

CLOSING ARGUMENTS AND RECOMMENDATIONS

MAY 18, 2018 10:00-11:00

MS. REVEL POINTON: Greetings from Australia. It's an honor to be presenting to you the closing submissions to the Permanent Peoples' Tribunal on Human Rights, Fracking and Climate Change today.

My co-lead attorney, Dr. Evan Hamman, unfortunately, has to send his apologies as he is off in China on a business matter and he regrets not being able to participate in the closing days but assures the judges that if any further help is needed then please do contact him.

So we've had significant submissions before the Tribunal this week raising serious concerns and providing more examples of the issues of concern around the world from fracking and climate change and their particular impacts on human rights.

While I am honored to be in this role of providing the closing submissions for the PPT I also recognize the significant responsibility that this role has of appropriately collating and doing justice to the significant and powerful testimonials and evidence put before the tribunal this week.

I know that I could never do it justice to the  
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1 extensive experience and knowledge that the Tribunal has  
2 before it in these submissions, both written and oral,  
3 the testimony and the evidence and particularly in just  
4 one hour this morning. And so I ask that the judges do  
5 take time to deeply consider all of the submissions and  
6 evidence it has received to duly inform its  
7 deliberations and recommendations.

8 I'm going to provide here just a snapshot of  
9 the arguments put before the Tribunal to hopefully  
10 assist the judges as they coalesce their findings into  
11 recommendations.

12 So just by way of overview I thought I would  
13 start by reminding us of what the purpose of the  
14 Permanent Peoples' Tribunal is just to set up a bit more  
15 context and also the fundamental legal questions that  
16 we're looking to answer through the Tribunal.

17 I'll then be providing an overview of  
18 submissions that are particular to the questions that  
19 the Tribunal has been asked to consider. And if there's  
20 time I'm going to try to answer some of the questions  
21 that the judges put to the attorneys later this week but  
22 we'll see how we go.

23 So as we know the Permanent Peoples' Tribunal  
24 is an internationally recognized civil society human  
25 rights tribunal and it functions independently of state  
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1 authorities. And therein lies its benefit in actually  
2 providing for a space, where state authorities are  
3 failing, to put on a forum for those whose voices can't  
4 actually be heard in normal legal or governance  
5 frameworks.

6 The frame of the Permanent Peoples' Tribunal  
7 is on human rights and particularly for this one on the  
8 issues of fracking activities and associated climate  
9 change impacts. But we'll also be hearing and have  
10 heard this week about the impacts to the rights of  
11 nature.

12 The Tribunal, as I mentioned, plays a really  
13 important role in filling that space that is not used  
14 sufficiently by state authorities to properly account  
15 for human rights impacts that activities are having or  
16 actions are having that we're condoning in our society.

17 And it's a very important role to empower  
18 those voices that aren't able to have their chance to  
19 have their concerns or issues heard in our legal and  
20 political frameworks as I mentioned.

21 So, as you know, as judges for this PPT you've  
22 been asked to apply the standards of international human  
23 rights law and render an advisory opinion on the  
24 following four fundamental legal questions associated  
25 with the impacts of fracking and climate change.

1           So firstly the question is, Under what  
2 circumstances do fracking and other unconventional oil  
3 and gas extraction techniques breach substantive and  
4 procedural human rights protected under international  
5 law as a matter of treaty or custom?

6           Secondly, Under what circumstances do fracking  
7 and other unconventional oil and gas extraction  
8 techniques warrant the issuance of either provisional  
9 measures, a judgment enjoining further activity,  
10 remediation relief or damages for causing environmental  
11 harm?

12           Thirdly, What is the extent of responsibility  
13 and liability of states and non-state actors for  
14 violations of human rights and for environmental and  
15 climate harm caused by these oil and gas extraction  
16 techniques?

17           And fourthly, What is the extent of  
18 responsibility and liability of states and non-state  
19 actors, both legal and moral, for violations of the  
20 rights of nature related to environmental and climate  
21 harm caused by unconventional oil and gas extraction  
22 techniques?

23           The focus of the investigation is on states  
24 since they're considered to be the primary duty bearers  
25 for protecting the human rights of their citizens  
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1 compared to less easily demonstrated but still apparent  
2 duty that exists for corporate citizens to protect human  
3 rights. However, fossil fuel corporations may have been  
4 implicated in witness testimony put before the Tribunal.

5 As we go through a summary of some of the  
6 evidence that led into each of these questions this  
7 morning I'll take the opportunity now to remind us that  
8 we're doing so through the lens of six different cases;

9 Impacts to human health, including human physical  
10 and mental health;

11 The climate impact case that addresses all the  
12 human rights and earth rights dimensions for both  
13 present and future generations;

14 For fracking and climate change, including  
15 government's continued subsidization of fossil fuels;

16 The environmental ecosystem, hydrological and  
17 seismicity cases;

18 And we'll address the human rights and earth rights  
19 dimensions of adverse environmental ecosystem and  
20 wildlife impacts as well impacts on air, surface water,  
21 ground water and earthquakes. So the general  
22 environmental impacts;

23 We'll then look at the public participation case,  
24 which includes the human rights dimensions of public  
25 participation or the lack thereof in decision-making

1 around the industries concerned and policy-making  
2 concerning that industry;

3 And the fuels infrastructure case will address the  
4 human rights and earth rights dimensions of exploration,  
5 drilling, fracking, extraction and delivery processes as  
6 well as the infrastructure needed for transport, storage  
7 and exporting product of waste and the social and  
8 cultural impacts and costs;

9 We'll look at the human rights dimensions of  
10 these costs and impacts on individuals, families and  
11 communities.

12 These cases have been addressed through  
13 various submissions and testimonials in different ways  
14 and not always quite directly. So it's good to keep  
15 them in mind if that helps the judges in formulating the  
16 way the four questions are answered.

17 I'll also use the opportunity in these closing  
18 submissions to attempt to provide an answer to the  
19 questions, potentially through the submissions  
20 themselves and, as I mentioned, if we have time at the  
21 end.

22 So getting into the questions.

23 The first question, as we mentioned, looks at  
24 what circumstances fracking and other unconventional and  
25 oil and gas extraction techniques breach substantive and  
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1 procedural human rights protected by international law  
2 as a matter of treaty or custom?

3           This might be paraphrased as how or when has  
4 it been demonstrated that unconventional oil and gas  
5 techniques breach human rights? The Tribunal has  
6 extended its investigation into fracking to any  
7 unconventional oil and gas extraction technique. So I  
8 thought I might give a very brief reintroduction to  
9 these techniques should it assist us as we work through  
10 the testimonials.

