

FOOD & WATER WATCH
and
FOOD & WATER WATCH EUROPE
MAY 16, 2018. 11:00-12:00

MR. ANDY GHEORGHIU: Well, hello everybody. First of all thanks a lot for having me here. It's really an honor to have the opportunity to present for the Permanent Peoples' Tribunal Session on Fracking, Human Rights And Climate Change.

My name is Andy Gheorghiu and I work as a campaigner and consultant for Food & Water Europe which is the European branch of Food & Water Watch. And today I'll try to summarize, in this presentation, the Amicus Brief I was able to send on behalf of Food & Water Watch and Food & Water Europe for the Permanent Peoples' Tribunal Session On Fracking, Human Rights And Climate Change.

Okay. Let's get started.

So I'll go through the four questions that you've asked about and I'll try to give the brief summary of our answers.

So the first question was, Under what circumstances do fracking and other unconventional oil and gas extraction techniques breach substantive and procedural human rights protected by international law
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1 as a matter of treaty or custom?

2 And I think before we start really answering
3 the question it's very important for me to make people
4 aware of the fact that fracking itself cannot break
5 anything. It's just the technique.

6 So if we want to focus on the people that are
7 the right addressee then it's state and non-state actors
8 that we must focus on. So it's not fracking, that
9 doesn't breach anything, it's the people behind the
10 technique, the markets behind the technique and the
11 whole demand that is interlinked with it.

12 And a second very important thing is to define
13 what fracking is. Because we have, in several parts of
14 the world, we have different definitions of what
15 fracking is and what fracking is not from a legal
16 perspective.

17 For us at Food & Water Watch and Food & Water
18 Europe when we speak of fracking we speak of the whole
19 process. So it's not about the pure fracturing of the
20 rocks. It's about the whole industrialization that is
21 necessary and interlinked with fracking, it's about the
22 construction of the whole infrastructure including
23 pipelines, LNG terminals and so on and so forth. So
24 it's the whole life cycle that is interconnected with
25 fracking itself. And I think that this is something
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1 very important to keep in mind.

2 Now what is fracking in actual fact and why do
3 we speak about unconventional and conventional
4 deposits?

5 So usually hydrocarbons migrate through space
6 and time. They try to reach the surface from
7 underground and when they are then gathered in a natural
8 trap, as we see here, this is what we usually call
9 conventional deposits. So you drill a well and then you
10 start exploiting the site. It's gas or oil that you
11 will extract then out of this ground.

12 What we call unconventional or non-
13 conventional deposits are the hydrocarbons that are
14 being trapped in geological layers. For example, shale
15 layers, coal bed methane layers or sandstone layers.

16 Because the hydrocarbons are dispersed in the
17 geological formation you will have to drill down
18 sometimes at first vertically until you reach the
19 geological layer and then horizontally into the layer
20 and then you'll start pumping large quantities of water
21 under high pressure mixed with sand and toxic chemicals
22 in order to fracture the rocks and to release the
23 hydrocarbons so that you're able to extract them. So
24 this is the main difference.

25 However, the European Commission and the
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1 United Kingdom have tried to find their own definition
2 of fracking meaning that they've linked their definition
3 of fracking to the amount of water that is being used
4 per well in order to fracture the rock and to start the
5 extraction of the hydrocarbons. So the threshold
6 they're using is 10,000 cubic meters of water.

7 If you use less than 10,000 cubic meters of
8 water then the United Kingdom and the European
9 Commission do not consider this to be what they are
10 calling high volume hydraulic fracturing. Meaning that
11 a less strict legal framework is applicable. But what
12 they do is they basically apply these legal frameworks
13 to certain fracking projects but this means that a large
14 amount of other projects won't be covered by this
15 definition.

16 Germany has a similar approach. The German
17 government simply redefined, based on no scientific
18 evidence whatsoever, redefined sandstone layers where we
19 find tight gas as conventional layers. They just said
20 it's conventional layers and they've invented a term
21 called conventional fracking.

