, through our society and democratic freedoms. This request and the logic it is based on, can no longer be expected to be adhered to when life on earth is actively being killed, and the people of the UK are not being protected from the polycrisis.

I note that the government keeps breaking the law itself and no or few consequences are reaped:

- Prorogation of [Parliament](#)
- High Court finds Government failed to protect care home residents
- PPE contract VIP lane
- Publication of PPE Contracts
- Partygate
- International law [re Brexit](#). (where the Government excused itself on the basis the law breaking was only to be temporary!)
- Three times over [air pollution](#)
- Former UN weapons inspector Hans Blix says Tony Blair should face a tribunal for Iraq invasion (march 2023)

There isn't a democratic mandate to destroy life

- What are the democratic means of contesting the government's decision to award more than 100 new licences to drill for oil and gas in the North Sea? Who gave the energy secretary, Jacob Rees-Mogg, a democratic mandate to break the government's legal commitments under the Climate Change Act by instructing his officials to extract “every cubic inch of gas”?
- Who voted for the investment zones that the prime minister, Liz Truss, has decreed, which will rip down planning laws and trash protected landscapes? Or any of the major policies she has sought to impose on us, after being elected by 81,000 Conservative members – 0.12% of the UK population? By what means is the “widespread agreement” about the need for environmental protection translated into action? What is “civilised” about placing the profits of fossil fuel companies above the survival of life on Earth?
- Amounts to UK breaking The Aarhus Convention - an international treaty which should guarantee members of the public rights to access to information, participation in decision-making, and access to justice – all regarding environmental matters. More than 15 years on from ratifying the Convention, the UK has failed to bring its legal system into compliance. This severely curtails the ability for individuals and charities to defend the public's right to a healthy environment.

We live in a largely fake democracy that is captured by vested interests. It is impacted by powerful media interests which also support attacks on democracy itself:

- As climate defenders we are actively attacked in the press as a divide and rule tactic, by those benefiting from the status quo: The Sun has admitted that its claim that Roger Hallam lives in a “£3000 per month” flat was a flat-out lie. It has agreed to publish a correction, i.e. that it's a £250 per week flat. The detail of someone's living

arrangements is trivial in the context of the extreme threats that we face. But it's worth asking why the Sun would risk contempt of court proceedings by publishing obvious lies about someone facing criminal charges?

- Policy Exchange published a report demanding a tougher response to Just Stop Oil. It turns out that far from being an independent think tank, Policy Exchange is [funded by Exxon, Drax and other vested fossil fuel interests](#). Then on Sunday, the Sun (amid ongoing calls for the [Leveson II inquiry](#) into allegations of corrupt relationships between News Corp journalists and the police) instigated a police operation against Just Stop Oil. Why?
- Rupert Murdoch, the owner of News Corp, sits on the Board of [Genie Oil and Gas](#). He has for decades used his media empire to deceive the public about the threat from climate breakdown. So much so that his own son, [James Murdoch, left News Corp](#), citing the continuing misinformation about climate. That's why the Sun lied about Roger Hallam. They wanted you to believe that he is living the life of Riley to discredit all those who threaten Mr Murdoch's business interests by exposing the extreme danger that we face. Amid the cost of living and energy crises, it's the classic tactic of divide and rule.
- I myself have been subject to several attacks in the press, my home has been photographed and so have I whilst out shopping, and then reported in biased and inaccurate attacks (for example a reporter didn't bother to photograph my solar panels or the green conversion on the front of my home!). They have been to the homes of friends and family across the UK trying to dredge up stories - I hear nice things that were said about me to these reporters but obviously they don't choose to report these things). It is effective propaganda- I have seen how quickly it spreads and people adopt the mantra that is being pushed about me. It is actually dangerous to target people in this way and it risks us being attacked or even killed.
- I have repeatedly heard judges say "This is a court of law, not of morals". But you cannot decouple law from ethics. To be legitimate, a legal system must be grounded in basic morality and protect all its citizens, not just uphold the interests of the powerful. This is what we mean by "the rule of law": protecting ordinary people from the tyranny of the powerful. By decoupling the legal system from morality, and by bending the legal machinery to the government's bidding - for example by approving extraordinarily wide-sweeping civil injunctions to try and intimidate peaceful nonviolent protesters, the judiciary jeopardises the rule of law.
- Judges appear to believe that, by criminalising climate defenders, they are protecting "law and order", ignoring the fact that our government is enacting policies that will lead to the collapse of law and order world-wide as civilisations collapse. Antonio Guterres, Secretary General of the United Nations, said in April 2022 that governments are "saying one thing, but doing another", "they are lying", and we are on a "fast track to climate disaster". He said: *"Climate activists are sometimes depicted as dangerous radicals. But the truly dangerous radicals are the countries that are increasing the production of fossil fuels. Investing in new fossil fuels infrastructure is moral and economic madness."*
- The acquittals by juries and statements of sympathetic judges and others shows the dilemma protest / rebellion cases throw up. They indicate there is missing law, that the law, that the government is morally behind where the public is. We need to move

beyond trying to find a legal defence and demand a new defence of conscientious protection. We need lawyers and judges to see that they can be part of the problem, or part of the solution, and being part of the solution means naming the law is the problem at the moment.

- In both magistrates and crown courts, it has been politely pointed out there is a key role of the judiciary in enabling what will undoubtedly be seen in the future as extreme criminality. Lawyers and judges repeatedly say "I am just doing my job". Hannah Arendt named this - the Banality of Evil

9. The complicity of the UK Government in social murder and Crimes Against Humanity

9.1 The job of the State is to keep people safe and yet in recent times more people are dying every week than during Covid's peak years. In a recent month there were 1,482 more deaths than average each week – known as excess deaths – compared with just 315 two years ago and 1,322 last year. In the week to 21 October (the most recent week of data) ONS figures reveal there were some 1,646 excess deaths alone.

9.2 [Human rights](#) are being “negatively impacted” and “violated” due to the consequences of [climate change](#), a top [UN](#) expert has said.

Ian Fry, the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, said that this includes the right to life, health, food, development, self-determination, water and sanitation, work, adequate housing and freedom from violence, sexual exploitation, trafficking and slavery.

In a report presented to the UN's General Assembly, Mr Fry said that human-induced climate change is the “most pervasive threat” to the world and the poorest societies are paying the heaviest price. He said: *“There is an enormous injustice being manifested by developed economies against the poorest and least able to cope. Inaction by developed economies and major corporations to take responsibility for drastically reducing their greenhouse gas emissions has led to demands for ‘climate reparations’ for losses incurred. ‘The G20 members for instance, account for 78 per cent of emissions over the last decade.’ Fry said that actions to reduce greenhouse gas emissions were “inadequate” and creating a “human rights catastrophe”.*

The UN expert also raised concerns about climate rights defenders, and in particular indigenous peoples, who have been the target of human rights abuses.

He added: *“As groups and communities become increasingly frustrated with the lack of action on climate change, they have turned to protests and public interventions to bear witnesses to the climate emergency.*

“Sadly, we are seeing many climate rights defenders persecuted by governments and security organisations. Some defenders have even been killed.”

9.3 Air pollution from burning fossil fuels already causes [millions of premature deaths](#) a year. [Air pollution kills 64,000 people a year in the UK alone](#). While air pollution is often ignored as a health risk factor,² the Lancet Commission on pollution and health recommends air quality action plans for the prevention and control of NCD.³ The commission estimated that about nine million excess deaths worldwide are attributable to degraded environmental conditions, of which about half to ambient (outdoor) air pollution, being the main environmental health risk. Pollution is the largest environmental cause of disease and premature death in the world today. Diseases caused by pollution were responsible for an estimated 9 million premature deaths in 2015—16% of all deaths worldwide—three times more deaths than from AIDS, tuberculosis, and malaria combined and 15 times more than from all wars and other forms of violence. In the most severely affected countries, pollution-related disease is responsible for more than one death in four. The Lancet commission on pollution and health 2017 UK figure: Cardiovascular disease burden from ambient air pollution in Europe reassessed using novel hazard ratio functions (European Heart Journal, Volume 40, Issue 20, 21 May 2019)

It is estimated that 80% of premature heart disease, stroke, and diabetes can be prevented.¹ Environmental factors, in particular air pollution, pose additional risks with health implications that have been underestimated in the Global Burden of Disease (GBD).³ Chronic exposure to enhanced levels of fine particle matter impairs vascular function, which can lead to myocardial infarction, arterial hypertension, stroke, and heart failure.^{4,5} Predominant sources of fine particulates are fossil fuel and biomass combustion, industry, agriculture, and wind-blown dust.

9.4 A nine-year-old girl who died following an asthma attack has become the first person in the UK to have air pollution listed as a cause of death.

Ella Adoo-Kissi-Debrah, who lived near the South Circular Road in Lewisham, south-east London, died in 2013. Southwark Coroner's Court found that air pollution "made a material contribution" to Ella's death. Prof Gavin Shaddick, a government adviser on air pollution, called it "a landmark decision". At the conclusion of the two-week inquest, coroner Philip Barlow said Ella had been exposed to "excessive" levels of pollution. The inquest heard that in the three years before her death, she had multiple seizures and was admitted to hospital 27 times.

