



**Human Rights,
Fracking &
Climate Change**

Human Rights, FRAAC and Climate Change

Shay Dougall

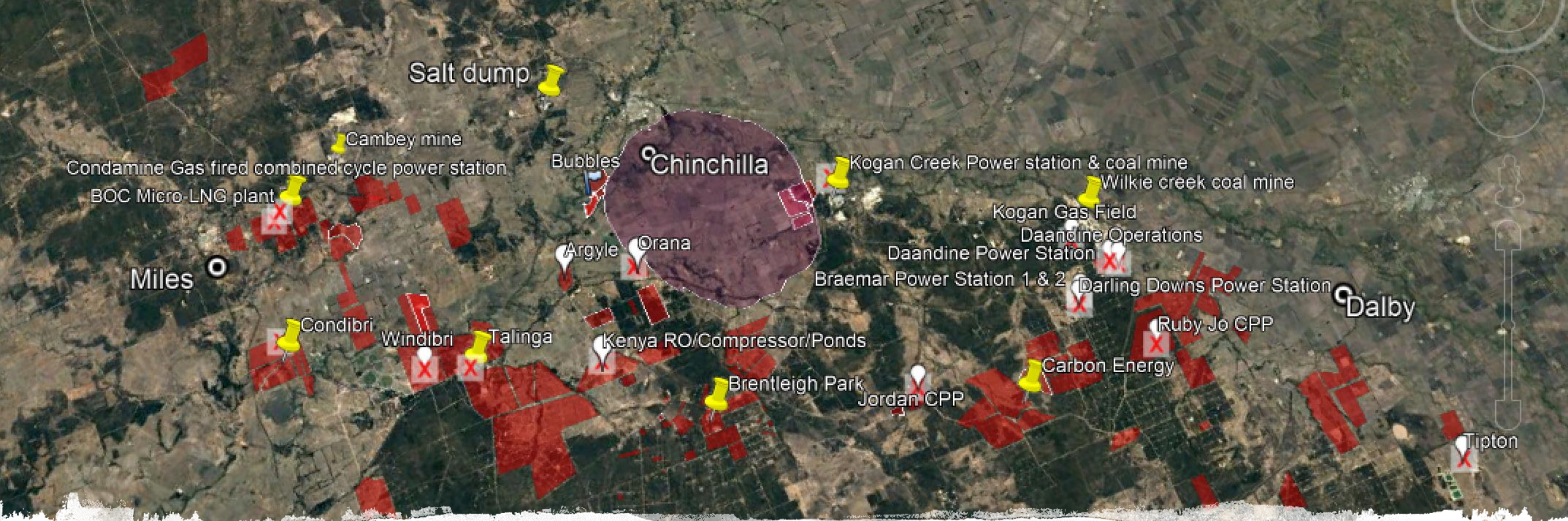
- Wife and Mother
- Landholder Advocate
- Chinchilla
- OHSE Professional
- Masters in progress
- OHSE impact of industry on Hosts



