

12th Local Tribunal for the Rights of Nature
Case: Mountain Valley Pipeline and the Rights of Rivers

Participating judges:

- Casey Camp Horinek - Ponca Nation - President
- Heather Milton Lightening - Pasqua First Nation
- Hartman Deetz - Mashpee Wampanoag Tribe
- La'Meshia Whittington -Eastern Band of the Apalwahči
- Patrick Suarez - Meherrin Nation, Snipe Clan

Earth Prosecutor:

- Pamela Martin - USA

Secretariat:

- Natalia Greene - Ecuador
- Shannon Biggs - USA

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The Rights of Nature Tribunal

12th Local Rights of Nature Tribunal

Mountain Valley Pipeline Case

Summary

The International Rights of Nature Tribunal held its 12th local hearing in the Haw River State Park, North Carolina on Saturday 1st of June 2024. The purpose of the hearing was to address concerns related to the Mountain Valley Pipeline (MVP) and its South Gate prospective extension project.

The Mountain Valley Pipeline (MVP), a 303-mile long pipeline constructed to carry fracked gas from West Virginia into Virginia. At the time of the tribunal, approval was being sought for an extension of an additional 40 miles stretching from southern Virginia into central North Carolina, called the MVP Southgate. Indigenous and local communities have serious concerns that this development initiative poses significant risks to the ecosystems and Indigenous and local communities.

Concerns have been raised regarding the rights of rivers, water contamination, negative impacts on essential aquifer ecosystems, an increase in earthquake risks, loss and extinction of (keystone) species and wildlife, sedimentation, and climate impacts. The MVP project has already amassed \$2.5 million in fines for water quality violations^{1 2 3 4}. Moreover, in 2018 an Incident Report Map was released by Mountain Valley Watch showing a total of 150 water quality violations.⁵

Regarding Indigenous and local communities, the MVP has drawn strong disapproval due to their violations of treaty rights⁶, tribal sovereignty, and the right to free, prior and informed consent. Communities have denounced the pipeline's impacts on the integrity and safety of communities, including the loss of drinking water, land grabbing and cultural destruction.

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<https://virginiamercury.com/briefs/mountain-valley-pipeline-agrees-to-pay-virginia-2-15-million-for-environmental-violations/#:~:text=By:%20Sarah%20Vogelsong%20%2D%20October%2011,in%20the%20event%20of%20violations.>

² <https://www.wvtf.org/news/2019-10-11/virginia-mvp-announce-agreement-for-stricter-monitoring>

³ <https://www.wvtf.org/news/2024-03-28/virginia-fines-mvp-for-environmental-violations>

⁴

<https://cardinalnews.org/2024/07/24/va-fines-mountain-valley-pipeline-for-environmental-violations-after-a-nother-quarterly-review/>

⁵ Sierra Club, July 2018,

<https://www.sierraclub.org/press-releases/2018/07/more-150-mvp-water-quality-violations-revealed-clean-water-advocates-new-map.>

⁶ Treaty of Middle Plantation (1677) and the Treaty of 1646

The International Rights of Nature Tribunal served as a platform to gather testimonies from those directly affected by the MVP and its proposed extension and, in this way, to compile a comprehensive narrative, encompassing the voices of local communities and living beings, scientific evidence, including economic arguments and pipeline hazards. The Tribunal, historically led by an all-indigenous judges panel, received 12 testimonies from representatives of various Indigenous communities (the Catawba, Lumbee, Occaneechi and Cayuga) as well as from citizen and environmental organizations. Expert reports were presented by academics and researchers in various fields related to aquifers, waterways, mussels and endangered (aquatic) species, the mountain valley pipeline and southgate project, the rights of rivers, environmental justice, and Indigenous cosmology. These testimonies and reports provided compelling evidence that established a clear connection between the allegations made by the Earth Prosecutor and the documented damages to nature and violations of community rights. The evidence presented during the hearing demonstrated that the MVP has denigrated the rights of the living beings of this region, human and non human. As indigenous and African American community members emphasized, their lives are intertwined with the the rivers and lands of this area, as well as their inhabitants. The MVP has disrupted this bio-cultural connection and has demonstrated a clear prolongation of a history of systematic injustice, racial discrimination and ecological destruction. The victims of this project are the descendants of the same (Indigenous) communities, living beings and ecosystems that were oppressed, enslaved, exploited, destroyed and expelled from their lands to feed a growing system of greed and profit that has no regard to life.

The Tribunal took place shortly after MVP experienced serious pipe failures during hydrostatic testing⁷, all while developers were demanding the Federal Energy Regulatory Commission (FERC) to adopt amendments on the Southgate extension of the MVP, which was submitted in 2020.⁸

Representatives of the MVP project, as well as various representatives, delegates and deputies from the states of Virginia and North Carolina were sent a formal invitation to participate in the tribunal. No representatives attended.

Invites were sent to following officials, with their subsequent response:

- Mr. Matthew Eggerding, Deputy General Counsel, Equitrans Midstream Co
Letter sent May 3 ,2024 **NO RESPONSE**
- Secretary Harold Ward, Department of Environmental Protection , West Virginia letter sent May 17th **NO RESPONSE**
- Elizabeth Biser, N.C DEQ Administration, North Carolina, sent May 17, 2024 **email blocked for security reasons**

⁷ WV Public Broadcasting, Curtis Tate, June 2024, <https://wvpublic.org/mountain-valley-pipeline-released-water-again-during-testing/>.

⁸ FERC, <https://www.ferc.gov/mvp-southgate-amendment-project>.

- Michael S. Rolband, PE, PWD, PWS Emeritus, Director, Virginia Department of Environmental Quality, (DEQ) letter sent May 17, 2024 **reply received May 22 stating that “DEQ is not available to participate in the proceedings”**

Based on the provisions of the Universal Declaration of the Rights of Mother Earth, Convention 169 of the International Labor Organization, the Declarations of the United Nations and the Organization of American States on the Rights of Indigenous Peoples, the Convention on Biodiversity, the 2030 Agenda for Sustainable Development Goals, and the jurisprudence issued by both the Inter-American Human Rights System and the Universal Human Rights System, as well as the legislation of the United States of America, this Ethical and Indigenous-led Tribunal, in the name of the Rights of Mother Nature, of Humanity and of the generations to come resolved as follows:

- I. **The Mountain Valley Pipeline (MVP)** is a clear violation of the Rights of Nature (RON) and must be stopped. *At the Tribunal, all audience members and witnesses unanimously affirmed that MVP offers no benefit or necessity due to the preponderance of ecological and social impacts and its impacts to all living beings.*
- II. **The MVP Southgate extension** should not be approved under any circumstances.
- III. **This case must be elevated to the International Rights of Nature Tribunal**, as it exemplifies the widespread harms experienced by Indigenous communities. MVP is a violation of both the Rights of Nature (RON) and the Rights of Rivers (ROR).
- IV. The Tribunal **calls on international bodies**—including the **United Nations (UN)**, **International Union for Conservation of Nature (IUCN)**, and **Convention on Biological Diversity (CBD)**—to review and act on this case.
- V. The Tribunal recommends that this case be referred to the appropriate federal, state, and local agencies for investigation as a potential violation of existing U.S. environmental laws, including the Endangered Species Act, the Clean Water Act, the North Carolina State Environmental Policy Act (SEPA), as well as the principles of the Rights of Nature (RON) and Rights of Rivers (ROR).

- VI. The Tribunal demands the **repeal of Section 324** of the **2023 Fiscal Responsibility Act**, which fast-tracked pipeline construction and stripped judicial oversight.
- VII. As an Indigenous-led Tribunal, the Tribunal **recognized the inherent rights** of:
- Rivers, watersheds, and river ecosystems;
 - Indigenous Peoples and their sacred relationship to land and water
 - All of Nature to exist, flourish, regenerate, and evolve.
- VIII. The **destruction of keystone species and other life forms** by pipeline development constitutes a direct violation of natural law and ecological balance.
- IX. We reject the **legal fiction that corporations possess inherent rights**. Under natural law, only living systems and beings hold true rights. The asserted “rights” of corporations cannot supersede or override the inherent rights of Nature.
- X. **There is a direct correlation between pipeline construction and violence**—including the crisis of **Missing and Murdered Indigenous People (MMIP/MMIWG2S+)**. Environmental harm is inseparable from violence against Indigenous communities.
- XI. The Tribunal **accepts recommendations** to visit impacted and potentially impacted sites and communities. These visits are essential to inform and support the creation of **laws that protect the people and the land**.
- XII. Tribunal Judges acknowledge that **further investigation is required**. As this case advances to higher levels of accountability, the Tribunal will continue to research and integrate emerging issues and evidence.

The International Rights of Nature Tribunal concludes the Mountain Valley Pipeline and its proposed South Gate extension violate the Rights of Mother Earth established in the Universal Declaration of the Rights of Mother Earth.

This Tribunal used the information gathered during the course of its hearings and its meetings with local organizations, scientists, and communities, as well as the materials and documents collected and analyzed in preparation for the hearing to support its decision.

Indigenous Preamble

Haudenosaunee Greetings to the Natural World⁹:

“The People

Today we have gathered and we see that the cycles of life continue. We have been given the duty to live in balance and harmony with each other and all living things. So now, we bring our minds together as one as we give greetings and thanks to each other as people. Now our minds are one. The Earth Mother We are all thankful to our Mother, the Earth, for she gives us all that we need for life. She supports our feet as we walk about upon her. It gives us joy that she continues to care for us as she has from the beginning of time. To our mother, we send greetings and thanks. Now our minds are one.

The Waters

We give thanks to all the waters of the world for quenching our thirst and providing us with strength. Water is life. We know its power in many forms- waterfalls and rain, mists and streams, rivers and oceans. With one mind, we send greetings and thanks to the spirit of Water. Now our minds are one.

The Fish

We turn our minds to all the Fish life in the water. They were instructed to cleanse and purify the water. They also give themselves to us as food. We are grateful that we can still find pure water. So, we turn now to the Fish and send our greetings and thanks. Now our minds are one.

The Plants

Now we turn toward the vast fields of Plant life. As far as the eye can see, the Plants grow, working many wonders. They sustain many life forms. With our minds gathered together, we give thanks and look forward to seeing Plant life for many generations to come. Now our minds are one.

The Food Plants

With one mind, we turn to honor and thank all the Food Plants we harvest from the garden. Since the beginning of time, the grains, vegetables, beans and berries have helped the people survive.

⁹ https://americanindian.si.edu/environment/pdf/01_02_thanksgiving_address.pdf

Many other living things draw strength from them too. We gather all the Plant Foods together as one and send them a greeting of thanks. Now our minds are one.

The Medicine Herbs

Now we turn to all the Medicine herbs of the world. From the beginning they were instructed to take away sickness. They are always waiting and ready to heal us. We are happy there are still among us those special few who remember how to use these plants for healing. With one mind, we send greetings and thanks to the Medicines and to the keepers of the Medicines. Now our minds are one.

The Animals

We gather our minds together to send greetings and thanks to all the Animal life in the world. They have many things to teach us as people. We are honored by them when they give up their lives so we may use their bodies as food for our people. We see them near our homes and in the deep forests. We are glad they are still here and we hope that it will always be so. Now our minds are one

The Trees

We now turn our thoughts to the Trees. The Earth has many families of Trees who have their own instructions and uses. Some provide us with shelter and shade, others with fruit, beauty and other useful things. Many people of the world use a Tree as a symbol of peace and strength. With one mind, we greet and thank the Tree life. Now our minds are one.

The Birds

We put our minds together as one and thank all the Birds who move and fly about over our heads. The Creator gave them beautiful songs. Each day they remind us to enjoy and appreciate life. The Eagle was chosen to be their leader. To all the Birds-from the smallest to the largest-we send our joyful greetings and thanks. Now our minds are one.

The Four Winds

We are all thankful to the powers we know as the Four Winds. We hear their voices in the moving air as they refresh us and purify the air we breathe. They help us to bring the change of seasons. From the four directions they come, bringing us messages and giving us strength. With one mind, we send our greetings and thanks to the Four Winds. Now our minds are one.

The Thunderers

Now we turn to the west where our grandfathers, the Thunder Beings, live. With lightning and thundering voices, they bring with them the water that renews life. We are thankful that they keep those evil things made by Okwiseres underground. We bring our minds together as one to send greetings and thanks to our Grandfathers, the Thunderers. Now our minds are one.

The Sun

We now send greetings and thanks to our eldest Brother, the Sun. Each day without fail he travels the sky from east to west, bringing the light of a new day. He is the source of all the fires of life. With one mind, we send greetings and thanks to our Brother, the Sun. Now our minds are one.

Grandmother Moon

We put our minds together to give thanks to our oldest Grandmother, the Moon, who lights the night-time sky. She is the leader of woman all over the world, and she governs the movement of the ocean tides. By her changing face we measure time, and it is the Moon who watches over the arrival of children here on Earth. With one mind, we send greetings and thanks to our Grandmother, the Moon. Now our minds are one.

The Stars

We give thanks to the Stars who are spread across the sky like jewelry. We see them in the night, helping the Moon to light the darkness and bringing dew to the gardens and growing things. When we travel at night, they guide us home. With our minds gathered together as one, we send greetings and thanks to the Stars. Now our minds are one.

The Enlightened Teachers

We gather our minds to greet and thank the enlightened Teachers who have come to help throughout the ages. When we forget how to live in harmony, they remind us of the way we were instructed to live as people. With one mind, we send greetings and thanks to these caring teachers. Now our minds are one.

The Creator

Now we turn our thoughts to the Creator, or Great Spirit, and send greetings and thanks for all the gifts of Creation. Everything we need to live a good life is here on this Mother Earth. For all

the love that is still around us, we gather our minds together as one and send our choicest words of greetings and thanks to the Creator. Now our minds are one.

Closing Words

We have now arrived at the place where we end our words. Of all the things we have named, it was not our intention to leave anything out. If something was forgotten, we leave it to each individual to send such greetings and thanks in their own way. Now our minds are one.”

Proceedings before the Tribunal

On the 30th of November 2023, the organisations 7 Directions of Service and Movement Rights, represented by Dr Crystal Cavalier, approached the Secretariat of the International Rights of Nature with the petition to organize a Tribunal on the case of Mountain Valley Pipeline. The case was presented to the Judges Assembly of the International Rights of Nature Tribunal (further: the Assembly) on the 23rd of February 2024. According to its Convention, Statutes and Rules of Procedure (further outlined in Section I) the Given the seriousness and urgency of the issue due to the pending approval of the extension of the pipeline, the Assembly admitted the case and convened a session of the International Tribunal for the Rights of Nature for the beginning of June 2024.

Hearing of the Tribunal

The Tribunal was held on June 1, 2024 at the Haw River State Park. It heard testimony from delegates of various Indigenous communities, including the Catawba, Lumbee, Occaneechi and Cayuga communities as well as from citizen and environmental organizations in various fields related to aquifers, waterways, mussels and endangered (aquatic) species, the mountain valley pipeline and southgate project, the rights of rivers, environmental justice, and Indigenous cosmology totaling 12 testimonies.

I. Foundations of the Tribunal

1. The Tribunal promotes universal respect for and guarantee of the rights set forth in the Universal Declaration of the Rights of Mother Earth (hereinafter the Declaration), in order to promote harmonious coexistence between human beings and other beings of Nature.
2. The Declaration was adopted by the World People's Conference on Climate Change and the Rights of Mother Earth, held in the city of Cochabamba, Bolivia from April 19-22, 2010. At this conference, 142 countries were represented by official delegations, groups and social movements. This Declaration is the first international civil society instrument to consider Nature as a subject of rights, thus overcoming the anthropocentric paradigm of protecting Nature.
3. Article 2 of the Declaration recognizes that Mother Earth has the right to live, to be respected, to its regeneration, to continue with its vital cycles and processes free of human alterations, to maintain its identity and integrity, to be self-regulated and interrelated, to water as a source of life, to integral health, free of contamination, pollution and toxic waste, to not be genetically altered and modified, and to its full and prompt restoration.
4. The Tribunal references the 2008 Constitution of the Republic of Ecuador, which recognizes Nature as a subject of rights, and also recognizes the provisions of Bolivian legislation - mainly Law No. 071 on the Rights of Mother Earth - which was inspired by the content of the Declaration. Furthermore, the Tribunal acknowledges the right to a healthy environment as stated in Constitutions by several States. Likewise, it will consider the jurisprudential development of the Republic of Colombia, which recognizes the Atrato River and, subsequently, the Amazon as a subject of rights and protection.
5. The Tribunal is also governed by the provisions of the Universal Declaration of Human Rights¹⁰, the Covenants on Civil and Political Rights¹¹ and on Economic, Social and

¹⁰ United Nations. (1948). *Universal Declaration of Human Rights*.
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹¹ United Nations. (1966a). *International Covenant on Civil and Political Rights*.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

Cultural Rights¹², the American Convention on Human Rights¹³, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights¹⁴, Convention 169 of the International Labor Organization¹⁵, the Universal Declaration on the Rights of Indigenous Peoples¹⁶ and the American Declaration on the Rights of Indigenous Peoples¹⁷, without prejudice to other instruments that the Tribunal considers relevant in the matter.

6. The Tribunal is guided by the ethical and philosophical foundations that inspire the Declaration, in particular, that all inhabitants of the Earth are part of the universe, and we must respect this order, recognize and accept the intrinsic nature of Mother Earth, protect all species that coexist with the human species in order not to continue reifying Nature, considering it as a mere commodity that we can benefit from, exploit, degrade, minimize and ignore.
7. There is also the concept of Wild Law, which provides that laws should be in place to deepen the connection between all humans and Nature by guiding humans to act in ways that are compatible with the larger jurisprudence and thus promote harmonious coexistence within the Earth community. Wild Law generally focuses on promoting ways of behaving and acting that maintain healthy relationships within the Earth community rather than prohibiting or authorizing specific acts. In this way, the intention and duty to protect Mother Earth in relation to the rights of other communities to live and self-regulate, are born. Understanding that, in reality, the one who gives us the right to live is Mother Earth, and Mother Earth is never wrong.
8. The below analysis is divided into sections related to allegations and applied Rights of Nature laws. It should be noted that the main purpose of the hearings held before this Tribunal was to hear and review the evidence presented by the interested parties.