9.5 Article 30 of the Rome Statute deals with crimes of oblique intent

https://legal.un.org/icc/statute/99_corr/cstatute.htm Applying this to climate breakdown and UK energy policies:

- Government ministers know with certainty that mass loss of life is occurring
- They know that hundreds of thousands of people are being killed every year
- They know that deaths will increase but cannot be sure of the numbers
- They know that sea levels will rise faster as greenhouse gas concentrations rise and low lying island states will be inundated
- Despite that certain knowledge, government ministers support the expansion of aviation and other non-essential luxury activities
- Government ministers also maintain a range of CO2 emitting activities at unnecessarily high levels
- Government ministers know that they cannot achieve their personal, financial and economic aims without inflicting the range of extreme harms that climate breakdown causes
- Government ministers will claim that there is no 'direct intent' to annihilate the low lying island states and decimate populations in the most climate vulnerable nations. But the fact is that ministers know they cannot achieve the outcomes they seek without unprecedented suffering and annihilation of several states
- So, what we are seeing here is stronger than 'oblique intent', it is much closer to 'direct intent'

9.6 Caroline Lucas MP has called the Government's decision to open a new coal mine a crime against humanity. See:

<https://www.channel4.com/news/new-uk-coal-mine-is-climate-crime-against-humanity-says-green-mp>

9.7 Leaders are unable to lead.

- A "[Frontiers](#)" science paper from January 2020, authored by 17 ecological scientists, in institutions spanning the globe, said: "*The scale of the threats to the biosphere and all its life forms - including humanity- is in fact so great that it is difficult to grasp even for well-informed experts*". The "Frontiers" authors go on to ask: "what political or economic system, or leadership, is prepared to handle the predicted disasters, or even capable of such action."
- A 2016 report called Thinking the Unthinkable, based on interviews with leaders across the world, made it clear that our leaders are perilously inadequate at facing the very real possibility of extremely difficult, non-normative events.
- I believe our leaders are rendered unwilling, by the culture of our political economy, to confront the reality we find ourselves in. It's a culture that has led to a new market in the [building of bunkers](#) for the super-rich, in an attempt to survive what is called the "event" when our civilization collapses.
We are not simply talking of significant risk and harm here, rather of existential risk.
- An existential risk is an adverse outcome that would either annihilate intelligent life or permanently and drastically curtail its potential.
- Suella Braverman said in October 2022 "*This Government will not hesitate to act and keep the law abiding majority safe.*" But she didn't mean safe from air pollution or unclean water or climate breakdown, she meant protected from the inconvenience of environmental protestors.

10. The complicity of the DfT in social murder and Crimes Against Humanity

Overall summary

Transport is the biggest carbon emitting sector more than energy or industry. Despite signing the Paris agreement in 2015 - it was 2021 - two years after my action, that the DfT had a plan to decarbonise transport.

What the Government is proposing at the moment: expanding airports, building new motorways, HS2 (instead of electrifying all existing lines) is contradictory to decarbonisation and will make things worse. Buses and train fares have increased so there is no incentive not to drive. Active travel is also systemically underfunded and therefore many will not make the shift to lower carbon travel for shorter journeys.

To rapidly decarbonise transport we need to shift funding into creating a highly connected network of public transport, active travel and cleaner freight and supply chains.

Carbon emissions

Transport became the largest emitting sector in 2016. Transport produced 27% of the UK's total emissions in 2019. Of this, the majority (91%) came from road transport vehicles ([111 MtCO2e](#)).

GHG emissions from transport have been the [highest sector since 2016](#), above energy, homes, agriculture etc. There are almost 40 million vehicles on the UK roads [according to government stats](#). Most of those are private cars.

Road Building

Induced demand is well proven. Building more roads creates greater emissions (50 RIS2 schemes).

The chancellor announced a [new £27 billion road](#) programme in the 2020 Budget.

The Government's road building plans will create [at least 39 million tonnes](#) of additional emissions. [RIS3](#) and [RIS4](#) have been [tempered](#) recently due to budgetary constraints but many plans remain. These figures do not measure loss of carbon sinks when trees are felled and green fields are tarmacked.

Embedded Emissions and rare materials in electric vehicles

1. Manufacture of the average electric car produces nearly 12 tons of carbon emissions. [\[3\]](#)
2. 32.7 million cars in the UK [\[4\]](#)
3. Average age of a car in UK 8.4 years [\[5\]](#)

Every 8 years the UK produces 392m tonnes CO2 to manufacture cars before they've driven a mile.

The [Natural History Museum reports](#) there are not enough rare metals - the idea that all can

have an EV Car is fantasy. E bikes/cargo bikes are much more energy efficient and could be offered in a trade-in scheme for ICE cars. For Gail this isn't an either / or- we could have some shared electric cars in communities - community shared transport for short journeys. Aps / driverless technologies could add to the concept of "private sufficiency and public luxury" (George Monbiot phrase)

Problematic cars

Sports Utility Vehicles (SUVs) are a form of climate denial. The UK Climate Assembly (2020) said they should be [urgently banned](#). They are largely fossil fuel powered. They take more carbon to produce, on average 30 tonnes of carbon. [SUVs are more lethal](#) to vulnerable road users.

Fossil Fuel cars will be sold until 2030 and then possibly on the road until 2040. Toyota the leading car manufacturer is [actively blocking climate action](#) and slowing a transition to electric vehicles as they make more profit from ICE vehicles.

Air pollution

1. In Feb 2022, the [Government reported](#) 36,000 deaths annually in the UK. Its transport strategy of car dependency has created a public health crisis.
2. Air pollution from burning fossil fuels already causes [millions of premature deaths](#) a year. [Air pollution kills 64,000 people a year in the UK alone](#).
3. The UK is estimated by WHO to suffer \$83 billion (c.£54 billion) in economic costs associated with air pollution. [\[6\]](#)
4. Transport is the largest NOx contributing sector and contributes a significant amount to PM2.5. [\[7\]](#)

Noise

1. It is estimated that the annual social cost of urban road noise in England is £7 billion to £10 billion. [\[10\]](#)
2. At least one million healthy life years are lost every year from traffic related noise in the western part of Europe. [\[11\]](#)

Health

1. Nearly 90% of the total £6 billion bill caused by emissions to the NHS and wider society comes from the impact of diesel emissions, which cause <36000 deaths. [\[12\]\[13\]](#)
2. Every 22 minutes someone is killed or seriously injured on UK roads [\[14\]](#)
3. Physical Inactivity is responsible for [1 in 6 deaths](#).

Cycling / Walking (active transport)

[UNEP recommended](#) in its 2016 landmark transport report, that 20% of national and city transport budgets should be allocated to active travel.

Whilst Ireland has committed to doing so, UK government investment languishes at about a miserable 1%, leaving the UK as one of the countries with the lowest rates of cycling in Europe. As about 70% of trips taken in the UK are under 5 miles, this means the UK government is seriously failing to maximise active travel to cut carbon emissions, improve human health and enable more efficient local economies.

The Government is only giving small amounts to Active Travel and Public Transport in comparison with the Roads Building programme and the cost of car dependency on the NHS

and society. Cycling has been demonised by some of the corporate owned media. It's a dangerous ploy to create a culture war between motorists and cyclists (in particular). It's a ['vested interest' attack](#) on creating space for cleaner modes of travel. The debate is debased.

The drip, drip messaging against School Streets and LTNs or Segregated Bike Lanes is an active form of blocking climate action and safety measures. Low Traffic Neighbourhoods (LTNs), based on a [three year study](#) of the first one in Waltham Forest in 2014, are proven to reduce car ownership, radically reduce crashes within the LTNs and use and increase active travel.

Electrifying and improving rail

The plan to electrify all rail lines in England has been blocked by the Government according to the [Telegraph, 2021](#). Surely this is the baseline work that needs to be done prior to the destructive and extravagant high speed rail project HS2? As said by [Christian Wolmar](#), we were once 'Europe's most efficient railway'.

It's common sense to decarbonise the existing neglected infrastructure before introducing new extravagant, carbon intensive lines.

Aviation

Total UK aviation emissions in 2018 were 39.3 million tons. This is up 129 per cent since 1990, during the time we were supposed to be cutting our national emissions.

International flights emitted 36.7 million tons of these, and domestic flights 1.5 million. The UK military air force emits 1.1 million tons annually, which equates to more than two-thirds of all domestic flight emissions.

As planes fly at high altitudes, their emissions have a greater global warming impact than if emitted at ground level.

Some estimates by the Intergovernmental Panel on Climate Change (IPCC) put this radiative forcing – the difference between sunlight absorbed by the Earth and energy radiated back to space – as high as two to four times that of just the carbon emissions alone. [For the UK](#), this would mean that the carbon equivalent of international aviation emissions could be as high as 146 million tons. This would equate to nearly a third of all annual UK domestic carbon emissions, which are 451 million tons.

[More Britons fly abroad](#) than any other nationality. We take over 8% of all global flights despite being less than 1% of the global population. A staggering 292 million UK flights are taken each year, and shockingly just [1% of English residents](#) are responsible for nearly a fifth of all flights abroad.

Despite this, almost every major regional airport in the UK is already undertaking massive expansion programmes or are planning them.

The UK's climate assembly called for a frequent flyer tax but this isn't going to be implemented. From [Safe Landing](#):

- Jet Zero disregards the recommendations of the IMF, OECD, IEA, IPCC and its own Climate Change Committee who stress the urgent need to curtail demand for flying.
- We view the topic of “consumer choice” as the government ducking responsibility for necessary regulations by choosing to gaslight consumers with the blame for rising emissions. Individual awareness and behaviour change is important, but we require system change to enable this. We can’t for instance blame low-income groups for using air travel over rail travel to visit relatives: if aircraft are heavily subsidised, aviation fuel is tax free, and train fares are prohibitively higher.
- Place a cap on the growth of flying, stop airports from expanding, introduce meaningful emissions pricing and tax aviation fossil fuels. These are the key solutions recommended by the government’s own Climate Change Committee (CCC). The CCC has repeatedly told the government that for UK aviation to have any chance of reaching net zero by 2050, the forecast growth in the number of flights and passengers (and therefore emissions) must be limited immediately, alongside the development of system efficiencies, new technologies and alternative fuels for the longer term.
- The CCC warns that technological innovations are highly unlikely to be sufficient on their own and cannot cut aviation emissions in the crucial next 10 years. In September 2019, the CCC stated clearly: “Zero-carbon aviation is highly unlikely to be feasible by 2050.” As Jet Zero itself accepts: “many of the technologies we need are in their infancy and will take time to develop.” The IPCC’s recent ‘code red’ warning is clear - we do not have the luxury of time.
- Rather than seeking to minimise internal UK flights, the government has actually sought to stimulate the industry by halving air-passenger duties on internal UK flights in the 2021 Budget.
- The government has admitted that their proposed experimental “jet Zero” hydrogen planes will emit water-vapour at high altitudes, which has global warming potential. They are unsure what the balance of global warming forcing will result from the elimination of CO2 but 2.5 fold increase in water vapour. But IATA reported on a study which found that adoption of hydrogen planes would result in global warming impacts remaining up to 80% of current impacts.
https://www.iata.org/.../fact_sheet7-hydrogen-fact-sheet_072020.pdf