22 So if a company in Germany, for example, wants
23 to extract hydrocarbons from a sandstone layer, mainly
24 tight gas, then this kind of fracking, what they call
25 conventional fracking, faces less stricter regulations
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1 than if you want to do a fracking operation in shale
2 layers which is, for the moment at least, generally
3 forbidden in Germany. So this is something that we
4 really have to keep in mind.

5 For us personally there is no such
6 distinction. So every kind of site that needs to be
7 stimulated or fractured this all falls under what we, at
8 Food & Water Watch and Food & Water Europe, understand
9 as fracking and all the risks and negative impacts that
10 we will talk about in a minute are related this kind of
11 fracking. But there are attempts to redefine fracking
12 in order to avoid stricter regulations.

13 The next slide I wanted to show, I wanted to
14 make people aware of, is that it is not about this one
15 fracking operation. It's not about one well. The
16 industry will try to get a license for an area and they
17 will start with one or two, three exploratory wells and
18 the whole debate will be about, well, don't worry, it's
19 just one well. Maybe we'll need another one but this is
20 it.

21 In most cases, and I've seen it in the UK
22 right now, they already talk about the need to develop a
23 license field. And this means drilling hundreds and
24 thousands of wells over a life time of 20 to 40 years.

25 So when a regional council, for example, or a
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1 government, makes a decision about whether or not they
2 want to open their doors to shale or tight gas
3 development they should be aware of the fact that it
4 will be about the industrialization of this whole area.

5 And in most cases we talk about the
6 industrialization of former rural areas. And this fact
7 includes having a lot of negative impact for the
8 environment because it's, of course, a totally different
9 scenario to have woods and just a few streets and roads
10 and agricultural and it's a complete different scenario
11 if you start industrializing this area.

12 And the picture that you see here is the
13 amount of wells that were drilled in Pennsylvania. We
14 talk about over 10,000 wells within a decade just to
15 give you some kind of vision what shale development
16 really means.

17 Now if we look the numbers up they themselves
18 speak a pretty clear language. So according to industry
19 reported data and the Frack Focus data base we had, in
20 the United States, at least 137,000 wells that have been
21 drilled since 2005.

22 The water use since 2005 is at least 239-
23 billion gallons. Produced toxic waste water in 2014
24 alone was at least 14-billion gallons. And this means
25 that this toxic waste water the industry needs to
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1 somehow get rid of it. And in a majority of cases this
2 means disposing the waste water underground, injecting
3 it underground and this is what has caused a lot of
4 earthquakes in states like Ohio, for example, a state
5 that wasn't really known for having a problem with
6 earthquakes before the industry started to inject large
7 amounts of toxic waste water into the underground.

8 The global warming pollution from well
9 completions in 2014 alone was at least 5.3-billion
10 pounds. And this is equivalent to the global warming
11 pollution from 22 coal fired power plants.

12 Now we also have a bunch of peer reviewed
13 studies within the same period and I think that you have
14 or will have a lot of experts that can talk much more
15 about all the outcome of the studies.

16 I just want to mention that of the 685 peer
17 reviewed studies that looked at the time frame between
18 2009 and 2015 and only looked at studies, commentaries
19 and reviews published on fracking for tight gas and
20 shale gas, so this excludes studies related to tight
21 oil, shale oil and also coal and methane but only looked
22 at them they found out that 84% of the studies on health
23 impacts identified potential public health risks or
24 actually observed poor public health outcomes.

25 96% of the water quality showed potential
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1 positive association or actual incidences of water
2 contamination associated with shale gas development.

3 87% of the studies on air quality indicated
4 elevated levels of air pollutant emissions and/or
5 increased atmospheric concentration as well as a massive
6 problem with methane emissions.

7 Before I start talking about the very, very
8 overarching big problem with methane emissions and
9 climate change I would like to just stress a few facts
10 about the problem and the competition we have in this
11 case with water.