¹² United Nations. (1966b). *International Covenant on Economic, Social and Cultural Rights*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

¹³ Organization of American States. (1969). *American Convention on Human Rights ("Pact of San José, Costa Rica")*. https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm

¹⁴ Organization of American States. (1988). *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights ("Protocol of San Salvador")*. <https://www.oas.org/juridico/english/treaties/a-52.html>

¹⁵ International Labour Organization. (1989). *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312314

¹⁶ United Nations. (2007). *United Nations Declaration on the Rights of Indigenous Peoples*. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

¹⁷ Inter-American Commission on Human Rights. (2017). *American Declaration on the Rights of Indigenous Peoples*. Organization of American States. <https://www.oas.org/en/sare/documents/decamind.pdf>

9. The International Rights of Nature Tribunal was formally established on the 4th of December 2015, by the entry into force of its Convention.¹⁸
10. Article 1 of this Convention established the Tribunal as an international people's organisation which derives its mandate and powers from the people represented by the signatories to this Convention.¹⁹
11. Article 2 of the Convention mandates the Tribunal with following competences:
 - (a) to investigate, hear, and decide cases involving alleged violations of the Declaration as well as co-violations of human] rights of Earth defenders ;
 - (b) to further develop Earth jurisprudence by drafting and disseminating judgments[CC4] that interpret the Declaration as well as the human rights of Earth's guardians (defenders), and apply those rights and obligations to the specific facts of the cases presented;
 - (c) to promote universal acceptance among the peoples of the world that they have a duty to respect the intrinsic rights of all natural beings, and the universal observance of the rights and duties contained in the Declaration;and
 - (d) to demonstrate how the application of the rights and duties in the Declaration promotes the harmonious coexistence of humans and other beings in a manner that enhances the integrity, health, and functioning of the entire Earth community.
12. The International Rights of Nature Tribunal is subsequently governed by its Statutes²⁰ that outline the specific procedures for the admission of cases, composition of the judges panel, holding of the hearing, ruling on a case, and rendering of oral verdicts and final judgments.

¹⁸ Global Alliance for the Rights of Nature. (2015). People's Convention for the Establishment of the International Rights of Nature Tribunal.

https://drive.google.com/file/d/1RCIRXYx3axnlkVpCiKm6KUg_xB6XNIQ9/view?usp=drive_link

¹⁹ Article 1, People's Convention for the Establishment of the International Rights of Nature Tribunal.

https://drive.google.com/file/d/1RCIRXYx3axnlkVpCiKm6KUg_xB6XNIQ9/view?usp=drive_link.

²⁰ Statute of the Intrenational Rights of Nature Tribunal,

https://drive.google.com/file/d/1WG-uP9eCqOGozSiFLTEVaak94h27hTFj/view?usp=drive_link

II. Background of the case, and community engagement

The Mountain Valley Pipeline project is a 303 mile long interstate natural gas pipeline system that stretches from northwestern West Virginia to southern Virginia (official mvp website). It has been presented as a “critical infrastructure project”, essential for the United States’ energy security, and its transition to a lower carbon economy.²¹

The project is owned and constructed by Mountain Valley Pipeline LLC (a joint venture between EQM Midstream Partners, LP (a conglomerate gas and drilling company from Pittsburgh that will operate the pipeline); NextEra Capital Holdings, Inc. (a conglomerate energy company from Florida); Con Edison Transmission, Inc. (a New York-based electric and natural gas transmission company); WGL Midstream (a DC-based energy services company); and RGC Midstream, LLC (the parent company of Roanoke Gas Company in Virginia)) and regulated by the Federal Energy Regulatory Commission (FERC).²²

Since its project application in 2015, several environmental impact assessments, route adjustments, and legal challenges took place before the start of the construction in 2018. In 2023 the President of the United States signed the Fiscal Responsibility Act, a legislation that raised the Nation’s debt limit and ratified and approved all pending and challenged permits and authorizations necessary for the construction and initial operations of the MVP. This led to its commercial operations beginning on June 14 2024.

Meanwhile, in 2018, a proposal was made for an extension of the pipeline, called the Southgate, under the official objective to diversify the state's natural gas supply and bolster North Carolina’s energy and economic security. The extension was proposed to stretch over 73 miles from the MVP terminus in Pittsylvania county, Virginia, to Alamance County, North Carolina.²³ The construction was targeted to begin in 2026 and to enter into service in mid-2028.²⁴

According to the official website “Engineering aspects included surveying and evaluating various routes to help determine a final route with the least overall impact to landowners, cultural and historic resources, and the environment. During the Pre-Filing Review, which began in late October 2014, the MVP team began conducting environmental surveys, hosted 16+ community open houses, and participated in FERC scoping meetings – all in an effort to encourage open discussion with community members, landowners, and public agencies.” The website also explains how many alternative routes were considered to address the expressed concerns of “interested and informed stakeholders²⁵”. Today the MVP route crosses the following counties of

²¹ <https://mountainvalleypipeline.info/>

²² Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 2.
https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

²³ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 2.
https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

²⁴ MVP Southgate, <https://www.mvpsouthgate.com/>

²⁵ <https://mountainvalleypipeline.info/>

West Virginia and Virginia: Braxton, Doddridge, Fayette, Greenbrier, Harrison, Lewis, Monroe, Nicholas, Summers, Webster, Wetzel, Craig, Franklin, Giles, Montgomery, Pittsylvania, and Roanoke. The website prides the project on displaying the “best safety record and displays a full community support programme²⁶”.

In February 2024, 7 Directions of Service (7DS) filed a formal human rights complaint and 60-page report with multiple United Nations Special Rapporteurs detailing the devastating impacts of the Mountain Valley Pipeline (MVP) on Indigenous communities across West Virginia, Virginia, and North Carolina. The complaint cited violations of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), specifically Articles 11, 26, and 29, which protect the rights of Indigenous peoples to maintain sacred sites, occupy traditional lands, and safeguard environmental health. The filing called for international intervention to halt MVP construction and demand reparations, documenting the arrests of at least five Indigenous land defenders, breaches of karst aquifers, polluted waterways, and desecration of sacred burial sites such as Sinking Creek. This action elevated grassroots resistance to a global human rights platform, reinforcing the leadership of Occaneechi, Monacan, and Saponi peoples while advancing the legal and moral case for Indigenous land defense and Rights of Nature.

In parallel, 7DS has partnered with the Southern Environmental Law Center (SELC) to resist the expansion of fossil fuel infrastructure, including the MVP Southgate Extension, the Southeast Supply Enhancement Project (SSEP), and the proposed T-15 pipeline. SELC has offered strategic legal support through environmental impact assessments, filings to the Federal Energy Regulatory Commission (FERC) and state agencies, and community legal education. These efforts link federal permitting frameworks—such as NEPA, the Clean Water Act, and the Endangered Species Act—with Indigenous cultural knowledge to protect sacred mounds, water sources, schools, and homes from environmental and human rights violations. Together, these collaborations strengthen a unified defense of land, water, and people

In July 2025, 7 Directions of Service (7DS) submitted a formal complaint under the Petitions and Urgent Actions Section of the Office of the High Commissioner for Human Rights (OHCHR) at the United Nations Office in Geneva, Switzerland. This action was taken to address serious human rights violations connected to the proposed MVP Southgate pipeline project. While 7DS have submitted official comments and a motion to intervene with the Federal Energy Regulatory Commission (FERC), these domestic proceedings have failed to offer a fair or meaningful forum for Indigenous concerns. Under current U.S. law, federal agencies are not required to consult with state-recognized tribes, which results in the systematic exclusion of Indigenous Peoples like the Occaneechi Band of the Saponi Nation from decision-making processes that directly impact our lands, waters, and communities. In our submission to the OHCHR, we requested that the United Nations initiate a formal investigation into the human rights implications of the MVP Southgate project, engage with the U.S. government to suspend pipeline construction until full

²⁶ <https://mountainvalleypipeline.info/>

compliance with international human rights standards is ensured, and issue findings and recommendations regarding the rights of state-recognized and First Contact Indigenous Peoples in the United States.

III. Legal precedents of the Case

As a citizen and ethical institution, this Tribunal finds its reason of being and legal justification in upholding and applying legal standards when States, companies, and/or individuals fail to do so. This hearing was held based on following international, national, and indigenous legal sources, agreements, and standards that were (alleged to be) disregarded. These will be further elaborated on in Section VI.

International legal sources and standards

- The Convention on Biological Diversity²⁷
- The Universal Declaration on the Rights of Mother Earth²⁸
- The United Nations Declaration on the Rights of Indigenous Peoples²⁹
- The Convention on the Elimination of All Forms of Discrimination against Women³⁰
- The International Labour Organization Indigenous and Tribal Peoples Convention No 169³¹
- The Inter-American Court of Justice jurisprudence, especially Advisory Opinion OC-32/25, recognizing Nature and its components as a subject of rights³²

Treaties, Tributes, and Territories: Early English Agreements with Virginia Tribes

The early treaties between the English colonists and Indigenous Nations in Virginia established a pattern of conflict resolution, land reallocation, and evolving power dynamics. The 1632 Peace Agreement, which concluded the Second Anglo-Powhatan War, permitted further English expansion into Indigenous territories and informally established geographic separation between settlers and Native groups. Although no surviving documentation details the agreement, it marked a turning point in colonial encroachment.

The 1646 Treaty, which ended the Third Anglo-Powhatan War, formalized the forced displacement of Native peoples north of the York River. It also imposed strict limitations on

²⁷ <https://www.cbd.int/>

²⁸ <https://ecojurisprudence.org/initiatives/universal-declaration-of-the-rights-of-mother-earth/>

²⁹

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

³⁰ <https://www.un.org/womenwatch/daw/cedaw/>

³¹ The International Labour Organization Indigenous and Tribal Peoples Convention No 169

³² <https://corteidh.or.cr/tablas/OC-32-2025/index-eng.html>

Indigenous movement, requiring Native individuals to carry visible identification—such as a badge or a coat—and to seek permission to enter English-controlled territory. This treaty initiated a system of tributary status, mandating the annual delivery of goods, such as beaver skins, to the colonial government as a sign of subjugation and controlled coexistence.

In 1658, the colonial government reaffirmed the lands of the Pamunkey and Mattaponi Tribes north of the York River, in recognition of the Pamunkey's support during the 1656 Battle of Bloody Run. This reaffirmation strengthened diplomatic ties while acknowledging Native contributions to colonial defense efforts.

The most comprehensive and enduring agreement was the 1677 Treaty of Middle Plantation, signed in the aftermath of Bacon's Rebellion and later supplemented in 1680. This treaty recognized English sovereignty while affirming certain protections for Native autonomy. It created a three-mile buffer zone around Indian towns, established the foundation for reservation lands still held by the Pamunkey and Mattaponi Tribes, banned the enslavement of Native peoples, and formalized the recognition of tribal leaders. Collectively, these treaties reveal the shifting balance between Indigenous nations and colonial powers, as well as the legal precedents that would shape Native-settler relations in Virginia for centuries.

United States of America national legal sources and standards

- Federal
 - Clean Air Act³³
 - Clean Water Act³⁴
 - National Environmental Policy Act³⁵
 - Bureau of Indian Affairs acts³⁶
- North Carolina
 - Rights of the Haw River Ecosystem Act³⁷
 - State Environmental Policy Act³⁸
 - NCGS § 143-215.1 – Control of Sources of Water Pollution\
 - NCGS § 113-131 – Conservation of Marine and Estuarine Resources
 - NCGS § 113A – Environmental Policy Act (SEPA)
 - NCGS § 143B-293.2 – Oil and Gas Conservation Act
 - NCGS § 70-2 – Indian Cultural and Historical Resources Protection
 - North Carolina Constitution Article XIV, Section 5 – Conservation of Natural Resources

³³ <https://www.epa.gov/laws-regulations/summary-clean-air-act>

³⁴ <https://www.epa.gov/laws-regulations/summary-clean-water-act>

³⁵ <https://www.epa.gov/nepa/what-national-environmental-policy-act>

³⁶ <https://www.bia.gov/bia>

³⁷ <https://ecojurisprudence.org/initiatives/north-carolina-u-s-rights-of-the-haw-river-ecosystem-act/>

³⁸ <https://www.deq.nc.gov/accessdeq/state-environmental-policy-act-sepa>

- North Carolina Article I, Section 19 – Law of the Land Clause (Due Process & Equal Protection)

IV. Alleged Violations

Nonetheless, this project and its associated works have been heavily criticized for its potential risks, damages and violations to the region's ecosystems and the rights of natural communities, including human Indigenous and local communities.

The MVP project and associated works present multiple risks and negative ecological and environmental impacts throughout the states of Virginia, West Virginia and North Carolina, which is a region with great biodiversity and an important value for the conservation and indigenous culture. The MVP crosses mountains, forests, and hundreds of streams, creeks, rivers and wetlands.³⁹

In West Virginia, the pipeline crosses:

Numerous streams and wetlands, with one report indicating that 88% of 139 stream crossings and 89% of 61 wetland crossings were negatively impacted by construction.

- Indian Creek near Greenville, impacting both the Indian Creek and Rich Creek watersheds.
- Four rivers where the pipeline developers encountered difficulty meeting permit conditions for crossings: the Gauley, Elk, Greenbrier, and Meadow Rivers.

The pipeline route also runs through **11 counties in West Virginia**: Wetzel, Harrison, Doddridge, Lewis, Braxton, Webster, Nicholas, Greenbrier, Fayette, Summers, and Monroe.

In Virginia, the pipeline crosses:

- 18 streams subject to the jurisdiction of the Virginia Marine Resources Commission (VMRC), which regulates activities in streams with a drainage basin greater than five square miles or a mean annual flow greater than five cubic feet per second.
- Two source water assessment areas, located upstream of drinking water intakes for the Town of Rocky Mount and the Western Virginia Water Authority.
- The Roanoke River, only 1.1 miles upstream of the likely intake location for the Western Virginia Water Authority.
- Teels Creek and Little Creek, both of which are biologically impaired.
- Little Stony Creek and Stony Creek, both classified as "Wild Trout Streams".
- Craig Creek, which has a high likelihood of presence of wild brook trout.

³⁹ League of Conservation Voters, July 2023, <https://www.lcv.org/blog/the-mountain-valley-pipeline-explained/>.

Numerous other streams and wetlands, including those within the Haw River watershed. The MVP Southgate expansion project was initially planned to cross 207 streams, three ponds, and 14 acres of wetlands, including the Stony Creek Reservoir, a main drinking water supply. However, the route was later redesigned to be shorter and require substantially fewer crossings.

The region is home to endangered and key species such as the Candy Darter and the Roanoke Logperch.⁴⁰

Contradicting official claims, many environmental permits and authorizations for the MVP project and its Southgate extension have been found noncompliant with federal and local environmental laws amongst which the the National Environmental Policy Act, the National Forest Management Act, the Mineral Leasing Act, the Endangered Species Act and the Clean Water Act.⁴¹ Lawyers from the Appalachian Mountain Advocates have heavily argued against the Southgate extension project, based on arguments of water pollution, violations of environmental and public interest reviews and other risks.

The states crossed by the MVP are the homes to many Indigenous tribes among which the Coharie, Eastern end of Cherokee, Haliwa-Saponi, Sappony, Lumbee, Meherrin, Waccamaw-Siouan, Occaneechi Band of the Saponi Nation, Tuscarora.⁴²

The MVP route also crosses many rural counties with relatively high poverty rates and with low-income, elderly and medically underserved populations.⁴³ Many voices have also pointed out that many of the affected communities are predominantly of color, pointing out a systemic perpetration of environmental racism and discrimination.

According to scientists, Indigenous knowledge holders, and scholars across the natural and social sciences, harm to the natural world inevitably leads to profound and far-reaching social and cultural impacts on the communities most closely connected to it.

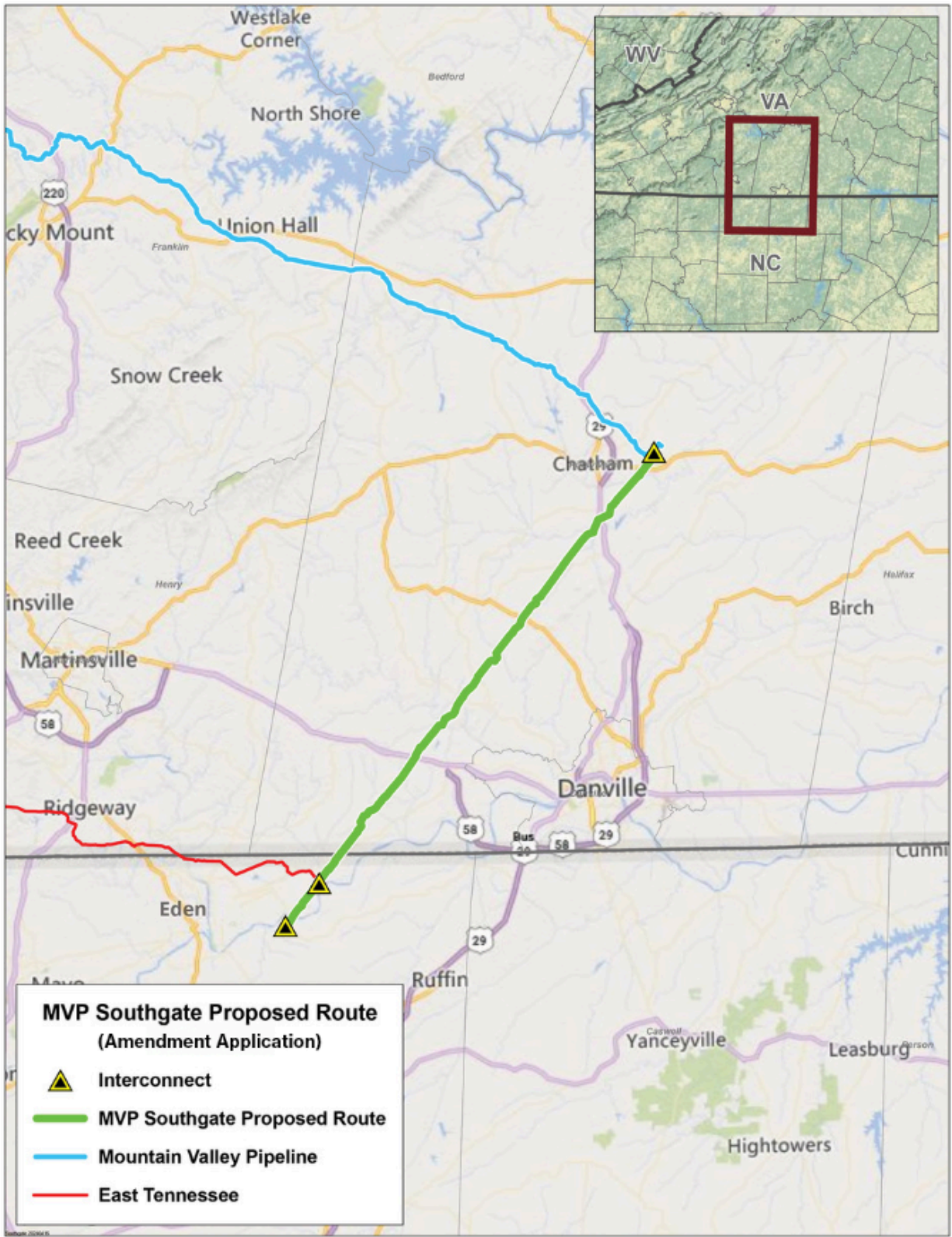
The following sections will summarize the main allegations of violations against the rights of natural communities, including human Indigenous and local communities. This information has been gathered through the accusation and evidence presented by the plaintiffs upon their application for a Tribunal hearing.