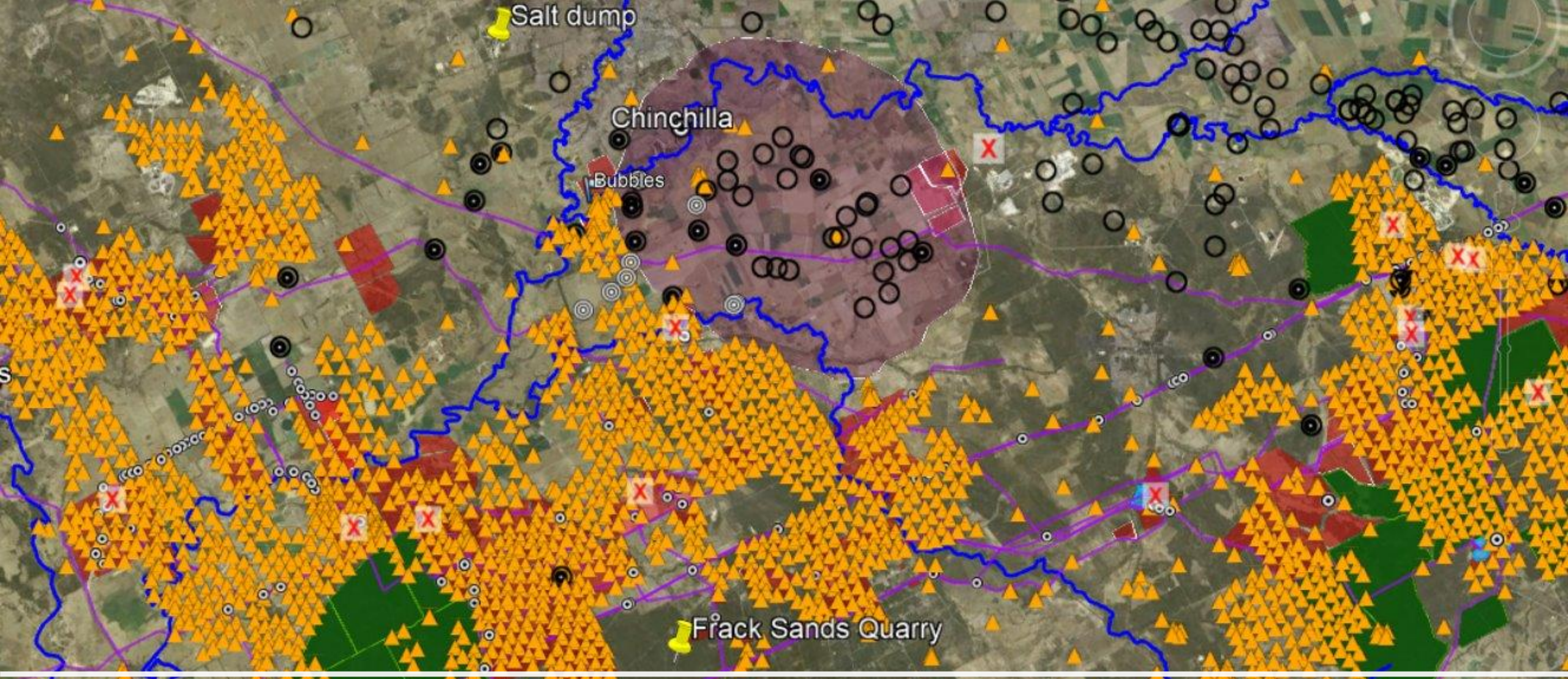
Human Rights

For many the issue of human rights, their defense and their violation may thankfully seem like a philosophical topic in this day, age and country.

Unfortunately for some it is not, it is a shockingly basic but profoundly powerful aspect of their day to day existence that is incomplete, raw and exposed, that eats at their fundamental fulfilment as people. And regarding the topic I am here to talk about, it is happening to communities just 3 hours west of here.