12 A study done by the World Resources Institute
13 back in 2014 found out that 38% of the world's shale
14 resources face high to extremely high water stress or
15 arid conditions. They found out that almost 400-million
16 people live on land above shale plays, meaning increased
17 competition for water and also public concern over
18 hydraulic fracturing that will be more likely in densely
19 populated areas.

20 In China, China has a very big problem with
21 water or the lack of water, and 61% of shale resources
22 face high water stress or arid conditions. And even in
23 the United Kingdom, a country that I wouldn't have
24 thought they had a problem with water, 34% of the shale
25 plays face high water stress or arid conditions. And we
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1 see this also in a direct competition with existing
2 underground aquifers.

3 For example, in North Africa what you see here
4 is the dotted lines. These are shale plays and the blue
5 areas this is -- these are existing underground
6 aquifers. So you see there is a direct competition
7 here. Meaning that if you want to reach the
8 hydrocarbons in the underground you'll have to drill,
9 somehow, through this underground aquifer.

10 And the same is valid for big parts of South
11 America. For example, here where we have the Guarani
12 aquifer and then again you see the areas where the
13 dotted lines these are the shale layers.

14 So in both cases this is, of course, something
15 of high concern. Especially, I think, from a European
16 perspective if we think of North Africa and the problems
17 we already face there with regard to the mass migration
18 upwards towards Europe I think that if something happens
19 there and if we have some kind of massive contamination
20 of these very important underground aquifers the
21 problems we already face with mass migration will grow.

22 So when we talk about fracking and the
23 relation to human rights and climate change I think that
24 the increasing social and military conflicts that will
25 be caused by an increased global warming is something

1 that will affect us all, will affect all of our human
2 rights, and this is something we need to keep in mind.

3 We also need to communicate this, I think, in
4 a much more -- in a way that the public understands.
5 Even the people who are maybe not really keen to switch
6 to renewables they should be aware of the fact that the
7 expansion of the fossil fuel industry, in particular the
8 expansion of the fracking industry, will definitely lead
9 to an increase in global warming. And this has its own
10 very negative impacts on us all.

11 This is a graph that shows the problem we're
12 facing at the moment and also shows the need for swift
13 and courageous actions because what we simply don't have
14 is time. What we see here is the level of global
15 warming where we should somehow stay because this is
16 something that we will somehow be able to manage.

17 So if we stay somewhere in between 1.5 and 2
18 degrees global warming this is a scenario that we can
19 handle. If we overshoot the 2 degrees global warming
20 this might lead to run away climate chaos. No scientist
21 on earth can tell you what this really means but what we
22 see already, the impact of climate change that we see
23 already, they threaten the most existential resources
24 that we need, which is fresh water, drinkable water,
25 fertile soils and also breathable air basically.

1 And what we see on this graph here is that if
2 we do tackle CO2 alone we won't be able to stay
3 somewhere in between 1.5 and 2 degrees global warming.
4 It's only if we tackle CO2 carbon dioxide, methane,
5 which is CH4 and black carbon, will we be able to stay
6 somewhere in between 1.5 and 2 degrees global warming.

7 The problem is that we've already reached the
8 1.1 global warming in 2016. Meaning that we will reach,
9 within 12 years, the 1.5 and within 32-years will
10 overshoot into 2 degrees global warming.

11 Now because of all the field studies that were
12 done, mainly in the United States, we know that we have
13 a massive problem with methane emissions from the
14 production of shale and tight gas and shale oil and tide
15 oil.

16 What we can say is that we have methane loss
17 of up to 4% within the production of so-called
18 conventional gas but the methane loss of within the
19 production of so called unconventional gas could be up
20 to 12%.

21 Meaning that, again, if we don't pay attention
22 to this and if we don't stop the expansion of the
23 fracking industry we won't be able to stay somewhere in
24 between 1.5 and 2 degrees global warming. Meaning that
25 we will most definitely reach climate tipping points
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1 which will then lead into run away climate change.

2 This is also something that Professor Howarth
3 has illustrated and he has even shown that if we take
4 the methane losses into account and then look at the
5 climate balance of shale gas compared to other
6 hydrocarbons, shale gas looks worse than coal. And I'm
7 definitely not here to promote coal.

