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IN THE COURT OF APPEAL OF THE SUPREME COURT OF JUDICATURE
APPELLATE JURISDICTION

NOTICE OF APPEAL
CIVIL APPEAL NO. OF 2020 GUYANA

2018-HC-DEM-CIV-FDA-310

BETWEEN

In the matter of an application by RAMON GASKIN

For Writs of Certiorari and Prohibition

Appellant/Applicant

And the MINISTER OF NATURAL RESOURCES

Respondent/Respondent

And

ESSO EXPLORATION AND PRODUCTION

GUYANA LIMITED;

CNOOC NEXEN PETROLEUM GUYANA

LIMITED

And

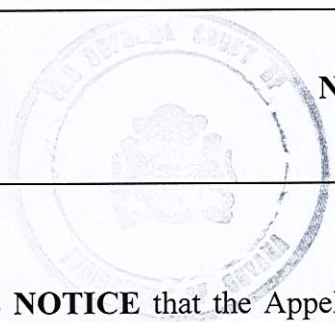
HESS GUYANA EXPLORATION LIMITED

Added Respondents (Interveners)/Added

Respondents (Interveners)

Filed for Mr. Luckhoo
14/2/20
11:45 AM

[Signature]
14/2/2020
for N. Hughes
for A. Pollard



NOTICE OF APPEAL

TAKE NOTICE that the Appellant (being the Applicant in the court below) Ramon Gaskin being dissatisfied with the entire written decision/judgment of the Honourable Madame Roxane George, Chief Justice (ag) delivered on 12th February 2020 (in the Fixed Date Application No. 2018-HC-DEM-CIV-FDA- 310), **hereby appeals** to the Court of Appeal on the grounds set out in paragraph 3 below and at the hearing (or earlier hearing or application) will seek the relief set out in paragraph 4 below.

1. The Appellant states that the names and addresses of the persons directly affected are set out in paragraph 5.

2. The Appellant complains of the whole of the decision/judgment of the Honourable Madame Roxane George, delivered on and dated 12th February 2020, a copy of which is hereto attached.

3. **Grounds of Appeal:**

(1) The learned judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have come to such a decision or such conclusions under appeal as the learned judge did, further and/or alternatively, the learned judge misunderstood and/or did not consider sufficiently or at all, the nature, purport and effect of the evidence in the case as a whole and/or the applicable law and fell into serious error in ruling against the Appellant and/or Her Honour's decision was unwarranted, unreasonable, irrational, unjustifiable, erroneous at law, disproportionate, harsh and/or oppressive by refusing the Appellant's request for Administrative Orders and other relief by *inter alia*,

(i) The judge misunderstood the Appellant's case and the relief sought by the Appellant, having taken an inordinate length of time to rule on this case (arguments having been completed on 11th February 2019) contrary to the Time Limit for Judicial Decisions Act Cap 3:13 and/or the binding decisions of the Caribbean Court of Justice regarding delay in judicial decisions;

(ii) The judge erred at law by failing to acknowledge, consider and/or grant the additional relief requested by the Appellant following the decision of the judge to add Esso Exploration and Production Guyana Ltd. ("Esso"), Hess Exploration Guyana Ltd. ("Hess") and CNOOC NEXEN Production Guyana Ltd. ("Nexen") not

only as interveners but as Respondents in the application for judicial review of the decision of a public authority;

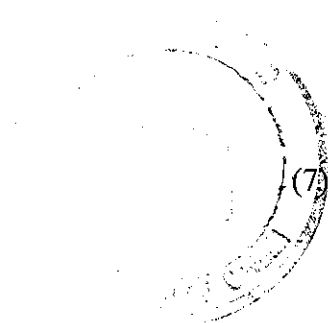
(iii) The judge erred at law by misconstruing/misapplying the canons of construction and rules of interpretation of statute;

(iv) The judge erred at law by misconstruing/misapplying Part IV of the Environmental Protection Act Cap 20:05 (the “EP Act”) and the legislative intent and entire scheme of environmental protection under that Act.

(2) The judge erred at law by taking into account irrelevant and extraneous material and thereby permitting herself to fall into grave error and coming to erroneous conclusions at [2] of her judgement.

(3) The judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have come to such a decision or such conclusions under appeal as the judge did, further and/or alternatively, the judge misunderstood and/or did not consider sufficiently or at all, the nature, purport and effect of the evidence in the case as a whole and/or the applicable law and fell into serious error in ruling against the Appellant and/or Her Honour’s decision was unwarranted, unreasonable, irrational, unjustifiable, erroneous at law, disproportionate, harsh and/or oppressive by taking into account joint and several obligations when in truth and in fact such obligations have no bearing on the EP Act which determines both the requirement and eligibility for the grant of an environmental permit/environmental authorisation at [8] of her judgement.

- (4) The judge erred at law in holding that the Appellant raised a number of irrelevant issues regarding oil spills, when in truth and in fact these issues were raised to demonstrate the importance of an environmental permit being granted to a capable and qualified developer of a project as adumbrated at [12] of her judgement.
- (5) The judge erred at law and/or was plainly wrong in stating that it was submitted that Esso properly had a permit which allowed for the issuance of a PPL to that company and made the error because of the inordinate length of time she took to render a decision at [13] of her judgement. [Para 8(iii) of the Affidavit in Reply filed on 27th November 2018].
- (6) The judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have come to such a decision or such conclusions by agreeing with the submissions of the Respondent and Added Respondents that the Environmental Permit 20160705-EEDPF was issued in relation to a project when in truth and in fact the EP Act and the regulations made thereunder make no such provision as stated at [18] of her judgement.