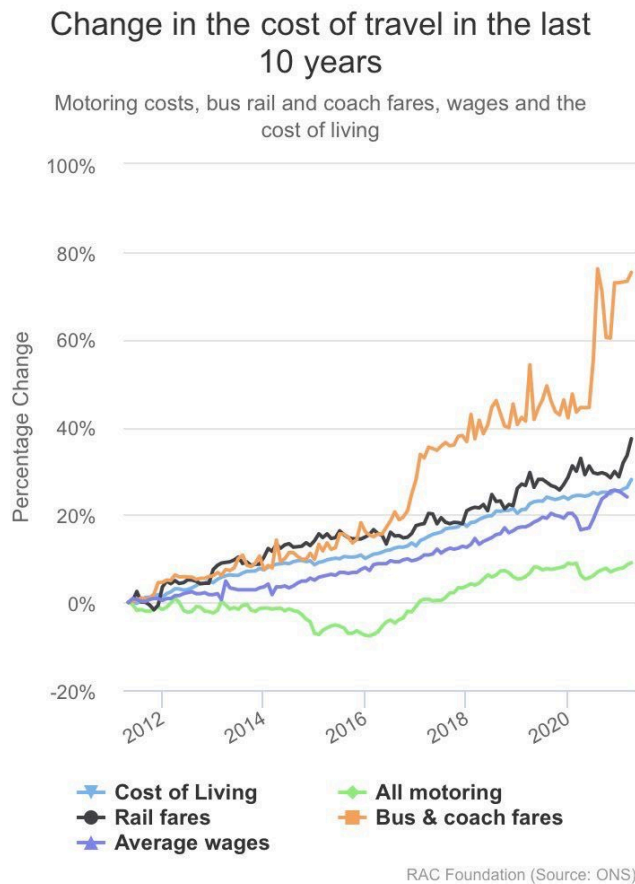
Heathrow Expansion

When the DfT approved plans to expand Heathrow Airport in 2018:

- i) it knew Heathrow expansion would cause the 1.5°C temperature limit to be breached
 - ii) it knew the consequences of breaching the 1.5°C limit would be devastating
 - iii) it concealed that information from the public and from Parliament, to smooth the way for the £14.5bn project
- [Details on this are here](#)

Public transport - more costly in the past ten years

But all we talk about is the cost of motoring. This is grossly unfair as the poorest are most reliant on buses and the youngest are not able to afford cars and largely travel by train. Buses need to be very cheap or free. See [chart from ONS](#).



Key Policy Documents from the Government

[Decarbonising transport: a better, greener Britain, 2021](#)

[Gear Change](#) - A bold vision for cycling and walking

[COP26 declaration: zero emission cars and vans](#)

[Cheaper and better buses in £7 billion package to level up transport outside London](#)

[Active Travel England launches soon.](#)

[Rail Environment Policy Statement 2021](#)

[Great British Railways: Williams-Shapps plan for rail](#)

Other

Lisa Hopkinson and Lynn Slowman

<https://www.transportforqualityoflife.com/policyresearch/behaviourchange/>

Chris Todd and Becca Lush

<https://transportactionnetwork.org.uk>

11. The specific case of HS2

([References are in here](#))

What was obvious to many from the start: in-built design and engineering flaws; hubris; questionable logic; poor ethics; lack of competence and transparency - is now widely acknowledged, even (partly) by establishment organisations[1].

Design of HS2 did not follow Kent Principles, which was rail industry wisdom garnered from building HS1 i.e. the importance of balancing costs, speed and environmental impacts.

HS2's design placed world-beating train speed above all else. This aim dramatically affected the route, which must necessarily be straight and therefore create much higher environmental impacts, costs and engineering feasibility challenges. Construction access roads for such a project can cause as much damage as the line itself.

Royal Assent for Hs2 was given before critical engineering surveys were conducted[2]. Concerns continue to be raised years later about the ongoing lack of transparent planning and accounting for serious, predictable engineering challenges such as building over geologically vulnerable land e.g. Cheshire Brinefields.

There were early indications that the HS2 scheme would create significant economic losers –some 50 places in UK will be worse off according to a KPMG report reported on BBC^[3] however the power of industry lobbyists was greater than the lessons from history. In the face of vested interests all the subsequent overwhelming evidence against HS2, appears to hold little sway with policy-makers and politicians.

The demands of such a large project has called into question (by the rail expert and Deputy Chair of the 2020 HS2 Review Lord Berkeley (LB)[4] , as well as by the often-hampered Public Accounts Committee, expert Michael Byng[5], a former senior civil servant, ex-employee whistle-blowers[6] and noted NGOs and think tanks like The New Economics Foundation) the judgement, integrity and capability of the DoT, HS2 and other departments to effectively manage it or honestly report the state of play^[7] . LB felt so strongly that he issued his own "Dissenting Report" to follow on from the government-approved Oakervee Review, which had greenlit the project with some caveats and campaigns vociferously against it to this day[8].

Despite huge budgets the project has been subject to years of delays, legal challenges, bad publicity and at one point a potential, now "disappeared" Serious Fraud Office enquiry (see p.4 footnote 2 re role of Cabinet office, footnote 13 and [9]) The costs keep rising in parallel with its environmental destruction. September 2021 the BBC reported that the latest estimated costs are £72-98bn, from an original estimate of £55.7bn in 2015^[10] from much lower estimates when the business case was being presented in 2011 onwards. Other sources (Michael Byng)more recently suggest much higher costs- £136bn - and that there are two versions of HS2 accounts – one for internal use and another version shared with the DfT[11]. A balanced picture of the reasons for rising costs, including the factor of aspiration taking priority over examination, are made by the Institute for Government[12]

Luton North MP Kelvin Hopkins in 2017 said "Leaks from inside the HS2 bureaucracy suggests the total cost of HS2 will be over £200 billion."

Overreach, Abuse of Position and Power

HS2 is a limited company AND a non-departmental public body sponsored by the Department of Transport. This privileges HS2 with government-backed financial resources, unlimited indemnity, high level political backing, favourable regulatory treatment, low accountability and the confidence to ignore regulators' permits.

This legal structure may help to explain, not only the subservience and weak challenges from local authorities to planning applications (see later) and the paucity of challenges to it in Parliament, but also the following catalogue of chronic displays of cavalier, unprofessional corporate behaviours, attitudes and standards, gangsterish tactics and potential fraud^[13]. A sense of impunity prevails.

HS2 has been **over-protected by government** against the public interest in transparency – especially in covering up cost escalation See BBC on-line items.^[14] In August 2019 the BBC reported that they had seen "*emails, internal reports and vast amounts of data*" to support the account of a former senior HS2 official that in 2016 he was dismissed before his deep analysis of the escalating costs of the project could be properly discussed internally.

HS2 has **held back info and mislead Parliament**, particularly on hidden costs and general costs escalation.^[15] Hansard excerpts from a September 2021 speech in Parliament show Lord Berkeley referring to HS2 as "*a disgraceful standard in public life, as applied by the Government to HS2*" and citing whistle-blower information, alleged breaches of the Ministerial Code^[16] and collusion from Whitehall.

HS2 often **tries to over-reach the powers** granted to it by Parliament – e.g. exceeding Limits of Land to be Acquired or Used (LLAU's). In a rare victory, on 31 July 2020 Hillingdon Council successfully persuaded the Court of Appeal to overturn a High Court decision concerning inadequate submissions in planning applications by HS2 Ltd under the HS2 Act.^[17]

Many smaller land grabs have since been somewhat dwarfed by HS2's current attempts to get legal approval for the largest injunction of land in UK legal history. This is ostensibly to keep protesters from "disrupting" their work. Reading University law department notes the application's unusualness in several respects as it includes not only a list of specific protesters but also "persons unknown" and its request for an unprecedented geographical extent along the entire route, for which little case law exists. Such an injunction may well prove successful in seriously hindering or preventing future monitoring of their poor standards and crimes (of which very little monitoring seems to be done by Regulators or the Police). Concerns have been widely raised, notably by Shami Chakrabati^[18] Items submitted to the court by the Defendants include a 249 page document full of photographic and video evidence, professional and community-based testimony to the dangers of HS2 being granted the right to continue their abuses without scrutiny and monitoring^[19] Lord Berkeley's witness statement to the injunction case states that from evidence he has seen HS2 does not even have ownership rights to all the areas of land it is trying to injunct.

HS2 **benefits from favourably biased, superficial scrutiny.** The much anticipated 2019

Oakervee Review[20], which critics had hoped would put a line through its future, has been criticised by many for its bias, most authoritatively by Lord Berkeley: *"Given the noted specific areas of interest of the panel, and that the Chair was a former Chair of HS2, with the secretariat drawn largely from DfT officials, some of whom were previously working on HS2, it is difficult to argue that the Review was 'independent'"*^[21]. Broadcaster Chris Packham agreed that the Review was "seriously flawed" and (unsuccessfully) renewed his legal challenge against HS2 once the Oakervee Review had been published^[22]. Campaign group StopHS2 was astonished that the project was re-approved before the results of the SFO investigations were published. HS2 does not like to be accountable and appears to entangle public bodies in a time-wasting web. It has appealed repeatedly against Information Commissioner (ICO) rulings which try and enforce HS2 disclosure in response to FOI requests from the interested parties about e.g. the Colne Valley, chalk aquifer concerns mentioned later and numerous tree planting FOI requests as exemplified in a protester (Mark Keir) who took his thwarted attempts to court via the ICO[23]

Dubious Feasibility and Misuse of Public Funds

Infrastructure and Projects Authority Reports since 2013 have year- on- year rated the project as red (2020), red/amber or amber at best. A red rating means a project is judged to have very low feasibility of success, by those highly equipped to evaluate large scale government funded projects. This gives HS2 a unique historical distinction amongst public infrastructure projects^[24].

As far back as 2014, the claims that HS2 /high speed rail in the North will lead to regional economic regeneration have been disproved by the evidence in Kent. Somewhat prophetically, the IEA published research to suggest that the public is being misled by official claims that HS2 will transform the North[25] Six years later Lord Berkeley's conclusions were much the same, concluding that improved local and regional rail services were more likely to deliver regeneration.

Using public funds to benefit private sector is increasingly obnoxious. Part of Oakervee's rationale for recommending that HS2 continues was based on protecting the "fragile" construction industry and supply chains ^[26] but when the cost-benefit-ratio is 0.6:1, as Lord Berkeley calculates it, using a project whose costs outweigh benefits when viewed in the totality of its impacts seems beyond irresponsible.