11           So unconventional oil and gas resources don't  
12 appear in traditional formations but they use  
13 specialized extraction or production techniques to  
14 obtain fuel from the deposits. So shale gas, coal bed  
15 methane, coal seam gas and tight oil, which is locked in  
16 extraordinarily impermeable high rock making the under-  
17 ground formation extremely tight, these are all  
18 unconventional gas products or oil products.

19           This is compared with conventional oil and gas  
20 which can be extracted from geological formations using  
21 standard methods that are much cheaper and are more  
22 straight forward.

23           So unconventional oil and gas extraction is a  
24 very complex process that involves a higher level of  
25 risk than your normal standard conventional oil and gas  
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1 products.

2           As stated for the purposes of this Tribunal  
3 the term fracking has sometimes been used in  
4 testimonials more broadly than hydrologic fracturing and  
5 refers more to general unconventional gas or oil  
6 extraction techniques. But more formally hydraulic  
7 fracturing, or fracking as it's known colloquially, is  
8 known as the process of injecting a high pressure mix of  
9 water, sand and chemicals into subterranean rocks, bore  
10 holes, et cetera, so as to force open existing fissures  
11 and extract oil and gas.

12           Fractured fluids are used to extend fractures,  
13 add lubrications, change gel strength and whatnot. So I  
14 have a bit more information than that but I'm sure that  
15 if the judges would like to, at the end, we can go back  
16 through the processes for fracturing and discuss what's  
17 actually involved if that's necessary but I might move  
18 on to the testimonials in case that has been  
19 sufficiently covered this week.

20           I will just start by saying, in answer to one  
21 of the questions posed by the Tribunal being, are there  
22 differences between the fracking and other  
23 unconventional oil and gas extraction techniques which  
24 the Tribunal should consider?

25           Can any of them be carried out in a manner  
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1 compatible with respect for human rights and the  
2 environment?

3           While I'll attempt to answer the second  
4 question later in the statement I'll try to answer the  
5 first now.

6           So not all unconventional gas and oil  
7 extraction requires fracking. All of the activities  
8 pose risk, particularly to our ground water basins and  
9 increasingly climate change but in slightly different  
10 ways.

11           So coal seam gas reservoirs that are exploited  
12 are generally shallower and have a higher concentration  
13 of gas than shale reservoirs. Shale reservoirs always  
14 require hydraulic fracturing while perhaps only half of  
15 coal seam gas reservoirs require fractured stimulation  
16 or fracking.

17           There are numerous proven risks and impacts  
18 related to the development of fracking projects such as  
19 heavy freshwater consumption, water and soil  
20 contamination and public health impacts.

21           The Concerned Health Professionals of New York  
22 and The Physicians For Social Responsibility conclude in  
23 their fifth edition of the compendium, which is the  
24 before the Tribunal, that that emerging data from a  
25 rapidly expanding body of evidence, continue to reveal a  
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1 plethora of occurring problems and harms that cannot  
2 sufficiently be averted through regulatory frameworks.  
3 There is no evidence that fracking can operate without  
4 threatening public health directly or without imperiling  
5 climate stability upon which public health depends.

6 In 2012 the UN Environment Program issued a  
7 global alert on fracking concluding that fracking may  
8 have environmental impacts even if done properly.

9 There are still significant reserves among  
10 conventional natural gas deposits in many countries that  
11 appear to be increasing their reliance on gas as a  
12 perceived transition fuel to move around coal.

13 And I know one of the questions otherwise from  
14 the judges was where we might find data on current  
15 expansion of fracking and other known conventional forms  
16 of oil and gas extraction in the world?

17 I recommend having a look at the International  
18 Energy Agency World's Energy Outlook. While they are  
19 not forecasting their scenarios and they are named  
20 according to that and provide a really good idea of what  
21 the predicted and current use of oil and gas in the  
22 world is under different policy scenarios it's probably  
23 the most respected and used outlook source for gauging  
24 oil and gas extraction along with other resources  
25 around.

1           It could be compared to the BHP. They have a  
2 similar economic outlook that it's good to compare the  
3 data against each just to have an even more accurate  
4 understanding of the predictions of oil and gas  
5 extraction. I'm happy to provide a little more  
6 information if necessary around that too.

7           So when do activities breach substantive and  
8 procedure human rights?

9           Substantive human rights being, as we know,  
10 are rights considered to exist for its own sake and to  
11 constitute part of the normal legal order of society.  
12 Whereas procedural human rights existing more to provide  
13 a means to enforce substantive rights through legal and  
14 governance processes.

15           So we'll look at substantive rights first.  
16 The testimonials have found numerous substantive human  
17 rights that could be picked up through impacts of  
18 fracking and climate change during the proceedings this  
19 week. They include the right to life, security of  
20 person and bodily integrity; right to health, right to a  
21 healthy, viable and supportive environment; right to  
22 safe water; right to respect for private and family  
23 life; the right to property; the right to peacefully  
24 enjoy one's possessions.

25           I might start out with a quick review of the  
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1 question of where the basis of these human rights comes  
2 from. And happily we'll go through this in more detail  
3 at the end if necessary.

4 So the Universal Declaration of Human Rights  
5 in 1948 was, I believe, the first genesis of clearly  
6 articulated internationally recognized human rights and  
7 it provided member states with the requirements to  
8 respect and observe human rights and fundamental  
9 freedoms for all.

10 It's mainly a statement of moral rather than  
11 legal obligations, however, the status of these rights  
12 was elevated in 1966 when two other documents, the  
13 International Covenant On Civil And Political Rights and  
14 the International Covenant On Economic, Social and  
15 Cultural Rights were adopted by the United Nations to  
16 give a legal and enforceable status to most of the  
17 rights recognized in the Universal Declaration.

18 Among the substantive rights recognized in the  
19 International Covenant On Civil And Political Rights  
20 relevant to fracking, the right to self-determination,  
21 including the pursuit of economic, social and cultural  
22 goals to manage and dispose of one's own resources, and  
23 the right not to be deprived of the means of subsistence  
24 or the inherent right to life, including an increase in  
25 life expectancy.

1           Whereas for the International Covenant on  
2 Economic, Social and Cultural Rights the following  
3 rights might be relevant. The right to work under just  
4 and favorable conditions, including safe working  
5 conditions. The right to an adequate standard of  
6 living, including the continuous improvement of living  
7 conditions. And the right to the highest attainable  
8 standard of physical and mental health, including access  
9 to safe and potable water and an adequate supply of safe  
10 food free from adverse substances. And healthy  
11 occupational and environmental conditions.