8 We must go off fossil fuels completely which
9 means including coal, oil and gas. But reducing methane
10 emissions meaning, for me personally, stopping
11 production and banning fracking will give us a few more
12 years, years that we need to reduce year two and then to
13 avoid runaway climate chaos.

14 A new NASA led study also recently showed that
15 the biggest increase that we realized concerning methane
16 emissions is due to fossil fuels.

17 Now, nonetheless, what we observe when we look
18 at the markets is that the industry wants to expand.
19 And the most recent phenomena that I personally came
20 across with Food & Water Watch and Food & Water Europe
21 came across, is that a lot of fracking, a lot of the
22 current expansion of the shale gas industry is directly
23 related to the production of ethane and ethane is a feed
24 stock for plastics and petro chemicals.

25 Which brings, of course, a completely new
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1 dimension to the whole pollution scenario because now,
2 for the first time, we can say that plastic pollution is
3 the visible ugly face of climate change and it's also
4 directly linked to the expansion of the fracking
5 industry in the United States.

6 At the moment we have, in the United States
7 alone, some 325 new petro chemicals investments, about
8 almost 200 billion dollars worth. And there are on the
9 way or planned, 40% are already completed.

10 Now the question was how human rights are
11 affected?

12 And I think that through what I was just
13 saying related to the slide you just saw is that we can
14 definitely say that a lot of human rights might be or
15 are already affected by fracking projects.

16 And then, again, it's really important to be
17 aware of the fact that we must take the additional
18 infrastructure, such as pipelines and LNG terminals and
19 petro chemical facilities, into account.

20 So I've created this table giving you some of
21 the legal references. I think, again, you have a lot of
22 experts out there who are able to talk much more about
23 this and also to refer to other existing conventions
24 that might play a role.

25 So what we can say is that fracking projects
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1 affect the right to life, liberty and security of
2 people;

3 The right to a standard of living that is adequate
4 for health and well-being;

5 The right to the highest attainable standard of
6 physical and mental health and well-being, including the
7 healthy development of the child, improvement of
8 environmental and industrial hygiene and prevention of
9 occupational and other diseases;

10 The right to safe and clean drinking water and
11 sanitation;

12 The right to freely pursue self-determination,
13 economical, social and cultural development.

14 Because in a lot of cases in a lot of
15 countries we see strong opposition against the
16 development of shale, against fracking projects.
17 Nonetheless we see states and non-state actors trying to
18 impose fracking upon people.

19 The right to territory is directly linked to what
20 I've just said;

21 The right to free disposal of natural wealth and
22 resources.

23 I think each one of us, each region, each
24 country, should be able to choose what they do with
25 their own natural wealth and resources. We shouldn't
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1 allow globally operating international companies to
2 extract those resources wherever they want to if the
3 people who live there decide otherwise.

4 The right to property is, of course, is directly
5 linked to that, whether alone or in association with
6 others.

7 We see, for example, in the United States we
8 have now a pipeline project called the Mariner East 2
9 pipeline. This brings wet gas, ethane, to the Marcus
10 Hook facility in Pennsylvania and from there it is being
11 transported to Europe for plastics production. And the
12 authorities are using a legal term called eminent domain
13 in order to get access to private property.

14 Now usually, as far I'm aware of, is that you
15 can use eminent domain if you need to extract the
16 resources because it's for the good of the majority of
17 people but in this case they're using eminent domain to
18 let the private company build this pipeline and then
19 simply export the hydrocarbons to Europe.

20 The right to public consultation has been affected
21 quite a few times.

22 I've seen it, for example, in Germany where we
23 have no strategic environmental assessment related to
24 fracking projects. And we have also cases in Argentina
25 and also South Africa where indigenous tribes were not
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1 consulted before licenses were given away.

2 The right to protection of motherhood and childhood
3 can be affected:

4 Right to actions preventing the risks and impacts
5 of climate change;

6 And the right to sustainable development.

7 All these human rights can and are already
8 affected in some way or another by fracking projects all
9 around the world.