Lord Berkeley Dissenting Report claims HS2's very high spec. is inappropriate and super-costly and is *"unnecessarily high and expensive for the services needed and for a country much smaller geographically than France, Germany or Italy"*. NEF also finds the case unconvincing[27]

Outdated assumptions inherent in DfT's economic case and cost-benefit ratio calculations for HS2 relied on the assumption that all time spent on trains is wasted. However due to the large use by travellers of tablet computers and mobile phones, this belief is outdated[28]. Post-Covid the argument seems less convincing, despite the government encouraging people back to the workplace. The IEA quotes one of its analyst stating there is still no economic case for HS2 and that *"Cancelled services are undermining the government's decision to end working from home guidance.... rather than pumping taxpayer's money into*

wasteful vanity projects – restoring rail services should be the government’s priority” [29]

An HS2 whistle-blower convinced Tory MP Andrew Bridgen, that the repeatedly revised opening timelines (originally 2026, then revised to 2028-31) will likely be 2041. His request for an extended Parliamentary debate on implications for energy policy and ongoing public subsidy of HS2 were met with facetious dismissal by Jacob Rees Mogg on 23 September 2021[30]. Michael Byng’s July 2022 letter to Kit Malthouse estimates Phase 1 to be operational by 2035, Phase 2a -to Crewe late 2036, Phase 2b to Manchester 2045 at the earliest, Phase 2b to Nottingham 2039. By then HS2’s train technology may well be outdated.

It appears HS2 will only create 2,500 net jobs (22,000 created [31] minus 19,500 jobs that HS2 admits would be displaced [32]), which means a cost of £40 million per job. Also the 22,000 new jobs are mostly only for the duration of the construction. A 2022 report by Policy Exchange [32a] suggests 90p of benefit will be gained for every £1 spent and that 43% of the benefit would be enjoyed by London / the SE despite the project being a flagship part of “levelling up”.

Destructive Treatment of Environment and Wildlife

HS2 is the largest deforestation exercise in the UK in over 100 years, not since WWI has the UK cut down so many trees .

A 2020 Wildlife Trusts report[33] stated HS2 would impact: 693 Classified Local Wildlife Sites; 21 Designated Local Nature Reserves; 33 Sites of Special Scientific Interest which are protected by UK law and 5 Wildlife refuges of international importance which also have legal protection; 108 ancient woodlands (Wildlife and other data suggests this would be more). A 2021 Byline Times Intelligence Team FOI request revealed that, to that date, the construction of HS2’s Phase One has resulted in the removal of 116 hectares of all woodland types. This included the destruction of 15 hectares of woodland habitat that is more than 400 years old[34] .

The extent of HS2’s apparent contempt for the environment and wildlife is laid bare by the Independent HS2 Ecology Technical Group, whose terms of reference were agreed[35] in 2013. Their report (undated) reads much like the Infrastructure and Project Authority’s assessments of HS2’s overall feasibility. Not adopting the Precautionary Principle, not being interested in baseline or other data or joined up ecological planning along the whole line, not being capable of achieving biodiversity net gain are just some aspects of the critique. HS2’s stated aims about putting right environmental damage are inconsistent or nonsensical. Goals vary between aiming for “no net biodiversity loss” to a 30% gain in biodiversity, however, ancient woodlands by definition are irreplaceable[36]. Parliamentary debates are full of MP’s accounts from their constituents of serious issues such as natural ground subsidence remaining un-investigated after years, cavalier attitudes to planning guidelines and disregard for community knowledge[37] and contempt for locals’ love of their local environment.

Environmental Negligence and Incompetence

HS2 does not follow its own commitments or normal industry-standards, which should follow an environmental damage mitigation hierarchy. The hierarchy is first to avoid damage, if genuinely impossible the hierarchy cascades through minimise, abate, repair and compensate. HS2 often fails at all these stages and repeatedly appears poor at or indifferent to assessing risks, avoiding damage and mitigating the ecological, environmental and archaeological impacts of its work. Given this, it seems that their stated aims will rarely if ever be achieved.

Woodland Trust's account/report[38] is an encapsulation of HS2's widespread

negligent approach to nature and disregard for experts, breaking statutory commitments made through the Hybrid Bill. These breaches include:

- not consulting with or engaging and informing early enough or at all with key expert, environmental stakeholders or landowners/nature reserves on planned or actual construction activities
- overreaching planning applications beyond agreed works scope and boundaries
- creating avoidable damage to or loss of ancient woodland and veteran trees
- understating numbers of woodlands at risk from construction
- translocating existing woodlands at the wrong time of year
- planting new ones at the wrong time of year leading to shocking percentage of losses[39]
- un-watered, lost saplings not replaced after many years
- breaching wildlife licences or ignoring their expiry
- creating biosecurity risks by importing trees instead of sourcing from UK.

Jones Hill and Leather Lane near the Chilterns, Bucks is also the subject of an ongoing community and legal campaign fighting back against the failures of HS2 to follow wildlife laws and subsequent, numerous wildlife crimes, including:

- felling mediaeval oaks,
- felling other trees marked by ecologists NOT for felling
- unnecessarily removing entire coppices,
- failing to conduct bat surveys.

Bucks-based social and environmental justice lawyer Lindsey Spinks speaks of "a lot of despondence amongst communities" feeling bullied into losing their beloved landmarks, including the wood said to have inspired Roald Dahl's Fabulous Mr Fox story.

HS2 seems to avoid proper risk assessments, even when the stakes involve the integrity of drinking water supplies. The River Chess Association, Bucks stated that they believe HS2's general strategy is to hide problems until after regulatory approval has been given[40]. The RCA describes a lack of transparency on the part of the Environment Agency, critically not publishing their intended monitoring programme for the tunnelling works. EA seems oddly tolerant of HS2's lack of due process e.g. even when HS2 did not produce method statements for risks and potential mitigations of tunnelling into chalk aquifers: they still

approved the tunnelling works in 2021. The appearance of discoloured river water after HS2 drilled two small wells in the Colne Valley has led to great local concern not only about the damage to their rivers but the implications of bad practice for London's water supply once HS2 start drilling large tunnels under lakes, or thousands of holes, 100's of meters down into the aquifer for a viaduct[41].

HS2 frequently struggles to follow standard mitigation hierarchy regarding ecological and environmental damage. In a formal response to a planning application by HS2 for the creation of ponds to be installed as mitigation, Hillingdon Borough Council found inadequate evidence of basic considerations regarding landscaping, ecological planting and mitigation, were disappointed in the narrow scope and "lack of vision" regarding wider mitigation and had to remind HS2 to apply the mitigation hierarchy of national planning guidelines[42].

HS2 commit wildlife crimes

Hundreds of examples too numerous to catalogue. They have prompted repeated interventions from some MP's in affected communities including Sarah Green MP and Lord Hague who wrote to Grant Shapps expressing his concerns[43]. HS2's behaviour in Denham Country Park provides another encapsulation of likely crimes committed there and elsewhere[44]. DCP also had experience of police preventing a legal protest in July 2020 against the illegal felling of a tree outside HS2's area of permitted works and without a bat licence.

A document collated by protesters shows images and videos of disturbed vole habitats, destroyed trees which were bat habitats (done without a licence and the evidence shredded), filled-in/blocked active fox and badger holes and active destruction of hedgerows and nests in breeding season, when some nests contained baby birds. Testimonies from concerned ecologists cite the absence of a due diligence approach to the clearance of woodlands and other habitats that harbour protected species, likely resulting in, offences under various wildlife protection Acts. They also allege HS2's lack of transparency and responsiveness hindered prompt investigation

At a trial on 7 March 2022 where 4 environmental protesters were acquitted of Aggravated Trespass in Denham Country Park an HS2 Ecologist told the court, under oath, that HS2 did not have a bat licence at the time they felled a 200- year- old Alder tree, implying that the felling was illegal, an opinion with which the judge agreed[45].

In a display of either incompetence or cavalier disregard for government policy requiring the avoidance of unnecessary or irreversibly environmentally damaging works during the Hs2 Review, HS2 finally admitted to having felled trees and wrecked the habitats of rare bats and butterflies on a Buckinghamshire nature reserve during that period [46]; [47] Many conservation organisations are deeply concerned at the recklessness of HS2's approaches, including the Bat Conservation Trust which has will not support HS2's approach unless it starts minimising disturbance and avoiding the destruction of ancient woodlands[48].

The Carbon Case

As early as 2011 authoritative bodies[49] were not convinced that a full analysis had been done by DfT on the carbon case for HS2. Their doubts about “optimistic” estimates of likely occupancy rates, modal shifts from short haul flights to HS2, among other issues, now seem even more relevant/prophetic, given post-Covid changes to train use and government policy changes favouring more airport expansion and development.

If HS2 was sincere in its claims to take climate change into consideration, it would have rethought the project in 2016 after the UK signed the Paris Agreement: there is no evidence it did. HS2 does not contribute towards the stated goal of net zero emissions by 2050. It is well known that the project’s engineering intensity with its’ huge use of concrete and extensive tunnelling means it will not be carbon neutral for 120 years. Official carbon figures do not include the emissions from burning all the cut trees and hedges to feed Drax nor Scope 3 emissions created by third parties supplying the construction, building the access roads etc.

High speed needs enormous amounts of electricity, estimated by HS2 as an extra 67% of the energy consumption of the entire existing UK railway network^[50]. HS2 projections of “clean” operations and low emissions once in use, are claimed without any specification for the trains, and without including the extra carbon and other costs to generate and transmit the extra electricity or the cost of new journeys to get to new stations and interchanges. All these are “off book” so far.[51]

The wider purpose of HS2 needs to be raised in this light. Airport expansion has been planned off the back of the delivery of HS2 - with campaigners describing the whole project as an airport shuttle service. For example in May 2019 Tim Clarke, Chair of Birmingham Airport, said:

"From next month, the airport will begin works on its Master Plan, where £500m will be invested over the next 15 years to grow the airport by 40%, serving 18m passengers a year." Prime Minister Boris John said : *"Passengers arriving at Birmingham Airport will be able to get to central London by train in 38 minutes, which compares favourably with the time it takes to get from Heathrow by taxi, a point I just draw to the attention of the House..."*

Violence, Intimidation, Dangerous Evictions and Police Bias

There is ample testimony and evidence from protesters that their numerous evictions of peaceful protectors and their camps at ancient woodlands by the National Eviction Team (NET) or other private security firms, had some or all of the following features:

- No notice
- No risk assessments
- Ignorance amongst some NET staff about which land was even within their jurisdiction
- Rights normally accorded an non-obstructive protest camp were dismissed.
- Covid regulations not followed
- Illegal evictions, e.g. Harvil Road[52]
- Psy-ops techniques used to isolate, sleep, food and water - deprive protesters to force them out

- Human Rights Violations were numerous, denial of water, of food, of shelter.
- Endangerment of Life was frequent.
- Multi violations of Health and Safety
- Demolition carried out by unlicensed contractor (e.g.NET)
- Assaults perpetrated on peaceful protestors.
- Personal belongings forfeit or stolen.
- Breaking EMRs (Environmental Minimum Requirements)

Some of these environmental protection sites were not obstructive, for example they were protecting access to a Public Right of Way that NET was hindering. Almost none of the evictions resulted in any protesters being convicted. Mark Keir documents many evictions.[53]

The dangerous excavation of Euston tunnel protesters received national publicity and was the subject of expert testimony[54].

