

DUTY OF CARE: THE FILM

SOME QUESTIONS AND ANSWERS

What is the film about?

Duty of Care is the ultimate court room drama, a David v. Goliath battle as one Dutch property lawyer turned litigation maverick, Roger Cox, takes on powerful states and the world's largest oil company in the legal fight of our lifetimes: the campaign to make catastrophic climate change illegal. With echoes of the lawsuits against Big Tobacco, our film gives viewers an exclusive, behind-the-scenes experience of the rollercoaster of highs and lows Roger navigates in his attempt to bring clear-eyed justice to a question politicians and Big Oil have long chosen to ignore. Will Lady Justice deliver, before it's too little, too late?

Who else features?

Roger was the first lawyer in the world to successfully persuade a trial court to order a State to reduce its greenhouse gas emissions now, not decades ahead. His Urgenda case achieved what experts thought impossible: a citizen's legally enforceable right to climate safe action by their government. Our film will be the first to feature those leading the world's most important climate change litigations, all of them inspired by *Urgenda*. First, we follow Roger and his teams in The Hague and Brussels in their real-time court drama suing Shell over corruption and climate change in a global-first effort to force a change to its business model, and against Belgium, hoping to repeat the success of *Urgenda*. From the US, we meet the team behind Juliana, the groundbreaking youth-led case arguing climate change is unconstitutional. From Portugal, we interview the lawyer and children challenging 33 State Parties to the European Convention on Human Rights over climate change, the largest human rights case to-date. In Germany, we meet the young farmer who persuaded its highest court that the loss of her inheritance due to future sea level rise makes climate change illegal. And from France we hear how the Case of the Century persuaded a Paris court to rule the State is responsible for the climate crisis. Finally from Pakistan, we interview the judge who trail-blazed his way to the Supreme Court after putting its fractious politicians in the dock over their failure to address a rapidly changing environment.

Is this a story that needs to be told now?

Absolutely. Climate litigation raises existential questions that require an answer now, not years into the future. The stakes could hardly be higher: despite all progress, the world is on course for 3C heating - runaway, irreversible, catastrophic climate change - within our children's lifetimes. We're at the tipping point, and a large part of the answer to whether we are tipping towards safety, or not, will come from the court cases featured in our film. They're being decided now: the verdict against Shell and Belgium in May and June; the April verdict from Germany; the final appeal in Juliana; the decision in Paris; and the hearings in Europe's Court of Human Rights later this year. We aim to release the film during the crucial UN climate conference in November.

Why is the film called Duty of Care?

Duty of care is the legal principle on which Roger first won *Urgenda*. It is a principle that applies at all times and in all places to any person – citizen, corporation, minister of state – whose actions towards another person could put them at foreseeable risk of harm. Science has made climate change an extremely foreseeable risk of harm. Those in power thus owe a duty of care to citizens to avoid it, and the law exists to uphold that duty.

Who is making the film?

Our core team is Nic Balthazar, Sarah Tak and Hugh Macleod. Nic is a multi-award winning Belgian director and activist whose previous films sold in over 50 countries and have been viewed millions of times. Nic's interactive mass-project films, such as Sing for the Climate, included almost half a million participants in over 40 countries and were the subject of his TedX talk. Most recently, Nic produced a unique social media campaign to support the opening of *Klimaatzaak*, having celebrities, including Greta Thunberg, pose as 'lawyers for the climate'. Sarah, a jurist by training, left her career in European policymaking to lead development of Belgium's *Klimaatzaak*. With over 60,000 citizen plaintiffs, it is the largest litigation in European history, and one of the world's leading climate change cases. Hugh was an award-winning foreign correspondent and documentary filmmaker, working for The Sunday Times and The Guardian among others, and selling films to PBS, ARTE, and Al Jazeera English. He has since qualified as a barrister, and specialises in international human rights law and climate change liability. He is also a Visiting Lecturer at the UK's largest law school, a graduate of Oxford University's Master's programme, and on the board of the Oxford Climate Alumni Network, so is uniquely placed to use his network to further the impact goals of the project.

What will be the output of this project?

An English and Dutch-language one-hour film; a series of short video; a website with educational content freely available for download; and a social media campaign of photos, posts and tweets.

Who is the audience for the film?

It's a European story first and foremost, so target audiences will be in the major centres of European power, including Brussels, London, The Hague, Paris, Copenhagen, Berlin and Geneva. The American audience will be important as that nation leads the world in climate change litigation. With President Biden re-committing the US to the Paris Agreement, the time is ripe to sway a generation of US lawyers and policy makers to have the world's superpower lead on the world's biggest problem. The critical demographic is lawyers and policy makers: those in a position to change state behaviour. But the project also aims to play a directly educational role, and so school children and law students are another key demographic. But the overall aim is to inspire citizens everywhere to act as lawyers for the climate, speaking out to demand their inherent right to a healthy environment in which to live, work and raise their children.

What impact do you hope to make?

Our vision is that the human and planetary catastrophe that is runaway climate change can be avoided by establishing a legally enforceable duty of care on governments to sustain a healthy environment. By showing what is possible through Roger's climate cases, we hope to inspire lawyers around the world to fight and win climate litigations against the State and big polluters in their own courts. By highlighting the stories of young people leading such cases, we aim to inspire the future generation of climate activists, lawyers, thinkers and political leaders who are today's schoolchildren. We are working on partnering with globally established, likeminded NGOs such as Greenpeace, Avaaz, and ClientEarth as a means of multiplying the impact of our campaign through direct access to their very large membership. A Q&A outline of our impact goals is also attached.