⁴⁰ Sierra Club, <https://www.sierraclub.org/virginia/new-river-valley/stop-mvp>

⁴¹ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 12. https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

⁴² UNC University Libraries, <https://guides.lib.unc.edu/nc-indigenous> .

⁴³ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 7. https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf



Source map: [MVPSouthgate.com](https://www.mvpsouthgate.com/maps/) <https://www.mvpsouthgate.com/maps/>

1) Water body crossing, contamination, and sedimentation

The MVP project crosses several hundreds of streams, careers, rivers and wetlands⁴⁴, transporting billions of cubic feet of fracked gas daily.⁴⁵ Water body crossings have reported to be extremely complicated when it comes to pipeline construction, creating considerable risks for the aquatic ecosystems and their inhabitants.⁴⁶ To build the MVP trench, trenchless methods have been used to drill under the riverbeds, causing possible channel degradation, noise and water pollution through sedimentation, having a direct impact on the habitats of endangered species such as the candy darter and Roanoke logperch.⁴⁷

Another consequence of the construction and existence of the pipeline is the severe contamination of the water bodies. In fact, the process has, since the beginning of its construction in 2018, amassed more than 500 violations of water-quality related protections.⁴⁸ These violations relate to unpermitted discharges, erosion and sedimentation control.⁴⁹ The project has been charged with 1 500 pollution incidents since its inception.⁵⁰

2) Deforestation, impacts on soil & drainage

Building the MVP means a deforestation of approximately 4,856 acres across Virginia and West Virginia, with a direct impact on the related ecosystem services, wildlife habitat and carbon sequestration.⁵¹

Besides the affected water bodies and forests, the MVP also has a direct impact on the land and soil it traverses. Burying the pipeline means topsoil displacement, degrading local flora and equilibriums that directly affect the soil drainage system and the crop productivity of the land.⁵²

⁴⁴ League of Conservation Voters, July 2023, <https://www.lcv.org/blog/the-mountain-valley-pipeline-explained/>.

⁴⁵ League of Conservation Voters, July 2023, <https://www.lcv.org/blog/the-mountain-valley-pipeline-explained/>.

⁴⁶ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 5. https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

⁴⁷ Ibid.

⁴⁸ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 1. https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

⁴⁹ Ibid.

⁵⁰ League of Conservation Voters, July 2023, <https://www.lcv.org/blog/the-mountain-valley-pipeline-explained/>.

⁵¹ League of Conservation Voters, July 2023, <https://www.lcv.org/blog/the-mountain-valley-pipeline-explained/>.

⁵² Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 5. https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

3) Landslide risks and karst collapse

Seventy-five percent of the MVP route runs through landslide prone territory, with important seismic zones.⁵³ Typical of the region's topography are the karst formations, unique to the Appalachian Mountain range, that present a unique combination of limestone and other soluble rocks that are extremely prone to collapse and sinkhole formation when exposed to the drilling technology required for the MVP and Southgate project.⁵⁴

4) Climate impacts

A critical point on the MVP project is its contribution to the climate crisis. It has been reported that, with its projected Southgate expansion, the project would emit 128,7 million metric tons of greenhouse gas emissions.⁵⁵ Creating a new methane gas source is not harmless or insignificant in the face of the rampant climate change consequences that are already being experienced globally.

5) Eminent domain⁵⁶ and land grabbing

As previously mentioned, the MVP project spans thousands of acres, including privately owned land. Eminent domain refers to the government's power to take private property for public use⁵⁷. The Fifth Amendment stipulates that this power can only be exercised if just compensation is provided to the property owners.

Since the inception of the MVP project, many landowners have contested the legality of their land being taken. In 2024, the U.S. Supreme Court declined to hear the case of six Southwest

⁵³ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 7.

https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

⁵⁴ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 7.

https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

⁵⁵ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 10.

https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

⁵⁶ NC Newslines, Chistine Zhu, February 2025,

<https://ncnewslines.com/2025/02/20/environmental-advocates-challenge-ferc-on-mvp-southgate-gas-pipeline-project/>.

⁵⁷ Cornell Law School, Legal Information Institute, https://www.law.cornell.edu/wex/eminent_domain.

Virginia landowners who had argued for years that their property was unconstitutionally seized for the benefit of the MVP's construction⁵⁸. In another case, Maury Johnon has filed a case in 2021 against the project crossing a section of his 150 acres of land that has been in his family for several generations.⁵⁹

Numerous similar cases have emerged, with citizens questioning the legitimacy of the land seizures. Many view them as unlawful land grabs rather than actions taken for the public good, thereby challenging both the constitutionality and the necessity of the project.

These cases also raise the issue of transparency and accountability as numerous affected citizens have not been able to voice their concerns after the West Virginia senator included a provision in the June 2023 federal spending bill approving the pipeline and stripping all ability to file legal challenges against it.⁶⁰

6) Needless, non essential, and not in public interest⁶¹

Linked to the previous issue, and as mentioned above, the necessity itself of the MVP has been called into question. Lawyers from the Southern Environmental Law Center have argued that, unlike the public discourse surrounding the project, actual scrutiny of the regional natural gas demand shows it has been declining and that the MVP is not based on a legitimate market analysis. Rather these lawyers have demonstrated that the project participates more in a logic of benefitting tech giants and large corporations seeking for cheap and fast access to the grid with gas power as well as war efforts overseas (eg War in Ukraine), diminishing the public argument of the MVP supporting the United States' "national security".⁶²

7) Destruction and impacts of traditional homeland and cultural/Indigenous heritage

Directly related to the presence of Indigenous communities in the territory crossed by the MVP, is the impact on traditional Indigenous lands and culture. The construction of the MVP has

⁵⁸ Cardinal News, Mat Buss, May 2024, <https://cardinalnews.org/2024/05/20/u-s-supreme-court-wont-hear-mountain-valley-pipeline-eminent-domain-case/>.

⁵⁹ Washington post, Ellie Silverman, August 2022, <https://www.washingtonpost.com/dc-md-va/2022/08/23/protest-dc-manchin-climate-bill/>.

⁶⁰ Inside Climate News, Charles Paullin, February 2025, <https://insideclimatenews.org/news/04022025/mountain-valley-pipeline-southgate-extension-2/> .

⁶¹ NC Newsline, Chistine Zhu, February 2025, <https://ncnewsline.com/2025/02/20/environmental-advocates-challenge-ferc-on-mvp-southgate-gas-pipeline-project/>.

⁶² Southern Environmental Law Centre, February 2025, <https://www.selc.org/press-release/mvp-resurrects-controversial-southgate-pipeline/>.

reportedly impacted the traditional homelands of many nations, destroying thousands of years of heritage and sacred lands, such as burial grounds⁶³. The proposed Southgate extension route will run parallel with the Native American Great Trading Path, worrying many tribal representatives. (appvoices) Archeologists and experts have identified various culturally significant sites (at least 61 archaeological resources within the project area in North Carolina) in the counties, among which a large amount had been deemed ineligible for protection by MVP.⁶⁴ Illustrative is the case of a landowner in Bent Mountain (Virginia) filing a complaint against FERC claiming that a burial site on his land had been described by MVP surveyors as a “pile of rocks⁶⁵”.

8) Loss of clean and drinking water

Related to the above-mentioned environmental impacts on the region’s waterways, the project inevitably has affected and will affect clean drinking water used by local communities. Many personal wells have been damaged by construction, and the pollution of the water has resulted in loss of clean drinking water used for cooking and washing clothes.

Experts have raised concerns about the proposed crossing on the Roanoke River, providing drinking water for the Western Virginia Water Authority and providing 69 000 customers with drinking water. Turbidity due to the construction and related sedimentation creates unprecedented issues for water treatment.⁶⁶

In Roanoke County, experts raised significant concerns about the proposed crossing on the Roanoke River approximately 1.1 miles upstream from a drinking water intake for the Western Virginia Water Authority. The authority provides drinking water to approximately 69,000 customers in the city of Roanoke and Roanoke, Franklin and Botetourt counties.

9) Safety hazards and health issues

Lastly, the MVP project has raised concerns about potential health impacts, particularly on the previously mentioned Native American and Black communities, who are already burdened by air

⁶³ Grist, Mark Armao, October 2021, <https://grist.org/article/mountain-valley-pipeline-and-indigenous-land/>.

⁶⁴ Grist, Mark Armao, October 2021, <https://grist.org/article/mountain-valley-pipeline-and-indigenous-land/>.

⁶⁵ Grist, Mark Armao, October 2021, <https://grist.org/article/mountain-valley-pipeline-and-indigenous-land/>.

⁶⁶ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 9.
https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

pollution from existing fossil fuel infrastructure in the area.⁶⁷ In 2021, the Virginia State Air Pollution Control Board denied an air permit for a new compressor station planned as part of the Southgate extension—highlighting the project’s potentially harmful effects on air quality.

Additionally, ongoing construction delays have reportedly led to the use of degraded materials, raising serious safety concerns.⁶⁸ These issues increase the risk of pipeline failures or explosions, which would have a direct and potentially devastating impact on nearby communities.⁶⁹

Mother Earth Rights alleged to have been violated

The plaintiffs in the hearing consider that the following rights contained in the Universal Declaration of the Rights of Mother Earth have been violated: the right to life and to exist; to be respected; to the regeneration of its biocapacity and the continuation of its vital cycles and processes free of human alterations; to water as a source of life; to integral health; to be free of contamination, pollution and toxic or radioactive waste; recognized in Article 2.1 paragraphs a) b) c) e) g) and h).

The rights mentioned above in the specific case discussed are closely related to the international norms that protect the right of Indigenous Peoples and communities to land, territory, natural resources, to build their own model of life and development, and, in general, to self-determination, all of which are protected, among other norms, by ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples.

Both elements, nature and Indigenous Peoples, constitute the basic elements of what is called biocultural heritage, defined by the Institute of Ecology as "the connection between biological diversity and the cultural diversity of Indigenous Peoples", which implies that there is an inseparable imbrication between nature and the cultural manifestations of Indigenous Peoples, who are recognized as having the right to participation, administration and conservation of natural resources (Article 15 of ILO Convention 169).

In this sense, the provisions of the aforementioned Article 15, in conjunction with paragraphs 16, 25, 26 and 29 of the United Nations Declaration on the Rights of Indigenous Peoples, constitute the rights of Indigenous communities to administer and "autonomously exercise guardianship"

⁶⁷ League of Conservation Voters, July 2023, <https://www.lcv.org/blog/the-mountain-valley-pipeline-explained/>.

⁶⁸ Appalachian Voices, The Status and Impact of the MVP, August 2023, p. 11. https://appvoices.org/resources/reports/MVP_Report_2023_AppalachianVoices.pdf

⁶⁹ League of Conservation Voters, July 2023, <https://www.lcv.org/blog/the-mountain-valley-pipeline-explained/>.

over their territories, in accordance with their customary law, and the Nature that conforms it, where they develop their culture, traditions and way of life in special relationship with nature and biodiversity.

In this logic, the affectations to the Rights of Nature generate, in turn, cultural impacts on the Indigenous peoples and communities, which is why it is fundamental that, in this case, the impacts to the Rights of Nature are analyzed in relation to the violation of the exercise of the right to self-determination, since the violations generated to the first one are, in turn, the result of the imposition of a development model that does not take into consideration the cultural perspective, the way of life and the own development modalities of the indigenous peoples from North Carolina, Virginia and West Virginia affected by the Mountain Valley Pipeline and its proposed Southgate extension.

V. Hearing and testimony before the tribunal⁷⁰

On June 1, 2024, a hearing took place before the tribunal. The plaintiffs called witnesses from local communities, as well as representatives of ecosystems and living beings affected by the MVP and its proposed Southgate extension. Experts and representatives of organizations that have worked in the area were also invited to give their testimonies. The following are the main arguments presented by those who appeared at the hearing:

Dr Crystal Cavalier opened the hearing by providing both a general background of the case and the associated community and indigenous engagement:

Dr Crystal Cavalier, Occaneechi Band of the Saponi Nation and Co-Founder of 7 Directions of Service, adjunct professor at Salem University

In her testimony Dr Cavalier presented the MVP as “an incomplete 42-inch fracked gas pipeline which continuously violates government and environmental laws.” She insisted that since July 2023, when Senator Joe Manchin used a bill to fast track the pipeline, MVP has been safeguarded from all environmental obligations.

Dr Cavalier drew from her people’s history where their communities moved freely without regard for borders and abiding by the Original Instructions to project Mother Earth, instructions that have completely been disregarded by the subsequent colonized governments She shared with the Tribunal how the pipeline runs directly through her community, ancestral and current

⁷⁰ For complete coverage of the testimonies, please see: https://youtu.be/Jj-cmC8czoQ?si=W92hgk_NyyH1gdBe

homelands with no regard for their Tribal Sovereignty. She defined this concept as key to understanding the legal recognition of sovereignty of American Indian Nations over their territory, that isn't and shouldn't be delegated by the US federal governments.

She testified that, as a compensation for the polluted water, MVP has provided plastic bottled water to the residents. Another impact on her community are the hundreds of women missing and murdered in the area of MVP. She mentioned 20 cases in Alamance County. Moreover, Dr Cavalier drew the attention of the judges to the fact that contrary to the pledge that MVP made to not let any pipelines lie in the sun for longer than 6 months, many pipelines have been exposed for more than 6 or more years, presenting a high risk for accidents and pipeline explosions. Dr Cavalier reminded the panel of the huge wildlife loss and threat faced by the candy dart fish, the James River, the James River spiny mussel, Roanoke Logperch, bigeye jump rock fish and goldenseal plant. "These will go extinct if nothing changes".

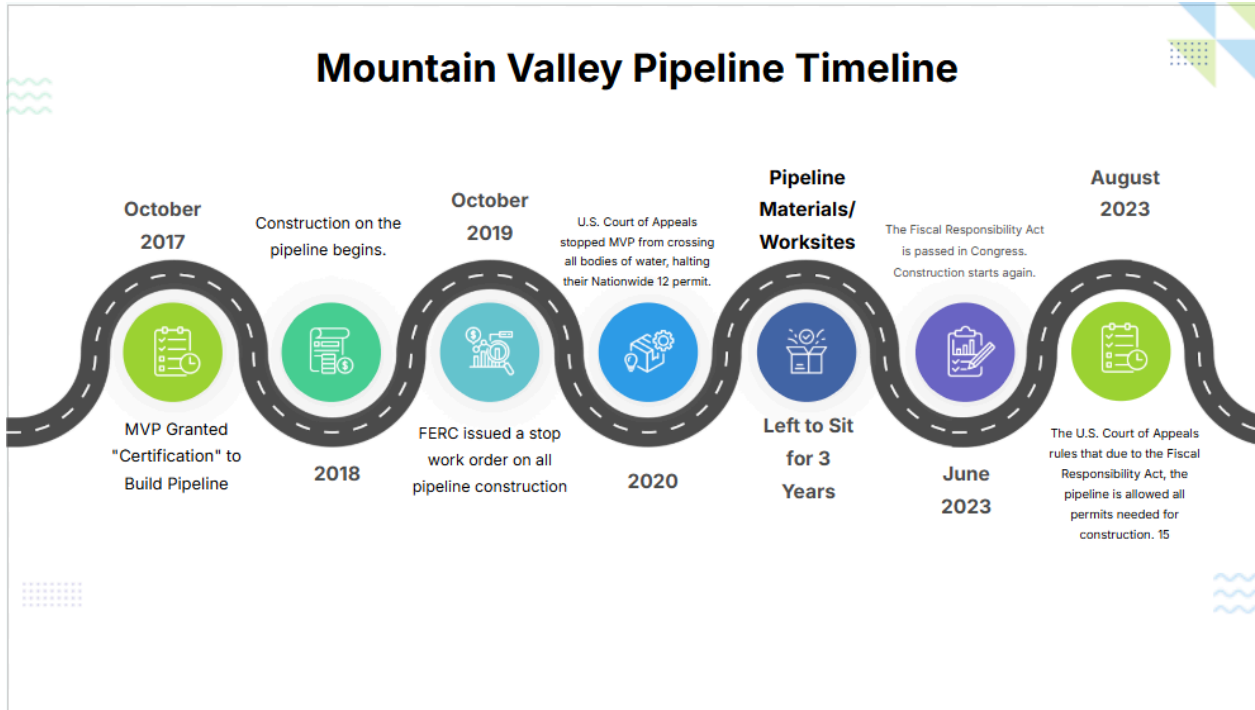
She addressed the Tribunal with a threefold petition:

1. To raise the MVP issue to the international level
2. To order an analysis of the toxic impact of MVP on water
3. To support a moratorium on fracked gas pipelines

Judges question: How has your Indigenous community been impacted?

Answer: "People are afraid of speaking up because we have been intimidated, people have tried to run us off the road, we have faced police intimidation, people's homes have been targeted, and they have tried to pit community members against each other."

