

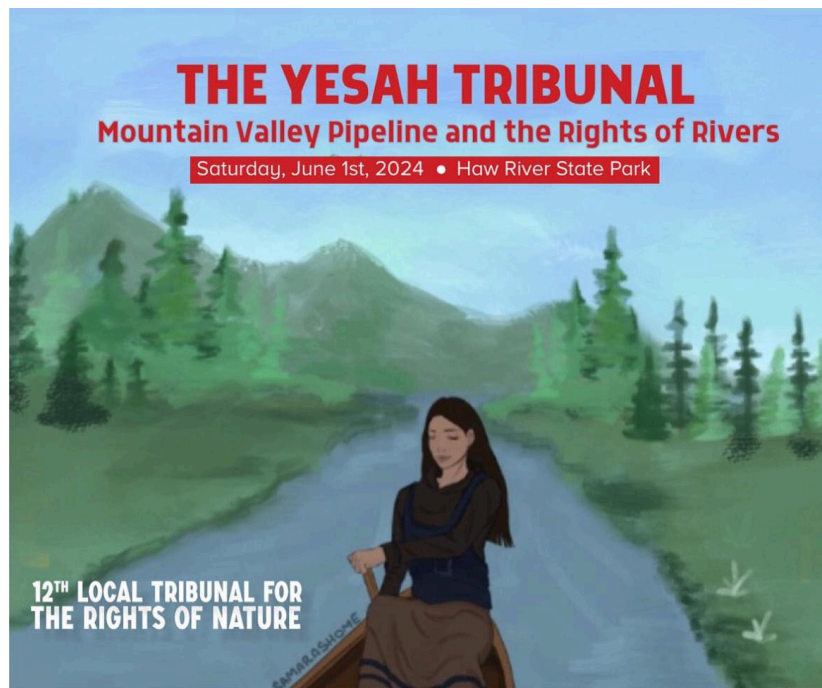


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The Yesah Tribunal: Mountain Valley Pipeline and the Rights of Rivers



Livestream recording:

(ENGLISH) [youtube.com/watch?v=Jj-cmC8czoQ](https://www.youtube.com/watch?v=Jj-cmC8czoQ)

(SPANISH) *coming soon!*

Event photo & video:

movementrights.smugmug.com/The-Yesah-RON-Tribunal-2024



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BROWNS SUMMIT, NORTH CAROLINA, USA – The International Rights of Nature Tribunal held its 12th local hearing at the Haw River State Park in North Carolina, United States of America on the 1st of June 2024. Led by North Carolina organization 7 Directions of Service with partners Movement Rights and the Global Alliance for the Rights of Nature, it was the first Indigenous-led tribunal of its kind in global history, The Yesah Tribunal: Mountain Valley Pipeline and the Rights of Rivers” was brought against the Mountain Valley Pipeline (MVP).

More than 100 people attended in person, and dozens more tuned into the day-long proceedings via livestream. The Tribunal took place shortly after [MVP experienced serious pipe failures](#) during hydrostatic testing, all while developers are demanding FERC [grant the project an in-service request](#).

‘Yesah’ means People of the River in Yesá:sahj - the language of the Occaneechi. The Panel of Judges for the Yesah Tribunal was presided by Ponca Nation leader Casey Camp Horinek; together with Heather Milton Lightning Néhiyaw, *Anishinaabe, Blackfoot & Dakota*; Hartman Deetz, *Mashpee Wampanoag*; La’Meshia Whittington, *Apalwaci Mvkoke*; and Patrick Suarez, *Meherrin Nation*.

The Mountain Valley Pipeline is an incomplete, underground 42-inch fracked gas transmission pipeline project that is steamrolling its way over life-giving water and land across 303 miles, from northern West Virginia to southern Virginia.

Construction has involved over 500 violations of permit conditions, laws, and regulations, and 75% of the route slices through landslide and earthquake-prone terrain, including sacred Indigenous burial sites, waterways, and the Jefferson National Forest. Frontline communities and Water Protectors have been fighting the harmful, unnecessary pipeline for nearly 10 years, and came extremely close to canceling it.

In June 2023, the MVP mainline was fast-tracked by Congress and the White House, a result of being folded into the nation’s must-pass debt ceiling legislation. The MVP provisions forced the approval of all remaining federal permits, and forbids judicial review of any permits. The provisions did not include fast-tracking the MVP Southgate Extension, which is missing all



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necessary permits to begin construction of the proposed 31 mile extension of the mainline into North Carolina.

Most Western legal protections for Nature are rooted in property rights, protecting corporate profits over the health of human and natural communities. But that is quickly changing. Rights of Nature, which recognizes the rights of ecosystems to thrive and evolve their natural cycles, is now law in 39 countries around the world, providing new protections for Nature. “Rights of Nature understands humans are part of the natural world, not owners of it,” said Movement Rights’ co-founder Shannon Biggs, who served as co-secretariat of the Tribunal.

