



## Rights of Nature Tribunal Judge

**Dr Damien Short**

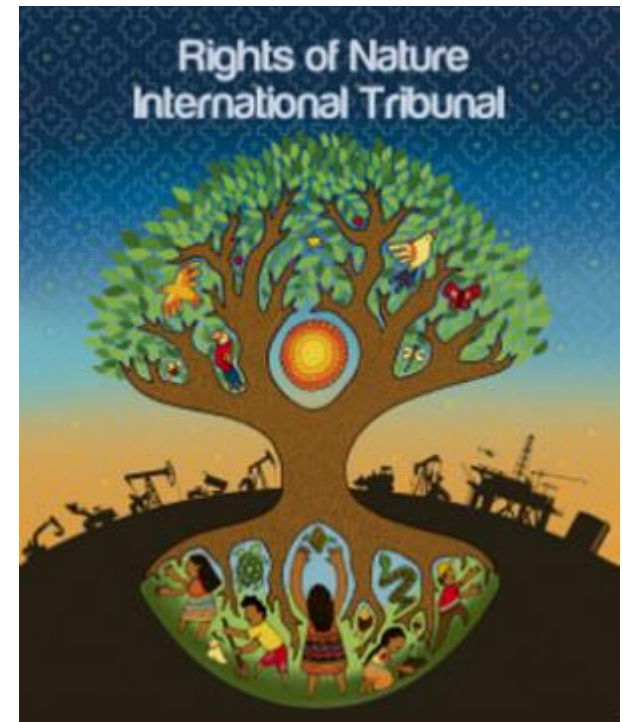
**Human Rights Consortium**

**Extreme Energy Initiative**

**School of Advanced Study**

**University of London**

[www.extremeenergy.org](http://www.extremeenergy.org)



# Tribunal on 'fracking'

## Decision history:

- Hydraulic Fracking case was [originally filed in January 2014](#) at the first International Rights of Nature Tribunal in Quito
- It was accepted as a possible violation of the rights of nature and the rights of people
- December 2014 The **Lima Tribunal heard evidence** that the fracking industry had caused
- **multiple injuries to Mother Earth, the subsoil, water, ecosystems and nature.**
- **The judge requested the Tribunal suspend a decision:**
- **in order to receive more information on hydraulic fracturing from different contexts**

# Tribunal Decision on ‘fracking’

## Decision history:

- Today we have heard compelling moving testimony on the huge negative impacts of fracking on the rights of nature and Mother Earth and on human and peoples’ rights
- In communities in Argentina, Algeria, Tunisia, Oklahoma and North Dakota, and potentially in much of Europe
- If we add to this the copious evidence emerging from around the world,
  - from peer reviewed academic studies,
  - NGO reports, UNEP reports
  - and witness testimony from investigative journalists and documentary filmmakers.....
- **It is the Tribunal’s view that we now have sufficient evidence to make a decision today.**
- Will briefly review some of the wider evidence...

# Fracking impacts

**UN Special Rapporteur** on the human right to safe drinking water and sanitation **2011 US mission**

- raised serious concerns over the effects of activities associated with hydraulic fracturing,
- observing a distinct: *'policy disconnect... between polluting activities and their ultimate impact'*

The **UN Environment Programme (UNEP)** has also issued a **'Global Alert'** (UNEP, 2012) on the issue of fracking warning of significant risks of:

- air, soil, and water (contamination and usage competition);
- ecosystem damage;
- habitat and biodiversity impacts;
- competition for land and water needed for food production;
- and fugitive methane emissions which will endanger carbon reduction targets.
- and that unconventional gas would likely be used 'in addition to coal rather than being a substitute' (UNEP, 2012: 7–9, 12).

# Complaint study - Content Analysis of Colorado Oil and Gas Conservation Commission (COGCC) Complaints

- Statewide records query of COGCC database requesting the maximum records possible.
  - 2,500 complaints up to June 10, 2013.
- Created database comprised of information on each complaint.
  - During coding discovered nested complaints... increased **total to 3,000**
- Content analysis
  - **Identified 19 types of harms**
  - Follow up interviews

## Source

Tara Opsal and Tara Shelley, (2014) 'Energy Crime, Harm, and Problematic State Response in Colorado: A Case of the Fox Guarding the Hen House?', *Critical Criminology* 22, no. 4: 561-577.