12           In 1972 the UN Conference On The Human  
13 Environment in Stockholm, Sweden resulted in another  
14 declaration that was the first recognition of the right  
15 to a healthy environment as essential to the enjoyment  
16 of the basic human rights and the right to life itself.

17           The Declaration starts with the principle that  
18 man has the fundamental right to freedom, equality and  
19 adequate conditions of life in an environment of a  
20 quality that permits a life of dignity and well-being  
21 and he bears a solemn responsibility to protect and  
22 improve the environment for present and future  
23 generations.

24           The current United Nations Special Rapportuer  
25 On Human Rights And The Environment, John Knox, has also  
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1 affirmed that states are obliged, under international  
2 human rights law, to take reasonable and justifiable  
3 measures to protect environment related human rights,  
4 acknowledging that environmental degradation can and  
5 does adversely affect the enjoyment of a broad range of  
6 human rights.

7           The Aarhus Convention came later in 1998 with  
8 the Convention on Access to Information, Public  
9 Participation in Decision Making and Access to Justice  
10 in Environmental Matters. So more the procedural rights  
11 focusing on the interactions between government  
12 decision-makers and the public.

13           It establishes governance by disclosure and  
14 has the three pillars of, access to information, public  
15 participation and access to justice. This Convention  
16 has been signed by around 50 countries, however, the  
17 United States and Australia have not signed this  
18 Convention.

19           So let's get to the submissions.

20           So the Tribunal heard the evidence and  
21 testimonials gathered from various pre-tribunals around  
22 the world, particularly in Ohio and Charlottesville in  
23 the United States and also in Australia.

24           So Rick Sahli presented the findings of the  
25 Athens and Youngstown, Ohio pre-tribunals in which the  
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1 jurors found that the testimonies heard established  
2 violations by the fracking industry and by the federal  
3 and Ohio state governments of the following human rights  
4 recognized in international law.

5 Right to life, security of person and bodily  
6 integrity. Right to health. Right to a healthy and  
7 viable and supportive environment, to safe water, to  
8 respect for private and family life, to property, to  
9 peacefully enjoying one's possessions.

10 Testimonials presented cases of increased  
11 medication demands and illness such as splitting  
12 headaches, nervous system tremors, respiratory issues,  
13 nose, eye and throat irritation, insomnia, mental trauma  
14 and so on due to the stress of noise, vibration and  
15 odors of living around these unconventional oil and gas  
16 production areas.

17 There were loud noises, reported smells and  
18 air emissions, including dust plumes that were so strong  
19 from the nearby facilities and traffic that residents  
20 were forced to leave their houses or remain in doors.

21 We heard submissions around trucks passing  
22 every 13 minutes, 24 hours ever single day.

23 Fracking and dumping of toxic fracking wastes  
24 in the poorest region of the states, the Appalachian and  
25 Ohio, and the inability of the people there to decide  
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1 for themselves whether to allow fracking waste dumping  
2 or not.

3 We heard the forced evacuation of lands to  
4 avoid health risks.

5 There was a claimed unfair highly complex  
6 process of violating the rights to life and liberty to  
7 possessing property and to safety.

8 And complaints that elderly with no ability to  
9 access computers were often being exploited by energy  
10 companies.

11 Impacts to climate stability through both  
12 clearing of vegetation and methane emissions were of  
13 concern.

14 And also the locally grown food producers were  
15 extremely concerned that the safety of the food grown  
16 close to fracking operations was at risk and the  
17 reduction of viable uncontaminated farm land caused by  
18 fracking was actually under risk as well.

19 These local chemical-free agricultural food  
20 movements are particularly vulnerable to potential  
21 contamination by fracking accidents or emissions. And  
22 their products have been placed in the food system  
23 without testing all of the impacts on this industry on  
24 their food sources.

25 Obviously they risk losing the organic  
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1 certification and removal from the market if they are  
2 found to no longer meet the standards required of them.

3           So various findings from the extensive  
4 submissions put before the pre-tribunals in Ohio lead to  
5 a recommendation that a moratorium should immediately be  
6 issued preventing exploratory and extensive fracking  
7 wells, fracking waste water, disposal injection wells  
8 and associated operations and infrastructure until such  
9 time as a full publicly funded industry independent  
10 evidence-led human rights impact assessment has been  
11 properly undertaken and published in the public  
12 interest.

13           The evidence of extreme health impacts of  
14 fracking and its associated operations support the  
15 urgency of considering the human rights impact  
16 immediately and various recommendations around what the  
17 assessment should include.

18           The pre-tribunals in Australia heard  
19 testimonials from a range of stakeholders and experts  
20 including many land holders directly affected by  
21 unconventional oil and gas exploration; Doctors For The  
22 Environment, who are a group of doctors who advocate for  
23 the need to protect our environment by adequately  
24 protecting our health; clinical psychologists and also  
25 previous regulators.

1           And the testimonials in the Australian case  
2 found that the Australian government has failed to  
3 protect the human right to attain the highest possible  
4 standard of physical and mental health by failing to  
5 insure a safe, clean and healthy environment through  
6 various key issues.

7           These were the failure to undertake prior  
8 baseline assessment of the possible environmental  
9 impacts of proposed projects and policies, including  
10 their potential effects on the enjoyment of human  
11 rights;

12           A failure to ensure effective enforcement of  
13 environmental standards;

14           A failure to protect the rights of those who are  
15 most vulnerable to the risks proposed by these  
16 industries;

17           And a failure to comply with the obligations to  
18 indigenous peoples and members of traditional  
19 communities including failing to recognize and protect  
20 their right to be consulted with and have obtained from  
21 them free prior and informed consent.

22           So there were ongoing concerns raised around  
23 safety and being free from threats and harassments and  
24 intimidation and violence, which people complained of  
25 being subject to.

1           We did have the unfortunate death of a farmer,  
2 George Bender, and as a result partly of, I understand,  
3 intimidation and violence -- well, not necessarily  
4 violence but intimidation -- and extreme difficulty in  
5 ease of trying to negotiate with the gas industry from  
6 what I've heard.

7           So the testimonials claim that there is no  
8 legal requirement for the government to consider the  
9 health impacts of the industry on the people expected to  
10 host, which is a clear issue around the failure to  
11 recognize the human rights to have your health impacts  
12 considered and then assessed before you're allowing  
13 these industries to go ahead and then when they're going  
14 ahead that these health impacts are being protected  
15 continuously.

16           The testimony considered that there was a lack  
17 of scientific investigations. We have very few baseline  
18 studies or health impact assessments being undertaken  
19 prior to the industry going through.

