

Permanent Peoples' Tribunal

International Session on Human Rights, Fracking & Climate Change

Corvallis, Oregon 14 -18 May 2018

Seeking an Advisory Opinion

**On the continuation and evolution of the Russell Tribunals on the
Vietnam War (1966- 1967) and on the Crimes of Latin American
Dictators (1974-1976). Based on the principles expressed in the *Universal
Declaration of the Rights of People's* (Algiers, 1976).**

BRIEF AMICI CURIAE

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QUESTIONS PRESENTED

- FIRST: Under what circumstances do fracking and other unconventional oil and gas extraction techniques breach substantive and procedural human rights protected by international law as a matter of treaty or custom?
- SECOND: Under what circumstances do fracking and other unconventional oil and gas extraction techniques warrant the issuance of either provisional measures, a judgment enjoining further activity, remediation relief, or damages for causing environmental harm?
- THIRD: What is the extent of responsibility and liability of States and non-state actors for violations of human rights and for environmental and climate harm caused by these oil and gas extraction techniques?
- FOURTH: What is the extent of responsibility and liability of States and non-state actors, both legal and moral, for violations of the rights of nature related to environmental and climate harm caused by these unconventional oil and gas extraction techniques?

IDENTITY AND INTEREST OF AMICI CURIAE

1. **Vanessa Brown** is an attorney licensed in the State of Vermont. Attorney Brown's ancestors include Michael Brown and Roger Conant. Attorney Brown is an interest party to these proceedings in addition to appearing on behalf of 350 Vermont and the Green Mountain Druid Order. Attorney Brown would like to see balance returned to the Earth and be free.
2. **350 Vermont** is a 501(c)(3) nonprofit organization that organizes, educates, and supports people in Vermont to work together for climate justice—resisting fossil fuels, building momentum for alternatives, and transforming our communities toward justice and resilience. Through rallies, advocacy, trainings, workshops, and social media we are calling on people around the world to come together and fight for climate justice. Climate change affects everyone, and everyone has the right to an ecologically sound environment. Because marginalized groups are disproportionately affected by climate change, it is as important as ever to work in solidarity with communities most directly affected.

In recognizing the inequalities of the climate crisis rooted in race and class, we aim to unify our movement both in our own backyards and globally. The threat of climate change is real and only getting worse. As weather becomes more extreme year to year, it is only becoming more apparent that we need to not only change the way we live our daily lives, but also change the way we think about each other and the world.

Among the interests crucial to our organization are mitigating the effects of climate change and aiding the transformation of new ways of living together on earth. We rely, in part, on Vermont's statutory ban on fracking and the disposal of fracked wastewater to protect our land, our water, and our lives, as well as the lives of future generations.

3. The **Green Mountain Druid Order** is L.L.C. and a contemporary Mystery School based in the Green Mountains of Vermont that includes both the Green Mountain School of Druidry (GMSD), and the Druid community that has

grown up as a result of the training. Rooted in ancient wisdom, the Order was created in these times of great change with the intent of training growing number of empowered Druids. We align ourselves with the spirit of the earth in order to heal, teach, and make a real difference in the world.

We accomplish this by facilitating the innate capacity of people to connect spiritually with the land in order to co create healing, balance, fertility and sacred space. We train people to become Guardians—empowered and skilled stewards who can understand, respond and serve the earth in this time of great need and change. Guardians work intimately with the medicine and teachings of the trees for wisdom and remembrance of our original instructions; our roots go deep below, our crowns rise to the stars above and our hearts open wide to life.

Climate change is the greatest threat to humanity and the environment. Among the interests crucial to our organization are protecting trees and wild medicine from the impacts destruction and preventing the development of oil and gas infrastructure in Vermont. We rely on Vermont's statutory ban on fracking and disposal of fracked wastewater to protect our lives and future generations, including our right to clean air and drinking water.

SUMMARY OF ARGUMENT

HEAT

How hot it is!
Scarce can I bear
To have the child upon my back play with my hair!

~ SONOME, (1664–1726)



P.C.: Katharine Sturge

ARGUMENT

I. (CLIMATE) CHANGE

A defining characteristic of change is that it lies largely outside of one's control. I have been going through a lot of major life changes in my personal life lately and recently decided to purchase a bottle of Dr. Bach's sweet chestnut flower essence to aid with the transitions. The company claims that sweet chestnut brings optimism and peace of mind when anguish overwhelms you and you can find no way out despair.¹ I have experienced despair too many times this winter. Over the years, I have sometimes had periods where I felt down (don't we all?), but despair is a new feeling for me. Rather than continuing to question why I feel this way, I am grateful that I now have a strategy to move forward with grace. I am starting to feel better already.