- (7) The judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have come to such a decision or such conclusions under appeal as the judge did, and further and/or alternatively, the judge misunderstood and/or did not consider sufficiently or at all, the nature, purport and effect of the evidence in the case as a whole and/or the applicable law and fell into serious error in holding that the EPA Regulations support the Respondent's submissions that the [environmental] authorisation is in respect of a project as stated at [26] [27] and [28] of her judgement.

- (8) The judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have come to such a decision or such conclusions under appeal as the judge did, and further and/or alternatively, the judge misunderstood and/or did not consider sufficiently or at all, the nature, purport and effect of the evidence in the case as a whole and/or the applicable law and fell into serious error in holding that s10 of the Petroleum (Exploration and Production) Act Cap 65:04 is wide enough to permit the issuance of a licence to Esso, Hess and Nexen and took into account irrelevant matters as the judge opined in [34] of her judgement.
- (9) The judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have come to such a decision or such conclusions under appeal as the judge did, and further and/or alternatively, the judge misunderstood and/or did not consider sufficiently or at all, the nature, purport and effect of the evidence in the case as a whole and/or the applicable law and fell into serious error in ruling against the Appellant and/or Her Honour's decision was unwarranted, unreasonable, irrational, unjustifiable, erroneous at law, disproportionate, harsh and/or oppressive in holding that the joint and several obligations of the Added Respondents are sufficient to circumvent the provisions of the EP Act as held in [35] – [42] of her judgement.
- (10) The judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have come to such a decision or such conclusions under appeal as the judge did, further and/or alternatively, the judge misunderstood and/or did not consider sufficiently or at all, the nature, purport and effect of the evidence of the case as a whole and/or the applicable law and fell into

serious error in ruling against the Appellant and/or Her Honour's decision was unwarranted, unreasonable, irrational, unjustifiable, erroneous at law, disproportionate, harsh and/or oppressive by holding that the various instruments clearly set out the obligations of the licensee [Esso, Hess and Nexen] which ensure that the Environmental Permit is binding on all of them as held at [42] of her judgement.

- (11) The judge erred at law and came to erroneous conclusions by ruling that the Added Respondents Nexen and Hess are bound to comply with the Environmental Permit by virtue of the Petroleum Production Licence, the Petroleum Agreement and section 9(3) of the Petroleum (Exploration and Production) Act Cap 65:04 when these instruments and the Petroleum (Exploration and Production) Act Cap 65:04 have no relevance and no application to the grant of an environmental permit under the EP Act as held at [45] of her judgement.
- (12) The decision of the judge as a whole is wrong at law, erroneous or plainly wrong having regard to the evidence and/or cannot be supported having regard to the evidence and appropriate law applicable to this case.
- (13) The judge erred at law in refusing to allow the Appellant to formally amend his Fixed Date Application to claim relief consistent with those already claimed.
- (14) The judge was plainly wrong in exercising her discretion to award costs against the Appellant on the basis stated in her judgement when in truth and in fact it was necessary for the Appellant to answer the allegations, issues and matters raised by both the Respondent and the Added Respondents.

(15) The judge erred at law and/or was plainly wrong and/or no court acting judicially and properly instructed as to the relevant law could or would have refused a stay of execution on the order awarding costs against the Appellant.

(16) The Appellant reserves the right to amend the grounds hereof by adding further grounds or amending or extending the grounds of appeal hereof.

4. The relief sought from the Court of Appeal are:

(i) A reversal and/or setting aside of the decision of the learned judge in its entirety and the order made;

(ii) Administrative Orders and all other relief sought in the Application and claimed by the Appellant in submissions made on his behalf granted in their entirety;

(iii) Given the nature of this application and this appeal the Appellant seeks an order that the appeal be heard on an urgent basis having regard to the ruling of the Court of Appeal [Coram: D Gregory, A Bulkan, R Khan JJA] made on 28th June 2018 treating the subject matter of this Application on an urgent basis.

(iv) Any such further order and/or relief as this Court deems just.

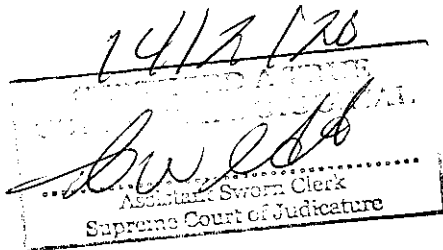
5. Persons directly affected by this Appeal:

(1) Ramon Gaskin, 75 Dennis Street, Campbelville, Georgetown, Guyana.

(2) The Minister of Natural Resources, c/o Messrs Luckhoo & Luckhoo, 1 Croal Street, Stabroek, Georgetown, Guyana.

- (3) Esso Exploration and Production Guyana Ltd c/o Messrs Hughes Fields and Stoby, 62 Hadfield Street, Georgetown, Guyana.
- (4) CNOOC Nexen Petroleum Guyana Ltd c/o Messrs Hughes Fields and Stoby, 62 Hadfield Street, Georgetown, Guyana.
- (5) Hess Guyana Exploration Ltd. c/o Messrs Hughes Fields and Stoby, 62 Hadfield Street, Georgetown, Guyana.

Dated the 14th February 2020



Seenath Jairam, SC

Melinda Janki

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Georgetown

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Email mmjanki@yahoo.co.uk

Attorneys-at-Law for the Applicant Ramon

Gaskin



This Notice of Appeal is filed this 14th day of February 2020 on behalf of the Appellant Ramon Gaskin by his Attorneys-at-Law Seenath Jairam SC and Melinda Janki c/o 79B Cowan Street, Kingston, Georgetown, Guyana

To: The Registrar of the Supreme Court

And to: Edward Luckhoo S.C. ,Attorney-at-Law for the Minister of Natural Resources

And to: Messrs Hughes, Fields and Stoby, Attorneys-at-Law for the Esso, Hess and Nexen.

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