

## Climate, Conscience and Cabs

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October 10, 2023 Robert Blackett

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**PRACTICES** International, Europe, Middle East and Africa, Climate Change and Corporate Sustainability

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Lawyers' professional conduct rules rarely produce exciting headlines, but the last few months have witnessed a highly public row over what is described by the Guardian (24 March 2023) as "*Top lawyers defy[ing] bar to declare they will not prosecute peaceful climate protestors*" and by the Daily Mail (23 March 2023) as "*Fury at woke barristers refusing to prosecute eco warriors*". This article seeks to look behind such headlines and present a more considered analysis of the arguments being advanced.

### Just Stop Oil

St. Valentine's Day 2022 marked the start of a campaign of disruptive protests by the group Just Stop Oil ("**JSO**"). JSO demands that the UK government stop licensing new oil, gas and coal projects. JSO claims that since the start of that campaign its activists have suffered more than 2,100 arrests and 138 have received custodial sentences. In the two month period 1 October 2022 to 14 December 2022 the Metropolitan Police reported having made around 750 arrests relating to these protests. JSO's protests appear to have been nonviolent (at least, not to have involved any violence against persons). Some of the most high-profile incidents have included protestors causing £100,000 of damage to the Government Offices Great George Street (aka the Treasury Building) by spraying red paint over the Portland stone facade, obstructing the M25 London orbital motorway, gluing themselves to the road outside Buckingham Palace, locking themselves to goalposts at football matches, throwing tomato soup over Van Gogh's *Sunflowers* (albeit the canvas was protected by glass) and gluing themselves to Constable's *The Hay Wain* at the National Gallery and Van Gogh's *Peach Trees in Blossom* at the Courtauld Gallery, disrupting sporting and media events such as the World Snooker Championship, English Premiership Rugby Final, British Grand Prix and BAFTAs. On 17 October 2022 two protestors climbed the Queen Elizabeth II Bridge (a major crossing point over the River Thames between Essex and Kent) unfurled a "*Just Stop Oil*" banner and rigged up hammocks, causing the bridge to be closed for 33 hours and causing gridlock for miles around. In April 2022 those two protestors were convicted of causing a public nuisance and sentenced, respectively, to three years and to two years and seven months imprisonment.

### The public's view of JSO

Such protests divide public opinion. A Techne poll in April 2022 reported 53% of those surveyed supported tougher laws to tackle climate change activists blocking roads, transport and other infrastructure. An Omnisys poll for the Guardian in October 2022 on the other hand suggested 66% of those surveyed "*supported taking nonviolent direct action to protect the UK's nature*" though the methodology is unclear and this asked about 'nonviolent direct action' in the abstract, rather than specifically referencing the tactics used by JSO. More recent polls seem more consistent in showing a majority having an unfavourable view of JSO's tactics. A survey by theecoexperts.co.uk in March 2023 reported that, while 75% of those surveyed thought they were experiencing a climate emergency, 50% did not agree with the protest tactics of Just Stop Oil and 16% did agree. A YouGov poll in April 2023 similarly reported 51% of those surveyed having either a "*somewhat unfavourable*" or "*unfavourable*" view of JSO as against 4% "*very favourable*" view and 12%

“*somewhat favourable*”. A DJS research poll in April 2023 similarly reported 51% of those surveyed had an unfavourable view of JSO, with 16% having a favourable view.

[Read the full article here.](#)