20           Particularly where I live in Queensland the  
21 industry came through in a big sweep very fast in the  
22 last decade without the regulator necessarily being  
23 ready and without any sufficient baseline studies of how  
24 the environments were before and how they interact,  
25 particularly ground water basins, how they interact with  
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1 each other to understand properly how this industry is  
2 actually impacting on our environment and the  
3 communities around it.

4 And then that obviously creates difficulties  
5 when you're trying to regulate them to know what was  
6 already in the environment around them versus what was  
7 actually a cause of the industry being introduced.

8 There was a failure to do preliminary testing  
9 of children's homes that were actually adjacent to the  
10 gas fields and concern that they were exposed to a range  
11 of carcinogenic and neurotoxic chemicals associated with  
12 the unconventional gas industry.

13 And doctors gave evidence of a remarkable  
14 increase in hospitalization of Darling Downs residents  
15 between 2007 and 2014 for acute respiratory conditions  
16 which more than doubled hospitalizations for acute  
17 circulatory conditions also more than doubled at the  
18 same time that CSG emissions increased in the area with  
19 particulate matter up 6,000%, oxides of nitrogen  
20 increased 500% and formaldehyde increased by 160 tons.  
21 So really significant impacts to the air quality in  
22 those regions.

23 Obviously there is also a loss of property  
24 value through the impacts of the industry and practices  
25 and often in a way that is just not able to be  
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1 compensated. And impacts to farmers with one doctor  
2 estimating a loss of an average of 2.70-million dollars  
3 to the mining of coal seam gas for farmers.

4           Reportedly even firefighters are being put at  
5 risk by not being provided with detection equipment or  
6 training them should they go into gas fields compared  
7 to, I understand, where the US has firefighters equipped  
8 with personal gas detectors to escape lethal areas.

9           And one key thing that's come through a lot of  
10 the submissions is a failure of the precautionary  
11 principle to be properly applied. It seems to be a key  
12 theme for the concerns around this industry that  
13 approvals are being awarded without proper knowledge of  
14 the ecological impacts on terrestrial ground water and  
15 marine environments and insufficient upfront  
16 consideration of cumulative impacts.

17           The Australian Human Rights Commission states  
18 that by not insuring that human rights are incorporated  
19 into the judicially enforceable legislative frameworks  
20 backed up by comprehensive implementation policy it has  
21 enabled industry to manipulate decision-making processes  
22 and outcomes in a manner that basic human rights are  
23 ignored and breaches are not subject to adequate  
24 corrective measures, monitoring or reporting.

25           So these submitters have requested that the  
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1 Tribunal, in considering the evidence provided and the  
2 20 to 40 years of impacts ahead of the existing industry  
3 in Australia, and also the impacts still to occur from  
4 the rapidly expanding industry, they're asking that the  
5 Tribunal consider potential future harm as part of their  
6 considerations of the industry and not merely harm  
7 committed to date.

8           Then we had the Charlottesville pre-tribunal,  
9 which was an excellent example of how money and social  
10 class have impacted the location of unconventional gas/  
11 oil production where communities are facing the Atlantic  
12 Coast Pipeline and Mountain Valley Pipeline, pipeline  
13 infrastructure to transport fracked gas.

14           So both pipelines almost entirely impact rural  
15 people and their communities regardless of the  
16 mountainous elevations, the poverty end or the African  
17 American/Native American/Appalachian majority involved.  
18 So rural routings apparently have enormous cost benefits  
19 to pipeline developers but they also go through some of  
20 the more economically disadvantaged areas.

21           Expert testimonies included evidence from  
22 historians and environmental scientists on fracking gas  
23 infrastructure, medical experts on the health impacts of  
24 compressor stations and pipelines, economists on the  
25 cost benefits of racism and inequality. So the  
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1 communities face significant far-right demonstrations  
2 and violence in Charlottesville, Virginia and I believe  
3 it was last year they were so significant that it  
4 prompted UN investigations. So it's a serious issue out  
5 there.

6 Their evidence demonstrated the truth that in  
7 their region that infrastructure associated with oil and  
8 gas activities is disproportionately sited in non-white  
9 and low income communities.

10 The pre-tribunal conclusions and  
11 recommendations from judges provides a snapshot of the  
12 findings from the testimonials stating whereas  
13 indigenous peoples, people of color, descendants of  
14 freedmen communities, Appalachian communities and  
15 vulnerable populations have been blatantly targeted and  
16 will most certainly be and, in some cases, already are  
17 negatively impacted by the Atlantic Coast Pipeline and  
18 Mountain Valley Pipeline, as evidenced through the  
19 tribunal testimonials. I was going to read them through  
20 but I might just give a bit of a summary.

21 Whereas numerous and diverse examples of  
22 cultural attachment and historic preservation atrocities  
23 exist, violations of religious and cultures practices  
24 and beliefs and so on;

25 Whereas consistent and pervasive lack of public  
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1 participation, lack of opportunities for public input  
2 and access to information such as denial of access to  
3 the wireless tower has occurred, numerous threats to the  
4 built environments including places of faith, roads,  
5 highways, driveways and homes, many of which were  
6 existing in a blast zone and where water is put at grave  
7 risk because of the continuous crisscrossing of the  
8 proposed pipelines through rivers, streams, ground water  
9 and wetlands, and witnesses testified to the release of  
10 greenhouse gas from pipelines and compressor stations  
11 which are just adding to the climate change impacts that  
12 we're facing as a world;

13         And whereas the insults negatively impact the  
14 health of humans and all living things, especially the  
15 most vulnerable, they recommended a request be put to  
16 the Tribunal that strongly recommends that the states of  
17 West Virginia, Virginia and North Carolina but also all  
18 environmental agencies around the world, should suspend  
19 all unconventional gas and oil extractions and  
20 pipelines, undertake necessary thorough investigations  
21 such as environmental, cultural and health impacts  
22 assessments with real voice and real vote for the  
23 community and immediately cease and desist eminent  
24 domain actions.

25         So they also strongly recommend that the  
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1 Tribunal should recommend that the United Nations Human  
2 Rights Council should put the United States on trial for  
3 crimes against human rights.

4 Moving on to quickly summarize the submissions  
5 of Earthworks, which is an NGO that uses science to  
6 educate the public and promote solutions, they found  
7 really interesting data through their projects,  
8 particularly in terms of the community impact studies  
9 they've undertaken which have led them to three central  
10 conclusions.

11 (1) That contaminants that are associated with  
12 oil and gas development are present in air and water in  
13 areas where residents are experiencing health symptoms  
14 consistent with such exposure.

15 (2) There is a strong likelihood that  
16 residents who are experiencing a range of health  
17 problems would not be if wide spread gas development  
18 were not occurring.