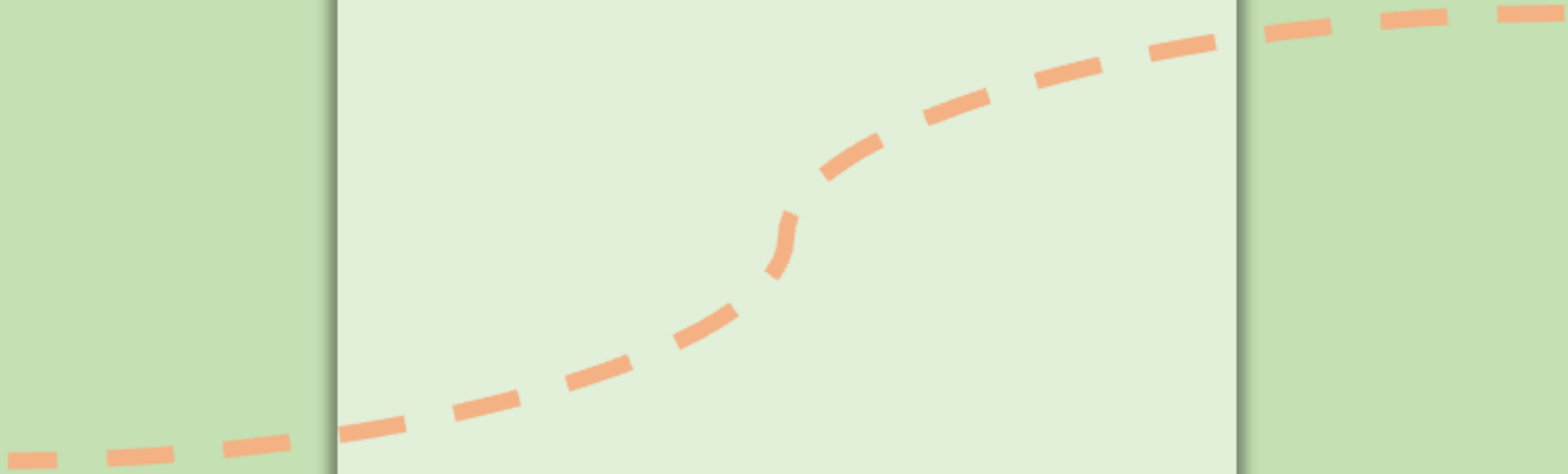
Extreme Extraction – Unconventional Gas



Unconventional gas wells

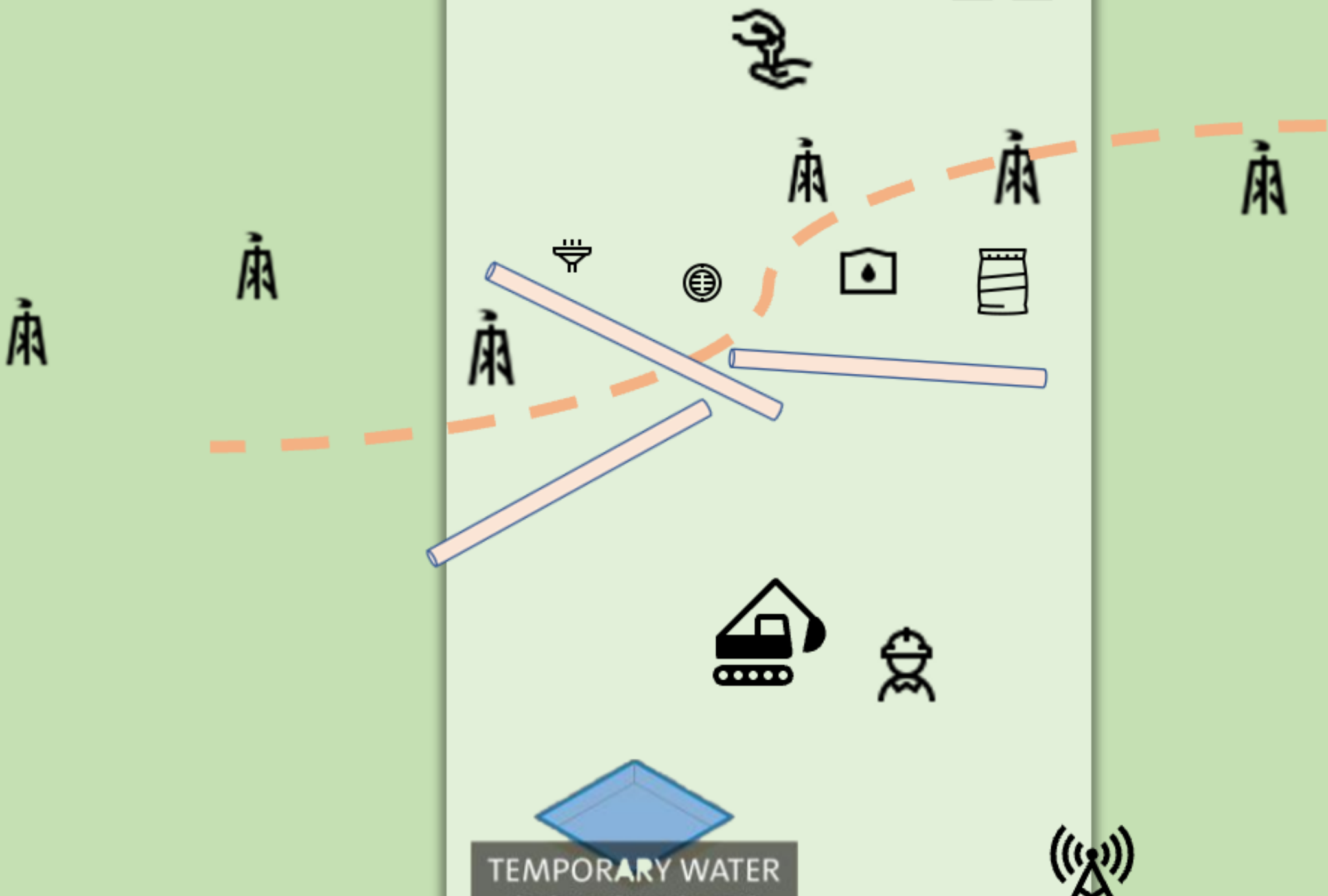


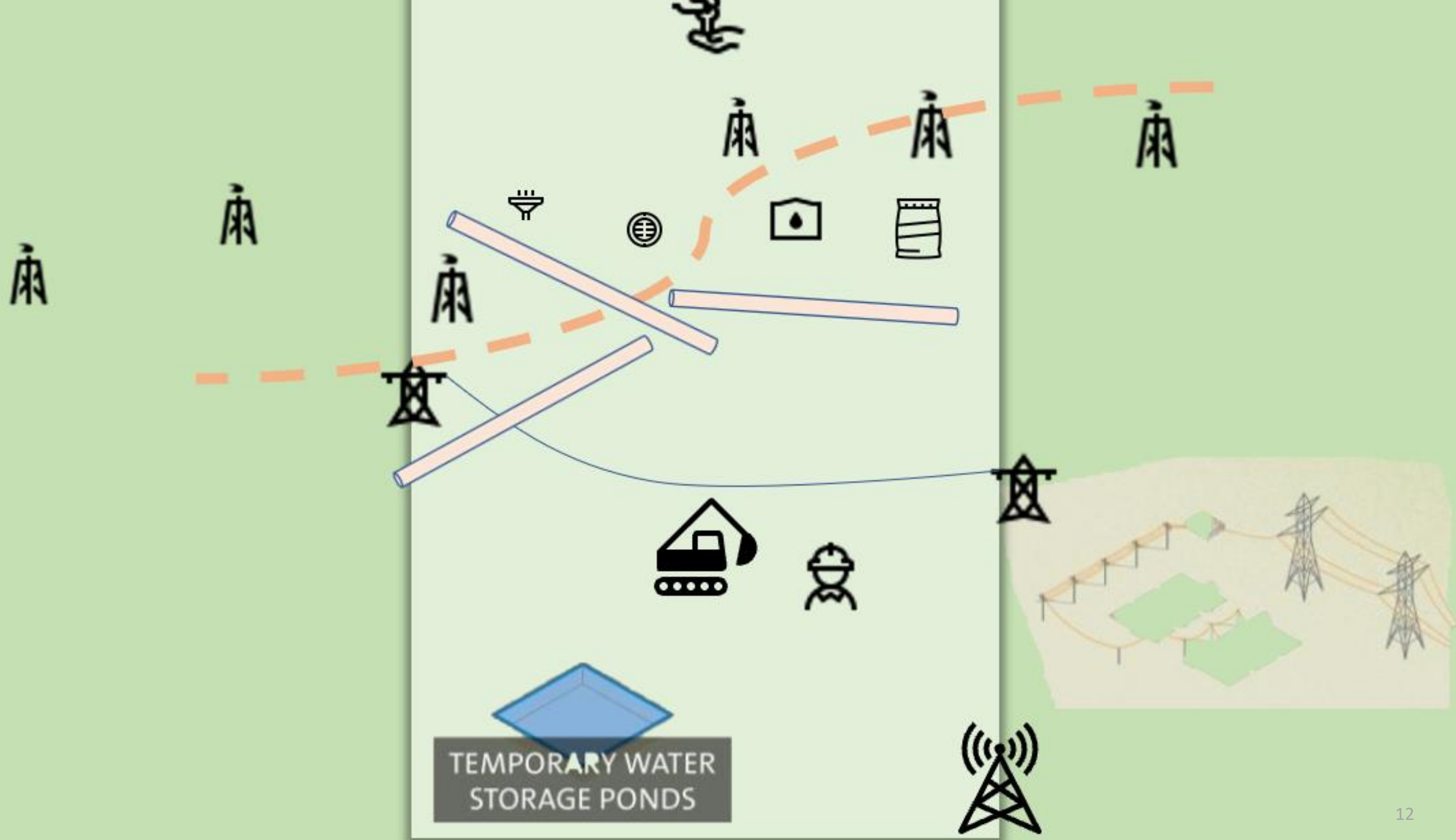


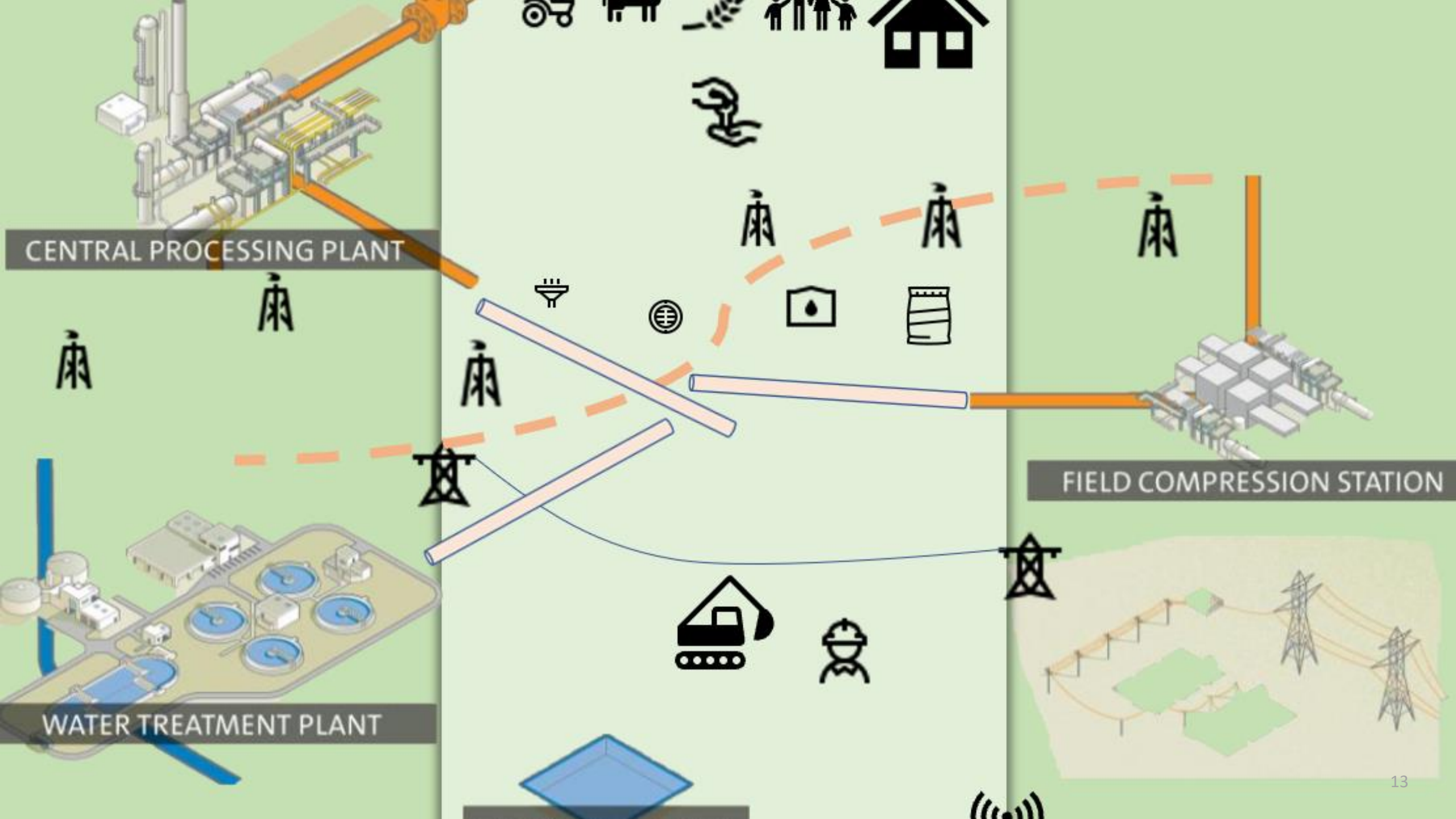












Landholder Advocacy

I had advocated for approximately 30 families living this experience as well on behalf of my own family.



I had first hand experience of the impacts and the lack of support and information and the advantages that the industry had over the individuals in the community.

Through a visit from the Sisters of Mercy and the advocacy on our behalf, I heard of the Permanent Peoples' Tribunal Session on Human Rights, Fracking and Climate Change that was being planned.



TRIBUNALE PERMANENTE DEI POPOLI

- The Permanent Peoples' Tribunal, headquartered in Rome, is an internationally recognized civil society human rights tribunal functioning independently of state authorities. It applies internationally recognized human rights law and policy to cases brought before it.