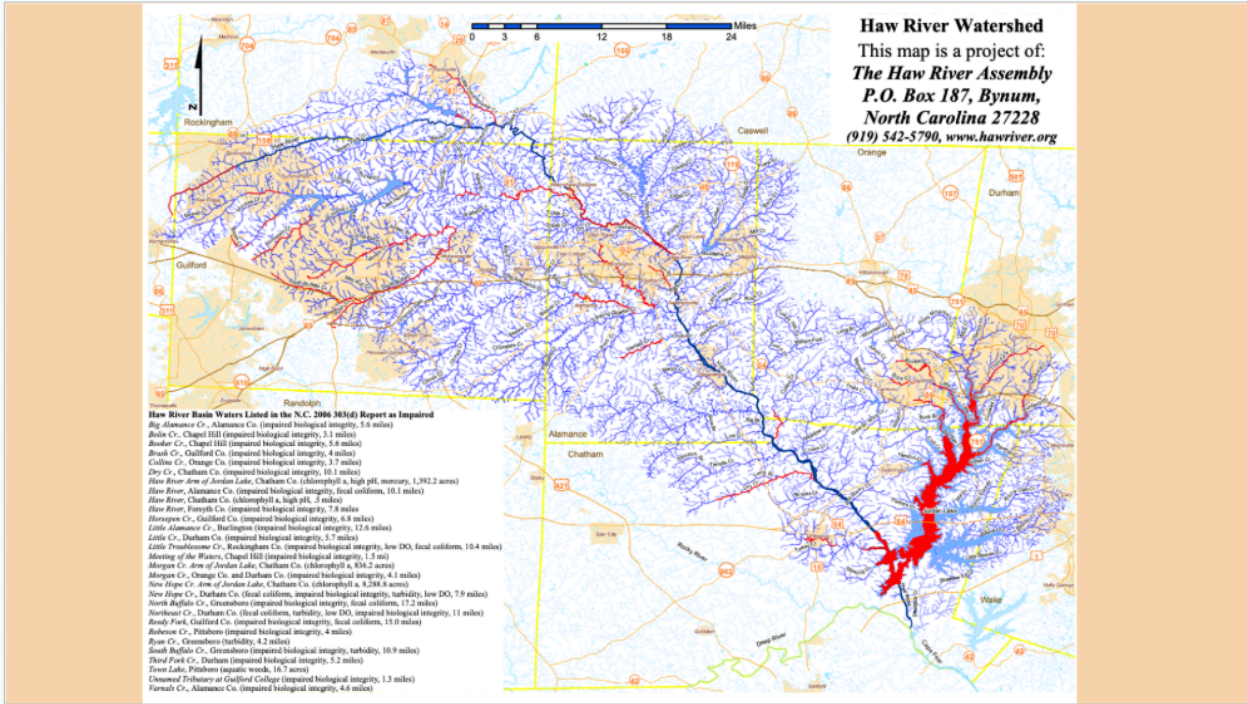
Full powerpoint presentation of Dr Cavalier [here](#).



Slide presented by Dr Cavalier. Mountain Valley Pipeline Timeline.



Slide presented by Dr Cavalier. Indigenous territories.



Slide presented by Dr Cavalier. Haw River Watershed.

This testimonial was supported by the presentations of several scientists and experts underpinning the impacts of the MVP and South Gate projects on the (local) ecosystems, especially the water bodies and their fauna and flora:

Alissa Ganser - PhD candidate in Fisheries and Wildlife Sciences Virginia Tech Blacksburg, Virginia/freshwater mussel expert

Illustrating the claims of previous witness David Sligh, Ganser zoomed in on one of the keystone species of the area: freshwater mussels. Her presentation exposed how these mussels, with a life span from 10 to 15 years, are essential for the health of the waterways, thanks to their role of filtering and cycling nutrients through the river water. She explained how one mussel can filter up to eight gallons of water a day, providing clean water for all species, including humans. Mussels rely on other species for their survival and reproduction and are highly sensitive to poor water quality.

Ganser documented how MVP has spilled fertilizer, pipe coating and trash in the regions waterway, impacting the water quality and consequently, these fragile mussel species and the ecosystems they function with.

Ganser requested the judges panel to hold the federal government of the USA and the Virginia Department of Environmental Quality accountable for these harms.

Full powerpoint presentation of Dr Ganser [here](#).

Mariah Clay - Mountain Valley Pipeline organizer for West Virginia Rivers Coalition

Mrs Clay insisted on the essential character of aquifers that purify water using the soil and rock layers, and work as natural filters. She explained how many of the communities in West Virginia rely on water from aquifers for safe and clean groundwater. She pointed out how MVP has been cited by regulatory agencies for failing to meet standards in West Virginia and has amassed dozens of cited violations (by summer of 2023, they had 55 citations). This way, MVP is responsible for many families no longer able to drink from their wells.

David Sligh - Wild Virginia conservation director and waterways expert

David Sligh insisted on the incredible biodiversity of the unique valleys of West Virginia. He explained how the MVP over and over again dumped mud and sediment in the water, making it turbid, and caused permanent damage to the physical structure of the waterways. Sligh pointed out how this impacts what he called keystone species-species so important that their extinction changes whole ecosystems. “MVP has fundamentally changed a system that has worked. “

Judges questions: What happens when a species becomes extinct?

Answer: The answer is we don't know how that system will respond. We have what we call keystone species, species so important that their extinction changes whole ecosystems. It has fundamentally changed a system that previously worked.

Earth Prosecutor question: Can you talk about value for a moment? Further clarify as there are multiple meanings.

Answer: "To me it is the ability to have these natural systems work. Value is the integrity of these systems. It's not any one piece of data. It's do they work so that all things can have the right to live?"

Madhusudan Katti - Indian American environmental scientist, Associate Professor of Ecology at the North Carolina State University, Southgate and Wildlife Sciences expert

Dr Katti introduced his work as focusing on how non-human living beings organize and structure their lives. He explained how, while every species has its unique sensitivity to fragmentation, restricting their ability to move and to communicate, inevitably impact their survival. He gave the example of how fish that use their colors to communicate are inhibited to do so when the water is rendered turbid.

Dr Katti emphasized how (colonial) science has separated humans from other living beings and how harmful that categorization can be in how nature is treated and impacted by humans. "Science can teach us to learn from the past and we can choose to apply the scientific knowledge to prevent these extinctions from happening. ". Moreover, did Dr Katti broaden the discussion on the energy needs of humans and how these, in his opinion, must be revised and reduced: "The peak technology right now is Artificial Intelligence, but what they don't talk about is how much energy one question on AI takes."

Katti also mentioned how harmful categorizations also occur among humans = "We need to consider housing segregation. Black and brown communities are impacted by a lack of shade cover far more than white communities".

Judges question: What does reconciliation and restoration look like and is that possible?

Answer: I think the solutions are dynamic, the impacts are severe in so many cases that you can't go back. So we need to think about how we reconcile the damage we've already caused to create

spaces where all of earth's species have the ability to live in health. How we create ways of living for ourselves which cause minimal damage to other species.

Indigenous leaders then further supported these presentations with testimonials on the deep biophysical and cultural links the indigenous communities from North Carolina and West Virginia maintain with the ecosystems affected by the MVP and its South Gate extension:

Sachem (Chief) Sam George - Cayuaga elder

Sachem Sam George shared on Indigenous cosmology and the Original Instructions guiding the indigenous coexistence with Mother Earth:

“We [Indigenous people] are the original environmentalists and the original democracy”. The Sachem shared how “Nowadays you can't go swimming anymore. You can't eat the fish. We need to do something about that because there is a new generation coming up and we need them to have the same opportunities to have clean water and fish to eat”. He shared how, according to him, every pipeline will break as “Mother Earth doesn't like them, and will heal herself”. He petitioned the Tribunal to gather all this information and take it to the highest governmental level to demand change.

Monty Branham - Catawba Elder

Branham shared the Indigenous views of his tribe on the importance of rivers as their Life Blood: “The river is our passageway to the spirit world. We would take our people there. 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.”

He insisted on the role of humans to speak on their behalf: "The river can't speak. We must." He shared with the Tribunal how men have been destroying Mother Earth, replacing 300 year old oaks and invaluable water resources, as well as a whole cultural heritage linked to these with man made lakes and pollution.

Donna Chavis - Lumbee tribal Elder

Chavis drew on her 50 years of working as an advocate for indigenous, social and environmental justice to share with the Tribunal: “We say in our county that the law is not about justice, it is about conditions. Justice is about a sense of balance and harmony. The best way I can describe our sense of justice is we are trying to reach equity, calling on many elements that may mitigate what people's losses are”.

She shared how companies have tried to obtain consent from the local communities by scheduling informal conversations and consultations, blurring the lines between these informal talks and actual given consent.

She shared how “2 tribes were offered \$1 million each to support the Atlantic Coast Pipeline” and how proud she was to say neither in North Carolina accepted. She also shared about the increase in earthquakes in North Carolina and how solutions lie in reparation considerations such as energy efficient housing and improved medical care for affected communities that suffer from air pollution.

The testimonials were concluded with community members sharing their first-hand experiences of the impacts of the MVP and South Gate projects:

Russel Chisholm - Impacted community member U.S. military veteran who served in Desert Storm and fought against the Mountain Valley Pipeline, Sinking Creek Bridge, Newport, Virginia

"The system that builds these projects is not built to protect us—it protects corporations." With these words Chisholm explained to the panel of judges how his community has been deeply affected by the pipeline and no action has been taken by the government to protect them, even after many voices had denounced and reported the impacts. Chisholm explained how the pipeline broke through the bottom of the creek into the karst cavity close to his home, damaging the spring, affecting its flow and polluting the water used by the community members. He affirmed: “We’ve seen herons, turtles, and trout in this creek be affected by due flow of sediment after MVP broke into the karst cavity”.

He also insisted on the danger of the proximity of the pipeline to people’s homes, as well as the harassment his community members have suffered for opposing the project.

He petitioned the Tribunal to ask the USA Congress to repeal section 224 which fast tracked MVP and stripped the jurisdiction of courts to stop the pipeline

Ayo Wilson - President of the Haw River Assembly board, riverkeeper, Haw River expert

Wilson raised 3 key issues related to the MVP project, including eminent domain (the power of the government to take private property and convert it into public use), environmental racism and the rights of the Haw River.

On the first issue he stated that “eminent domain is only supposed to happen when there is an important public need” as it can have severe impacts such as dramatic drops in property values

and impacts on the environment and the health of citizens. In the case of the MVP, Wilson explained how authorities have been misleading in the convincing of landowners and the public to hand over their land for the construction of the pipeline.

He links these impacts to the issue of environmental racism as most of the air compression stations needed for the MVP have been placed in mainly brown and black communities, As the polluting of air and water cause serious damage to their health. He added to this the fact that all the transportation of the construction material through trucks and vehicles also clearly has impacted the quality of air.

Wilson argued in favor of the recognition of the rights of the Haw river. He pointed out that the waterways have their own awareness: “it lives.” “Everytime I go outside, I feel the embrace of it”. According to him, granting the Haw river legal standing could help protect it from the ongoing pollution it has undergone and to advocate for its right to exist, regenerate, and evolve into abundant, clean, and unpolluted water”. He recommended a complete turn around from fossil fuels.

Judge’s question: Who are these people who are responsible for these decisions? (Heather Milton Lightning)

Answer: Contact representatives, politicians work for us, they are not celebrities (local, state, and federal are all responsible).

Elizabeth and Anderson Jones - Impacted Southgate landowners

Elizabeth and Anderson testified how their legacy farm, which has been in their family for over 100 years, was impacted by the pipeline project: “They put a pipe across my farm, 600 feet. You 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. They’re taking from us again. We have 7 and 9 year old grandchildren. We want them to see the farm and love it as Anderson does”. They affirmed that no free, prior and informed consent was granted. They also gave testimony on how “trees as tall as the home I grew up in were stacked in piles and left to rot” and how the local forest agencies endorsed these actions. They affirmed: “This is one world. We have to put rights over profits. We have to put rivers over profits”.

Esther whitmore and Beverly Payne - Occaneechi tribal citizen perspective

"We breathe, we bleed—that qualifies us to speak."

"Why do they take our land and still make us pay taxes on it?"

"It pains me to see what I’ve seen today."

VI. Analysis of the tribunal

The Yesa Indigenous Rights of Nature Tribunal, held in 2024, brought together Tribal elders, environmental advocates, scientists, and legal experts to investigate and document the ecological, cultural, and human rights violations caused by the Mountain Valley Pipeline (MVP) and its Southgate extension. This Indigenous-led forum operated as a civic and ceremonial tribunal grounded in Natural Law, Indigenous sovereignty, and international legal frameworks such as the Universal Declaration on the Rights of Mother Earth and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Central to the tribunal was the concept that Earth is a living entity with intrinsic rights. Rivers like the Haw, Dan, and Roanoke were positioned not just as sites of harm, but as kin and plaintiffs. The Tribunal advanced a legal philosophy rooted in relational responsibility and kinship, rather than extraction and ownership. This framing aligned with global Rights of Nature movements that seek to legally recognize the rights of ecosystems to exist, thrive, and regenerate.

Purpose and Legitimacy

Unlike conventional courts, the Yesa Tribunal asserted a parallel legal jurisdiction rooted in Indigenous law and spiritual authority. It aimed to elevate the rights of ecosystems—rivers, forests, animals—as living beings with legal standing, and to center the testimony of communities most impacted by pipeline development, especially Indigenous and Black rural residents across North Carolina, Virginia, and West Virginia. In doing so, the Tribunal challenged the legitimacy of U.S. regulatory systems (such as the Federal Energy Regulatory Commission (FERC) and the Environmental Protection Agency (EPA)) that had failed to protect these lands and peoples.

Natural Law and Rights of Nature

Central to the tribunal was the concept that Earth is a living entity with intrinsic rights. Rivers like the Haw, Dan, and Roanoke were positioned not just as sites of harm, but as kin and plaintiffs. The Tribunal advanced a legal philosophy rooted in relational responsibility and kinship, rather than extraction and ownership. This framing aligned with global Rights of Nature movements that seek to legally recognize the rights of ecosystems to exist, thrive, and regenerate.

Indigenous Sovereignty and Historic Treaties

Testifiers asserted the authority of Indigenous governments and customary law systems, regardless of whether they were federally recognized by the United States. Historical treaties such as the Treaty of Middle Plantation (1677) and the 1713 Treaty of Peace with Virginia were

cited to demonstrate long-standing diplomatic relationships and territorial rights. The tribunal emphasized that sovereignty is not granted by the state but is inherent, and that spiritual, ecological, and cultural sovereignty had been violated by the MVP project.

Ecological and Community Harm

Testimony included detailed accounts of water contamination, well failure, and destruction of karst terrain and sensitive cave systems. Scientists and community monitors described how sedimentation from pipeline construction had devastated aquatic habitats and endangered species such as the Roanoke logperch and James River spiny mussel. Residents shared firsthand accounts of losing access to clean water, increased mental distress, and environmental degradation on their lands—effects that disproportionately impact marginalized communities already experiencing poverty and racial discrimination.

Gendered and Racialized Violence

A major theme was the link between violence against the land and violence against Indigenous women. Multiple witnesses, including Indigenous women leaders, highlighted that pipeline construction zones have been associated with increased rates of violence, sex trafficking, and disappearances of Native women and girls. The tribunal made it clear that extractivism cannot be separated from gender-based violence and that environmental justice must also be understood as a movement for bodily and community safety.

Regulatory Failure and Legislative Overreach

The Tribunal condemned the systemic failures of agencies such as the Federal Energy Regulatory Commission (FERC), the Department of Environmental Quality (DEQ), and the Environmental Protection Agency (EPA), which were portrayed as "captured institutions" operating in the interest of industry. Over 250 regulatory violations were cited, yet MVP was still reauthorized. The 2023 Fiscal Responsibility Act—particularly Section 324, which fast-tracked MVP without judicial review—was framed as a legislative overreach that undermined democracy, violated constitutional rights, and stripped communities of due process.

The Yesah Indigenous Rights of Nature Tribunal presented a compelling and multidimensional legal and policy argument against the Mountain Valley Pipeline (MVP) and its Southgate extension, drawing from both Indigenous and international legal frameworks. Central to its case were foundational instruments such as the *Universal Declaration on the Rights of Mother Earth* (2010), the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, the *Kunming-Montreal Global Biodiversity Framework*, U.S. Treaty and Indian Law, and natural law embedded in tribal constitutions. The tribunal asserted that the environmental destruction caused by MVP constitutes a violation of these intersecting legal systems, and emphasized that protection of the environment must include the recognition of biocultural rights—those that

intertwine the well-being of ecosystems with the cultural, spiritual, and legal lifeways of Indigenous Peoples. It elevated Indigenous knowledge and ceremony not as supplementary or symbolic, but as legitimate sources of law.

Strategically, the tribunal deployed five interlocking legal and philosophical frameworks: (1) Rights of Nature, which recognizes ecosystems as legal persons with inherent rights to exist, regenerate, and evolve; (2) Indigenous Sovereignty, which centers the inherent right of Indigenous Nations to govern without requiring validation by the settler state; (3) Environmental Justice, which illuminated the disproportionate burdens borne by BIPOC and economically marginalized communities along the pipeline route; (4) Restorative Justice, which called for the repair of ecological and cultural harms, not merely punishment or mitigation; and (5) Decolonization, which invoked the authority of elders, the leadership of youth, and the revival of ceremony and Traditional Ecological Knowledge (TEK) as necessary pathways to justice and healing. These frameworks formed the ethical and legal foundation for the tribunal's findings.

In its concluding session, the tribunal issued a series of urgent demands and calls to action. These included the immediate cessation of the Mountain Valley Pipeline and its Southgate extension; the repeal of Section 324 of the Fiscal Responsibility Act, which fast-tracked the MVP through legal and regulatory loopholes; the formal legal recognition of rivers such as the Haw and Dan as rights-bearing entities; and the escalation of this case to international bodies such as the United Nations and the Global Alliance for the Rights of Nature. Further, the tribunal called for a regional moratorium on all new fracked gas infrastructure in the Southeastern United States and demanded the restoration of sacred lands, waters, and Indigenous health systems that have been damaged by extractive industries. Taken together, the tribunal's findings and recommendations underscore a powerful legal and moral argument: that true environmental justice requires a shift from colonial systems of extraction and regulation to Indigenous-led frameworks of relationship, reciprocity, and care.