19 And (3) by permitting widespread gas  
20 development without fully understanding its impacts to  
21 the public health and using that lack of knowledge to  
22 justify regulatory inaction, Pennsylvania and other  
23 states are risking the public's health.

24 In their studies they found 75% of the  
25 interviewees had health issues reported such as  
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1 neurological problems, forgetfulness, confusion,  
2 dizziness. 50% reported respiratory problems. And 89%  
3 expressed concern for environmental impacts on their  
4 health. So really significant statistics coming out of  
5 their studies.

6 And they've made a range of recommendations  
7 themselves around more regulatory improvements that need  
8 to be made to rectify these substantive human rights  
9 impacts that are being made.

10 I might go on, given the time, to question 2.  
11 I didn't realize this would take so long. I apologize.

12 I wanted to cover quickly on procedural  
13 rights. I might just mention that the Ohio pre-  
14 tribunals' various submissions provided for procedural  
15 rights breaches that were occurring around fracking and  
16 climate change mainly around access to information and  
17 public participation in environmental decision-making  
18 just not being effective. And the right to justice and  
19 access to justice.

20 So having the ability to actually rely on a  
21 legal framework and a regulator that is well-resourced  
22 and able and willing to uphold their human right or even  
23 the rights they have under their subnational and  
24 national laws.

25 So the experience of the Nuiqsut in Alaska is  
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1 a good example of a failure of the human right to access  
2 justice in the public service where traditional owners  
3 are not able to rely on their department of conservation  
4 to address the complaints they're putting in around  
5 harmful air emissions from local unconventional gas  
6 because the department hasn't been given sufficient  
7 funding to undertake monitoring that would be necessary  
8 to actually enforce their laws.

9           So there's a substantial issue with their  
10 ability to access justice in that instance as well as  
11 access information. There are countless examples.

12           I know in Australia the submissions that we  
13 put forward and Associate Professor Amanda Kennedy, I  
14 believe, presented to you dealt with the issues around  
15 the lack of meaningful public participation and access  
16 to justice here. Especially trying to get data on  
17 impacts to ground water or impacts to air emissions.  
18 It's extremely difficult for the public to do so  
19 depending on how the conditions are framed. There's no  
20 absolute right to this information.

21           So there are various recommendations that have  
22 been made to protect procedural rights and they  
23 basically are around those issues of insuring that the  
24 public actually has the right to access information that  
25 is necessary for them to understand the impacts that  
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1 they're experiencing to their health and also the  
2 environment that they've concerned about.

3 That there is a guaranteed access to justice  
4 with the appropriate bodies, be that a regulator or a  
5 community legal center system ably funded to support  
6 people to access justice as needed. And for countries  
7 such as Australia and the US to, at the very least,  
8 ratify the Aarhus Convention to ensure that those  
9 pillars of the Convention are actually insured to be  
10 upheld in their jurisdictions and that the people can  
11 rely on those to hold their governments to account.

12 I'll try to move a little more quickly.

13 So question (2) Was under what circumstances  
14 do fracking and other unconventional and oil and gas  
15 extraction techniques warrant the issuance of  
16 provisional measures, judgments enjoining further  
17 activities, remediation relief or damages?

18 So it could be paraphrased as when has it been  
19 demonstrated that relief might be required or penalties  
20 might be required due to the impacts of unconventional  
21 oil and gas?

22 So I have discussed various human rights that  
23 have been affected by the industry in question already  
24 in No. 1. I would like to argue then to all of the  
25 instances are breaches of human rights so it would be  
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1 circumstance giving rise to some kind of relief or  
2 penalty to account for the breach.

3           The extent of the breach would, of course,  
4 determine the extent of the relief or penalty required  
5 in any given situation. But various submissions have  
6 particular comments and suggestive mechanisms for  
7 addressing the impacts of the unconventional oil and gas  
8 industry.

9           For instance, Megan Hunter from Freshwater  
10 Accountability Project, provided submissions which argue  
11 that both state and non-state actors should be  
12 responsible and liable for the various violations  
13 claimed by this industry under internationally accepted  
14 human rights norms.

15           This was on the basis of their evidence from  
16 clients that they work with on significant impacts to  
17 their life, security and even bodily integrity after  
18 things like accidents of the industry in Ohio where  
19 residents feared for their life after explosions or  
20 significant fires or even exceedingly loud noises for  
21 long periods of times.

22           But it can also extend to death threats from  
23 the industry where people were speaking out or human  
24 health impacts generally or loss of clean drinking water  
25 amongst many other things.

1           So Megan was arguing that the widespread and  
2 egregious nature of these violations warrant  
3 sufficiently the issuance of an advisory opinion by the  
4 Peoples' Tribunal declaring that, first, recognition of  
5 the violations taking place and recognition that both  
6 state and non-state actors are responsible. And, once  
7 again, asking for a moratorium on further unconventional  
8 gas or oil developments immediately implemented and the  
9 remediation and damages should be awarded to the  
10 affected public in order to redress the human and  
11 environmental rights that have been done to prevent  
12 further harm and to ensure further actions to uphold  
13 human rights.

14           Andy Gheorghiu of Food And Water Watch  
15 considers that, "Nothing short of an outright ban on  
16 fracking and rapid cessation of fossil fuel extraction  
17 and consumption will remedy the many associated harms of  
18 our oil and gas industry.

19           "Other provisional measures, a judgment  
20 enjoining further activity, remediation relief or  
21 damages for causing environmental harm are simply  
22 inadequate half measures," he says.

23           "The industry will always try to avoid taking  
24 responsibility for any damages and/or environmental harm  
25 they've done."

1 I might also personally add that the  
2 government is often supporting the industry, too, in  
3 escaping liability or damages in instances we've seen.

4 So in Australia the regional governments are  
5 moving generally towards a business model. So this is a  
6 subtle example but it's one that we've raised concern  
7 about where the businesses they regulate are called  
8 their customers or clients.

9 And this is a seemingly inappropriate reframe  
10 of the regulators' role which risks confusing the roles  
11 and removing of the arm length distance by which they  
12 should be operating when they're regulating the industry.

13 Muara Stephens from the Coalition To Protect  
14 New York, who I believe you just heard from, had  
15 provided submissions demonstrating the process and  
16 impacts in New York and other US communities have gone  
17 through from the fracking industry. And Muara  
18 recommends that, by any reasonable measure, the attacks  
19 that she's presented to the Tribunal upon health,  
20 environment and future should be considered criminal  
21 offenses against all of humanity and against the earth.