I figure I'll keep up the sweet chestnut treatment with a doses spaced throughout each day until the red chestnut flower essence that I bought online arrives by mail. It's commonly used as a chaser to the sweet chestnut and aids its users in letting go of the fear of what will happen to their loved ones.² A recent Twitter meme reminded me that I suffer from this as well: "You can't save anyone, only love them." Eighteen years of care that I sometimes thought wouldn't end soon enough have come at last and yet it feels all too soon. I have given my children the best of my love, and likely too much of my worry, and now I need to let go. But the worries have increased.

Even though my children are now on their own, I still find myself worrying about sunscreen, hydration, and now there is also laundry money, a summer internship, the pornography and drug habits of the college kids hanging out with my daughter, and as well as forest fires in Oregon where my son resides. I even worry about the quality of their drinking water, which is ridiculous because Oregon and Vermont have some of the cleanest water in the country (at least I think they do...another worry to research or not?). I am comforted somewhat by the knowledge that this is a common experience for mothers when their kids leave home. Empty Nest Syndrome. Yet, I recognize that each of us will be better off the sooner I can accept that there is no saving my children.

¹ Annabeth Meister. "Bach's Four Chestnut Types and How They Handle Change", *available at* <http://www.floweressencemagazine.com/feb03/chestnuts.html>.

² *Id.*

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I wish my worrying ended there, but I am afraid my condition is much worse than that. I am worried about the dramatic changes in temperature that I observed in East Montpelier this winter.³ Last fall, CBS News reported that Vermont and Minnesota are warming faster than any other states in the United States because of climate change.⁴ Of course this pales in comparison to suffering we saw in Puerto Rico this summer. I worry about them, like I worry about people in the cities living and working in those tall buildings. I am afraid of heights. I wonder how they survive without the smell of lilacs in the spring and what will happen to them in the next blackout. How did they survive the last one?

I think we all would do better if we had kachelofens, a mason heater with ancient origins. They've been around for hundreds of years. Not to mention they are gorgeous. Mark Twain talked about them.⁵ I sometimes confuse Mark Twain with Albert Einstein. Both men were known for their writing, iconic walrus mustaches, and genius hair.

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Was it clear to me when I was a little girl that I would grow up to worry about energy? No. I wanted to be a ballerina. I had six years of lessons. The energy moving through my body while I stretched and danced across the room felt better than any prescription medication for depression that doctors tried to get me to take after my father abandoned us after years of physically abusing me and the lessons stopped because my mother didn't have the money to keep them up.

What was clear was that I loved chestnuts and sunlight and that something was very wrong if I couldn't drink the water straight from the Juniata River in central Pennsylvania near my home and that we had to wash—not dirt—but chemicals (what were those?) off the vegetables. My grandma used to have a garden, but there was no time for that anymore, or so my mother told me. We had

³ Sabrina Shankman. "East Coast Shatters Temperature Records, Offering a Preview to a Warming World," February 21, 2018, *available at* <https://insideclimatenews.org/news/21022018/february-record-high-temperature-east-coast-arctic-climate-change-nws>.

⁴ "Vermont, Minnesota Warming Faster in Winter than Any Other State in the U.S.: Report," November 30, 2017, *available at* <https://www.cbsnews.com/news/climate-change-warm-winters-2017-climate-central-report/>.

⁵ Nadia Slawinski. "The Kachelhoven: It's Time Has Come Again," December 4, 2007, *available at* https://stonehousepottery.com/DEC_040_043LR.pdf.

a horse chestnut tree on my block. Before my father left, my mother would often send me and my sister outside to play after she got home from work and on the weekends. My favorite activities was breaking open the prickly brown balls and collecting the nuts inside in my little red Radio Flyer wagon. We pretended they were little medicine cakes like in Alice and Wonderland. One makes you taller the other smaller.

One day, I pretended to eat a chestnut that would make me grow big as my father so that I could stop him from ever again beating me with a hanger or a belt. It didn't work. So, I tried another cake to make me smaller—small enough so that I would be invisible to him until I really grew up and could return to heal him. And there I stayed for many years, quietly searching for his medicine. I promised him I would become a lawyer. It was a sacred contract that I never expected I would fulfill.