Legal and Policy Framing

The Yesah Indigenous Rights of Nature Tribunal presented a robust legal and policy framework grounded in both Indigenous and international law to challenge the legitimacy and impacts of the Mountain Valley Pipeline (MVP) and its Southgate extension. Drawing on the *Universal Declaration on the Rights of Mother Earth* (2010), the tribunal emphasized that the Earth is a living being with inherent rights, not merely a resource for extraction. This declaration served as a moral and legal foundation for asserting that the MVP constitutes a direct violation of nature's rights to exist, regenerate, and maintain ecological balance. The tribunal also cited the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, which affirms the rights of Indigenous peoples to free, prior, and informed consent, as well as self-determination, land, and cultural protection—rights that have been consistently undermined throughout the pipeline's development process.

Additionally, the tribunal incorporated the *Kunming-Montreal Global Biodiversity Framework*, a contemporary international agreement that calls for the protection and restoration of biodiversity and recognizes Indigenous peoples as key custodians of the world's ecosystems. Within the domestic legal sphere, the tribunal grounded its arguments in U.S. Treaty Law and Indian Law, emphasizing that treaties between the United States and Tribal Nations are binding legal commitments that carry constitutional weight. The tribunal argued that the MVP violates these treaties by desecrating lands, waterways, and cultural sites that are protected under federal law and longstanding legal precedents. Furthermore, the tribunal invoked Indigenous natural law and tribal constitutions, asserting that Indigenous legal systems are sovereign and self-determined, and that they must be recognized as legitimate sources of law. In doing so, the tribunal not only challenged the legality of the MVP project, but also advanced a vision of justice rooted in Indigenous legal traditions, ecological stewardship, and the sacred responsibilities of care toward land, water, and future generations.

It argued that environmental destruction caused by the MVP violated these legal instruments and that there must be recognition of biocultural rights, not just environmental protections. Indigenous knowledge and ceremony were elevated as sources of law, not just culture.

Strategic Frameworks and Approaches

The tribunal deployed five interlocking frameworks:

1. **Rights of Nature** – Framed ecosystems as legal entities with inherent rights.
2. **Indigenous Sovereignty** – Rejected the idea that recognition by the settler state is required to exercise governance.
3. **Environmental Justice** – Highlighted the disproportionate impact of MVP on BIPOC and low-income communities.
4. **Restorative Justice** – Called for repair of ecological and cultural harms, not only punishment.
5. **Decolonization** – Invoked ceremony, elders, youth leadership, and traditional ecological knowledge as pathways toward healing.

Demands and Calls to Action

At the close of the tribunal, a series of urgent recommendations and demands were issued:

- Immediate cessation of the Mountain Valley Pipeline and its Southgate extension.
- Repeal of Section 324 of the Fiscal Responsibility Act.
- Legal recognition of rivers (like the Haw and Dan) as rights-bearing entities.
- International escalation of the case to the United Nations and the Global Alliance for the Rights of Nature.
- Establishment of a regional moratorium on all new fracked gas infrastructure in the Southeast U.S.
- Restoration of sacred lands, waters, and health systems impacted by extractive industry.

Closing Reflections and Cultural Authority

The Tribunal concluded with ceremonial invocations and statements honoring the sun, moon, thunder beings, ancestors, and medicines. Afro-Indigenous testimony brought the tribunal full circle by linking environmental harm with historical processes of enslavement, forced labor, and corporate land control. The proceedings themselves were framed as a *living act of jurisdiction*—a legitimate, sacred legal body operating under natural and Indigenous law.

Final Analysis

This Tribunal put not only MVP but also the broader U.S. regulatory and legal system on trial. It demonstrated that the fight against pipelines is not just about fossil fuels—it is about rights, recognition, and resistance. Through the fusion of scientific evidence, traditional ecological knowledge, and moral clarity, the Yesah Tribunal offered a transformative model for how Indigenous Peoples can exercise sovereignty, assert legal frameworks, and seek justice beyond the limitations of colonial laws.

A. The Rights of Nature

The Rights of Nature constitute a transcendental paradigm shift in that nature itself is the holder of rights intrinsic to it, thus moving away from the anthropocentric view that the human being is the only species capable of having and demanding the effective fulfillment of rights.

That is, nature ceases to be an object of law and is now recognized as another subject, which is why it can no longer be seen as a mere resource at the disposal of human beings to satisfy economic, social and even political needs. This in itself implies a new level of understanding of

nature as another living being that deserves different treatment under the law, especially from the traditional one based on freedom and private property.

It is recognized that nature is a living being and that it is the source of life; therefore, it is important for human beings to respect it and value its rights beyond its usefulness for people. It is considered that nature is the holder of rights and that its respect should take priority over any individual economic interest.

Thus, there is a difference between the traditional right to a healthy and ecologically balanced environment and the Rights of Nature. Their main difference lies in their ownership; in the former, the human being is the undisputed owner of nature. The Rights of Nature cannot be equated with this right, and must be analyzed from a different, autonomous and independent legal perspective. This implies that environmental permits, granted by the administrative authority, cannot be used as justification to deny violations to the Rights of Nature, this scheme being part of the right to a healthy environment. In other words, the fact of having an environmental permit or authorization does not imply simultaneous protection of the Rights of Nature.

The essence of the Rights of Nature is that nature has intrinsic value and deserves recognition of its own rights, regardless of its usefulness to humans. This perspective has an integral vision that seeks to protect natural processes for their own value.

Ecosystems, such as rivers or forests, are considered life systems whose biological processes deserve legal protection through the recognition of inherent rights as a subject. This intrinsic valuation of nature is difficult to understand from an anthropocentric perspective that considers human beings as the most valuable species and all other species and nature itself as objects or resources to satisfy human needs, especially economic ones.

Nature is conceived as a community of life, in which all its components, including human beings, are interconnected and fulfill a specific function. The dynamics of the system depends on the relationship between the different elements, and the alteration of one of them affects the functioning of the whole. Thus, any change in the system influences each of the components of the community.

The Rights of Nature constitute the basis of a relational and biocentric paradigm, which proposes to displace the binary anthropocentric paradigm, which is at the basis of Western modernity, questioned today. The acceptance of a relational paradigm entails a resignification of the set of rights (human and biocultural), within it, based on the recognition of Nature as a subject of rights.

The concept of the Rights of Nature considers nature as a subject with intrinsic value, which means that it is not simply a means to achieve the goals of others, but has a value of its own and is seen as an end in itself.

In relation to the recognition of the Rights of Nature, the IACHR Court has made a first analysis through its advisory competence by issuing Advisory Opinion 23/17 entitled "Environment and Human Rights". Emphasizing that the right to a healthy environment as an autonomous right protects its components, such as forests, rivers, seas and others, as legal interests in themselves, even in the absence of certainty or evidence of risk to individuals. And it specified that "it is a matter of protecting nature and the environment not only because of their connection with a utility for human beings or because of the effects that their degradation could cause on other rights of persons such as health, life or personal integrity, but also because of their importance for the other living organisms with which the planet is shared, also deserving of protection in themselves". In this sense, the IACHR Court recognized the existence of a trend towards the recognition of the Rights of Nature and its legal personality in court rulings and constitutional orders.⁷¹

Subsequently, this pronouncement was reiterated by the IACHR Court in the judgment in the case of *Lhaka Honhat v. Argentina*. On that occasion it stated: "The Court has already referred to the content and scope of this right, considering various relevant norms, in its Advisory Opinion OC-23/17, and therefore refers to that pronouncement. It stated on that occasion that the right to a healthy environment "constitutes a universal interest" and "is a fundamental right for the existence of humanity", and that "as an autonomous right [...] it protects the components of the [...] environment, such as forests, seas, rivers and others, as legal interests in themselves, even in the absence of certainty or evidence of risk to individual persons. It is a matter of protecting nature", not only because of its "usefulness" or "effects" with respect to human beings, "but also because of its importance for the other living organisms with which the planet is shared". This does not prevent, of course, other human rights from being violated as a consequence of environmental damage".⁷²

Among the most recent developments, the Inter-American Court of Human Rights has, through a historic Advisory Opinion (OC-32/25), recognized Nature as a subject of rights⁷³. It is the first

⁷¹ I/A Court H.R., Environment and Human Rights, OC- 23/17, November 15, 2017, <https://bit.ly/3aVMKW2>

⁷² Inter-American Court of Human Rights. Case of Indigenous Communities Members of the Lhaka Honhat Association (*Nuestra Tierra*) v. Argentina. Merits, Reparations and Costs. Judgment of February 6, 2020. Series C No. 400. Para. 203. Available at: <https://bit.ly/3y0NOmD>

⁷³ "By a vote of four in favour and three against, that: 7. The recognition of Nature and its components as subjects of rights is a normative development that reinforces the protection of the integrity and functionality of ecosystems in the long term, providing effective legal tools in the face of the triple global

time this Court confirms Nature as a holder in and on itself of legal rights: “In this sense, the Court observes that the promotion of legal conceptions and protection mechanisms, promoted by States at the national and international level (supra paras. 284-286), that go beyond the traditional anthropocentric approach and recognise Nature and its components - including the climate system - as holders of autonomous legal protection, strengthens the response of States to the challenges posed by the climate emergency”.

Several legal systems with democratic states and territories with Amazonian and Indigenous Peoples have recognized these rights, such as Ecuador, Bolivia, Colombia, United States, New Zealand, , Brazil, Australia, Argentina, and Uganda.

One of the first countries to recognize the Rights of Nature in the Americas is Bolivia, which developed the Rights of Nature in the concepts of Pacha Mama (Mother Earth) and Sumak Kawsay (Good Living), as well as in Indigenous law.

In Bolivia, two laws that recognize the Rights of Nature are particularly noteworthy: the 2010 Law (Short) on the Rights of Mother Earth and the 2012 Framework Law on Mother Earth and Integral Development for Living Well. The first one recognizes "the rights of Mother Earth, as well as the obligations and duties of the Plurinational State and society to guarantee the respect of these rights" and the second one, the Framework Law of Mother Earth and Integral Development for Living Well of 2012, which aims to "establish the vision and foundations of integral development in harmony and balance with Mother Earth for Living Well". These laws represent important normative advances in the recognition of the rights of nature.⁷⁴

In contrast to the legislative development of the Rights of Nature in Bolivia, in Colombia the Rights of Nature have been recognized through judicial decisions by the Colombian Constitutional Court through strategic litigation.

Among the emblematic cases are those of the Atrato River and the Amazon rainforest, which developed the normative framework of the Rights of Nature, based on Colombian, international and comparative legal sources, an approach that has been taken up in subsequent decisions, such as the case of the Cauca River, the case of the Magdalena River and the case of the Coello, Combeima and Cocora rivers.

crisis and facilitating the prevention of existential damage before it becomes irreversible. This conception represents a contemporary manifestation of the principle of interdependence between human rights and the environment, and reflects a growing trend at the international level to strengthen the protection of ecological systems from present and future threats, in accordance with paragraphs 279-286.3
INTER-AMERICAN COURT OF HUMAN RIGHTS ADVISORY OPINION OC-32/25 OF 29 MAY 2025
https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2025/20250703_18528_decision-1.pdf

⁷⁴ United Nations. Resolution adopted by the General Assembly on July 27, 2012: The Future We Want. 27 July 2021. A/RES/66/288. Retrieved from: <https://bit.ly/3z2DFqJ>

On the other hand, in Ecuador, the Rights of Nature were constitutionally recognized after a constituent assembly in 2008, making it the first country in the world to do so. Thus, it establishes that "nature or Pacha Mama, where life is reproduced and realized, has the right to the full respect of its existence and the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes".

The Ecuadorian Constitutional Court, as the highest body for the administration of justice and interpretation of the Constitution, has determined in this regard that: "The intrinsic value of nature implies, therefore, a defined conception of the human being about himself, about nature and about the relations between both. According to this conception, the human being should not be the only subject of rights, nor the center of environmental protection. On the contrary, recognizing specificities and differences, the complementarity between human beings and other species and natural systems is proposed as they integrate common life systems".⁷⁵

In the case of the United Mexican States, in 2014, the Sovereign State of Guerrero made a reform to its Political Constitution through Decree No. 433, where in its Title One, Article 2 recognizes the Rights of Nature in this State.

In 2017, Mexico City also reformed its Political Constitution. In this reform, article 13° literal A recognizes the right to a healthy environment where it specifies that not only people enjoy such a right, but also nature, and protects it as a collective entity subject to rights, making it possible that such rights may be extended by a secondary law.

In order to protect the Rights of Nature, laws have also been promoted or modified, as is the case of the Environmental Law for the Protection of the Earth of 2013. In this Law, Mexico City amends its Chapter I Bis, Article 86° BIS (3), to recognize the land as a collective entity and protect its natural resources and its various components.

In 2019, the state of Colima also reformed its Political Constitution, where in Article 2, it recognizes nature as a collective entity subject to rights. "Nature, conformed by all its ecosystems and species as a collective entity subject to rights, shall be respected in its existence, in its restoration and in the regeneration of its natural cycles, as well as the conservation of its ecological structure and functions..."

Another advance in the recognition of the Rights of Nature was made in the state of Oaxaca, which, through Decree 2429, modified Articles 12 and 22 of the Political Constitution of the Free and Sovereign State of Oaxaca, to recognize the Rights of Nature, the environment and biodiversity, stating: "Nature, the environment and its biodiversity are subjects of rights and have

⁷⁵ Constitutional Court of Ecuador Ruling No. 1149-19-JP/21

the right to full respect for their existence, maintenance and regeneration of their vital cycles, structure, functions and evolutionary processes. The state shall guarantee the Rights of Nature to be fully respected, preserved, protected and restored".

For its part, the First Chamber of the Supreme Court of Justice of the Nation has concluded that the human right to the environment has a double dimension: an objective or ecological dimension, which protects the environment as a fundamental juridical good in itself, which attends to the defense and restoration of nature and its resources independently of its repercussions on human beings; and a subjective or anthropocentric dimension, according to which the protection of this right constitutes a guarantee for the realization and validity of the other rights recognized in favor of the individual. Emphasizing that the effective protection of third-generation rights cannot be analyzed on the basis of the approach that has traditionally corresponded to another category of rights, whose axiological basis and purposes are completely different.⁷⁶

This same line of jurisprudence is recovered in amparo in review 54/2021 (expansion of the port of Veracruz), where the First Chamber of the SCJN recognizes that the scope of the protection of the right to a healthy environment seeks to regulate human activities to protect nature, which implies that its essential core of protection even goes beyond the immediate objectives of human beings.⁷⁷ In other words, this right not only attends to the right of human beings to live in a healthy and dignified environment, but also protects nature for the value it has in itself. Adding that the effective safeguarding of nature not only rests on the utility it represents for human beings, but also on the conviction that the environment requires protection per se, specifying that the violation of either of these two dimensions - objective or ecologist and subjective or androcentric - constitutes a violation of the environment.⁷⁸

In this sense, the Mexican Supreme Court of Justice has consistently ruled on the need to apply the Precautionary Principle as a measure to protect the environment, stating, among other things, that in order to protect the environment, the States must apply the precautionary criterion in accordance with their capacities and when there is a danger of serious or irreversible damage. In this logic, the Mexican Supreme Court has indicated that when empirical experience shows that an activity is risky for the environment, it is necessary to adopt all necessary measures to avoid or mitigate it, even when there is no certainty about the environmental damage.⁷⁹

⁷⁶ SCJN, First Chamber, Amparo en Revisión 307/2016. Available at <https://bit.ly/2UabtY>

⁷⁷ Betancor Rodríguez Andrés, *Derecho Ambiental*, Spain, LA LEY, 2014, p. 88.

⁷⁸ SCJN, First Chamber, Amparo en Revisión 54/2021. Available at: <https://bit.ly/3QQIzR7>, precedent that is reiterated by the same Chamber in Amparo en Revisión 543/2022.

⁷⁹ Thesis: 1a./J. 10/2022 (11th.) HUMAN RIGHT TO A HEALTHY ENVIRONMENT. BY VIRTUE OF THE PRECAUTIONARY PRINCIPLE, IT IS CONSTITUTIONAL TO ADOPT JURISDICTIONAL DECISIONS IN SITUATIONS THAT MAY PRODUCE ENVIRONMENTAL RISKS, EVEN IN THE ABSENCE OF SCIENTIFIC OR TECHNICAL CERTAINTY IN THIS REGARD.

Among the most recent developments, the Inter-American Court of Human Rights has, through a historic Advisory Opinion (OC-32/25), recognized Nature as a subject of rights⁸⁰. It is the first time this Court confirms Nature as a holder in and on itself of legal rights: “In this sense, the Court observes that the promotion of legal conceptions and protection mechanisms, promoted by States at the national and international level (supra paras. 284-286), that go beyond the traditional anthropocentric approach and recognise Nature and its components - including the climate system - as holders of autonomous legal protection, strengthens the response of States to the challenges posed by the climate emergency”. Recent years have seen many other similar legal developments as well as ecosystems being granted rights and legal personality, such as the Rio Marañon case in Perú⁸¹ and the growing movement for the rights of Antarctica.⁸²

Recent years have seen many other similar legal developments as well as ecosystems being granted rights and legal personality, such as the Rio Marañon case in Perú⁸³ and the growing movement for the rights of Antarctica.^{84 85}

The United States legal framework on the Rights of Nature⁸⁶

Across various jurisdictions in the US, indigenous and Western, laws and resolutions have been passed to recognize legal rights to rivers, lakes, and other natural entities, seeking to protect ecosystems and promote sustainable practices. In the US, 5 indigenous communities have passed Rights of Rivers (Menominee, Nez Perce, Ponca, Rappahannock, and Yurok) in the form of resolutions, tribal statute, tribal constitutional law (Rappahannock, the first in the US). Orange

⁸⁰ “By a vote of four in favour and three against, that: 7. The recognition of Nature and its components as subjects of rights is a normative development that reinforces the protection of the integrity and functionality of ecosystems in the long term, providing effective legal tools in the face of the triple global crisis and facilitating the prevention of existential damage before it becomes irreversible. This conception represents a contemporary manifestation of the principle of interdependence between human rights and the environment, and reflects a growing trend at the international level to strengthen the protection of ecological systems from present and future threats, in accordance with paragraphs 279-286.3 INTER-AMERICAN COURT OF HUMAN RIGHTS ADVISORY OPINION OC-32/25 OF 29 MAY 2025 https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2025/20250703_18528_decision-1.pdf

⁸¹ Inside Climate News, Katie Surma, March 2024, <https://insideclimatenews.org/news/20032024/peru-court-rules-maranon-river-legal-rights/>.

⁸² <https://antarcticrights.org/>

⁸³ Inside Climate News, Katie Surma, March 2024, <https://insideclimatenews.org/news/20032024/peru-court-rules-maranon-river-legal-rights/>.