Police failings to uphold protesters human rights have also been notable. From the beginning there has been a lack of response by the police when illegal and violent actions are taken against protestors by private security firms (even when the police are present) and a failure to act on reports of violence against protestors. They have demonstrated a lack of police independence and duty to the public when employed/paid by HS2[55] including clear bias in responsiveness to events at HS2's requests rather than those of protestors, frequent acts of wrongful arrests and withholding food and water from protestors.

Prosecutions against protestors seem vexatious, disproportionate and yet incompetently managed by the prosecution so rarely successful.[56]

Mistreatment of Affected Communities

HS2 leads a trail of damaged people and communities behind it. Stop HS2 posted an account on their website September 1 2020[57]

Parliamentary and Health Service Ombudsman has been involved at least twice in investigating and reporting on complaints of abuse by HS2. The first, in 2015 involved the treatment of a small community hamlet[58] and found HS2's communications, engagement and complaint handling was "below the reasonable standards we would expect".

A second investigation was necessitated given extremely poor treatment of a family whose home HS2 was acquiring. The Ombudsman decided HS2 had continuously let down and misled the complainant and family and did not follow the proper process, causing severe stress and worry which damaged their health and family life for years. His strongly worded report, which caught media attention accused HS2 of being "dishonest, misleading and inconsistent" and also noted that HS2 seemed to have learned nothing from the previous case they investigated and had not followed any of its recommendations[59]

A local lawyer and environmental justice expert on HS2 local wildlife crimes mentions the sense of community intimidation and despondence around HS2's and NET's presence in the Wendover area[60].

Many MP's continue to express concerns via the media or in Parliament about HS2's intrusive and inconsiderate behaviour. Sarah Green MP is particularly active: *"HS2 Ltd is failing to communicate transparently, exacerbating the already strained relationship with communities, who feel they are having this project imposed on them. HS2 Ltd was treating interactions with people and environment like a tick-box exercise and doing only the bare minimum"* [61] MP Rob Butler, Conservative MP for Aylesbury has raised HS2 15 times in The Chamber and responded to over 600 individual concerns regarding HS2's behaviour about issues from delays in receiving compensation, noise, lack of community engagement, and environmental and ecological damage[62].

There are hundreds of visual/audio and written testimonials by individuals/families, farmers traumatised by HS2's attitudes and behaviours[63] within legal documents and posted onto social media. A resident on the HS2 route talks about the stress and impact on his and his neighbours lives and health, including his own heart attack probably caused by stress 5 July 2020. *"I know people...who've actually died and they were heavily involved in trying to put HS2 away"*[64] Mafia-style intimidation is another tactic given legal testimony in the injunction case material, sometimes leading to anonymous submissions by residents afraid to be identified.

Lord Berkeley's Report contains a moving account from a resident speaking of the cruel physical eviction of an elderly man. Even Oakervee's Review advised that HS2 must **improve its stakeholder engagement** [65]

Many landowners have been seriously mistreated. Those selling their land (18,700 land interests were identified along Phase 1 alone) have endured HS2's abusive use of non-disclosure agreements, bullying, threats, delays to compensation and long delays, sometimes years, before confirming if or when the land needs to be vacated. The Compulsory Purchase Order Compensation Code has repeatedly not been adhered to. The SFO enquiry that never happened was supposed to address the numerous accounts of property owners being offered well below the appropriate prices for the land/houses, in what appeared to be "policy". As we know this enquiry went nowhere.

The NFU raised concerns with Ministers about delays in farmer compensation, the heavy-handed use of GVDs (General Vesting Declarations) to permanently acquire land, incidents where works have led to drainage problems and flooding. The NFU is having to repeatedly push HS2 for proper habitat mitigation management agreements and payment rates to be sent to affected farmers to enable proper consideration of whether they want to keep ownership of land. These factors and poor communications from HS2 were leading to mental health problems amongst their members affected.[66] Chronic uncertainty faced by farmers whose land is part of safeguarding arrangements is reflected in Farmers Weekly in April 2022[67]. On-line testimony records a farmer fearful of the works drying up his land.[68]

12. The role of civil disobedience in making necessary and urgent change

- The role of civil disobedience in creating change is extremely well-established. History points to, many examples, American and Indian independence, our rights to roam, our trade union movement, our vote, gay rights, civil rights for people racialised as black, etc.
- It is relevant to note that judges may rule out defendants talking about the role of civil disobedience and yet Judge Milne when sentencing the Barclays 7 rebels felt it was helpful to “mansplain” these courageous women about how they are not helping their “cause”. Sounding like an opinion piece from the Telegraph Judge Milne showed his basic lack of understanding of how social change occurs.
- There is also a detailed literature about the effectiveness of social movements (for an enjoyable read try the Englers’ [This is an Uprising](#); for a more detailed academic review, Vinthagen’s [A Theory of Nonviolent Action](#)). Whilst it is comforting to think that change might “come from within the system” or that petitions, marches and writing to your MP will make the change, this isn’t borne out by history. Which doesn’t mean to say that there isn’t a value in the awareness-raising and movement-building of conventional protesting. And we certainly want people to act from within, especially when the possibilities for change have been super-charged by nonviolent protests and their role in transforming our collective consciousness.
- The Chartists used window breaking, amongst other tactics, to raise their grievances in the fight for all British men to be given suffrage. Emmeline Pankhurst developed tactics for the suffragettes by copying those of the Chartists, including what she termed “the noble art of window smashing”. Pankhurst stated “The argument of the broken pane is the most valuable argument in modern politics”. Lord Hoffmann (2006) said “Civil disobedience on conscientious grounds has a long and honourable history in this country. People who break the law to affirm their belief in the injustice of a law or government action are sometimes vindicated by history. The suffragettes are an example.”
- An immediate and current harm is politically and culturally recognised – there is a growing consensus that we have to act immediately to avert the worst affects, that there is no time left to act. I acted to address the immediate harm through an act of civil disobedience. Our house is on fire, it is simply a very large house. Breaking the window of a house that is on fire is a logical act. When leaders sign up to address this existential threat to humanity and yet continually fail to address it in reality, the fundamental question arises of how should citizens act, and also what is the response of the legal system and the judiciary. What is required is political will. It is well known and proven that political will can be created through acts of civil disobedience.
- I am a co-founder of the international social movement Extinction Rebellion (XR) which launched in October 2018. I have written much of our strategy and our principles and values and I am frequently asked to speak about XR in the media, such as BBC Today show and cultural events, such as the Oxford Debating Society and Cambridge Universities Wilberforce Society. XR is now in 75 countries and has been named the number one influencer on the climate crisis at COP25 (2019) in Madrid by Onalytica. In other words we are seen as more significant, after a year of

operating than Friends of the Earth, Greenpeace on this issue (though we recognise with humility we stand on the shoulders of other movements and within an ecology of movements including the incredible Fridays for a Future led by Greta Thunberg involving school children striking from their own education). With the support of XR, emergency declarations have been made by Lawyers, Scientists, Architects, Writers, Musicians, Businesses, by 75% of local and District councils, by 17 countries across the world including the British Parliament, and also the European Parliament. The correlation between our acts of civil disobedience (thousands of adults have willingly been arrested) and recognition by the British public that we are in a crisis, are shown in graphical form by YouGov. With humility, I share that I was personally named one of the 50 most Influential people in Britain in GQ magazine in January 2020, was placed 11 in the BBC Women's Hour "power list" for women leaders on the environment and was placed in the 2021 Sunday Times Magazine list of leading environmentalists. Co-Founders of Extinction Rebellion have been given honorary life memberships of the Dublin Law Society. Our methods are clearly working. Civil disobedience is essential to tackling the crisis that we are in. (All other methods for enabling change have been tried and didn't work, such as protests, writing to MP's, Marches, petitions etc. As I frequently say- if someone has a better idea on how to solve this problem, I will happily take their lead).

13. The impacts of Extinction Rebellion and sister movements

13.1 Views from experts and scientists

More than 400 leading experts – including 14 authors from the UN Intergovernmental Panel on Climate Change (IPCC) – say that non-violent civil disobedience from groups like the [school strikers](#), [Extinction Rebellion](#) and the [Sunrise Movement](#) have transformed the debate around the climate crisis in recent years. But in [an open letter](#) published on Monday they warn governments around the world are criminalising them at a pivotal time in the fight to tackle the escalating climate emergency. “We know that our research alone was not enough for this recent awakening to climate breakdown as an existential crisis for humanity, and recognise that protest movements around the world have raised the alarm,” the letter states, adding: “*Those who put their voices and bodies on the line to raise the alarm are being threatened and silenced by the very countries they seek to protect.*” In the UK, more than 2,000 people who took part in Extinction Rebellion protests are being taken through the court system in what experts say is one of the biggest crackdowns on protest in British legal history. The scientists also raise concern about efforts to silence climate protests in other parts of the world from the US to France, the Philippines to India. Dr Oscar Berglund, from the [Cabot Institute for the Environment](#) at the University of Bristol, helped coordinate the letter. He said the attempt to “criminalise climate protest” was central to the fossil fuel industry’s new strategy of delaying action on climate change. “Now that climate change denialism is in steep decline, they have put their money behind efforts to stifle dissent. Climate scientists, who have been subject to the slander of the fossil fuel lobby for so long, recognise this change in strategy.”

The letter is signed by 429 scientists and academics from 32 countries, including leading figures such as Michael Mann and more than 70 other professors. It is also backed by three lead authors and 11 contributing authors on the UN’s IPCC reports.