On my journey, I met a man who chose to become my “West Coast Dad”. He gave me many gifts throughout the remainder of his life. He passed away just after I received news that I had been accepted to the nation's top environmental law school. The last message I sent him was that I had been accepted on a full scholarship.

Two years or so ago, another package of gifts arrived in. He had left instructions for his partner to send them. Among them was a large number of Chinese, Japanese, and American banknotes. Another very special gift for me that I did not discover until two weeks ago, is a rare, hardbound book first published in the 1920's, likely owned by his first wife that he met while on active duty during the Vietnam War. It is entitled, Little Pictures of Japan, part of the Travelship Series published by the Bookhouse for Children, Chicago, that contains enchanting haiku (hokku) poems assembled by Olive Beaupre from various Japanese poets, with even more enchanting illustrations by Katherine Sturges.

I have in my brief included three pictures from the book with poems by Sonome (a.k.a. Shiba Sonome), Gomei (a.k.a. Kikkawa Gomei), and Gensui:

She was born in Ise, Yamada, as a daughter of a priest from Ise Shrine, and later well known for her beauty. Her husband was the doctor Shiba Ichi-U 斯波一有, also a pupil of Matsuo Basho. His haiku name was Isen 渭川 (いせん). They lived in Osaka since 1692. In 1690, Sonome became a student of Basho. Her correspondence with Basho is quite well loved. After the death of her husband, she went to Edo and contacted Enomoto Kikaku. She

also worked as a doctor to help people with ailments of the eyes. In 1718 she cut her hair and became a nun, called Chikyo-Ni (Chikyoo ni)智鏡尼.

衣更えわざと隣の子をだきに
koromogae waza to tonari no ko o daki ni

changing of the robes -
deliberately I go to the neighbour
to hold her child⁶



Kikkawa Gomei was the fifth son of Naba Saburoemon, who lived in the town surrounding Akita Castle. Gomei's many works have been declared a cultural property by the city of Akita. As a young man, Gomei focused on a relatively lowbrow, entertaining style with his poetry. However, at the age of 32, he began to have doubts about his lowbrow style, and began to research the works of the famous haiku poet Matsuo Basho on his own. Once he grasped the true essence of Basho's style, he made a goal of carrying on the spirit of Basho's poetry. Gomei stuck fast to his motto of "a return to the style of Matsuo Basho," amassing some 600 followers and bringing about a golden age of haiku poetry in Akita.

This chapter of Gomei's life and his work began when he, at the age of 38, published a collection of poetry in the spirit of Basho alongside four others. At the very same time in Kyoto as well, many lamented the shift toward more lowbrow haiku poetry, and there were likewise efforts there to bring about a return to Basho's style.

Gomei's efforts were widely supported by both the merchants and the samurai of the town that grew around Akita Castle, and before long, Gomei's style of haiku poetry had spread all throughout the Akita Domain.⁷

⁶ Dr. Gabi Greve. "Introducing Haiku Poets, Famous People, Places and Haiku Topics: Siba Sonome," May 21, 2010, available at <https://wkdhaikutopics.blogspot.com/2007/03/shiba-sonome.html>.

⁷ Gomei Restaurant. "About Our Name" available at <http://noble-creation.com/gomei/en/about/index.html>.



Gensui 元帥陸軍大將 *gensui rikugun-taishō* was the highest title in the pre-war Imperial Japanese military. The title originated from the Chinese title *yuanshuai* (元帥).

The term *gensui*, which was used for both the Imperial Japanese Army and the Imperial Japanese Navy, was at first a rank held by Saigō Takamori as the Commander of the Armies (陸軍元帥 *Rikugun-gensui*) in 1872. However, in May 1873 Saigō was "demoted" to general, with *gensui* thereafter no longer a rank as such, but a largely honorific title awarded for extremely meritorious service to the Emperor - thus similar in concept to the French title of Marshal of France. Equivalent to a five-star rank (OF-10), it is similar to Field Marshal in the UK British Army and General of the Army in the United States Army.

While *gensui* would retain their actual ranks of general or admiral, they were entitled to wear an additional enamelled breast badge, depicting paulownia leaves between crossed army colors and a naval ensign under the Imperial Seal of Japan. They were also entitled to wear a special samurai sword (*katana*) of a modern design on ceremonial occasions.