10 Now we are coming to the second question which
11 is, Under what circumstances do fracking and other
12 unconventional oil and gas extraction techniques warrant
13 the issuance of either provisional measures, a judgment
14 enjoining further activity, remediation relief or
15 damages for causing environmental harm?

16 Well, our stance is pretty simple. Climate
17 change is one of the most urgent and complex threats to
18 our human rights today. And fracking poses significant
19 risks to the natural environment through loss or
20 fragmentation of habitat, disturbance of wildlife and
21 potential pollution of water courses that support
22 sensitive ecosystems and biodiversity and as a driver of
23 climate change.

24 And, therefore, nothing short of an outright
25 ban on fracking and rapid cessation of fossil fuel
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1 extraction and consumption will remedy the many
2 associated harms of the oil and gas industry.

3 Other provisional measures, a judgment
4 enjoining further activity, remediation relief or
5 damages for causing environment harm are simply
6 inadequate half-measures. Because the industry will
7 always try to avoid taking responsibility for any
8 damages and/or environmental harm they've done.

9 And I think a very good example for that is
10 the so-called Exxon, a new case, where we now have
11 evidence that Exxon Mobil knew of climate change since
12 as early as the 1980's but, nonetheless, they've tried
13 to -- lobbied against the scientific proof that climate
14 change is real and that the fossil fuel industry is
15 directly responsible for the increasing of global
16 warming.

17 The third question is what is the extent of
18 responsibility and liability of state and non-state
19 actors for violations of human rights and environmental
20 and climate harm caused by these oil and gas extraction
21 techniques.

22 Now I want to highlight just two cases from
23 the United Kingdom. I mean there are lots of cases and
24 I think you will hear of them or you've already heard of
25 them so I'll just focus on the UK and two cases related
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1 to it.

2 OK, one is related to a very specific company
3 that plays a very vital role in the fracking debates in
4 the UK at the moment. The name of the company is Ineos.

5 And the company is owned by a billionaire called Jim
6 Radcliffe.

7 So if we look at the UK, first of all at the
8 Lancashire case, we see that if we debate fracking and
9 the negative impacts of fracking projects there is this
10 huge amount of debate around public health impacts.
11 Everything related to climate change, everything related
12 to water, water usage, water contamination and so on and
13 so forth.

14 But there is also a question, a big question,
15 around the state of democracy. All around the world
16 when we talk about fracking projects, shale development
17 and the almost inevitable confrontation between state
18 authorities that unfortunately very often support the
19 private company instead of supporting the people who are
20 opposing the projects and who at least, in my opinion,
21 have the better arguments.

22 So the Lancashire case I think is pretty
23 symbolic. It might seem a small case but I think it's a
24 good example. In 2005 the Lancashire council had
25 rejected fracking plans by a company named Caudrilla but
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1 the UK government overturned the local decision and gave
2 the go-ahead in 2016.

3 Now ongoing protests followed and with almost
4 daily clashes between activists, Caudrilla's private
5 security and the police. Campaigners also launched a
6 court appeal to stop fracking in Lancashire but the
7 court dismissed it in January 2018.

8 Now so far fracking protesters have,
9 nonetheless, prevented Caudrilla from conducting the
10 first fracking operation in the country since 2011 but
11 this means a day-by-day confrontation. So they have a
12 camp nearby the fracking site and it's -- again, I
13 repeat myself it's a daily fight for every lorry, for
14 every piece of equipment that goes to the site and so on
15 and so forth.

16 And you can also see how during the summer
17 months when more campaigners are, of course, able to
18 come and work the local campaigners you can see in the
19 graph down below here how the number of arrests grow
20 during the summer months.

21 So the question, the current situation in the
22 UK raises many questions regarding moral, legal and also
23 democratic legitimacy of the whole situation.

24 The first question is why is the government
25 questioning a basic democratic decision by a local
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1 counsel. We think that local councils should decide
2 about the basic question of whether or not they want to
3 industrialize their own area.