# Colorado Research: Findings

Complaint Type	Count	Percent of Total
Well Water Issues	721	24.0%
Dumping/Spills/Leaks	330	11.0%
Air Quality	320	10.7%
Noise	312	10.4%
Land Use	226	7.5%
Reclamation Issues	183	6.1%
Surface Damage	169	5.6%
Rule Compliance	140	4.7%
Other	130	4.3%
Surface Water Issues	103	3.4%
Domestic Animals	83	2.8%
Notification	49	1.6%
Truck/Road Dust	48	1.6%
General Environmental Concern	43	1.4%
Idle Well Issues	32	1.1%
Traffic Concern	32	1.1%
Wildlife Concern	26	0.9%
Royalties	25	0.8%
Orphaned Well Issues	21	0.7%
Missing	7	0.2%
<b>Total</b>	<b>3000</b>	<b>100%</b>

# Tribunal Decision on ‘fracking’

## Decision

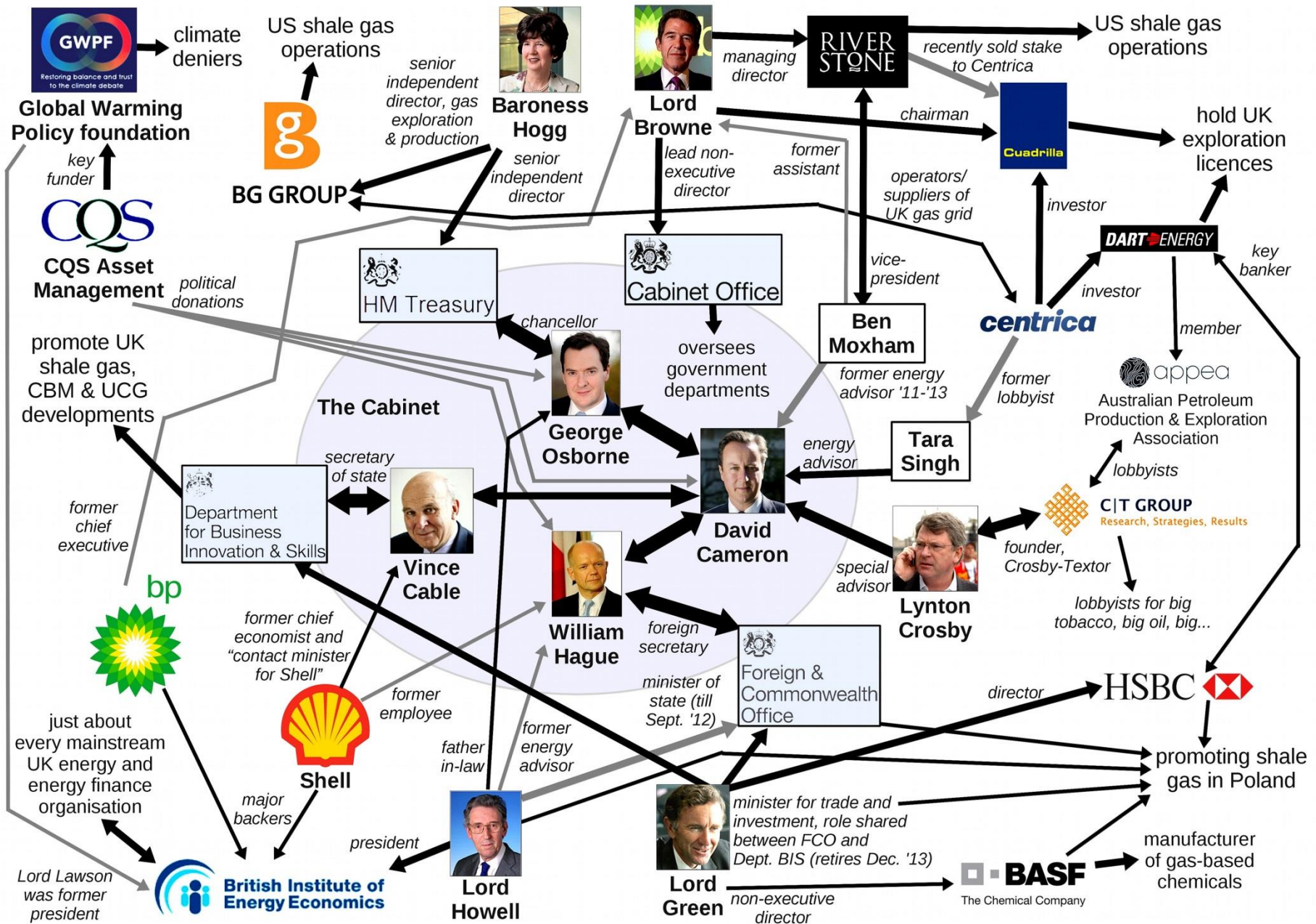
- 1) Based on the powerful and compelling evidence we have heard,
- 2) and the growing body of knowledge now publically available,