⁸⁴ <https://antarcticrights.org/>

⁸⁵ For an exhaustive and updated list of advancements of Rights of Nature legislation, see the Eco Jurisprudence Monitor: <https://ecojurisprudence.org/>.

⁸⁶ Pamela L. Martin, Ph.D. Coastal Carolina University, forthcoming 2026, Australian National University Press.

County, Florida has passed a county charter amendment on the Rights of the Wekiva and Econlockhatchee Rivers. (Martin forthcoming 2026).

A foundational similarity across all legal provisions is the acknowledgment of Nature's inherent rights. All legal provisions recognize that natural entities, such as rivers and watersheds, possess the right to exist, regenerate, and flourish, which aligns with global Rights of Rivers norms in Colombia, Ecuador, New Zealand, etc.

The Nez Perce tribal resolution for the Snake River, Ridgway's resolution for the Uncompahgre River, and Lyons' resolution for St. Vrain Creeks all highlight the fundamental rights of these water bodies (Nez Perce Tribe, 2020; Town of Ridgeway, 2021; Town of Lyons, 2023). This shared focus on the rights of natural entities to thrive represents a major shift from traditional legal frameworks that often regard Nature as human property, diffusing the RoN norm of inherent Rights of Nature through their implementation.

Illustrating a call to relationships with rivers and watersheds, these legal provisions emphasize their cultural and spiritual significance. The Nez Perce (Snake River) and Menominee (Menominee River) tribal resolutions, in particular, emphasize the deep spiritual and historical connections their communities have with their respective rivers, calling the Snake River "alive" and citing important burial grounds along the Menominee River (Menominee Tribe, 2020; Nez Perce Tribe, 2020). The Klamath River of the Yurok tribe is described in the resolution as "sacred" (Yurok Tribe, 2019) Each of the indigenous legal provisions highlight respect, responsibility, and stewardship for their rivers as beings intertwined with indigenous communities.

Further Orange County, Florida (2020), Ridgway (2021), and Lyons, Colorado (2023) emphasize that protecting natural ecosystems is essential for safeguarding human well-being and rights, norms emphasized at the global level as a human right to a healthy environment (UN General Assembly A/76/L75/AR). This perspective reinforces the interconnectedness of ecological health and human welfare, positioning Nature protection as fundamental to achieving social justice (Martin forthcoming 2026). These Rights of Rivers characteristics in the United States, align with those being sought in the MVP tribunal on behalf of the living beings in this region.

The recognition of the intrinsic value of Nature is an essential part of the Declaration of the Rights of Mother Earth, as it determines that "just as human beings have human rights, all other beings of Mother Earth also have rights that are specific to their condition and appropriate to their role and function within the communities in which they exist".⁸⁷

⁸⁷ Declaration of the Rights of Mother Earth, Article 1(6)

Based on the above, it should be noted that the Declaration of the Rights of Mother Earth, adopted in Cochabamba, Bolivia, on April 22, 2010, from its preamble states that human beings are part of Nature, being "a vital indivisible community of interdependent and interrelated beings with a common destiny" recognizing the intrinsic value of Mother Earth as "source of life, food, education, and provides everything we need to live well".

In this line, Article 1 *ibidem*, determines that Mother Earth is a living being and as such "a unique, indivisible and self-regulated community of interrelated beings that sustains, contains and reproduces all the beings that compose it".

Among the inherent rights of Mother Earth recognized in the declaration are: the right to life and to exist; to be respected; to the regeneration of its biocapacity and the continuation of its vital cycles and processes free of human alterations; to maintain its identity and integrity as differentiated, self-regulated and interrelated beings; and to water as a source of life; these being applicable to the specific case of the Mountain Valley Pipeline and Southgate extension project.

For the effective enjoyment of the rights recognized in the declaration, it establishes certain obligations for both human beings and the State. These individual and state obligations pursue a common goal: to respect and live in harmony with Mother Earth.

Tribunals' Findings on violations to Rights of Nature

Based on legal precedent, the Tribunal found Rights of Nature have been violated based on the Universal Declaration on the Rights of Mother Earth and the previously stated legal documents.

For the purposes of this judgment, environmental damage will be understood as "an adverse change in the components of an ecosystem, their functioning or their interaction, caused by an external factor of anthropogenic origin".⁸⁸

⁸⁸ De La Fayette, Louise, "The Concept of Environmental Damage in International Liability Regimes", in *Environmental Damage in International and Comparative Law: Problems of Definition and Valuation* (Bowman and Boyle eds) Oxford University Press, 2002.

In addition, on previous occasions, this Tribunal⁸⁹ has referred to the right of states to use their resources. However, this exploitation must be sustainable and comply with certain rules and principles that allow the use of resources not to generate environmental damage.⁹⁰ For example, the precautionary principle, the principle of prevention, and the obligation to carry out an environmental and social impact study have been discussed; concepts that are contained within the state's obligation of "due diligence" that states must observe in the activities they develop or allow to be carried out within their territory.⁹¹

Aquifer depletion, water body crossing, contamination and sedimentation

This Tribunal has already had the opportunity to rule on the importance of water, defining it as “source of life, and in turn (is) a required good for all projects that directly affect the life of Mother Earth”.⁹² In its judgment on the Tren Maya case the tribunal states the following:

Water has an infinite number of uses for human beings and for the different species that inhabit Mother Earth. However, its importance lies in its inherent condition of being the fundamental element for life to flow in Nature. Without water, life would not exist. For this reason, affecting aquifers would cause havoc to all ecosystems that are directly and indirectly related to them, i.e., flora and fauna that live and depend on these water sources, as well as those animals and plants that depend on other water sources on which aquifers influence their existence, such as nearby surface waters. To damage water is to cause integral damage to all of Mother Earth.⁹³

The Tribunal recalled the international legal framework around water bodies:

At the international level, the Convention on the Law of the Non-Navigational Uses of International Watercourses (hereinafter referred to as the Water Uses Convention) contains the main general principles for the use and exploitation of international water resources. Although its application refers to international water resources, it is necessary to take into account the connection that exists between all the elements of Mother Earth, regardless of borders; therefore, this instrument is perfectly applicable. In this sense, Article 2 of the Water Uses Convention

⁸⁹ The International Tribunal for the Rights of Nature had its first session in Quito in 2014 and has had 5 international hearings (Quito, Lima, Paris, Bonn, Glasgow), 2 regional hearings (Chile-Latin America, Europe) and 10 local hearings (Brisbane, 3 for Yasuní-Quito, 2 in San Francisco, Chiquitanía, Lago Vättern-Sweden, Rio Doce-Brazil and Tren Maya-Mexico), in addition to 3 visits of judges' delegations in situ in Tipnis-Bolivia, Amazonía-Brazil and Vaca Muerta-Argentina. For more information on the Tribunal and access to its verdicts, please visit: www.rightsofnaturetribunal.org.

⁹⁰ International Tribunal for the Rights of Nature, Paris (2015), para 40 et seq. 68 et seq.

⁹¹ International Tribunal for the Rights of Nature, Lima (2015), para 67ff; International Tribunal for the Rights of Nature, Paris (2015), para 42ff.

⁹² Tren Maya judgment p 44

⁹³ Tren Maya judgment p 45

includes groundwater as a watercourse within its scope of application. Within its principles, it highlights the equitable, reasonable, optimal and sustainable use that is with the adequate protection of the watercourse.⁹⁴ In the same sense, Article 7 of the Convention details the obligation of States to prevent and avoid causing significant damage to other States with respect to the watercourse. This obligation is further developed in articles 20 to 23 and 27, which include the following obligations: a) Protection and preservation of ecosystems; b) Prevention, reduction and control of pollution; c) Introduction of foreign or new species; d) Protection and preservation of the marine environment; and, e) Prevention and mitigation of harmful conditions.

In addition, the International Court of Justice has identified the imperative need to use a State's water resources in a sustainable manner by monitoring and preventing possible irreversible damage.⁹⁵ Furthermore, in the "Pulp Mills on the River Uruguay" case, the Court reaffirmed the close relationship between the "equitable and reasonable utilization of a shared resource [in this case,] and the balance between economic development and environmental protection that is the essence of sustainable development,"⁹⁶ emphasizing, in addition, the obligation of States not to alter the ecological balance of the water resource.⁹⁷

In this context, international law has developed, through its sources, several principles and norms that seek to prevent environmental damage to water resources. The protection that has been provided, although still far from ideal, is aimed at a more environmentally friendly perception; this is evidenced by certain instruments currently in force. However, these obligations must be observed by the States, taking into account the principles and other norms that have been created for the sustainable use of water resources.

In this case previously mentioned data and testimonies presented, it has been made clear that the MVP and its proposed Southgate extension (will) cross a myriad of water bodies, among which some of the "region's most treasured rivers, sensitive trout streams, and endangered species habitat".⁹⁸ Special attention was given during the hearing to the Dan and Haw River, for which bills have been introduced to have their rights recognized.⁹⁹ The Haw river provides drinking

⁹⁴ Convention on the Law of the Non-navigational Uses of International Watercourses, concluded in New York, 21 May 1997, Art. 5.

⁹⁵ Nagymaros Project (Hungary v Slovakia) (Judgment) [1997] ICJ Rep, p. 7, para. 140. For a supplementary view of the Court's decision, see: Separate Opinion of Vice-President Weeramantry, <http://www.icj-cij.org/docket/files/92/7383.pdf>

⁹⁶ Pulp Mills on the River Uruguay (Argentina v. Uruguay) (Judgment) [2010] ICJ Rep, p. 14, para 177.

⁹⁷ Ibid, paras 183-185

⁹⁸ <https://wvivers.org/mvp/>

⁹⁹ <https://insideclimatenews.org/news/15062024/mountain-valley-pipeline-tribunal-north-carolina/>

water to nearly one million people living in the region and is home to innumerable fish and wildlife species.¹⁰⁰

For this Tribunal, and according to the evidence presented, the MVP and Southgate project generates and will generate serious damage to the water resources that would be affected across the whole route of the (planned) pipeline.

Testimonies and evidence have been introduced showing that not only will the structure of these waterways be affected by the construction of the pipelines underground (through trench and trenchless methods), but also does this construction and exploitation of the pipeline cause sedimentation in the water, and contaminate it with construction debris, pipe coating, and other chemicals. Mariah Clay also insisted on the damage caused to the aquifers, which are the constructs of rocks and soil that work as natural filters for water.

For this reason, the depletion and contamination of the aquifers, rivers and water bodies of the region of north Carolina, Virginia and West Virginia would directly violate the following rights of Mother Earth: Right to life and to exist; Right to be respected; Right to the regeneration of its biocapacity and continuation of its vital cycles and processes free of human alterations; Right to water as a source of life; and, Right to integral health.

Deforestation and soil degradation

The Tribunal received the compelling data that the MVP project is responsible for deforestation of approximately 4, 856 acres across Virginia and West Virginia alone (not including North Carolina). The pipeline cuts through one of the USA's biggest national forests: The George Washington and Jefferson National Forests.¹⁰¹

For its construction and prospected extension, the MVP project has undoubtedly generated and will continue to generate loss of forest cover. As explained above, trees have to be uprooted to allow the installation of the pipes, also impacting the soil structure of the affected region.

As stated in a previous hearing of this tribunal: There is no doubt about the certainty of the damage caused by deforestation to Mother Earth; for example, the increase in the earth's temperature, the alteration of interrelated ecosystems, the extinction or threat to various species of flora and fauna, changes in water cycles and prolonged droughts. All of which generate serious and irreversible damage to ecological integrity.¹⁰²

¹⁰⁰ <https://www.americanrivers.org/river/haw-river/>

¹⁰¹ <https://wvivers.org/mvp/>

¹⁰² Tren Maya 116

The climate crisis currently afflicting the planet has also deepened due to the growth of deforestation rates worldwide. According to the Global Forest Resources Assessment 2020 prepared by the Food and Agriculture Organization of the United Nations (FAO), "the global forest area continues to decrease, by an average of 4.7 million hectares per year"¹⁰³, concluding that it is unlikely that the goal of increasing the global forest area by 3% by 2030 will be achieved. Robert Nasi, Director General of the Center for International Forestry Research, in relation to the FAO report, has stated that, although "plantations provide critical timber and fibers, they are not intact forests that generate vital planetary biodiversity and ecosystem services. Therefore, the data on 'net forest loss' in the report (...) (raises) some questions, as it seems to conflate apples (natural intact forests) with oranges (regrowth, secondary forests) and bananas (plantations)."¹⁰⁴

From both criteria, this Tribunal concludes that it is essential to reduce the rate of deforestation to minimum levels, and at the same time, protect primary or intact forests, which are those that maintain healthy ecosystems and biodiversity in their respective areas.

As indicated above, deforestation is one of the main causes of climate change. In this regard, the United Nations Framework Convention on Climate Change (UNFCCC) has established that, among the commitments of all parties, they must, among others: (a) generate and implement policies aimed at mitigating climate change, taking into account emissions by sources and removals by carbon sinks¹⁰⁵ and, (b) promote the sustainable use, conservation and enhancement of carbon sinks and reservoirs, including biomass, forests, oceans, and other coastal, marine and terrestrial ecosystems.¹⁰⁶

In the same vein, the Paris Agreement has established as an obligation for States Parties to take "measures to conserve and enhance, as appropriate, the sinks and reservoirs of greenhouse gases referred to in Article 4, paragraph 1(d), of the Convention, including forests."¹⁰⁷

As indicated, forests and jungles, apart from providing a large number of ecosystem services for the rest of Nature and for humans, are also important carbon reservoirs. In this regard, to better understand the importance of forests within climate change and the reference to the Rights of

¹⁰³ Global Forest Resources Assessment 2020, Food and Agriculture Organization of the United Nations, Rome, (2021) p. 149.

¹⁰⁴ Molins, Julie, "2020, the year deforestation should have been halved" Forests in the News (25 May 2020), <https://forestsnews.cifor.org/65627/2020-el-ano-en-que-la-deforestacion-debio-reducirse-a-la-mitad?fnl=en>.

¹⁰⁵ United Nations Framework Convention on Climate Change (1992) Art. 1.

¹⁰⁶ Ibid, article 1.D

¹⁰⁷ Paris Agreement Art. 5.1

Nature, it is essential to refer to the Colombian Supreme Court of Justice and its ruling regarding the levels of deforestation in the Amazon.

In this regard, there is a close relationship between deforestation, as a cause of climate change, and the rights of Mother Earth. Such is the case, for example, in how they can be used in climate litigation processes.¹⁰⁸

As indicated in the section on Impacts to Nature, and according to data obtained, there is no doubt that the MVP project is responsible for deforestation in the region. It is noteworthy that this issue has prompted federal courts to deny approvals to the project's proceedings in the Jefferson National Forests. Nonetheless and ignoring the mass citizen opposition to the pipeline, did the U.S Forest Service issue approval on May 15 2023.¹⁰⁹

From these facts does the Tribunal derive that, deforestation caused by the MVP project would directly violate the following rights of Mother Earth: Right to life and to exist; Right to be respected; Right to the regeneration of its biocapacity and continuation of its vital cycles and processes free from human alterations; and, Right to integral health.

Fauna and flora impact: extinction of keystone species

Previous impacts on aquifers, water bodies and forests have a negative impact on the region's species of flora and fauna, such as the blue heron, bald eagle, beaver, deer, otter, largemouth and smallmouth bass, bowfin, crappie, carp, bluegill and endangered species such as the Cape Fear shiner and are freshwater mussel species.¹¹⁰ In its judgment on the Tren Maya case, this Tribunal emphasized that Nature is a community that harbors life; and, therefore, all its elements contribute to its functioning as an electrical network that requires all its points to be interconnected in order to function. Such is the case that, if one of the parts that form this community is affected by external factors, the community would be affected as a whole.¹¹¹

¹⁰⁸ For an extensive reference, see Delgado Galarraga, Mario "Climate Change Law and the Rights of Nature: A Colombian Example Through an International Perspective", *Revista Catalana de Dret Ambiental*, Vol. XIII Núm. 2 (2022): 1 -44.

¹⁰⁹

<https://www.wilderness.org/articles/press-release/mountain-valley-pipeline-will-be-allowed-scar-national-forest>

¹¹⁰ <https://www.americanrivers.org/river/haw-river/>

¹¹¹ Tren Maya p 43

Species protection is an issue that has been addressed for several decades. In simple terms, life on the planet depends on the conservation of nature. According to the Convention on Biological Diversity (CBD), biological diversity (or biodiversity) can be defined as "the variability among living organisms from all sources including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems."¹¹²

Each of the organisms encapsulated in this definition are valuable because they are the result of a four-billion-year evolutionary process, not because of the variety itself.¹¹³ Their ability to adapt to the different changes that have occurred over millions of years, as well as their resistance to future attacks, gives them a value of their own. However, humans have always interfered in the evolution of species, through domestication, genetic modification, and cultivation, to mention a few examples.

The damage that humans have caused exceeds the regenerative capacity of Mother Earth. This is confirmed by several scientific studies: biodiversity is being lost. For example, the latest Global Biodiversity Outlook 5 report demonstrates how human activities directly influence the steady rate of species extinction and ecosystem degradation.¹¹⁴ All the goals set by the international community have been unsuccessful and ineffective, as all their targets have not been met. Quite the contrary, a 2019 UN report concluded that biodiversity is declining at a rate unprecedented in human history, the rate of species extinction is accelerating to the point where we will find ourselves with at least 1 million species extinct in a few decades.¹¹⁵

The main cause of the whole problem of biodiversity loss is and has been the capitalist and neoliberal development model, characterized by overexploitation of resources, pollution, introduction of invasive species, and climate change, which are causing the planetary environmental crisis. In the same sense, but indirectly, other factors have also contributed to this problem, such as economic activities, demographic changes, as well as socio-political, cultural and religious factors, and scientific and technological changes.¹¹⁶

Again, it is necessary to refer to the precautionary principle, both to identify serious threats to biodiversity and to take the necessary measures to counteract them, bearing in mind that, in a

¹¹² Convention on Biological Diversity, (1992) Art. 2 (Hereinafter CBD)

¹¹³ Swanson, Global Action for Biodiversity (London, 1997) 9.