13.2 Perspective from Financial Industry

Our actions have certainly had an impact - [they have been measured by stakeholder intelligence firm alva](#). Victoria Walsh, managing director of Financial Services, alva, commented: “*Despite many banks launching high profile net zero commitments, powerful protest groups like Extinction Rebellion remain unconvinced of the authenticity of their intent towards cleaning up their investments. Corporate environmental credentials are now expected to form the backbone of plans not just for the future, but the present, too. Lofty promises with little detail and no real c-suite backing will no longer cut it. Until banks make this change, the issue will continue to have a damaging effect on the sector’s reputational score.*” Henry Mance, an award-winning Chief Features Writer commented in the Financial Times (Sept 2021) “[Extinction Rebellion may be annoying but it performs a vital function](#)”

Research shows that the financial industry regards climate change, and climate change protests as something providing enough threat to warrant shifts in stock prices.
https://docs.google.com/document/d/e/2PACX-1vSd9rFWHq17OI8_YTEBxAp1ygZbBRkdn470TPtRi5BbBrq1m0kjk1jLuEmS_QRCwEP_X6lw8Xa_WQ5u/pub

13.3 Perspective from Environmentalists

- *"The [figures](#) shared by XR Global puts their annual income around £750,000, based on the 2019 and 2020 figures. In comparison, Greenpeace International puts its annual income for the same period at about £75 million, roughly a hundred times larger. According to our calculations, Extinction Rebellion UK's work averted 13 tons of carbon dioxide per £ they spent on advocacy; when Giving Green, a climate charity evaluator, conducted similar calculations for the Sunrise Movement, they found that per dollar spent by the Sunrise Movement, they averted approximately five tons of carbon dioxide being pumped into the atmosphere. But while these numbers sound impressive, it's crucial to compare them to other climate organisations, to get a clearer understanding of the effectiveness of these protest movements. The cost-effectiveness of XR and the Sunrise Movement perform better than one of the top-rated climate charities globally, Clean Air Task Force, by factors of 12x and 6x respectively." From https://ssir.org/articles/entry/protest_movements_could_be_more_effective_than_the_best_charities#*
- *"When Extinction Rebellion and Fridays for a Future took to the streets I could immediately feel the difference inside the parliamentary chamber. The citizen pressure for action provided support for my legislative work as an MEP. Views that had been marginalised and dismissed were given new weight and legislative proposals related to climate gained greater salience. The courage and determination shown by climate activists massively strengthened my ability to act, to convince my colleagues, and to build a majority for climate action." Prof Molly Scott Cato MEP 2014 -2020*
- *"Stop Ecocide International works to develop global cross-sector support for an international crime of ecocide to act as a guardrail against the most severe and widespread or long-term threats to the environment, and as an enabling condition for the implementation of multilateral environmental agreements such as the Paris Accord and the Convention on Biological Diversity. 3 years ago this was an outlying conversation. Now, discussion of ecocide at parliamentary and/or government level is on public record in at least 20 countries; a consensus legal definition of the term is rapidly gaining diplomatic traction. The opening up of the political and media space to discuss and progress this strategic legal initiative was without doubt significantly due to the disruptive actions of XR. I have no doubt whatsoever that in the absence of the alarm-raising of grassroots movements such as XR (especially where controversially disruptive), along with Fridays For Future and others, this vital and practical legal safeguard for the planet would still be on the starting blocks." Jojo Mehta, Co-Founder and Executive Director, Stop Ecocide International*
- *"I've spoken to many world leaders, and sometimes I wish I had a hidden camera. People wouldn't believe what they say. It's very funny. They say: "I can't do anything because I don't have the support. You need to help me." They become desperate. It's like they are begging for me to help them persuade the public that we need climate action. What that tells me is people are underestimating their power*

and the power of democracy and of putting pressure on people in power.” Greta Thunberg, [Nov 2020](#)

- *"I am Cynthia W, a GCSE Maths Teacher in a FE college in South East London. My teaching role allows me to speak to my learners about the climate crisis we are in, and discuss with them what we can all do to save the planet. Due to XR's discussion groups and training sessions, I have been able to encourage my students to love and look after the planet. I originally decided to become a teacher to improve the lives of my learners, and my XR roles allow me to make the World a better place for them and their children. My role in XR is to share content in XR London groups and other social media channels."*
- *"I'm Paul Goodenough, founder of Rewriting Extinction, and XR taught me the power of disobedience, being loud and filled with rage, while still coming from a place of love. I am truly blown away by the people who have given so much to XR and the wider planet, without any thought for themselves - it's hard to overestimate how central XR and its activists have been in putting the climate, and biodiversity, into mainstream media. That has given us, the writers, artists and creators of the world, the platform to educate and inspire people to do better, to be better. Thank you! X"*
- *"I'm Cindy Forde, children's author and Founder of Planetari, an education platform that aims to enable children to understand Earth as an interconnected system and equip them to solve our major global challenges. Extinction Rebellion has made it possible to accelerate change in the education sphere that means children have a chance of being taught what they will need to thrive in the world as it is and will be not as it was. This ranges from policy level, where governments worldwide are waking up to the reality that our current education system, developed primarily in the industrial revolution, essentially trains children to fuel our demise; to classroom teachers where they have been empowered, by Extinction Rebellion's actions to call for an education system in line with the needs and challenges of the 21st century, over 70% now say they are neither trained nor have the resources to teach what children will need to survive and thrive in today's world; to children and young people themselves who now call clearly to be taught the truth. Extinction Rebellion's actions have been hugely influential in changing the landscape from one of denial to a context where leaders of business and civil society are ready to discuss in a mature and productive way, how we can turn our trajectory from catastrophe to a world with a future. Because of this in my work in the education sector, I have been able to develop the partnerships and collaborations that are enabling us to design new curriculums and resources that alleviate the fear and anxiety children feel caused by the lack of inaction they see around them, to giving them the understanding and tools to be part of co-creating the brighter world we all know is possible. Humanity owes Extinction Rebellion a debt of gratitude beyond measure, and though XR activists may stand in the dock today, as so many far sighted leaders before them - the suffragettes, Gandhi, Dr King, Mandela - they already stand clearly on the right side of history. Thank you Extinction Rebellion." Cindy Forde, Founder Planetari.*

- "I'm James Scurry, I'm a Senior Producer at Sky News (currently on sabbatical) working with Ronan, Alannah, and Lorna from XR media team I was able to assist in getting a XR 30 minute documentary commissioned which was broadcast dozens of times during XR's actions before the pandemic. I'm also an accredited psychotherapist and Co-founder of SafelyHeldSpaces.org we are actively working towards helping people to understand that feeling climate empathy (as opposed to climate anxiety) is not a sign of so-called 'mental illness'. I have been all over the world trying to convince politicians and decision-makers to take climate change seriously. I vividly recall being in Tokyo with a delegation that were speaking to members of the Japanese Parliament, when the first big Extinction Rebellion protests were happening in London. So many of the Japanese members of Parliament were talking about it. That was really striking, in a country that is seen as a laggard on climate. In the four years that's passed, I've seen how the rise of XR has massive increased public concern on climate, and having worked with politicians all around the UK, I have seen how their actions have resulted, consciously and unconsciously, in politicians taking more stringent (though still deeply inadequate) action on climate change. Given that we are in a situation where every fraction of a degree Celsius global warming that we can prevent will save literally millions of lives, it's impossible to ignore the huge contribution that Extinction Rebellion has made to lifesaving climate action."* Adam McGibbon, energy finance expert
- "I'm Sophie Marple, founding trustee of Gower Street, a small family foundation supporting organisations fighting for a liveable climate both in the UK and globally. In 2019 we gave a small grant to XR having met and been impressed by the vision and deep knowledge of Gail Bradbroke and Skeena Rathor, co-leaders of the then fledgling movement. We could never have even imagined the effect of what happened next, and we consider that grant among the most impactful we've ever made. The 2019 XR rebellion changed everything in the climate sector. It raised the awareness of the depth of the crisis we are in, not just within the sector but far, far beyond. It completely changed the dialogue and opened up conversations I never expected to be having, with people I did not expect to be having them with. It moved our work at Gower Street on considerably as it emboldened those in the sector to do more and crucially to take more risk. Extinction rebellion showed us all what was possible when you put your mind to it. The rebellions really showed that people want change - and not just those who were blocking the roads and offering support. The work of XR inspired me to set up Mothers' Climate Action Network (Mothers CAN) because everyone needs their way to engage and some people aren't ready to take action within a rebellion. We now have over 650 members - most of whom are terrified about the climate crisis and what the future holds for their children. We are helping them engage meaningfully with their local institutions to show this issue is real, live, important and they need to be bold in the action they take. The contribution that Extinction Rebellion has made and those fearless activists who*

have put their bodies on the line to show our policy makers that they need to do much, much more cannot be underestimated. I am in deep, deep gratitude to them all."

- *"My name is Georgia Elliott-Smith, I am an environmental engineer in the construction industry and a former UNESCO Special Junior Envoy for Youth and Environment. Extinction Rebellion changed my life. After 25 years as a sustainability professional in industry, I was suffering from learned helplessness, and had stopped challenging clients and project teams as hard as I should. The IPCC 1.5 Degrees report plunged me into despair - I knew I had been complicit in the climate crisis by enabling mediocrity.*

When XR took to the streets in Spring 2019, I was in a state of grief and shame, not knowing what to do to change a destructive system that felt so overwhelming. On the way to my first march, I felt nervous - I was a professional, not an activist, and I expected to see a bunch of mad hippies, out of touch with the real world. But that day, I met the most beautiful, kind, deeply conscientious people I'd ever encountered, normal people all suffering with the same sense of helplessness and desperation I was feeling. The rebellion was a collective outpouring of grief, a way to turn our individual helplessness into community power. Instantly, my frustration turned into positive energy and inspiration.

That year, I established sustainability consultancy Element Four to disrupt the property sector, challenge, educate and support architects, engineers and clients to deliver buildings that are fit for the future. My team contributes to international green building standards, we chair committees and panels, and author papers to drive better performance in the sector. We have now delivered numerous award-winning buildings that are setting the standard for property design and operation across the UK. I have met with MPs, helped craft parliamentary questions, contributed to APPGs, and given evidence.

Last year, I led a legal challenge to the UK government over the UK Emissions Trading Scheme and its failure to adequately reduce CO2 emissions. The judgment established a new legal precedent - that the government must align today's policies with the Paris Agreement, not rely on meeting the net zero target by 2050. Now other climate cases, and civil servants, use this precedent to create stronger climate policies.