22 She says nature deserves our legal protection  
23 as well as do our children, the people of the global  
24 south and all who are opposed in silence. Without an  
25 honorable international judiciary to stop them these

1 entities will have a free rein to control policy  
2 decision-making and further subvert legislatures,  
3 judiciaries and executive branches of government from  
4 the village level on up.

5 So they believe fracking and related  
6 industrial activities should be made crimes in  
7 international law as they are in reality.

8 So moving on to question 3. What is the  
9 extent of responsibility and liability of states and  
10 non-state actors for violations of human rights and for  
11 environmental and climate harm caused by these oil and  
12 gas extraction techniques?

13 There was an interesting report submitted by  
14 Andy Gheorghiu from Food And Water Watch that relies on  
15 an example of Exxon Mobil's own in-house scientists in  
16 1980 warning about the impacts of global warming and the  
17 company considering this in their plans and operations,  
18 however, then going about starting a denial-campaign  
19 that covered up the certainty that climate change and  
20 fossil fuel extraction are actually closely linked.

21 So apparently 30-million dollars was given to  
22 climate denial think tanks and to politicians to support  
23 this dissemination. And for years the industry earned  
24 billions by contributing significantly to global warming  
25 while not taking any of the responsibility around this  
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1 damage.

2           So I thought this case study was an excellent  
3 demonstration of the significant responsibility of  
4 non-state actors in not taking responsibility when they  
5 are aware of the impacts, and the significant impacts,  
6 that their industry is creating by not taking account of  
7 those. But I think it also brings in the states in  
8 allowing non-state actors to operate in such a way where  
9 they probably were privy to the same information.

10           So we know that unconventional gas and oil  
11 extraction activities create greenhouse gas emissions,  
12 particularly methane, of an extremely dangerous  
13 greenhouse gas that is a powerful greenhouse gas 86  
14 times more powerful than carbon dioxide when its  
15 atmospheric warming impacts are considered over a 20  
16 year time period and 34 more times more powerful over a  
17 100 year time period.

18           So what we don't know is how significant the  
19 amount of methane emissions released as fugitive or  
20 migratory emissions from the gas and oil industries are  
21 due to consistent failure to require these figures to be  
22 measured. It's, therefore, difficult to determine the  
23 extent of responsibility and liability of states and  
24 non-state actors for violating human rights for climate  
25 harm given we don't have that data.

1           However, the fact that the regulation of these  
2 serious greenhouse gas emissions is so lax in ensuring  
3 that emissions are actually measured and avoided or  
4 reduced we consider itself a human right failure of the  
5 government and the industry.

6           The industry even has a profit benefit from  
7 saving gas from getting accidentally released through its  
8 production chain and, nevertheless, we still see  
9 countless examples where monitoring and reporting is  
10 just not undertaken and so all of these leaks and  
11 emissions aren't getting addressed.

12           The impacts of climate change risks generally  
13 is particularly significant for those living in Alaska  
14 where they're not only at risk for climate change  
15 threatening to force their migration from their  
16 homelands but also the actual undertaking of fracking  
17 and unconventional gas and oil exploration which is  
18 impacting their livelihoods daily through poor  
19 regulation and significant reporting impacts to their  
20 health and livelihoods. So the Tribunal has before it  
21 exceptional submissions from various Alaskan based  
22 entities.

23           So Robin Bronen a human rights attorney and  
24 the director of the Alaskan Immigration Justice Project,  
25 presented on Human Rights And Climate Forced Migration  
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1 and argued that the continued increase in greenhouse gas  
2 emissions is forcing those who have least contributed to  
3 the climate crisis to make the extremely difficult  
4 decision to leave their homes where they've lived for  
5 millennia. So there was evidence put forward which  
6 demonstrates serious governance and human rights  
7 challenges around these climate forced community  
8 relocations.

9           And there is an excellent Law Review article  
10 before the Tribunal which I recommend that it read given  
11 the implications that it has on this highly vulnerable  
12 community as an example of how climate change impacts  
13 can really play out and who should be made responsible  
14 and liable for these actions where the industry itself  
15 is having both direct and indirect impacts on their  
16 lives through on-site and then global emissions.

17           So Robin recommended that the Tribunal  
18 ultimately proposes that the creation of an expert  
19 working group is created to specifically provide  
20 guideline principles on which maybe she termed, I'm not  
21 sure if it's a known term otherwise, "climigration",  
22 outlining key human rights principles that can guide an  
23 adaptive governance framework. So really interesting  
24 recommendations around that.

25           I know Eunice Brower and Ceal Smith provided  
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1 submissions from the Alaska Climate Network as well on  
2 their experience of fracking in the native village of  
3 Nuiqsut which I've mentioned before and they have  
4 extensive testimonials provided in their letter around  
5 the impacts that their village is facing, both to their  
6 health and to the degradation of their environment also  
7 and their ability to undertake subsistence living.

8           So question 4 is looking at what's the extent  
9 of responsibility and liability of states and non-state  
10 actors, both legal and moral, for violations of the  
11 rights of nature related to environmental and climate  
12 harm caused by these unconventional oil and gas  
13 extraction techniques?

14           So firstly I just wanted to quickly reflect on  
15 what the rights of nature are. Lisa Mead and Michelle  
16 Maloney have provided fantastic submissions to the  
17 Tribunal on the rights of nature in which they give a  
18 great explanation of the background and of when and  
19 where it's playing out in the law at the moment,  
20 explaining that the Universal Declaration of the Rights  
21 of Mother Earth, known as the Declaration in their  
22 submission, was kind of the commencement, I guess, of a  
23 formal recognition of the rights of nature and was  
24 created in Bolivia in 2010 by a Peoples' Congress. So  
25 it's actually not a formally recognized document but it  
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1 is getting extensive recognition more increasingly  
2 throughout the world.

3           So there's also a growing body of legal  
4 recognition through many countries with Ecuador and  
5 Bolivia, New Zealand and Columbia and India all, to some  
6 extent, providing either a particular ecosystem or  
7 environmental features such as rivers. For India it was  
8 most recently the rivers Ganga and Yamuna and all of the  
9 tributaries, streams and natural water flows around it,  
10 being given legal personhood or a living entity that has  
11 corresponding rights, duties and liabilities as a living  
12 person to ensure that they're able to better protect  
13 these entities.

14           Or it might also be Bolivia passing the Rights  
15 of Mother Earth Act in 2010 which creates institutional  
16 structure to protect the rights of mother earth and  
17 enable citizens to represent and defend their interests.

18           So these legal events demonstrate rights of  
19 nature are no longer merely just a philosophical trend  
20 and they really have a substantial legal notion that is  
21 being given increasingly legal effect globally.