¹¹⁴ <https://www.cbd.int/gbo/gbo5/publication/gbo-5-spm-es.pdf>

¹¹⁵ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), Global Assessment Report on Biodiversity and Ecosystem Services-Summary for policymakers IPBES/7/10/Add.1, 29 May 2019, 4.

¹¹⁶ Ibid

sense, we are responsible for the survival of nature, not only for present and future generations, but also for other existing and potential species.¹¹⁷

In relation to fauna, at the international level there are several general and bilateral treaties that protect different species, either individually, for example the vicuña¹¹⁸, or a specific group of species, such as whales.¹¹⁹ However, globally, there are four main international instruments that deal with the conservation of animal species: the Ramsar Convention (1971), the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973), and the Convention on the Conservation of Migratory Species of Wild Animals (1974).

In relation to plant protection, apart from the aforementioned CBD, two other instruments can be considered as major ones: the International Plant Protection Convention (1951) and the International Treaty on Plant Genetic Resources for Food and Agriculture (2001). The CBD can be considered the cornerstone for the protection of species and their habitats, as it contains generally applicable rules and principles for the protection of species in general.

In general, the aforementioned instruments maintain the human being as the end of environmental protection, since the anthropocentric discourse of the usefulness of each species is kept alive in each of them. The treatment of living beings as "natural resources" is evident. However, this vision has evolved over the years, based on an ancestral cosmivision that rightly links Mother Earth and human beings, including the latter as part of Pachamama, leaving aside their self-conception of human beings as "superior" beings. For example, terms such as "common heritage", "common interest" and "common concern" are included in several international instruments and already in common use among the international community, already showing evidence of a step towards a paradigm shift with respect to the concepts of individual property. In fact, the Inter-American Court of Human Rights (IACHR) has already recognized in several of its judgments the communal property rooted in the cosmivision of indigenous peoples.¹²⁰

¹¹⁷ 67 Birnie, Boyle, and Redgwell, "International Law and the Environment", (Oxford University Press, 2022) p. 620.

¹¹⁸ 1979 Andean Convention for the Conservation and Management of Vicuña.

¹¹⁹ 69 1946 International Convention for the Regulation of Whaling

¹²⁰ E.g., Advisory Opinion on Environment and Human Right OC-23/17, Inter-American Court of Human Rights Series A

No. 23 (15 November 2017); Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations

and Costs, Judgment, Inter-American Court of Human Rights Series C No. 79 (31 January 2001); Case of the Kichwa

Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment Inter-American Court of Human Rights

Series C No. 245 (27 June 2012); Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits,

Unfortunately, in relation to animals and their rights, very little has been discussed at the international level. Except for a couple of non-binding declarations,¹²¹ this issue is still pending for environmental law.

In this context, it is clear that, although there is a trend in the international community of separation from anthropocentrism, it is still far from effectively conserving and protecting fauna and flora from human activities that destroy ecosystems and habitats of various species for entirely economic purposes, as there are still deep seated roots in the usefulness of Nature for human beings and seeing it only as a commodity for profit. Despite this, the sources of international environmental law, as reviewed, form a fundamental basis for the decisions of this Tribunal, due to their relevance for the redesign of a jurisprudence that allows the effective projection of nature as a sustainable source for life on the Planet.

In general terms, then, the main state obligations within the framework of protection of biological diversity, including flora and fauna, can be summarized as the conservation of species and the sustainable use of natural resources. According to the CBD, state parties shall develop "national strategies, plans or programs for the conservation and sustainable use of biological diversity or adapt existing strategies, plans or programs for that purpose" (as well as) "integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into sectoral or cross-sectoral plans, programs and policies."¹²²

In relation to the present case, in addition to the transcribed articles, it is relevant to refer to the obligations that the CBD imposes on each state party with respect to in situ conservation¹²³ of ecosystems. In general, states must, among other things, a) create a system of protected areas for the purpose of protecting biological diversity; b) manage important biological resources within and outside protected areas; c) promote the protection of ecosystems and natural habitats and the

Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 79 (31 January 2001); Case of the Yakyé Axa Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 125 (17 June 2005). For further discussion, see "Exploring the connection between indigenous peoples' human rights and international environmental law", Delgado Galarraga, Mario Alejandro, REVISTA CHILENA DE DERECHO Y CIENCIA POLÍTICA, 2018 VOL. 9, No 2, p 118

¹²¹ See Universal Declaration of Animal Rights (<https://www.filosofia.org/cod/c1977ani.htm>)

¹²² CBD, art 6.

¹²³ CBD art 2: "In situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated and cultivated species, in the surroundings where they have developed their distinctive properties."

maintenance of viable populations of species in natural surroundings; and, d) promote environmentally sound development in protected areas and adjacent areas.¹²⁴

In the case at hand, the reality of what happened, and the damages yet to occur, have been carried out outside of compliance with the State's international environmental obligations. It should be noted that United States of America are a State Party to the CBD¹²⁵ and to the rest of the main instruments previously referred to by this Tribunal.

Testimonies before the Tribunal have indicated that species such as the Candy Darter and the Roanoke Logperch are gravely affected by MVP. David Sligh's testimony on the importance of "keystone species" and the contribution of Dr Ganser on the impact on the freshwater mussel species prompt the Tribunal to rule that MVP violates the right of each being to a place and to play its role in Mother Earth for her harmonious functioning.¹²⁶

Impact on karst landscape and landslide risks

The Tribunal also heard the concerns regarding the impacts of the MVP on the karst landscapes of the region. According to National Geographic "Karst is an area of land made up of limestone. Limestone, also known as chalk or calcium carbonate, is a soft rock that dissolves in water. As rainwater seeps into the rock, it slowly erodes. Karst landscapes can be worn away from the top or dissolved from a weak point inside the rock. Karst landscapes feature caves, underground streams and sinkholes on the surface. Where erosion has worn away the land above ground, steep rocky cliffs are visible".¹²⁷ MVP crosses the Appalachian trail, including karst topography.¹²⁸

While many concerns have been raised regarding the fragility of karst landscapes and its ability to resist drilling of a pipeline, the MVP company has issued a special "Karst Mitigation Plan"¹²⁹, stating the landscape shouldn't preclude construction.¹³⁰

Nonetheless, did this tribunal hear testimonies and does it take note of several cases of karst caves being affected by contamination and sedimentation.¹³¹

The Tribunal deems that previously mentioned precautionary principle should be applied to such fragile landscape when envisioning a high-impact project as MVP.

Climate impacts

¹²⁴ CBD art. 7

¹²⁵ <https://www.cbd.int/information/parties.shtml>

¹²⁶ Article 2 (2) Declaration

¹²⁷ <https://education.nationalgeographic.org/resource/karst/>

¹²⁸ <https://www.aapsolidarity.org/>

¹²⁹ <https://www.mountainvalleypipeline.info/wp-content/uploads/2022/12/Karst-Mitigation-Plan-2.pdf>

¹³⁰ https://www.mountainvalleypipeline.info/wp-content/uploads/2019/03/EQT_MVP_Karst_Advertorial.pdf

¹³¹ <https://appvoices.org/2024/08/23/mvp-restoration/>

As previously mentioned MVP has, through the consequent deforestation it implies, an impact on the climate crisis. This goes without accounting for the fact that the project is a fracked methane gas pipeline that will emit greenhouse gasses, in a time where a global consensus in climate science exists on the urgency of divesting and phasing out fossil fuels.

OilChange has issued a report on MVP where it calculates a total of 89, 526, 651 metric tons of annual greenhouse gas emissions, equivalent to 26 coal plants or 19 million passenger vehicles.¹³²

The United States of America are signatories but not ratifiers to previously mentioned Paris Agreement and the precepts of the United Nations Framework Convention on Climate Change.

Among others does the Paris Agreement states its objective as “enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;”.¹³³ Moreover, on July 23, 2025, the International Court of Justice issued its Advisory Opinion on the obligations of States in respect of climate change.¹³⁴ This is the first time the ICJ has ruled on climate change. The opinion stated that “Climate change is a universal existential threat, caused unequivocally by human activity”. The Court declared that States have binding legal obligations to prevent, mitigate, and remedy the harms caused by greenhouse gas emissions. These obligations are grounded in customary international law, human rights law, and principles of equity — including intergenerational justice and differentiated responsibilities. Importantly, the ICJ connected climate harm to the violation of fundamental rights such as the right to life, health, and the right to a clean, healthy, and sustainable environment — now officially affirmed as a human right under international law.

With the Mountain Valley Pipeline and its extension, the USA thus undermines the general objective of the Paris Agreement as its legal obligations as interpreted by the International Court of Justice. OilChange clearly states: “Building major gas pipelines today will undermine action to protect our climate because pipelines increase access to gas that we cannot afford to burn. Increasing gas supply and use exacerbates climate change¹³⁵”.

¹³² https://oilchange.org/wp-content/uploads/2017/02/mountain_valley_pipe_web_final_v1.pdf

¹³³ Paris Agreement article 2 https://unfccc.int/sites/default/files/english_paris_agreement.pdf

¹³⁴ <https://www.icj-cij.org/case/187>

¹³⁵ Oil Change International, April 2017, <https://www.oilchange.org/wp-content/uploads/2017/04/OCI-PennEastGHGsFINAL.pdf> .

B. ON THE RIGHTS OF INDIGENOUS PEOPLES AND DEFENDERS OF MOTHER EARTH

Treaty rights and indigenous sovereignty

Treaty rights and Indigenous sovereignty are foundational to understanding the legal, political, and moral relationships between Indigenous Nations and the United States government. Treaty rights arise from formal agreements negotiated on a nation-to-nation basis, primarily during the 18th and 19th centuries, in which the U.S. recognized Indigenous Nations as sovereign entities capable of diplomacy and self-governance. These treaties, which are enshrined in the U.S. Constitution as the "supreme law of the land" (Article VI, Clause 2)¹³⁶, contain binding promises—such as land rights, hunting and fishing access, healthcare, education, and protection from encroachment—that remain legally enforceable today. Far from being historical artifacts, these agreements are living documents that continue to structure the obligations of the United States toward Indigenous peoples. Violations of treaty rights, including land dispossession, environmental degradation, and failure to deliver guaranteed services, constitute not only legal breaches but also moral failures that perpetuate the colonial legacy of dispossession and injustice.

Indigenous sovereignty refers to the inherent right of Indigenous Nations to govern themselves, determine their political status, maintain their legal systems, steward their lands and natural resources, and sustain their cultures and languages. Sovereignty is not granted by the U.S. government—it predates colonization and is recognized, not created, through treaties and laws. Court decisions such as *Worcester v. Georgia* (1832)¹³⁷ affirmed the political status of tribes as “distinct, independent political communities,” while *United States v. Winans* (1905)¹³⁸ reinforced that treaty-guaranteed fishing rights must be interpreted as the reserved rights of sovereign nations, not gifts from the United States. Despite this, many Indigenous Nations continue to face structural barriers to exercising their sovereignty due to legal loopholes, regulatory suppression, and the failure of federal and state governments to honor treaty commitments.

On the global stage, international law supports these rights as well. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms the right of Indigenous peoples to self-determination, to freely determine their political status, and to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions. It also recognizes their rights to traditionally owned lands, territories, and resources, and asserts that treaties and agreements must be honored and respected. Thus, treaty rights and Indigenous sovereignty are deeply interconnected: treaties are an expression of sovereignty, and the enforcement of treaty rights is a test of whether the U.S. and other governments respect

¹³⁶ U.S. Const. art. VI, cl. 2.

¹³⁷ U.S. Supreme Court. (1832). *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515

¹³⁸ U.S. Supreme Court. (1905). *United States v. Winans*, 198 U.S. 371.

Indigenous self-determination. Upholding these principles is not just a legal obligation—it is a moral imperative to acknowledge the enduring nationhood, authority, and dignity of Indigenous peoples.

The rights to free determination and participation of indigenous peoples and the right to Prior Consultation and Free, Prior and Informed Consent

There are multiple international instruments that protect the access of indigenous peoples to self-determination, to their land, territory and natural resources, in particular ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples.¹³⁹

The right to self-determination is fundamental because it recognizes, among other things, that Indigenous Peoples have the right to decide their own models and forms of development based on their historical and cultural reality. It is for this reason that the right to self-determination is established as a framework that brings together the rights to land, territory, natural resources, cultural integrity, autonomy, consultation and consent, among others. In this sense, no State can impose a development project that is incompatible with the cultural and historical perspective of Indigenous Peoples.

The Rio Declaration contains among its principles the procedural rights of access to environmental information, the rights of participation and access to justice.¹⁴⁰ So does the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.¹⁴¹ The right to participation is directly related to the self-determination of indigenous peoples, a collective right.⁸⁹ This right, enshrined in international law, plays a fundamental role within the rights of IPs, as it leads to the realization of other closely related rights, for example, sovereignty over their lands, territories and natural resources,¹⁴² consultation and participation, development, benefit sharing, among others. The link between self-determination, the environment and intellectual property can be considered as the right that protects their cultural practices based on their relationship with their territory.

¹³⁹ For a list of international instruments on indigenous peoples' rights:
<https://www.iprights.org/index.php/en/component/content/article/a-compilation-of-un-treaty-body-jurisprudence-special-procedures-of-the-human-rights-council-and-the-advice-of-the-expert-mechanism-on-the-rights-of-indigenous-peoples-volume-ix?catid=9&Itemid=102>

¹⁴⁰ Rio Declaration (1992) Principle 10

¹⁴¹ Aarhus Convention (1998) arts. 4-9.

¹⁴² Gentian Zyberi, 'Self-determination through the Lens of the International Court of Justice' [2009] 56 Netherlands International Law Review, p 439.

Consulting Indigenous Peoples will give them the right to effectively and actively participate in decision-making processes regarding environmental projects. The international framework of Indigenous Peoples, the ILO Convention No. 169 on Indigenous and Tribal Peoples¹⁴³; as well as the UN Declaration on the Rights of Indigenous Peoples,¹⁴⁴ and the American Declaration on the Rights of Indigenous Peoples¹⁴⁵ contain similar provisions of this right.

In order to comply with this right, there must be a constant channel of communication, and the consultation must be in good faith, carried out before the start of the project, put into consideration the environmental benefits and risks for Indigenous Peoples, and be culturally appropriate¹⁴⁶ However, apart from this consultation, when the proposed plan involves a large-scale project, it will be mandatory for States to obtain the free, prior and informed consent of IPs, in accordance with their traditions.¹⁴⁷ The IACHR also concluded that consultation is an obligation considered as a General Principle of International Law,¹⁴⁸ thus, its non-compliance leads to a case of international responsibility of the State.

These consultations should be carried out leaving aside any Eurocentric position¹⁴⁹, taking into account the processes of participation that each of the peoples have; respecting their own customs in the decision-making processes.¹⁵⁰ These processes take time, because, according to their traditions, different communities should listen to their members and their ancestors.¹⁵¹

This Tribunal has heard disturbing facts and testimonies violating this right to participation. Noteworthy is the experience shared by Donna Chavis where informal conversations were

¹⁴³ ILO Convention No. 169 on Indigenous and Tribal Peoples, arts. 6, 7(1), 15(2), 22, 27-28.

¹⁴⁴ United Nations Declaration on the Rights of Indigenous Peoples, arts. 10-11, 17-19, 27-30, 32, 36, 38;

¹⁴⁵ American Declaration on the Rights of Indigenous Peoples, arts. 6, 13-14, 18, 20-21, 23, 28(3), 29, 31, 33-34.

¹⁴⁶ Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment Inter-American Court of Human Rights Series C No. 245 (27 June 2012) para 186.

¹⁴⁷ Case of the Saramaka People v. Suriname, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 172 (28 November 2007) paras 134-137.

¹⁴⁸ Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment Inter-American Court of Human Rights Series C No. 245 (27 June 2012) paras 159-164.

¹⁴⁹ Acosta, Alberto (2013) *El Buen Vivir: Sumak Kawsay, una oportunidad para imaginar otro mundo* (Barcelona, Icaira), p. 17.

¹⁵⁰ De Sousa Santos, Boaventura (2010) *Refounding the State in Latin America: Perspectives from an Epistemology of the South* (International Institute of Law and Society), pp. 13-14.

¹⁵¹ *Ibid*, p. 122

supposedly accounted for as honouring previously mentioned legal standards. It is clear to the Tribunal that very little attention was given by MVP to the indigenous internal processes for consultation and that a general confusion was (purposefully) created between conversation, consultation, and consent.

The right to Cultural Integrity

Additionally, Indigenous Peoples' right to self-determination includes, in turn, the right to cultural integrity¹⁵², which allows them to develop their customs in consideration of their worldview. In this regard, the UN Committee on the Elimination of Racial Discrimination has called on States to recognize and preserve the distinctive culture of Indigenous Peoples, guaranteeing the exercise of their cultural traditions and customs.¹⁵³

Likewise, the Permanent Court of International Justice expressed, in the advisory opinion on *Minority Schools in Albania*, that the basis for the protection of minority groups, including, for this Court, Indigenous Peoples, is to protect the population that differs from the rest of society, while preserving their distinctive characteristics, and to meet their special needs.¹⁵⁴

Testimonies and facts presented to the Tribunal have clearly shown how the MVP project operates in a disregard for the cultural integrity of the various Indigenous Peoples of North Carolina, Virginia and West Virginia. As the pipeline cuts through some of their sacred ancestral territories, the itinerary of it has been planned with little regard to the cultural value these lands have for the IP's, as less as the cultural value of the old trees, springs, rivers, (medicinal) plants and animals that have been destroyed or chased for the purpose of the pipeline.

The right to Land, Territories and Resources

These procedural rights must be guaranteed in those projects to be carried out within their ancestral territories. The right to property, for several Indigenous Peoples, is collective¹⁵⁵ and

¹⁵² James Anaya, *Indigenous Peoples in International Law* (2nd edn, Oxford University Press 2004), p 3.

¹⁵³ International Human Rights Instruments, 'Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies' General Recommendations Adopted by the Committee on the Elimination of Racial Discrimination, XXIII - Rights of indigenous peoples [1997] (12 May 2003) UN Doc HRI/GEN/1/Rev.6, pp. 212-213.