- “The importance and strength of decisions by the PPT rest on the moral weight of the causes and arguments to which they give credibility...” The goal of PPT Sessions is “recovering the authority of the Peoples when the States and the International Bodies failed to protect the right of the Peoples.”
- The PPT’s mission is to give those people in their quest for respect, self determination and dignity of life, a chance to speak out, to fight and to gain visibility

This Session

- May 14-18 2018
- Organised by :
 - The Global Network for the Study of Human Rights and the Environment
 - Environment and Human Rights Advisory
 - The Spring Creek Project and The Master of Arts in Environmental Arts and Humanities initiative, both at Oregon State University
- 10 judges and conducted by the Secretary General of the PPT
- Evidence from USA, Australia, Canada, UK, Latin America
- Recorded and available permanently for your access

PERMANENT PEOPLES' TRIBUNAL
Session on Human Rights, Fracking and Climate Change

Opening Ceremony
May 14, 2018

▶ PLAY ALL

Permanent Peoples' Tribunal on Human Rights, Fracking and Climate Change

1 video • 248 views • Last updated on Jun 5, 2018

Spring Creek

SUBSCRIBED 116

- 1 Opening Ceremony
May 14, 2018
1:14:35
Spring Creek Project
- 2 Report from Ohio Pre-Tribunal
Athens, Ohio
Youngstown, Ohio
Pre-Tribunal Briefs, Part I
Presented by Nick...
May 14, 2018
59:54
Spring Creek Project
- 3 Report from Ohio Pre-Tribunal
Athens, Ohio
Youngstown, Ohio
Pre-Tribunal Briefs, Part II
Presented by...
May 14, 2018
1:00:06
Spring Creek Project
- 4 Australia Pre-Tribunal
Presented by Sheq...
2:06:59
Spring Creek Project
- 5 Earth Law Alliance Session
Presented by...
1:50:06
Spring Creek Project
- 6 Opening Statements: Pre-Tribunal
Overview and Opening Arguments
Presented by...
May 14, 2018
30:18
Spring Creek Project