This **Tribunal finds** that the unconventional gas and oil **fracking industry, and supporting governments, are violating:**

- The inherent **rights of Mother Earth** as articulated in the **Universal Declaration Article 2**
- **To life and to exist, to be respected, to clean air, water, health, to be free from contamination, pollution**
- The **entirety of Article 3** – their **obligations of human beings to Mother Earth** e.g.
  - Respecting and living in harmony with Mother Earth
  - Recognising and promoting the rights in the Declaration

**Recommendations? Social and political context.....**

# THE CORPORATE STATE





# **‘Lock the Gate’ Coalition**

**- *fastest growing social movement in Australia* -**

- Affected Communities / individual residents
- Farmers / Farming associations /Agricultural businesses
- Civil Society Organisations / resident associations
- State, national, international NGOs
- Indigenous peoples
- Academics
- Country Women’s Association
- Fishers /Oyster growers
- Tourism organisations/ business
- Health professionals

**Demonstrate there is no  
‘*NO SOCIAL LICENSE*’**



# Community engagement

**LOCK  
THE GATE  
LOCK THE ROAD  
PROTECT THE REGION**



## The CSG Free Community Strategy

Annie Kia - Lock the Gate Northern Rivers









CURRIE ST  
TH LISMORE

INE ST  
H LISMORE

TWEED ST

NORTH LISMORE

SIMMONS ST  
NORTH LISMORE

LAWLER  
RD

R NORTH LISMORE

CRANE ST

MODANVILLE

OUR WATER

LOCK  
the GATE

To Coal & Gas Companies

Warning: Transport to an offshore  
gas processing plant is a direct threat to the  
environment and the community. Please  
contact the community group for more information.  
[www.lockthegate.org.au](http://www.lockthegate.org.au)