¹⁵⁴ *Minority Schools in Albania* (Advisory Opinion) PCIJ Rep Series A/B No 64, p. 17

¹⁵⁵ *Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 79 (31 January 2001) para. 149.

with respect to its ownership, the IACHR has stated that possession of the land should be sufficient for Indigenous communities that lack real title to the land to obtain official recognition of such ownership.¹⁵⁶ The Court itself recognized the material and spiritual dimensions of their lands. The former relates to economic aspects of Indigenous Peoples, such as access to natural resources, while the latter is based on their religiosity and worldview. The Court, in conclusion, has determined that States should adopt positive measures to guarantee IPs' access to a dignified existence and to their life projects, which entails the protection of their close link to their lands and resources.¹⁵⁷

In the matter at hand, the IACHR has identified three requirements that must be applied in any investment plan to be initiated by States, in order to "preserve, protect and guarantee the special relationship that [indigenous peoples] have with their territory".¹⁵⁸ Firstly, States must guarantee the effective participation of Indigenous Peoples in activities that may affect the integrity of their lands; secondly, States must guarantee a system for sharing the benefits resulting from these activities; and, thirdly, States must ensure that a social and environmental impact assessment is carried out before any concession is granted. All these rights refer to the participation of IPs in environmental issues.

The Tribunal has heard many representatives of local Indigenous Peoples impacted by the MVP sharing about their unique connection to the lands and the rivers and their living beings of North Carolina, Virginia and West Virginia. It has also heard how these connections have been broken and or neglected by MVP for the sake of its construction. Sacred lands have been grabbed through misuse of the mechanisms of eminent domain and ancestral burial grounds have been destroyed, placing the USA in clear violations of the previously mentioned international norms.

On the right to the distribution of profits

¹⁵⁶ Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 79 (31 January 2001) para 151. In this respect, see also Case of the Sawhoyamaxa Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment Inter-American Court of Human Rights Series C No. 146 (29 March 2006) para 128.

¹⁵⁷ Advisory Opinion on Environment and Human Right OC-23/17, Inter-American Court of Human Rights Series A No. 23 (15 November 2017), para 48.

¹⁵⁸ Case of the Saramaka People v. Suriname, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 172 (28 November 2007) para 129.

This right has also been widely recognized within international law.¹⁵⁹ Additionally, the IACHR has emphasized that States must reasonably share the benefits of a project with Indigenous Peoples when the rights of use and enjoyment of their lands are threatened by proposed extractive projects.¹⁶⁰

In the words of the Court, this right is a form of compensation for the exploitation of their lands and resources necessary for their survival.¹⁶¹ Thus, a benefit-sharing plan is mandatory for States, and, above all, this plan must be determined by the Indigenous Peoples themselves, and not an arbitrary decision by States.¹⁶² This is in line with the letter of the Nagoya Protocol on "Access to benefit sharing (ABS), which specifies the central role of Indigenous Peoples and their Free Prior and Informed Consent in any decision regarding benefit sharing relating to the utilization of genetic resources or in relation to traditional practices.

This reasoning is due to the fact that the benefit of economic activities on Indigenous Peoples' lands is an essential element of the right to property and should be focused on reinforcing the Indigenous Peoples' own decisions regarding the development and protection of their lands.¹⁶³ Therefore, for Indigenous Peoples, benefit sharing is also considered part of a prior agreement of compensation for the use of their territories and resources; consistent with social, economic and environmental realities.

The right to social and environmental impact assessment

¹⁵⁹ Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) (1991) art. 15(2); United Nations Declaration on the Rights of Indigenous Peoples (2007) art. 32; American Declaration on the Rights of Indigenous Peoples (2016) arts. 13(2), 29(5).

¹⁶⁰ Case of the Saramaka People v. Suriname, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 172 (28 November 2007) paras 138, 139.

¹⁶¹ Ibid, para 140

¹⁶² Case of the Saramaka People v. Suriname, Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 125 (12 August 2008) para 25.

¹⁶³ Anaya, James and Williams, Robert (2001) 'The Protection of Indigenous Peoples' Rights over Lands and Natural Resources Under the Inter-American Human Rights System'. In Harvard Human Rights Journal 14 p 83

This right has been widely recognized by international law.¹⁶⁴ For its part, in relation to IPs, ILO Convention No. 169 already mentions the need for participation in "the formulation, implementation and evaluation of national and regional development plans and programs likely to affect them directly."¹⁶⁵

This State obligation, in the words of the IACHR, allows the protection of the relationship between IPs, Mother Earth and their survival¹⁶⁶ and aims to measure and report possible damages to Indigenous communities,¹⁶⁷ as well as to warn them of potential health and environmental risks,¹⁶⁸ respecting the traditions and customs of the affected IPs.¹⁶⁹

This study is linked to the consultation and participation rights of Indigenous Peoples, since it guarantees that they are duly informed of the projects to be carried out in their territories and can accept them or not.¹⁷⁰ Therefore, for the Court, an adequate Social and Environmental Impact Study must have at least three requirements: a) the participation of the IPs in its creation; b) be

¹⁶⁴ Rio Declaration on Environment and Development (1992) principle 17; Convention on Environmental Impact Assessment in a Transboundary Context (1997); United Nations Framework Convention on Climate Change (1994) art. 4(1)(f); United Nations Convention on the Law of the Sea (1994) art. 206; Convention on Biological Diversity (1993) art. 14; United Nations General Assembly (1990a), para 11; International Law Commission Report (2001), art. 7.

¹⁶⁵ Convention No. 169 ILO, art. 7.1

¹⁶⁶ Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment Inter-American Court of Human Rights Series C No. 245 (27 June 2012) para 205.

¹⁶⁷ Case of the Saramaka People v. Suriname, Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 125 (12 August 2008) para 40-41.

¹⁶⁸ Case of the Saramaka People v. Suriname, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 172 (28 November 2007) para 133.

¹⁶⁹ Advisory Opinion on Environment and Human Right OC-23/17, Inter-American Court of Human Rights Series A No. 23 (15 November 2017), para 169.

¹⁷⁰ Case of the Saramaka People v. Suriname, Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-American Court of Human Rights Series C No. 125 (12 August 2008) paras 40-41.

carried out by a technical and competent institution, with the supervision of the State; and, c) consider the social, cultural and spiritual impact it may have on the Indigenous Peoples.¹⁷¹

Finally, the IACHR has indicated that these studies should include the elements detailed in the "Akwé: Kon" guidelines¹⁷², as it is considered one of the most complete and widely used standards for carrying out this type of study.

As mentioned and heard by the Tribunal, MVP has been charged with several complaints and violations against incomplete environmental and social impact assessments.

The right to clean drinking water and a safe and healthy environment

Access to water is also a human right. The UN General Assembly has recognized that "the right to safe drinking water and sanitation is a human right essential to the full enjoyment of life and all human rights."¹⁷³ Human societies that do not respect water as life, and that do not take the necessary measures to protect ecological systems and cycles, destroy life and destroy themselves. The Tribunal points out that it is essential to apply scientific hydrological and ecological knowledge, as well as Indigenous wisdom to reach the same conclusion: water is life.

Moreover, on 28 July 2022, the General Assembly of the United Nations adopted a landmark resolution recognizing the human right to a healthy environment.¹⁷⁴

The Tribunal finds that both rights have been violated by the MVP, as well as by local and federal authorities. The project has contaminated and destroyed several wells and sources of clean drinking water. Additionally, the various compressors have significantly increased air pollution, resulting in health problems for nearby communities. The pipeline itself has been constructed using substandard materials, creating serious risks of explosions and other disasters, all of which directly endanger the local population.

The right to defend the environment and the Earth

¹⁷¹ 120Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment Inter-American Court of Human Rights Series C No. 245 (27 June 2012) para 207.

¹⁷² <https://www.cbd.int/doc/publications/akwe-brochure-es.pdf>

¹⁷³ United Nations General Assembly, Res. A/RES/64/292, 03 August 2010

¹⁷⁴

<https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>

The rights to participation, access to information, and to justice, which are the pillars of international agreements such as the Escazú Agreement, are strictly connected and subordinated to the right to defend the environment and environmental rights. In this sense, Article 9 of the Escazu Agreement recognizes the rights of environmental defenders, the obligation of states to protect them and to ensure their freedom and safety. Environmental human rights defenders are recognized as such in the 1988 UN Declaration on Human Rights Defenders, and in several other UN conventions and declarations.

The panel of judges has heard several compelling testimonials about intimidation, violence and threats used against members of affected communities and Indigenous peoples communities resisting or criticizing the MVP project.

In conclusion, this Tribunal states that this project has violated a series of rights related to the Indigenous Peoples, for example, several inconsistencies have been found in the granting of their participation rights or the incomplete environmental and social impact assessments, which casts doubt on the legality of the project and the legal and administrative processes that have been carried out to date.

Although these rights have been considered within the group of human rights, their non-compliance undoubtedly directly affects the rights of Mother Earth. This Tribunal has heard and gathered ample evidence that further confirms how violations of the rights of Mother Earth are intrinsically connected to violations of the rights to self-determination, to land, territories and resources, to ancestral knowledge, to free, prior and informed consultation and consent, to violations of individual and collective social, political, economic and environmental rights.

C. ON ENVIRONMENTAL RACISM

The MVP Southgate Pipeline exemplifies environmental racism by disproportionately impacting Black, Indigenous, and low-income rural communities in Virginia and North Carolina, particularly in Alamance and Rockingham counties—regions that already experience chronic underinvestment and infrastructural neglect. These communities face intersecting challenges, including poor air and water quality, limited access to healthcare, and political disenfranchisement, making them especially vulnerable to the harms imposed by extractive industries. Rather than being consulted or given a voice in decisions that directly affect their health, safety, and ancestral lands, residents are often ignored or excluded entirely from regulatory and permitting processes. This exclusion reflects a broader pattern of systemic marginalization rooted in the United States' long history of environmental and racial injustice.

Indigenous peoples with deep historical ties to the land in Alamance, Rockingham, and Pittsylvania counties—such as the Occaneechi Band of the Saponi Nation and other Eastern

Siouan-descended communities—have raised urgent concerns about the pipeline's threat to sacred sites, burial grounds, and historically significant landscapes. Despite these concerns, tribal nations—especially state-recognized or non-federally recognized ones—are rarely afforded meaningful consultation under federal law, and their cultural sovereignty is consistently disregarded. This erasure violates not only ethical obligations but also emerging standards of international law under instruments like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which affirms the right to free, prior, and informed consent regarding development on Indigenous lands.

The use of eminent domain to seize private and communal land for pipeline construction further underscores the project's foundation in racialized dispossession. In many cases, landowners of color are coerced into surrendering land under threat of legal action, reinforcing a legacy of colonial land theft and economic exploitation. These forced takings are not isolated incidents; they are part of a systemic pattern in which marginalized communities bear the brunt of environmental hazards while receiving none of the benefits.

The MVP Southgate extension also contributes to cumulative environmental burdens in regions already overburdened by industrial activity, logging, agriculture runoff, and prior infrastructure projects. The risk of methane leaks, pipeline explosions, drinking water contamination, and long-term ecological degradation places disproportionate health and safety burdens on residents who have few resources for relocation or remediation. Despite these known risks, federal agencies like the Federal Energy Regulatory Commission (FERC) continue to greenlight pipeline projects with minimal scrutiny, limited enforcement, and a regulatory framework that privileges industry over community protection.

Ultimately, the MVP Southgate Pipeline is not simply an issue of energy infrastructure—it is a civil rights crisis and a profound environmental injustice. It reveals how settler colonial systems and extractive economies continue to sacrifice the health, culture, and sovereignty of historically oppressed communities for corporate gain. Challenging this pipeline is not only a matter of protecting land and water; it is a fight for recognition, self-determination, and the right of all communities to live free from environmental harm.

VI. SENTENCE

Based on the foregoing, and in view of the evidence presented, this Tribunal
Decides:

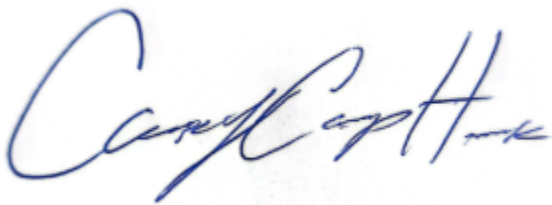
- I. **The Mountain Valley Pipeline (MVP)** is a clear violation of the Rights of Nature (RON) and must be stopped. *At the Tribunal, all audience members and witnesses unanimously affirmed that MVP offers no benefit or necessity due to the preponderance of ecological and social impacts and its impacts to all living beings.*
- II. **The MVP Southgate extension** should not be approved under any circumstances.
- III. **This case must be elevated to the International Rights of Nature Tribunal**, as it exemplifies the widespread harms experienced by Indigenous communities. MVP is a violation of both the Rights of Nature (RON) and the Rights of Rivers (ROR).
- IV. The Tribunal **calls on international bodies**—including the **United Nations (UN)**, **International Union for Conservation of Nature (IUCN)**, and **Convention on Biological Diversity (CBD)**—to review and act on this case.
- V. The Tribunal recommends that this case be referred to the appropriate federal, state, and local agencies for investigation as a potential violation of existing U.S. environmental laws, including the Endangered Species Act, the Clean Water Act, the North Carolina State Environmental Policy Act (SEPA), as well as the principles of the Rights of Nature (RON) and Rights of Rivers (ROR).
- VI. The Tribunal demands the **repeal of Section 324** of the **2023 Fiscal Responsibility Act**, which fast-tracked pipeline construction and stripped judicial oversight.
- VII. As an Indigenous-led Tribunal, the Tribunal **recognized the inherent rights** of:
 - Rivers, watersheds, and river ecosystems;
 - Indigenous Peoples and their sacred relationship to land and water
 - All of Nature to exist, flourish, regenerate, and evolve.
- VIII. The **destruction of keystone species and other life forms** by pipeline development constitutes a direct violation of natural law and ecological balance.

- IX. We reject the **legal fiction that corporations possess inherent rights**. Under natural law, only living systems and beings hold true rights. The asserted “rights” of corporations cannot supersede or override the inherent rights of Nature.
- X. **There is a direct correlation between pipeline construction and violence**—including the crisis of **Missing and Murdered Indigenous People (MMIP/MMIWG2S+)**. Environmental harm is inseparable from violence against Indigenous communities.
- XI. The Tribunal **accepts recommendations** to visit impacted and potentially impacted sites and communities. These visits are essential to inform and support the creation of **laws that protect the people and the land**.
- XII. Tribunal Judges acknowledge that **further investigation is required**. As this case advances to higher levels of accountability, the Tribunal will continue to research and integrate emerging issues and evidence.

VI. SIGNATURES

Signed by the Presiding Judge and the judges of the 12th Local Rights of Nature Tribunal-Mountain Valley Pipeline case, as well as the honorary judges of the International Rights of Nature Tribunal Judges Assembly:

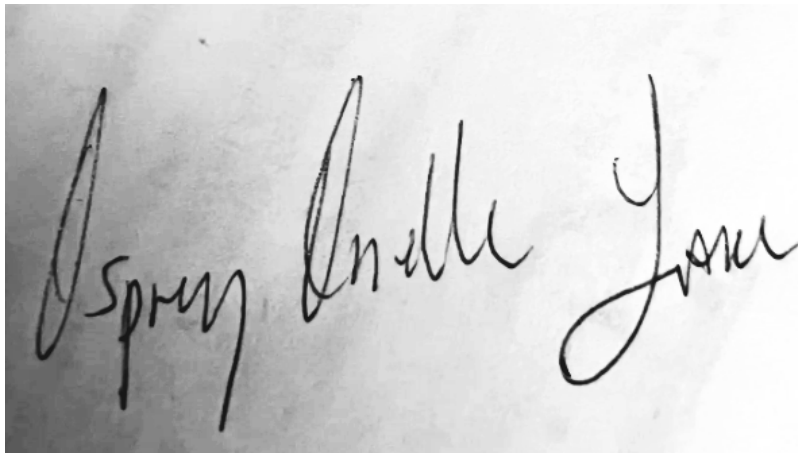
Casey Camp Horinek



Francesco Martone

A handwritten signature in black ink on a light background. The name 'Francesco Martone' is written in a cursive style, with the 'F' and 'M' being particularly prominent and stylized.

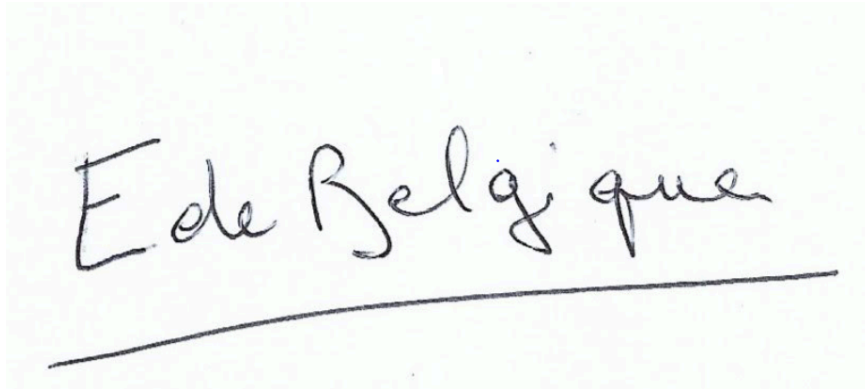
Osprey Orielle Lake

A handwritten signature in black ink on a light background. The name 'Osprey Orielle Lake' is written in a cursive style, with the 'O' and 'L' being particularly prominent and stylized.

Enrique Leff

A handwritten signature in black ink on a light background. The name 'Enrique Leff' is written in a cursive style, with the 'E' and 'L' being particularly prominent and stylized.

Esmeralda de Belgique



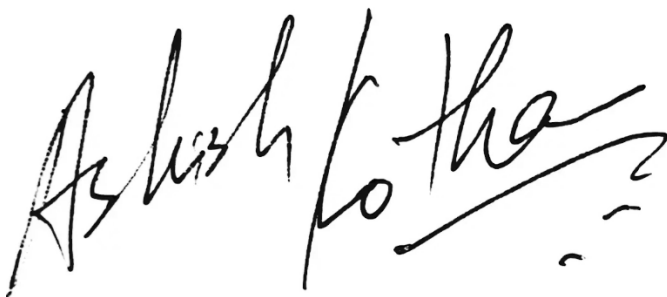
E de Belgique

Antonio Elizalde



Antonio Elizalde

Ashish Kothari



Ashish Kothari

Damien Short

A stylized, cursive handwritten signature in black ink. The signature is composed of several loops and a long horizontal stroke that underlines the main part of the signature.

Alberto Acosta

A handwritten signature in black ink. The signature is highly stylized and cursive, featuring large, sweeping loops and a long, horizontal underline that extends to the left.