I would never have had the courage to do any of this without the actions of Gail Bradbrook and my Extinction Rebellion family. Future generations will recognise them for the heroes they are."

- In the Netherlands, Marjan Minnesma, director of Foundation Urgenda (famous for winning a court case against the Dutch government to reduce the amount of CO2 by 25% in 2020) is on the Committee of Recommendation of XR Netherlands. These organisations try to join forces to protect the planet (Urgenda through legal action and projects/experiments, XR through more radical protest). XR and Save het Sterrebos (the Star Forest) joined forces (or tried to as demonstrating was made impossible by police and municipality:

<https://redhetsterrebos.nl/en/save-the-sterrebos/>

Still, activists managed to tie themselves to trees (even during a serious storm), The protest was ended by the police after 11 days:

<https://www.nu.nl/binnenland/6182780/politie-maakt-einde-aan-bezetting-sterrebos-door-activisten-tegen-bomenkap.html>

(Mathilde van de Ven, advisor at the Association of Dutch Municipalities and concerned citizens)

13.4 Public Opinion Perspective

- Enlightenment thinkers like Thomas Hobbes and John Locke on the social contract between government and citizens: *"...there's a right or duty of a people to rebel against a government that acts against their common interests and/or threatens the safety of the people "*
- XR was named the number one influencer on the climate crisis at COP25 in Madrid by Onalytica. The correlation between our acts of civil disobedience and recognition by the British public that we are in a crisis, are shown in graphical form by YouGov.
- I've been arrested 4 times including for breaking a pane of glass at the department for transport – I've been told I face 6 months to a year in jail for that. I was personally named one of the 50 most Influential people in Britain in GQ magazine in January 2020 and was 11 on the BBC Woman's Hour power list 2020 for women based in the UK who are making a significant positive contribution to the environment or the sustainability of our planet.
- '[More in Common' \(2020\)](#) YouGov and More in Common research with over 10,000 British people (over 18 months across the UK) found that between 78% and 96% of respondents said climate change concerns all of us, regardless of politics - average of 85%.
Three-quarters of adults in Great Britain worry about climate change
Those who are worried about climate change are also more likely to make lifestyle changes in response.

In October 2021, just ahead of the COP26 UN Climate conference in Glasgow, three-quarters (75%) of adults in Great Britain said they were worried about the impact of climate change, [according to the Office for National Statistics' \(ONS'\) Opinions and Lifestyle Survey \(OPN\).](#) Just over two-fifths (43%) reported feeling anxious about the future of the environment more widely in the past month.

- A recent private poll showed that public awareness of banks' role in climate breakdown increased by ~5% over the summer. In the UK, that's a massive 3.4 million people. Respondents said that XR played a key role in building awareness. XR critics were forced to defend their addiction to growth – drawing attention to deep, dangerous structural issues in our political economy. See Dominic Lawson [in The Times](#) (£), and the Institute of Economic Affairs' [recent podcast](#).

- On BBC Politics, Andrew Scobie MP [failed to defend the Conservatives' record of climate action](#) in a debate with Gail Bradbrook. In the same session, Alistair Campbell confirmed that XR "have played a role in getting the issue of [climate change] up the agenda ... The protest movement, for all their unpopularity, can pat themselves on the back ... for making that happen."
- In the Financial Times, Henry Mance defended XR [for performing a 'vital function' \(£\)](#) – a stunning turn from a publication that prides itself on its liberal, globalist, free-market politics.
- "I am Antoinette Vermilye - an ocean venture philanthropist and activist. My role is looking at the high view and connecting dots. Everything is connected. Climate + Biodiversity loss is a direct result of greenhouse gas emissions due to fossil fuels and increased industrial activity in the last 200 years. The last ice age 18000 years ago CO2 was as low as 180 ppm; in 1800 it CO2 was 278ppm and in the space of a lifetime it has gone to [420ppm](#) . Fossil fuel emissions contribute to biodiversity loss, increased plastics, more pollution, increased insidious human and planetary health problems, and exacerbate gender and diversity inequality via social injustice.
The ocean is absorbing over 30% of excess greenhouse gases - and this is having a huge effect on ocean health (deoxygenation as the ocean heats it releases more oxygen leaving a more acidic ocean which is harmful to marine ecosystems).
The science is there - this was first widely publicised as far back as 1988 with Endangered Earth named as Planet of the Year by [Time Magazine](#).
Everything that has been done to draw attention to governments about the urgent plight of the planet and its exponential climate change and loss of biodiversity has been addressed with sluggish - if not belligerent reaction. We have now run out of time. Extinction Rebellion may be forcing some uncomfortable and inconvenient truths - but they are thinking ahead. Not for the now - when missing a meeting or getting to work seem vitally important - but in the future - when the planet will certainly face exponentially more weather extremes: drought, hurricanes, floods - that will certainly lead to famine, migration and more disease, social unrest and distress.
Antonio Guterres - UN Secretary General has publicly stated that "Climate Activists are sometimes depicted as dangerous radicals. But the truly dangerous radicals are the countries that are increasing the production of fossil fuels."
I FULLY back Extinction Rebellion - not only for my children's future - but for that of humanity.
We now have less than 2.5 years to have the tools in place to STOP emitting more greenhouse gas emissions. I fully support Gail Bradbrook."
- "As a Co-founder of Safe Landing and former Airline pilot, XR has helped tremendously in raise awareness about how aviation workers and the public are being misled regarding the limitations of technology to combat aviation emissions and the greenwash being perpetuated by the state and industry. As a result of XR's platform I have been featured in many articles e.g.

<https://www.euronews.com/green/amp/2021/06/01/meet-the-pilots-who-gave-up-flying-to-fight-climate-change>

<https://news.sky.com/story/amp/are-we-ready-for-the-green-revolution-12526935>
etc.

Safe Landing was also able to secure funding which has enabled us to start a website (www.safe-landing.org) and build relationships with NGO's and Unions around the world to ensure workers' rights are protected and any transition to a sustainable future is fair and just with workers front and centre in the decision making."

- *"My name is Esmeralda de Belgique. I am a journalist and author and an activist for the environment and human rights. Extinction Rebellion has been instrumental in raising awareness in the media about the climate emergency and the catastrophic decline of our biodiversity. It essentially managed to put those issues on the front pages of the mainstream press and on television news around the world, something many of us had struggled to achieve. The courage of so many XR members to face arrest and jail is admirable. They are branded radicals, terrorists today but they are fighting for all of us and will be seen as visionary in the future."*

13.5 Perspective of the economy

- The political economy we have has been described as if it is an emergent property of nature ("we have to protect the economy") as if nothing else is possible (TINA - there is no alternative) as if those who even question the orthodoxy are stupid ("you're an anti-capitalist and we tried communism and it didn't work") and as if the questioning of this system is no longer necessary ("the end of history" has been declared). To make the necessary shift to talking about this extractive, exploitative, polluting political economy is both vital and felt, well impossible a few years ago... yet now the landscape is changing..
- Analysts at Morgan Stanley indicated that *"big businesses are set to invest almost exclusively in running down their existing oil fields rather than opening new wells ... despite relatively high crude prices of more than \$70 per barrel."* The cause? *["Shareholders have been spooked by waves of protests."](#)*
- Google searches for 'Extinction Rebellion' peaked in the week after August 23rd. Searches for 'HSBC', 'Canary Wharf', 'London Bridge' and 'HS2' increased exponentially.
- Green Party MP Caroline Lucas revived the campaign for a Commons debate on replacing the growth economy with a wellbeing-focused one. ([Sign the petition here!](#))
- Our actions have certainly had an impact as measured by stakeholder intelligence firm alva. Victoria Walsh, managing director of Financial Services, alva, commented: *"Despite many banks launching high profile net zero commitments, powerful protest groups like Extinction Rebellion remain unconvinced of the authenticity of their intent towards cleaning up their investments. Corporate environmental credentials are now expected to form the backbone of plans not just for the future, but the present, too. Lofty promises with little detail and no real c-suite backing will no longer cut it. Until banks make this change, the issue will continue to have a damaging effect on the sector's reputational score."*
- Henry Mance, an award-winning Chief Features Writer, commented in *the Financial*

Times (Sept 2021): "Extinction Rebellion may be annoying but it performs a vital function".

14. Consent within the system for the actions that we have undertaken

I want to let the jury know that our UN Secretary General Antonio Guterres has said this:

"We are on a pathway to global warming of more than double the 1.5°C limit agreed in Paris. Some Government and business leaders are saying one thing, but doing another. Simply put, they are lying. And the results will be catastrophic. This is a climate emergency. Climate scientists warn that we are already perilously close to tipping points that could lead to cascading and irreversible climate impacts. But, high-emitting Governments and corporations are not just turning a blind eye, they are adding fuel to the flames. They are choking our planet, based on their vested interests and historic investments in fossil fuels, when cheaper, renewable solutions provide green jobs, energy security and greater price stability. The science is clear: to keep the 1.5°C limit agreed in Paris within reach, we need to cut global emissions by 45 per cent this decade. But, current climate pledges would mean a 14 per cent increase in emissions. And most major emitters are not taking the steps needed to fulfil even these inadequate promises. Climate activists are sometimes depicted as dangerous radicals. But, the truly dangerous radicals are the countries that are increasing the production of fossil fuels²."

Would a banker really accept me breaking their window? Here's evidence this is possible:

1. Sir Chris Hohn, a billionaire hedge fund manager is an activist investor and one of Britain's wealthiest people. He has personally donated £50,000 to Extinction Rebellion and his foundation CIFF a further £150,000. Not long after I had [broken a window at the DfT](#), he asked to meet me in his hedge fund offices to discuss his ESG strategy for tackling climate change.
2. Donnachadh McCarthy, a [Climate Columnist for the Independent](#), shared that at the [Countdown TED pre-COP conference](#) in Edinburgh, the Head of Sustainability for a major high street bank said that our XR protests enabled her to press more powerfully at board level for greater action on climate change.
3. Dr Mark Carney, the former Governor of the Bank of England went on to become the Finance and the [UK Finance Adviser for COP26](#). He delivered the [2020 Reith lectures on the BBC](#); his fourth lecture was on the climate crisis. I had previously broken a window at the Department for Transport in October 2019 and had subsequently been asked by the BBC to ask the opening question to Dr Carney at the end of his lecture. In responding, Dr Carney began by stating the importance and impact of social movements and thanking me for my work, and in the same broadcast he said: *"[taking] social movements first: people's attitudes have shifted as a result such that political consensus has formed leading to stated objectives or legislated objectives. What cascades from there are a series of regulations, policies objectives and also a more general understanding of what's required."*

Finally I was very recently introduced to a former Vice Chair of a major high street bank. Under Chatham House rules he shared this opinion:

² <https://press.un.org/en/2022/sgsm21228.doc.htm>

"Progress is made in very different ways and the "extreme end" has its place, you can see this from historical examples such as the abolition of slavery. Provided no harm is done to individuals (including the harm from blaming and shaming) then as far as I'm concerned there is going to be a need for this kind of action because change has not come quickly enough. The vast majority of employees in Barclays Bank have felt things needed to be done and still it was hard for the CE to take action because our species has set up systems skewed in the wrong direction. Change costs money and the harsh truth is the dividends feed the pension system – it's an integrated system which we are having to break. This is a global issue and global governance is needed. Extreme perspectives are to be expected when the issue itself is so extreme. I would support anyone who is about bringing about change and transformation (so long as it is peaceful means)."