LOCK THE GATES

NO TO COAL SEAM

GAS MINING

CSG

WILL

POISON WATER

GO  
E  
TO

Fire Chief

G



# Non violent direct action







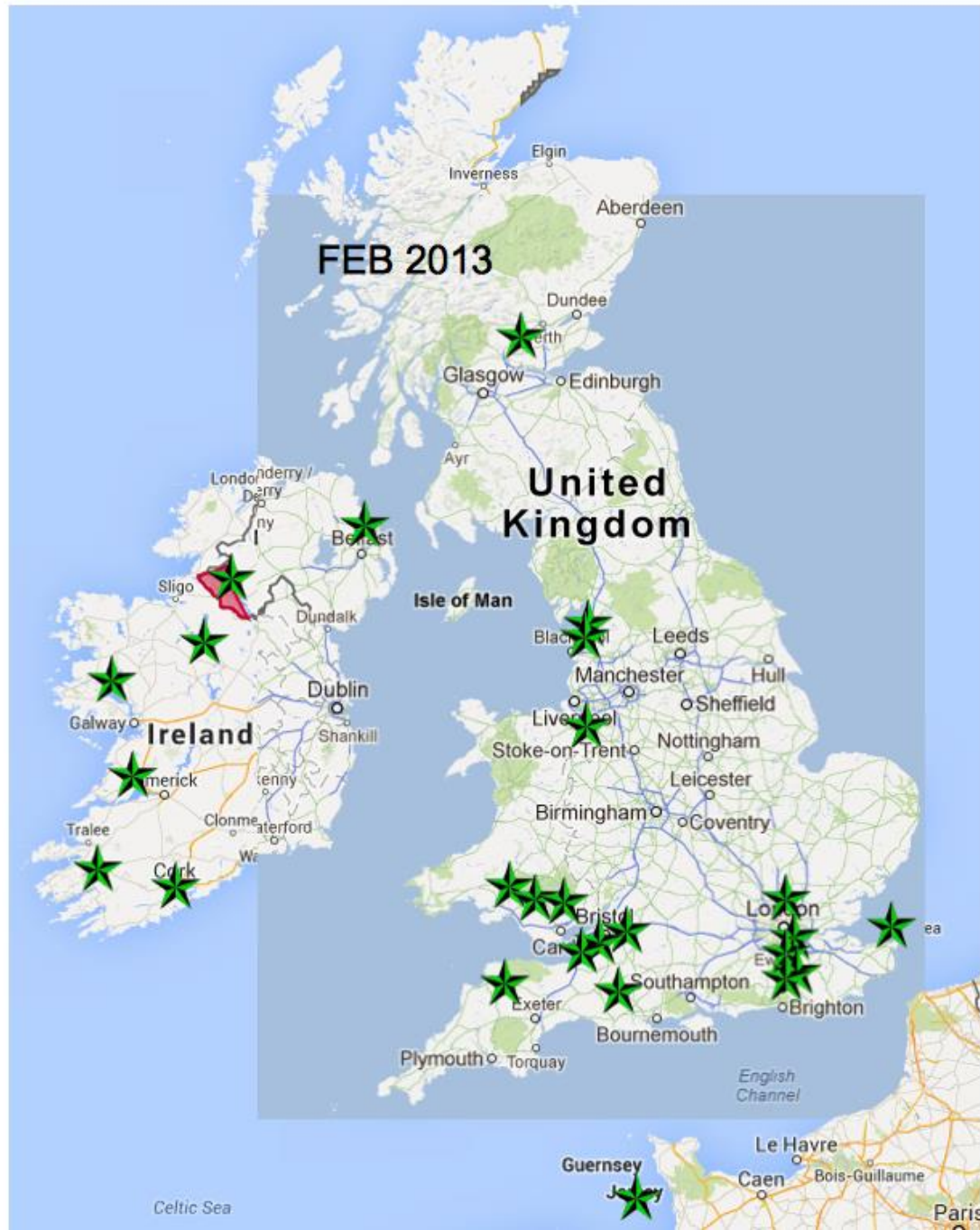




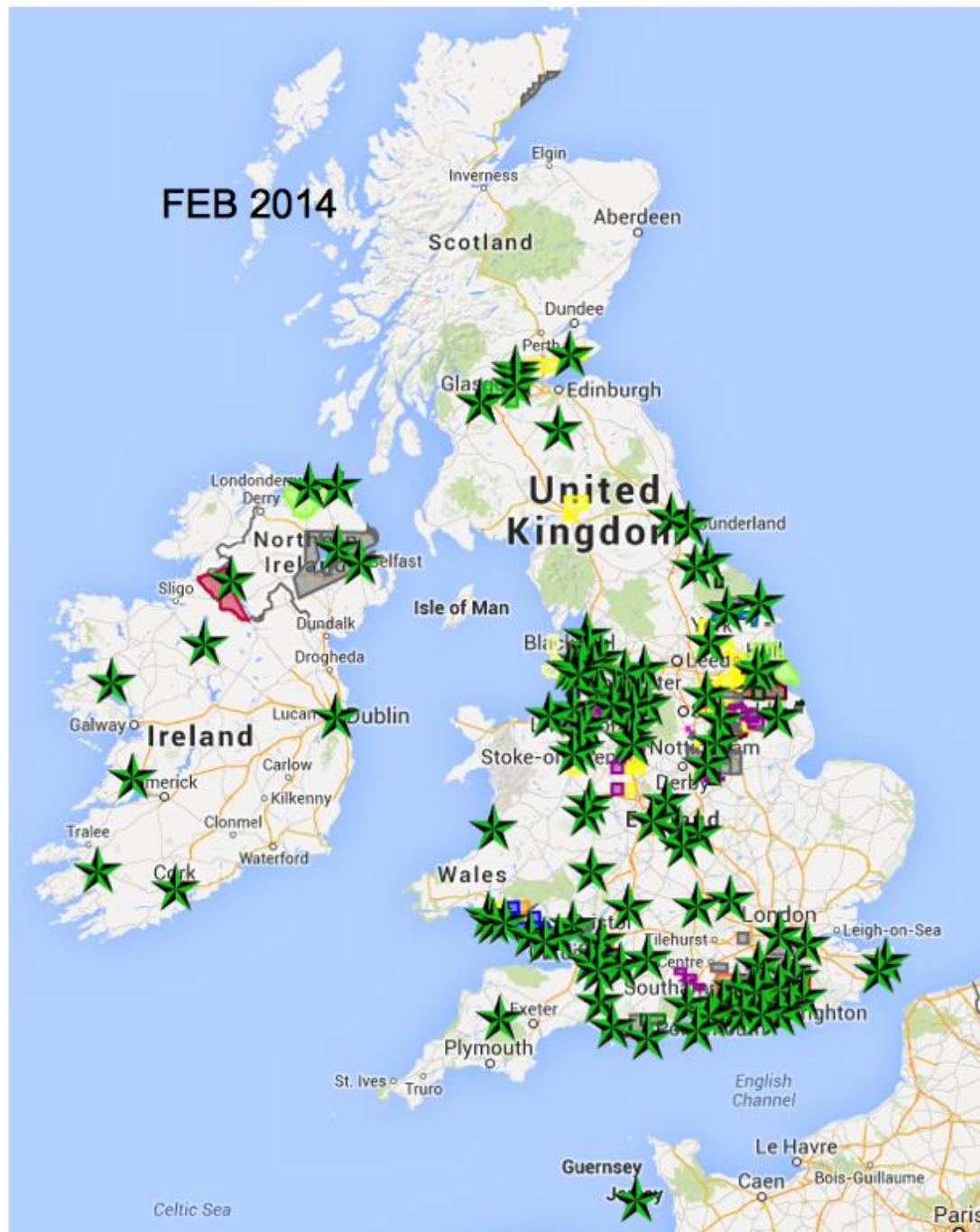




## LOCAL GROUPS MAP



# LOCAL GROUPS MAP





RESISTANCE: LANCASHIRE AND THE NORTH WEST



# Tribunal Recommendations

## **1) Ban unconventional energy extraction BECAUSE**

- **it violates the rights of mother earth,**
- **violates human and peoples' rights and**
- **adds a grossly inefficient, dirty and destructive resource to conventional energy stocks we cannot burn**
- **diverts funding from renewables**

## **2) Support revision of the Rome Statute to criminalise ECOCIDE**

- **Current proposed amendment would cover much extreme energy production**

## **3) Support the grass roots anti-fracking movement**

## **4) Highlight the corruption of the corporate state**

## **5) Hold the corporate state to account in other Peoples' forums**





# FRACKING GOES ON TRIAL



Permanent Peoples' Tribunal Session  
on the Human Rights Impacts of Fracking

[www.tribunalonfracking.org](http://www.tribunalonfracking.org)



It was announced today  
(23rd July 2015) that a  
coalition of  
**human rights lawyers  
& academics**  
has been granted an  
opportunity to put  
**fracking on trial**  
at hearings to be held by  
**The Permanent  
Peoples' Tribunal (PPT)**  
in the UK and the US

***"This really is a Peoples' tribunal.***

***It belongs to communities and individuals from all over the world  
and it aims to produce a highly influential, legally literate and serious  
judgement of the issues by some of the world's finest legal minds  
as a trail blazing example for future legal actions,  
when and where appropriate. " ~ Prof Anna Grear, Director of GNHRE***