PLuUz-6in-AwrHkssYk-jDrfSt2bXZRZ1b

HOME

AUSTRALIAN TRIBUNAL SESSIONS ▼

JUDGES' PRELIMINARY STATEMENT

AUSTRALIAN TRIBUNAL
into the **HUMAN RIGHTS IMPACTS**
of **UNCONVENTIONAL GAS**

BEDROCK LECTURES

ONGOING EVIDENCE AND RESOURCES ▼

REGISTER

NEWS

BLOG

SPONSORS

CONTACT

Australian Tribunal Sessions

www.peopletribunalongas.org

Structure of Australian Contribution

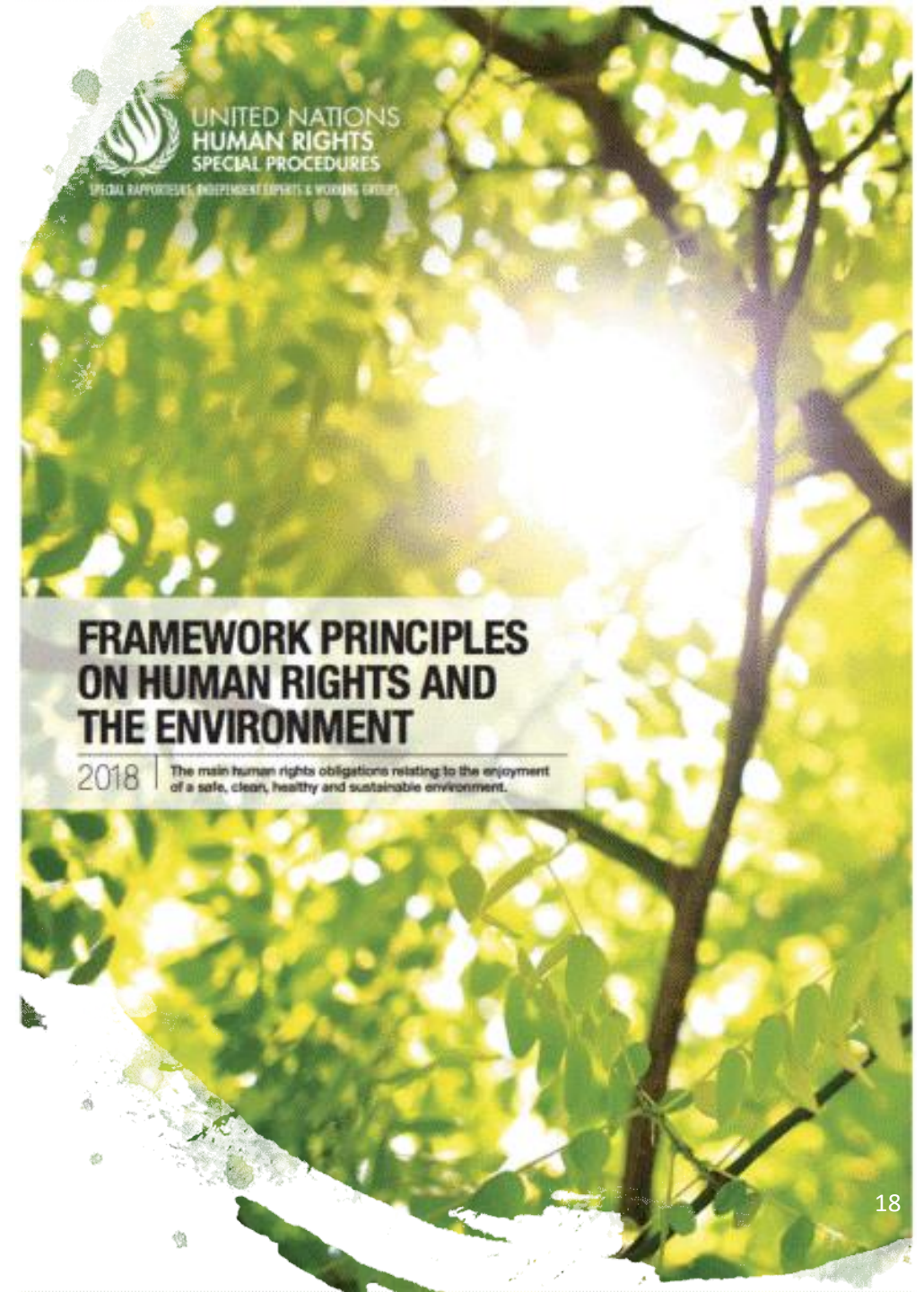
Advisory Opinion - 4 Questions asked of PPT



5 subcases – Health, Infrastructure, Climate & Environment, Government Participation, Social & Cultural



16 Framework Principles – Report to PPT summarizing Australian Evidence, mapped against the 16 framework principles highlighting the gaps in governance.