I'm challenging this person, as well as the Head of Sustainability mentioned above (and others out there) to come out publicly and stand behind what they know inside themselves to be true. We need your truth, and your voices. I believe Barclays Bank staff are also able to see and feel this truth, and on one level [feel trapped in a system](#) that seems out of control.

I have signed witness statements for points 2 and 4 above, and points 1 and 3 are matters of public record

15. Conclusion: Conscientious Protection and the meaning of a 'not guilty' verdict.

So, I have peacefully broken a window at the Department for Transport and I should quite rightly be made to account for my actions. Those of us committing acts of civil disobedience do not consider ourselves criminals, rather we 'overstand' our actions as those of Conscientious Protectors (though we accept that we risk consequences). We are here to protect life, we act to prevent far greater harms, in self-defence, out of necessity, and whilst upholding our human rights to protest.

We live in a toxic system with a fake democracy, and the law sits in between 'business as usual' and a 'better world'. The acquittals by juries and statements of sympathetic judges and others shows the dilemmas that protest and rebellion cases throw up. They indicate that there is missing law, and that the government is morally behind where the public is. We need to move beyond trying to find an existing legal defence, and demand a new defence of conscientious protection. We need lawyers and judges to see that they can be part of the problem or part of the solution, and being part of the solution means naming the law itself as the problem.

We are not breaking the law (Senan Clifford makes this case [beautifully here](#)). Taking reasonable and proportionate action to safeguard our lives, our families and the conditions which make the planet habitable is not breaking the law; it's upholding the law. If courts do not recognise this, then we have a missing defence of [conscientious protection](#). That we are upholding the law is demonstrated by examples below in the Appendix.

Early last century, there was a missing defence of [conscientious objection](#), which led to the murder of people by the State for not being willing to serve in any or unjust wars. Around 16,000 men refused to take up arms or fight during the First World War for any number of religious, moral, ethical or political reasons. They were known as conscientious objectors (COs). In late 1914, the No-Conscription Fellowship was set up in Britain which successfully campaigned for a 'conscience clause' in the Military Service Act for COs to argue at a tribunal for their exemption from conscription. The tribunals were generally unsympathetic to conscientious objectors. Of the 16,000 men who claimed exemption, the vast majority were refused. Nearly 6,000 men were sentenced to imprisonment for resisting military authority. In an attempt to press the issue, in May 1916 a group of thirty-five objectors, including the [Richmond Sixteen](#), were taken to France as conscripts and given military orders, the disobedience of which would warrant the death penalty.^[89] These men, known as "The Frenchmen", refused; the four ringleaders were formally sentenced to death by court-martial but immediately reprieved, with commutation to ten-years' penal servitude.

On July 30, 1993, explicit clarification of the International Covenant on Civil and Political Rights Article 18 was made in the United Nations [Human Rights Committee](#) general comment 22, Paragraph 11: "*The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the*

freedom of conscience and the right to manifest one's religion or belief."^[18] In 2006, the Committee found for the first time a right to conscientious objection under article 18, although not unanimously.^[19]

In 2001, [Charter of Fundamental Rights of the European Union](#) recognised the right to conscientious objection.^[23]

There is no recognition within current law of vital acts of "Conscientious Protection". Barrister Polly Higgins also birthed this concept, which is analogous to conscientious objection. Historically, those who refused to participate in conscripted acts of war were criminalised, in some cases executed and their right to follow the lead of their own morality and conscience was not recognised until 1948, when the right to "freedom of conscience" was set out by the [United Nations General Assembly](#) in Article 18 of the [Universal Declaration of Human Rights](#). It reads: *"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance"*

Lord Hoffman and others make the case for leniency in the treatment of those undertaking acts of peaceful civil disobedience. Additionally it should be recognised that in extreme circumstances, (such as the killing of the majority of life on earth), that those who apparently break the law, are actually upholding their right to freedom of conscience, if they believe their action has a chance of protecting of life on earth. Such individuals should be acquitted and provision made in law for acts of conscientious protection.

A jury in April handing down a '[perverse](#)' [acquittal](#) in the Shell criminal damage trial, even though the six on trial had no defence under law (except one who claimed Shell would have consented to his action - Judge Perrin allowed this defence and Sid Saunders made the claim on the basis of believing in the deeper human quality of conscience when people are provided with and face truths). The trial, for criminal damage to the Shell HQ building in London's Waterloo in April 2019, which could have led to a maximum five year prison sentence and / or a £10k fine each, is XR's second only case to be heard before a jury.

There were two absolute discharges:

- GP Sarah Benn in Birmingham at a plea hearing for [Rebellion of One](#). The judges at Birmingham Magistrates' Court gave her an absolute discharge and no court costs. Sarah says the two judges who declined to punish her, praised her for her carefully worded court statement and referred to 'the audience here who you've already reached.' (18th May 2021)
- [Rowan Tilly](#): at her trial for the October 2019 Rebellion at City of London Magistrates Court. XR member and life-long peace activist, Rowan Tilly, was convicted on Tuesday for obstruction of the highway during the 2019 October Rebellion. But instead of imposing a punishment, the judge instead issued a rare absolute discharge, praising Rowan as 'honest' and 'sincere' and her deeds as 'noble'. Delivering his guilty verdict, Judge Bisgrove at City of London Magistrates' Court cited a number of historical examples – the US and South African civil rights movements, the Suffragettes, the anti-nuclear testing protests – all of which had

been unlawful, and all of which had achieved change, he said. Rowan was ordered to pay £200 court costs (the CPS had asked for it to be 775) (also 18th may 2021).

- District Judge Snow) in September 2019, waived punishment for [Elinor Milne](#) who said she hoped to adopt a child. The judge explained that he didn't want to deprive an infant of a loving home.
- In [March 2021](#), at City of London Magistrates' Court, a judge gave an absolute discharge to three people being tried for obstruction of the highway, because of the time the case had taken to come to court. Joanna Robins says the judge was clearly moved, telling her tears were not a sign of weakness but of strength when she broke down in court, and detailed three examples going back to the 1800's of how the law has been changed in response to protest being taken in the form of breaking laws.

In the two years that XR cases have been going through the courts, there are many examples of judges expressing [sympathy with campaigners](#). Judges routinely commend defendants for their integrity and courage. One even told six people being tried together: "You have to succeed". District Judge David Noble publicly thanked them for their "courage" and "integrity".

<https://www.mirror.co.uk/news/uk-news/judge-praises-extinction-rebellion-activists-21458539>

Printworks trial - the CPS had asked for each defendant to pay five thousand pounds compensation to News UK and 1500 in court costs. The judge refused the compensation and gave them each 150 pounds court costs.

- Switzerland: Court clears climate activists over Credit Suisse tennis stunt (January 2020)
- Extinction Rebellion protester cleared of criminal damage after arguing her home was under threat from climate change (1 November 2019)
- French court releases two climate activists who took down portraits of Macron (17 September 2019)
- Extinction Rebellion founder cleared over King's College protest (9 May 2019)
- Washington Court of Appeals Upholds Right to Present Necessity Defense in Climate Case (7 April 2019)

16. When appropriate - how I feel being alive in these times, as a responsible citizen, as a mother, character references, statement of intention (no further windows)

To not take action would place me under tremendous mental strain, I was therefore under duress of circumstance. It has been recognised by Professor Glen Albrecht (who submitted the defence of "solastalgia" successfully in a case against mining in Australia) that there are a number of mental health conditions related to living in the age of a mass extinction event and ecological breakdown. Biophilia is the love of life on earth and there is a compulsion

inherent in many people to act in protection of life on earth. Solastalgia and eco grief are two effects of facing the emergency we live in. Solastalgia is the grief experienced by losing the solace that a place has once provided as you watch it be destroyed. Eco grief are the deep feelings experienced when the crisis is fully faced and acknowledged by an individual. I have experienced a range of emotions in facing our crises that many "bury their heads in the sand" rather than face. The Climate Psychology Alliance recognise this as the difference between up-standers and by-standers- where bystanders choose to ignore the source of their fear and despair whereas up-standers choose to try to tackle the cause of their grief and despair. It has a positive mental affect to do something in the face of calamity, whereas to not take action, if you are an up-stander facing ecogrief and solastalgia, creates significant mental harm.

It is my humble intention that we base our rebellious actions in peace, love and respect, whilst facing the grief, fear and despair brought about by watching death, destruction and all that we love face the most unimaginable future. My action at the DFT- damage to a single window- was undertaken on this basis, with due care and consideration for the safety of those in the immediate vicinity and with no intention of shaming or blaming any members of staff.

I sincerely believe in the ability of human beings to do the right thing when presented with compelling facts and provided with safety and support to process those facts. I am a conscientious protector; I am legally a Trustee of the Earth (A Trust document created by Polly Higgins). I am also a mother of two boys age 17 and 15 and a great Aunty to three young children. My spiritual beliefs (in modern animistic / heart centred traditions) lead me to consider life to be sacred, and that it is my duty to protect life on earth. I am duty bound to keep mine and other children safe and to provide them with a stable future; to take care of the well-being of the next seven generations of humans and to be in service to Nature, with humility and courage, so that she flourishes, in all her magnificence. My action was consistent with the facts I have submitted.

I want to wonder out loud if the Jury share my fears, my grief for all that is being lost right now, my anger at the suffering caused by greed, my despair in the face of the intransigent, dishonest and delusional state of politics.