22           Lisa and Michelle argue that the rights of  
23 nature are being violated from unconventional gas and  
24 oil extraction through various means. And the key ones  
25 are violation of the rights of the rivers, aquifers and  
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1 waterways through the significant water use by the  
2 industrial processes and they mention tarsands  
3 extraction as an example.

4 Also in Australia and in other countries, US  
5 and Romania, the pollution of aquifers by toxic fracking  
6 chemicals has been a concern, including methane.

7 We're seeing severe pollution of rivers by gas  
8 and chemicals to the extent that in Australia the  
9 Condamine River and other connected water systems have  
10 actually caught fire due to gas bubbling up in the  
11 river. And they go on.

12 And in terms of these rights to the rivers,  
13 aquifers and waterways being violated they claim that  
14 the right to continue their vital cycles and processes  
15 free from human disruptions, right to integral health  
16 and the right to be free from contamination, pollution  
17 and toxic or radioactive wastes, are being breached in  
18 these instances due to the unconventional oil and gas  
19 activities. These are all articles in the Declaration  
20 that they're referring to when they're drawing in these  
21 rights.

22 They further argue that the industry violates  
23 the rights of the climate system. And this is based on  
24 the rights of nature articulation in the Declaration  
25 that gases released by the unconventional oil and gas  
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1 industry violate the following atmospheric rights of  
2 nature to these rights. So the integral health and the  
3 right to be free from contamination, pollution or toxic  
4 radioactive waste.

5 The violation of the rights to land and  
6 subsurface to overall well-being and integral health are  
7 also considered through tree clearing, the risk of  
8 increased seismic activity as result of waste water  
9 reinjection underground at high pressure.

10 And, in this instance, they draw on the  
11 Declaration to show that these earthquakes and seismic  
12 activities directly interfere with the right to  
13 well-being, the right to a place and to play its role in  
14 mother earth for her harmonious functioning.

15 The right to continue their vital cycles and  
16 processes free from human disruptions. The right to  
17 integral health and the right to be free from  
18 contamination, pollution and toxic or radioactive waste  
19 once again.

20 So finally they argue that there's been a  
21 violation of the rights of animals and plants to exist  
22 and thrive due to the impacts, for instance, of numerous  
23 migratory birds that were killed due to tailing ponds  
24 toxicity in Canada or through significant impact on  
25 habitat through clearing. And I know they mention  
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1 through the southern Brigalow Belt in Queensland there's  
2 been significant clearing of suitable habitat for  
3 various species of lizards and snakes that are actually  
4 only found in that area.

5           So as to the question of the extent of the  
6 responsibility of the state and non-state actors for  
7 these legal and moral violations Michelle and Lisa have  
8 argued that governments and public institutions and the  
9 people who work in them they have a particular  
10 responsibility to act and must meet a higher standard by  
11 virtue of the regulatory powers and responsibilities  
12 vested in them.

13           The Declaration places an onus on states,  
14 being the Declaration from Bolivia, places an onus on  
15 states and public institutions to protect the rights of  
16 mother nature, including to establish and apply  
17 effective norms and laws for the defense, protection and  
18 conservation of the rights of mother earth;

19           To guarantee that the damages caused by human  
20 violations of the inherent rights recognized in the  
21 Declaration are rectified and that those responsible are  
22 held accountable for restoring the integrity and health  
23 of mother earth;

24           That empowering human beings and institutions to  
25 defend the rights of mother earth and all human beings  
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1 as necessary and to establish the precautionary and  
2 restrictive measures to prevent human activities from  
3 causing species extinction, the destruction of  
4 ecosystems or the disruption of ecological cycles.

5 So these are all key areas that they're  
6 arguing that the states need to be held responsible for  
7 in terms of the impacts that are being allowed to the  
8 rights of nature.

9 The governments indicted through the evidence  
10 before the Tribunal, so including US, England, Canada  
11 and Australia are not, on the evidence, fulfilling their  
12 responsibilities to protect the rights of nature in  
13 their decision-making or governance processes nor are  
14 the companies or non-state actors, however, fulfilling  
15 their role of upholding human rights or the rights of  
16 nature adequately above their own profits. And we're  
17 seeing that throughout all of the submissions.

18 The Declaration records that every human being  
19 is responsible for respecting and living in harmony with  
20 mother earth. Consequently everyone, including all  
21 companies and government officials, has a responsibility  
22 to ensure that they do not contribute to climate change  
23 and thereby the warming and acidification of the oceans  
24 and also not to contribute to undue impacts to the  
25 rights of nature.

1 Lisa and Michelle request that the Permanent  
2 Peoples' Tribunal examine the factual evidence put  
3 before them on how unconventional oil and gas activities  
4 are violating the rights of nature:

5 That they determine the accountability of relevant  
6 parties for the violations of the rights of nature and  
7 jurisdictions impacted by this industry;

8 That a determination of what restorative measures  
9 should be undertaken should be provided;

10 And that determination of what preventative and  
11 precautionary measures should be taken to prevent future  
12 violations of the rights of nature;

13 And finally they ask that the Tribunal acknowledges  
14 the inherent wisdom in recognizing, in law, the  
15 intrinsic rights of nature and of ecosystems to exist,  
16 to thrive, to regenerate and to evolve, thus adding to  
17 the growing conviction that such a fundamental systemic  
18 change may be the only thing that can save us in our  
19 darkest hour.

20 So I'm just seeing the time. I hope that I've  
21 laid out various key evidence relevant to each question.  
22 I realize it could have been more engaging being able to  
23 have a bit more time and maybe provide a bit more of an  
24 elucidation of the findings that have come out of the  
25 submissions put before you rather than just a summary.  
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1           But I will take the opportunity to remind the  
2 judges to refer back to the four key questions in  
3 considering your responses to the testimonials put  
4 before you. It's a formidable task that you have in  
5 front of you and so are the issues that we're seeking to  
6 solve or, at the very least, to address.

7           So I really congratulate all of the people who  
8 have had the courage and determination to speak out  
9 about the impacts that are occurring and that these  
10 people that have been threatened from the unconventional  
11 oil and gas industry as part of this tribunal hearing.  
12 It's been very impressive to read and participate in the  
13 viewing the submissions put before you.

14           I'll leave you with a quote from a submission  
15 that was put before the Tribunal by Raymond Cusson.

16           "So as we progress in time we realize that the  
17 threat persists for our way of life, the human rights,  
18 the rights of nature, the changing climate and  
19 democracy. We, the citizens and communities, have a  
20 moral obligation to speak out, to demand a change and to  
21 live the change we want to see.

22           "The governments and industry have a moral,  
23 if not legal, obligation to listen and a responsibility  
24 to ensure public safety."