PPT Health Evidence



Health not considered in Energy Policy



Air, land, water, noise contamination
Arbitrary Environmental conditions



No baselines
No Health impact assessments

PPT Climate/ Environment Evidence



Government allowing industry Primacy of industry over high value agriculture fails to consider basic future needs



Cumulative impacts not part of permitting, not even consistent environmental conditions across the piecemeal permits



Methane powerful greenhouse gas is not appropriately regulated, monitored or reported

PPT Government Participation Evidence

- Government deliberate and relentless creation of the gas industry
- Removal of red and green tape to support the industry instead of protecting the public
- Avoidance of investing in alternative energy industries
- Resulted in:
 - No right of veto
 - Rampant industry lobbying and revolving political doors
 - Failure in compensation arrangements
 - Right to information failure
 - Unconscionable conduct by industry
 - Failure to investigate incidents
 - Failure to prepare for industry related emergencies in the community
 - Burden of proof on individuals

PPT Social and Cultural Evidence



Traditional owners are consistently unrepresented and underacknowledged in the development and approval process



Australia's Pacific Islander neighbours will be the first to pay the price of climate changes induced from the unmitigated emissions from the industry



Industry has been given access to the high school curriculum



Industry is forced onto people causing impacts on family, recreation, business, unrelenting stress, tearing of community

PPT Outcome – Preliminary Statement - Validation

- The same evidence heard by the government that fell on deaf ears, once heard by the PPT resulted in the following statement

Commonwealth	State
<ul style="list-style-type: none">• Senate Rural Affairs and Transport References Committee, Management of the Murray Darling Basin Interim report: the impact of mining coal seam gas on the management of the Murray Darling Basin (2011).• Standing Council on Energy and Resources (now COAG Energy Council), National Harmonised Regulatory Framework for Natural Gas from Coal Seams (2013).• Productivity Commission, Mineral and Energy Resource Exploration (2014).• Senate Select Committee into Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs (2015).• EPBC Water Trigger Review	<ul style="list-style-type: none">New South Wales:<ul style="list-style-type: none">• 2012 inquiry into coal seam gas• 2014, the NSW Chief Scientist and Engineer, Professor Mary O'Kane, conducted an independent review of the process for arbitrating land access arrangements for mining and petroleum exploration.Victoria:<ul style="list-style-type: none">• 2015, inquiry into unconventional gas• 2013, the Hon Peter Reith AM chaired a Victorian Gas Market Taskforce inquiry that considered gas arrangements for mining and petroleum exploration.• 2012, an inquiry into greenfields mineral exploration and project development in Victoria.Queensland<ul style="list-style-type: none">• 2014, the Queensland Competition Authority has reviewed the regulation of the CSG industryWestern Australia<ul style="list-style-type: none">• 2013 the implications for Western Australia of hydraulic fracturing for unconventional gas.South Australia<ul style="list-style-type: none">• 2015, an inquiry into the potential risks and impacts in the use of fracking to produce gasTasmania<ul style="list-style-type: none">• 2015, a review of hydraulic fracturing.Northern Territory<ul style="list-style-type: none">• 2014, inquiry into hydraulic fracturing• 2016 the independent Scientific Inquiry into Hydraulic Fracturing of Onshore Unconventional Reservoirs

PPT Preliminary Statement



“The evidence [provided in the session] clearly demonstrates ...



the industry has failed to fulfil its legal and moral obligations... [and]



that governments have, in general, failed in their responsibility to regulate the industry so as to



protect people, communities and nature.”

PPT Preliminary Statement

Unconventional gas is an ongoing and expanding reality which affect both the rights of nature as well as of individuals and community with a specifically dramatic consequences on indigenous people.

The practices of the devaluation of rights are most of the time planned and implemented intentionally and are further denied or hidden.

the existence of absence of a clear legislation is not recognised as a vacuum to be urgently corrected but as an excuse to go ahead in a regime of impunity