4 Second question is why are the courts ignoring
5 the reasonable arguments put forward by campaigners
6 that, in this case, the environmental impact assessment
7 is not considered, the environmental impacts of both the
8 exploratory stage and the full production stage that
9 might be fought for in the future.

10 Because it's very difficult to decide a moment
11 in space and time when you say we don't want to have
12 more development. Meaning that you will have to take
13 the cumulative impacts into account from the beginning.
14 To have the debate from the beginning about whether or
15 not you want to industrialize the licensed area. But,
16 unfortunately, this is something that many state
17 authorities are not willing to take into account.

18 But it's related to the second question, which
19 is why are the courts ignoring the reasonable
20 arguments? The public health impacts of fracking have
21 not been properly considered according to the
22 precautionary principle. And this relates to the
23 question of the full scale development.

24 It is, of course, a totally different issue if
25 you look on the possible health impacts of one well or
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1 if you take into consideration that you will have to
2 face in space and time 100,000 wells within your area.

3 And concerns about the state of democracy and
4 human rights in the UK couldn't be high enough if we
5 additionally take into account -- and this is very
6 troublesome I would say -- anti-fracking campaigns. And
7 campaigners have been listed alongside terrorist
8 organizations, including the IRA, Al Qaeda and ISIL in
9 official counter-extremist documents from four regions
10 of the UK.

11 And Jim Radcliffe, the billionaire I've
12 mentioned and the main owner of the petro chemical giant
13 Ineos, secretly lobbied George Osborne when he was
14 chancellor of the Exchequer to muzzle the unions to cut
15 company taxes and also to back fracking. Which brings
16 us directly to the Ineos case.

17 We, at Food & Water Watch and Food & Water
18 Europe, are currently involved in a campaign, a trans-
19 Atlantic campaign against Ineos. That's the reason why
20 we've produced three issue briefs that looked into the
21 company.

22 One deals with the already mentioned
23 Trans-Atlantic plastics pipeline that brings fracked
24 hydrocarbons from the United States to Europe.

25 The second one looked into the corporate
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1 profile and history of the company. And Ineos is a
2 very, very intriguing and fascinating example because we
3 see that this company transforms from a former pure
4 petro chemical company dealing with a downstream
5 business of the production of plastics and petro
6 chemicals into an upstream producer.

7 Meaning that they want to become the biggest
8 fracker in the United Kingdom. They want to have
9 control over the whole production cycle.

10 And the third issue Brief that we've published
11 into their very checkered bad environmental frack record
12 in Europe at all their petro chemical facilities because
13 we wanted to show that this company, who down plays the
14 risks of fracking in the United Kingdom, is not even
15 able to do a good daily business within their petro
16 chemical industry.

17 The graph you see here is the one that shows
18 you this existing Trans-Atlantic pipeline. And I'll
19 stress this one again because I really want to make you
20 aware of the fact that if we talk about fracking, the
21 impacts of fracking, the role of fracking with regard to
22 climate change this new dimension of the extraction of
23 hydrocarbons, not even for energy security reasons, is
24 very important.

25 So what we see is an expansion of the existing
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1 industry but now with a totally different focus, the
2 focus of producing plastics and petro chemicals with,
3 and I repeat myself, its own negative impacts for the
4 oceans and the planet and also for our human rights.
5 Because we have studies that show that sea salt contains
6 plastic and we found plastic fibers in tap water all
7 around the world.

8 Last year we filmed plankton eating plastic,
9 meaning it has entered the food chain. So it's a very
10 important issue and it is directly linked to fracking
11 and the current expansion of the industry, especially in
12 Pennsylvania and in the United States.

13 I told you already about Ineos and that they
14 want to become the biggest fracker in the United
15 Kingdom.

16 Now there are a few more things I want to
17 highlight and to also to raise awareness about the
18 democratic deficits that we see in the United Kingdom.
19 First and foremost I've already mentioned that the
20 company is owned by a billionaire. He's now the richest
21 man in the UK. And I've gathered some quotes of him,
22 direct quotes, but also some kind of actions that Ineos
23 has done during the past two years showing us that this
24 company wants to frack no matter what. So whoever
25 stands in their way they want to push them aside.