25           So thank you so much to the judges for your  
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1 consideration and deliberations in being part of making  
2 government and industry take note and hopefully take  
3 more responsibility for the impacts that are occurring  
4 to our earth and humanity. And I hope these closing  
5 submissions have assisted somewhat in your deliberations  
6 for this Permanent Peoples' Tribunal on Human Rights,  
7 Fracking and Climate Change.

8           If the judges need any further assistance in  
9 the coming days or weeks or if now, if there's time, in  
10 answering further questions I'm sure I and other  
11 attorneys would gladly do our best to assist you.

12           DR. THOMAS KERNS: Thank you Revel.  
13 Beautiful summary.

14           Let's see if there are any questions from the  
15 judges.

16           DR. ANDRES BARREDA: It is obvious that  
17 the accusation is aimed at the whole of the enterprises  
18 of the corporations and all the packet of techniques and  
19 it's also directed to public institutions that are  
20 accomplices.

21           My question is if there is a detailed list of  
22 the involved corporations directly involved and, also,  
23 if such a list exists of the public institutions that  
24 are also involved?

25           I understand that it's a very complex job  
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1 because there are so many levels and the disasters are  
2 so widespread but still I would like to ask if there is  
3 such a list or such lists?

4 MS. REVEL POINTON: So I understand your  
5 question is probably in terms of all impacts from  
6 unconventional oil and gas around the world or is it  
7 just limited to what the Tribunal has heard and had  
8 submissions put towards them?

9 DR. ANDRES BARREDA: Well, the  
10 corporations, the specific corporations by the names, so  
11 to speak, and public institutions involved in this. So  
12 the active subjects.

13 MS. REVEL POINTON: Sure. I'm not aware  
14 of a single place where -- well for either or all  
15 activities.

16 All of the companies -- what I understand is  
17 maybe you're after just a list of all unconventional oil  
18 and gas companies generally rather than ones that are  
19 implicated necessarily and for impacts on human rights  
20 or rights of nature, which I'm not sure if there's any  
21 answer. That's another question. But I'm sure a list  
22 could be found.

23 Well, I shouldn't say that. I wonder if maybe  
24 even the IEA, the International Energy Agency might even  
25 have, as part of their data base, a list of such a  
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1 nature. We can look into that and get back to you.

2 I don't think the institutions or the  
3 government bodies, and I imagine you're meaning that  
4 regulate these industries and aren't performing well,  
5 they're maybe allowing impacts on human rights and  
6 rights of nature, I don't think a list exists at all of  
7 those entities.

8 Because, as you said, they just they're so  
9 extensive I don't imagine that they would have been  
10 captured. However, I imagine there are reports and I  
11 know even before the Tribunal the fantastic human rights  
12 impacts assessments have gone into, for England and for  
13 part of the states, some of the entities that were  
14 involved in those and various other reports have tried  
15 to detail them. But having one place with all of them I  
16 can't think of where that might be, sorry, unless  
17 somebody else here could.

18 DR. THOMAS KERNS: That would be a very  
19 long list. And it would vary from -- in the US it would  
20 vary from state to state, you know. So there's 50  
21 different organizations or agencies and then the whole  
22 federal government would have -- who knows how many  
23 agencies are involved in regulating various aspects of,  
24 you know, climate and extraction.

25 DR. GIANNI TOGNONI: If I may add. At  
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1 least I think that would be useful according to what  
2 Andres was asking and saying that a Secretariat do have  
3 a list, because that has been left out many times, at  
4 least that the names of those corporations that have  
5 been involved in the cases which have been presented and  
6 the institutions because that would provide some more  
7 specific reference for the extension of that.

8           Based on that then we could see whether, in  
9 fact, there is some cluster of corporations, either from  
10 US or from Australia or from India because that would be  
11 important for our general framework and not simply a sum  
12 of detailed cases. And that would be a request that  
13 could be forwarded also to the organizations which have  
14 been following them more systematically those cases  
15 across the world.

16           And certainly the Friends Of The Earth they  
17 are some of these things and that would be very important  
18 also to clarify the extent of the involvement and whether  
19 there are some systematic implications for some areas.

20           So I think that would be one of the questions,  
21 and that you could not have the time, and over the next  
22 few days or so because we have heard during the session  
23 that we are simply asking for some supplemental  
24 information, if possible.

25                           MS. REVEL POINTON: Understood. And I  
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1 can see the value in it. I worry that some advocates  
2 might be concerned about potential claims of defamation  
3 and so they might be more hesitant to raise issues when  
4 they are actually naming companies that are involved or  
5 entities. However, I'll certainly put it to the other  
6 advocates as far as possible if they can send in the  
7 names of the various companies that they are talking  
8 about when they're referencing the impacts that they are  
9 experiencing.

10 DR. GIANNI TOGNONI: So let's say that,  
11 as I think you said before, I think that would be  
12 interesting and useful for the Secretariat to be in  
13 touch with you so that we could explore a bit more some  
14 of the questions some of points about the new  
15 directions.

16 MS. REVEL POINTON: Great.

17 DR. THOMAS KERNS: And with agencies which  
18 would be, you know, the state actors, advocates might  
19 not be so worried about defamation concerns.

20 Is that accurate?

21 MS. REVEL POINTON: I think depending --  
22 no, depending on the defamation laws in the country and  
23 depending on what they're claiming around it, I guess.  
24 But, yeah, I guess that's a question for each of them.

25 So we do have the questions for the attorneys  
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1 that were sent through and I'm sorry that I didn't get  
2 to answer more of them.

3 Were there any other ones that people might  
4 want to try to answer on the spot now?

5 I can't guarantee I'll be able to but  
6 otherwise we'll continue with Plan A of getting back  
7 responses to you by next Friday.

8 DR. THOMAS KERNS: I think that's the  
9 best point. Now we need to move on to the next piece.

10 Any more questions that the judges might  
11 want to submit and any responses that advocates might  
12 want to submit.

13 MS. REVEL POINTON: Great.

14 DR. ANDRES BARREDA: Thanks a lot for the  
15 effort.

16 MS. REVEL POINTON: It's a pleasure.  
17 Thank you so much. It was a honor to present to you  
18 all. So I wish you well in your deliberations and look  
19 forward to hearing your recommendations.

20 Do get in touch, as I said, if we can be of  
21 further assistance.

22 DR. ANDRES BARREDA: This effort is going  
23 to be useful for every one who fights against the oil  
24 industry in the world.

25 MS. REVEL POINTON: I hope so too.  
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[youtube.com/watch?=HfvzwsnOoIE&t=1s]

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