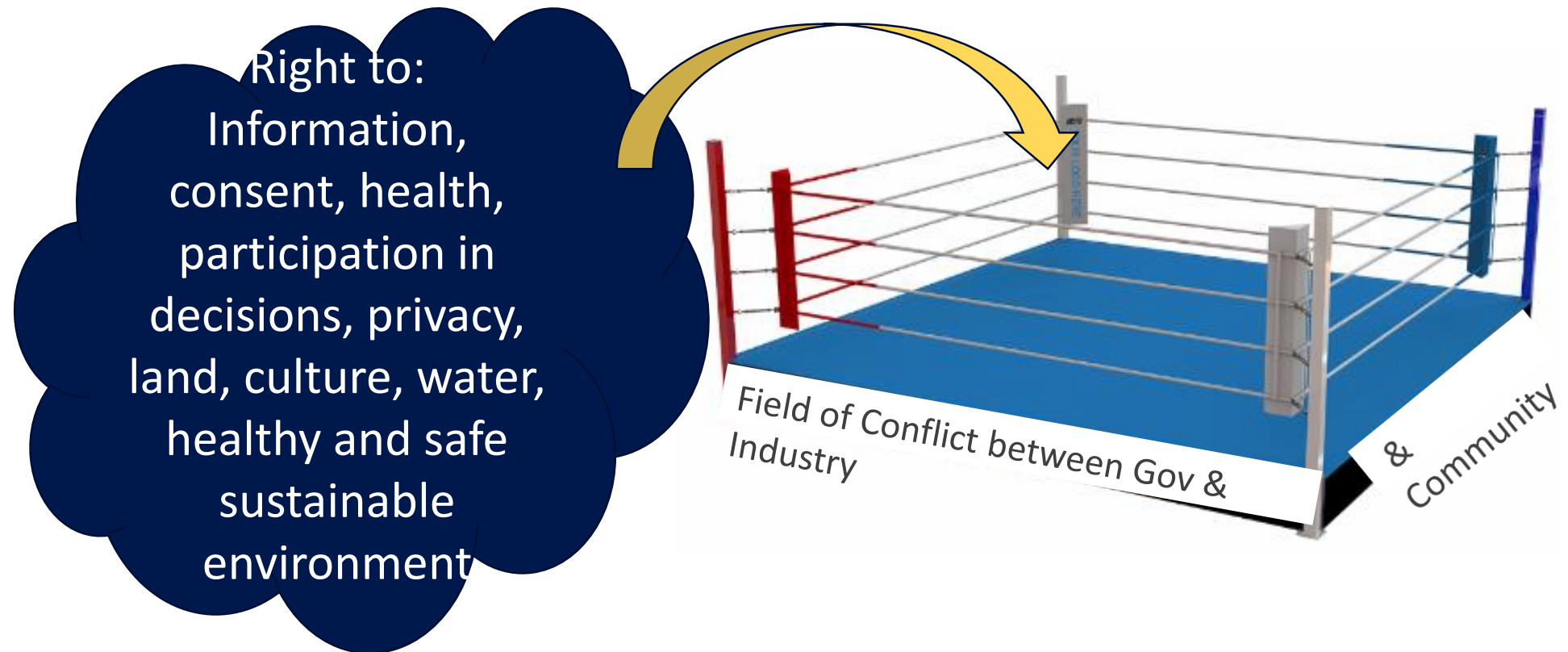
PPT Preliminary Statement

Unconventional gas an exemplary model of a tragic hierarchy of values, which has resulted in the rights of people and the rights of nature being subjugated to the financial interests of states and corporations.



A sort of systemic crime architecture.

The UG industry exists **because** of the failure of our government to consider human rights *and* the lack of an instrument for the people to defend themselves with.



The Evidence provided and the preliminary statement from the PPT is the practical demonstration of the Human Rights Act and what it should contain



Interdependant

- The PPT Session – Human Rights, Fracking and Climate Change 2018 are foundational in terms of what the Human Rights Act in Australia and Queensland should be including.
- Human rights and environmental protection are interdependent. The full enjoyment of our human rights is not possible without the protection of a safe, clean, healthy and sustainable environment

What Next?

- Stay tuned for the release of the PPT Advisory Opinion and support the actions as a result
- Help to spread the concept and then communicate this concept to our government through letters, the way you vote etc, that in relation to Human Rights, Climate Change and in particular 'fracking' our human rights must be considered and are interdependent on the right to a safe, healthy, sustainable environment
- Include this aspect in any actions or campaigns that are undertaken

16 Framework Principles

FRAMEWORK PRINCIPLES ON HUMAN RIGHTS AND THE ENVIRONMENT

1 States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights.

2 States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment.

3 States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.

4 States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.

5 States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters.

6 States should provide for education and public awareness on environmental matters.

7 States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.

To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.

9 States should provide for and facilitate public participation in decision-making related to the environment and take the views of the public into account in the decision-making process.

10 States should provide for access to effective remedies for violations of human rights and domestic laws relating to the environment.

11 States should establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights.

12 States should ensure the effective enforcement of their environmental standards against public and private actors.

13 States should cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.

14 States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.

15 States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by:

- A Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used;
- B Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources;
- C Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources;
- D Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.

16 States should respect, protect and fulfil human rights in the actions they take to address environmental challenges and pursue sustainable development.