1 So first Jim Radcliffe talked about the risks
2 of fracking and he tried to down play the risk by saying
3 that it is just like a puncture in your car so
4 occasionally you get a puncture and occasionally you
5 have an accident in chemicals. This is as he sees it.
6 And maybe this gives us also maybe an insight into the
7 psychology of these big international companies.

8 I think their perspective is a totally
9 different one and this -- so it's even more important
10 to raise our voices and raise our concerns because what
11 might be an occasional puncture for a big company like
12 Ineos is a major catastrophe for communities somewhere
13 around the world. And we cannot allow companies like
14 Ineos and others to stomp over our humans rights as if
15 it's nothing but a field that needs to be concurred and
16 developed.

17 Another very important thing that opens or
18 gives us an insight into their perspective is the fact
19 that he talked about the symbiotic relationship between
20 the local community and the chemical plant and he said
21 that this is important because occasionally if things go
22 wrong and you need, they need, you know, we need their
23 sort of empathy from time to time.

24 This means that, and it's also directly
25 related to fracking, as soon as a company starts
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1 developing a fuel and if it's a company like Ineos with
2 such a perspective, such a vision needs, they will also
3 take over the whole economy of this region. Meaning
4 that even if something goes wrong people will be
5 dependent on them, economically dependent. Again, a
6 very important thing to keep in mind if we add the human
7 rights dimension to that.

8 And there are two other things that I want to
9 mention and then I'm done. One thing is that Ineos was
10 able to get a court injunction from a high court in the
11 UK against persons unknown, meaning basically everyone.
12 And they can go to jail for up to two years or they can
13 be fined for up to 5,000 pounds for any kind of so-called
14 unlawful protest, but this includes even slow walking in
15 front of vehicles trying to prevent them from reaching
16 the site.

17 Ineos has filed a lawsuit against Scotland
18 who, after a very basic democratic process of public
19 consultation for over a year, has decided to implement
20 an indefinite moratorium on fracking. And they've also
21 filed a lawsuit against the National Trust in the United
22 Kingdom who have denied Ineos access to a nature
23 protection site, Clumber Park, basically saying that
24 they don't want the Clumber Park to be industrialized.
25 Ineos is taking them to court saying that it's their
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1 right to enter the Clumber Park and start developing
2 it.

3 And they do not even shy away from places like
4 Sherwood Forest. They have also licenses to develop
5 shale gas within and also nearby the Sherwood Forest.

6 And now the first question and I'm done. What
7 is the extent of responsibility and liability of states
8 and non-state actors, both legal and moral, for
9 violations of the rights of nature related to
10 environmental and climate harm caused by these oil and
11 gas extraction techniques?

12 Well, again, a very clear statement from Food
13 & Water Watch and Food & Water Europe, we think that
14 state and non-state actors are fully responsible and
15 should be held fully liable for, in view of the existing
16 knowledge, and this is very important evidence,
17 deliberately conducted violations of the rights of
18 nature related to environmental and climate harm caused
19 by the so-called unconventional oil and gas extraction
20 techniques.

21 Thank you.

22 MR. GILL BOEHRINGER: This is a terrific
23 presentation. You really packed a lot of important
24 things. I agree with Tom about those, those two
25 elements but I really appreciate it. Gave me a very
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1 good overview of what is happening.

2 We've had a lot of empirical studies and
3 testimonies of specific and individual cases but this
4 puts it into kind of a political economy of what's going
5 on and I appreciate it greatly.

6 It's terrific work you're doing.

7 MR. ANDY GHEORGHIU: Thanks a lot for that
8 and I hope that it will be of some kind of help.

9 MR. GILL BOEHRINGER: Oh, yeah. Great
10 help.

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12 [youtube.com/watch?v=We6hzjJoy2E&t=4s]

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