A total of 13 witnesses and experts, cross-examined by Earth Prosecutor Pamela Martin, presented scientific evidence and personal stories of living along the route of MVP:

- “The river is our passageway to the spirit world. We would take our people there when they pass on. We depended on the water being pure and clean, and if it is not, the spirit gets trapped and cannot rest the way it should. We, the Catawba, are the people of the river,” said Monty Branham, Catawba Elder.
- “Over and over and over again, MVP has dumped mud and sediment in clean water. Some of the permanent damage is the damage to the destruction of the physical structure of waterways. Along with incredible biodiversity, we have what we call keystone species, species so important that their extinction changes whole ecosystems. Through their continual, documented violations, MVP has fundamentally changed a system that has worked,” said David Sligh, Conservation Director at Wild Virginia.
- “Mussels are keystone species, they are a key natural filtration system in our rivers. One mussel can filter up to eight gallons of water per day, the presence of mussels can provide cleaner water for all species, including humans. MVP has been documented to spill fertilizer and not clean it up. When fertilizer enters a water body, there is an increase in ammonia, which harms mussels, especially younger mussels,” said Alissa Ganser.
- “My work focuses on how other animals organize and structure their lives. We need to think about non-human beings as having social lives as well. For example, colorful fish use their colors to communicate with each other, with so much sediment caused by MVP violations, they’re unable to communicate,” said Dr. Katti.



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- “Our legacy farm has been in the family for over 100 years. MVP put a pipe across it, 600 feet. We could not use the farm road anymore. They did nothing to correct it. We had a gravesite with the ancestors buried there, and they blocked it off from us. We have 7 and 9 year old grandchildren. We want them to see the farm and love it as we do. MVP must be stopped,” said Elizabeth Jones, MVP Southgate impacted community member, and President of the Pittsylvania County Virginia NAACP.

Each presenter also delivered clear requests for the judges to consider in their deliberation:

- “I would like to ask that you raise this case to the international level, and issue a moratorium on all fracked gas pipelines being built in the Southeast United States,” said Dr. Crystal Cavalier-Keck, Case Presenter of the Yesah Tribunal, Co-Founder of 7 Directions of Service and MVP Southgate impacted community member.
- “We respectfully request that the Yesah Tribunal, based on evidence of Mountain Valley Pipeline’s violations of the inherent Rights of Nature, make a formal request to members of the United States Congress to draft legislation to repeal Section 324 of the 2023 Fiscal Responsibility Act which mandated completion of the MVP and stripped jurisdiction from the courts where such Rights were being upheld. Additionally, due to the risks posed to all life, upstream, midstream, and downstream from MVP, we respectfully request the Tribunal urge the US House Committee on Transportation and Infrastructure to fully investigate whether MVP can ever be safely operated at full capacity considering the age and condition of the pipe as revealed by the rupture during testing in Bent Mountain, VA on May 1st, 2024,” said Russell Chisholm, Co-Director, Protect Our Water, Heritage, Rights Coalition and MVP impacted community member.

After recess and deliberation, each member of the 5 judge panel shared individual conclusions and insights, leading up to declaring the final verdict.

- “MVP and government agencies have allowed the construction of a pipeline that does not meet health and safety guidelines. They would not allow the construction of a skyscraper on cement if it did not meet health and safety guidelines. MVP is clearly a violation of the absolute rights of the river,” said Judge Hartman Deetz, Mashpee Wampanoag.



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- “Rights of Nature and natural law predate anything like the U.S. empire and U.S. rule of law. If we are going to decolonize the world we have to think from the smallest bacteria and mussels to the largest life forms that exist.... They are beings and not just things,” said Judge Heather Milton-Lightening.
- “We are bound by our systems of oppression. We are bound by our Mother Earth and we are bound by the desecration of our Mother Earth. Plantations were never gone with emancipation, plantations became corporations. This is our reclamation, this is environmental justice”, said Judge La'Meshia Whittington Apalwahci Mvskoke.

In the name of the Rights of Mother Nature, of Humanity and of future generations, President Casey Camp Horinek then read the oral verdict where the Tribunal hereby resolved:

1. MVP is a violation of the Rights of Nature and should be stopped.
2. MVP Southgate should not be approved.
3. The Yesah Tribunal demands to elevate this case as an International Rights of Nature Tribunal because it exemplifies everything that is happening to Indigenous communities.
4. The Yesah Tribunal demands bringing this case to other international bodies, including the UN.
5. The Yesah Tribunal recommends this case be brought before appropriate federal, state and local agencies as a violation of existing law, including Endangered Species Act, and Rights of Nature.
6. Section 324 of the 2023 Fiscal Responsibility Act must be repealed.
7. The Yesah Tribunal recognizes the inherent Rights of Rivers and their ecosystems, the inherent Rights of Indigenous Peoples and the inherent Rights of Nature.
8. We recognize the impacts and desecration of keystone species and living entities are a violation of the Rights of Nature.
9. The Yesah Tribunal condemns existing, unjust laws that say corporations are rightsholders. The Yesah Tribuna recognizes Rights of Nature applies to all living things and the system of life *only* and are placed over corporate so-called “rights”.
10. As Indigenous People, The Yesah Tribunal recognizes that what happens to Mother Earth happens to us all, and recognizes that there is a direct correlation between pipelines and MMIP/ MMIWG2S+ (Missing and Murdered Indigenous Relatives).



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11. The Yesah Tribuna accepts the recommendations made to visit the sites of impacted and potentially impacted communities along the MVP route, and the need for laws and regulatory structures that protect “us”.
12. The Yesah Tribuna recognizes there are many issues that need to be investigated, and will endeavor to research and include those as this case is elevated to higher, international tribunals.

The verdict delivered by the Judges was based on the provisions of the Universal Declaration of the Rights of Nature, ILO Convention 169, the United Nations and OAS Declaration on the Rights of Indigenous Peoples, the Convention on Biodiversity, and the jurisprudence issued by the Inter-American System and the Universal System of Human Rights, as well as the legislation of the United States of America, and the legislation and jurisprudence advancing the rights of Nature in countries such as Ecuador, Bolivia, Colombia, Panama among others.

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<https://www.rightsofNaturetribunal.org/tribunals/yesah-tribunal-2024/>