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**Session on Human Rights, Fracking and Climate change
(14-18 May 2018)**

PRELIMINARY STATEMENT

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The PPT is an international, fully independent organization established in 1979 as an opinion Tribunal having as its primary statute the Universal Declaration of Peoples' Rights (Algiers, 1976). The main aim of the PPT is to contribute to the struggle of peoples for their self-determination and the prevention, assessment, judgment and reparation of their fundamental rights, whenever international institutions do not fulfil their responsibilities to ensure the full respect of obligatory duties of justice by public or private actors.

Over five days, from 14 to 18 May, 2018, the PPT heard testimony and received other evidence relating to fracking and its impact on climate change, human rights and the rights of nature. Included were very substantial reports from four pre-PPT Citizens' Tribunals that had gathered scientific, technical, social, cultural and experiential testimony from many community organizations, experts and individual citizens. The PPT also received other such evidence from individuals, experts and NGOs on the negative impact of fracking on the environment, people's lives and on their communities.

Given the overwhelming volume and comprehensiveness of the evidence received and the need to consider all of this carefully, the panel of ten jurors will necessarily take several months to formulate a precise and comprehensive Opinion, including recommendations.

Because the matters considered by the PPT are of great significance and public concern around the globe, especially to those affected negatively by the fracking industry, and generally speaking by the expansion of the fossil fuel extractive frontier, with all its consequences on the climate crisis, on the environment and on peoples' rights, by industry role players themselves, and governments across the world insofar as they have responsibilities to abide by laws and to protect the public, human rights and the environment, this Preliminary Statement is issued now for public discussion and action to abate the negative effects of fracking.

The dramatic impacts of the Unconventional Gas and Oil Extraction technologies on people, the environment and the climate were elaborately documented to the PPT, including a comprehensive exposition of facts and related oral, visual, juridical and cultural evidence which clearly established beyond any reasonable doubt the reality of violations of the rights of humans and of nature, and a significant contribution to climate change. Such findings require the urgent ascertainment and attribution of responsibilities as well as of the measures which must be undertaken to avoid an irreversible worsening of the situation; and to bring about changes in practices, policies of reparation for injuries suffered, and rehabilitation of environmental destruction including the contribution of fracking to climate change.

What has become clear is that fracking is, with important but limited exceptions, an ongoing and expanding reality that affects both the rights of nature as well as the rights of individuals and communities in all the countries which were considered by the PPT, with specifically dramatic consequences on indigenous peoples. This is just a sample of impacts and consequences suffered elsewhere where fossil fuel exploration and extraction (including of non conventional fuels such as tar sands as well as shale gas and shale oil) continues unabated. The many practices of resistance, research and of resilience by people and their communities that have been presented to the PPT

underline that the violations of rights are generally planned and implemented intentionally, as well as being hidden when possible and denied when exposed. Also, the frequent absence of appropriate juridical-normative terms of reference is not recognised by governments as a vacuum to be urgently corrected, thus providing corporations an excuse to operate within a regime of impunity.

The scenario of rights violations and impunity, often resulting from regulatory capture, that fracking presents appears as an exemplary model of the broader geopolitics and strategies of states and powerful corporations that have imposed a tragic hierarchy of values across the world, 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 Advisory Opinion of the PPT will be oriented to provide proposals that are not merely descriptive by answering the four main questions which have guided the preparation and implementation of this Session. The Opinion will also explore, evaluate and make findings on the responsibilities for the multiple abuses of rights violations and the roles that many actors play in this respect. The Tribunal will, in addition, focus on:

- the possible ways of strengthening the role of local communities and indigenous peoples which must be further recognized as the main subjects of inviolable rights including that of self-determination;
- the necessary evolution of existing international, national, and local juridical institutions, concepts and laws which could ensure an innovative role of the guarantors of the rights of affected and threatened human communities and of nature;
- the promotion of broader and more effective networks of community and political actors capable of transforming the many but fragmented and dispersed experiences of resistance and resilience into a true transversal “people”, fighting for the combined respect and promotion of the fundamental Universal Declaration of Human Rights and the more recent Universal Declaration of the Rights of Mother Earth.

It is then the Interim Opinion of the PPT that:

The evidence we have considered is consistent internally, almost without exception. It is also consistent with the external evidence to which the Tribunal was referred, i.e. the results reached, discussed and analysed in hundreds of independent reports and refereed research publications.

The evidence clearly demonstrates that the processes of fracking contribute substantially to anthropogenic harm, including climate change and global warming, and involve massive violations of a range of substantive and procedural human rights and the rights of nature. Thus the industry has failed to fulfil its legal and moral obligations.

The evidence also shows that governments have, in general, failed in their responsibility to regulate the industry so as to protect people, communities and nature. In addition, they have failed to act promptly and effectively to the dangers of climate change that fracking represents.

Finally, this particular Session of the PPT has been an experiment of collaboration and communication. It has sought to overcome the economic constraint of limited resources which impede what should be a permanent, timely exercise of assessing, monitoring, preventing and transforming the universe of violations which occur in the present global scenarios, where the decisions on policies which go against the fundamental rights of nature and of human communities are taken, imposed and directed centrally by those who have unlimited resources.

The experiment has been a resounding success, with the inevitable but instructive limitations, thanks to the commitment of an organising group which deserves the recognition and gratitude not only of the PPT, but of all those who can now transform this experiment into a flexible and powerful tool which could allow the struggles of the communities of the world to become more globally and more timely known, shared and effective.

Panel or the judges:

Alberto Acosta Espinosa
Lilia América Albert Palacios
Andrés Barreda
Upendra Baxi
Gill H. Boehringer
Maria Fernanda Campa
Louis Kotzé
Larry Lohmann
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