In the Meiji period, the title was awarded to five generals and three admirals. In the Taishō period it was awarded to six generals and six admirals, and in the Shōwa period it was awarded to six generals and four admirals. The higher title of *dai-gensui* was comparable to the title of *generalissimo* and was held only by the Emperor himself.⁸

WONDER OF WONDERS

A girl cries. Her father beats her, convinces her she's dumb.
 She's land back in that cave of herself again and
 again for the rest of her life. Many are like mythical characters
 blindly returning to tackle whatever invisible monsters

⁸ "Gensui (Imperial Japanese Army)" available at [https://en.wikipedia.org/wiki/Gensui_\(Imperial_Japanese_Army\)](https://en.wikipedia.org/wiki/Gensui_(Imperial_Japanese_Army)).

brought them down long ago. Maybe the wonder
of wonders of being alive—greater even than the lake
like a glittering shield, the leaves turning tangerine,
bronze, ruby and so infinitely on—is, as yet,
we have not undone our world,
and should we each manage to wrestle
our own special Trauma to the ground, tame him,
there is Thanatos—his natural father—waiting
at the end of it all, the bigwig behind all the trouble.
Time to give ourselves a pat on the back,
Thumbs up, for not having blown ourselves sky-high.

~ GREG DELANTY⁹

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In Greek mythology, Thanatos (/ˈθænətoʊs/;^[1] Greek: Θάνατος, pronounced in Ancient Greek: [tʰánatos]"Death",^[2] from θνήσκω *thnēskō* "to die, be dying"^{[3][4]}) was the personification of death. He was a minor figure in Greek mythology, often referred to but rarely appearing in person.

Thanatos has also been portrayed as a slumbering infant in the arms of his mother Nyx, or as a youth carrying a butterfly (the ancient Greek word "ψυχή" can mean soul or butterfly, or life, amongst other things) or a wreath of poppies (poppies were associated with Hypnos and Thanatos because of their hypnotic traits and the eventual death engendered by overexposure to them).¹⁰

PAEAN (Paian, Paiêôn or Paiôn), that is, "the healing," is according to Homer the designation of the physician of the Olympian gods, who heals, for example, the wounded Ares and Hades. (*Il.* v. 401, 899.) After the time of Homer and Hesiod, the word Paian becomes a surname of Asclepius, the god who had the power of healing. (Eustath. *ad Hom.* p. 1494; Virg. *Aen.* vii. 769.) The name was, however, used also in the more general sense of deliverer from any evil or calamity (Pind. *Pyth.* iv. 480), and was thus applied to Apollo and Thanatos, or Death, who are conceived as delivering men from the pains and sorrows of life. (Soph. *Oed. Tyr.* 154 ; Paus. i. 34. § 2 ; Eurip. *Hippol.* 1373.) With regard to Apollo and Thanatos however, the name may at the same time contain an allusion to paiein, to strike, since both are also regarded as destroyers. (Eustath. *ad Hom.* p. 137.) From

⁹ Greg Delanty, [So Little Time](#)

¹⁰ "Thanatos," available at <https://en.wikipedia.org/wiki/Thanatos>.

Apollo himself the name Paeon was transferred to the song dedicated to him, that is, to hymns chanted to Apollo for the purpose of averting an evil, and to warlike songs, which were sung before or during a battle.¹¹



HOW WOULD YOU FEEL (PAEAN)?

You are the one girl
And you know that it's true
I'm feeling younger
Every time that I'm alone with you

We were sitting in a parked car
Stealing kisses in the front yard
We got questions we should not ask but

How would you feel, if I told you I loved you?
It's just something that I want to do
I'll be taking my time, spending my life
Falling deeper in love with you
So tell me that you love me too

In the summer, as the lilacs bloom
Love flows deeper than the river
Every moment that I spend with you
We were sat upon our best friend's roof
I had both of my arms round you
Watching the sunrise replace the moon

How would you feel, if I told you I loved you?
It's just something that I want to do
I'll be taking my time, spending my life
Falling deeper in love with you
So tell me that you love me too

We were sitting in a parked car
Stealing kisses in the front yard
We got questions we should not ask

How would you feel, if I told you I loved you?
It's just something that I want to do

¹¹ "Paeion," available at <http://www.theoi.com/Ouranios/Paion.html>.

I'll be taking my time, spending my life
 Falling deeper in love with you
 So tell me that you love me too
 Tell me that you love me too
 Tell me that you love me too

~ ED SHERAN



Now returning to the things that were clear: What was clear were the cries of my mother, aunt, and sister during the blizzard of '93—Storm of the Century. This record-breaking blizzard occurred a year after the “World Scientists’ Warning to Humanity”¹² was first issued in 1992, the year my parents divorced. Oblivious to any danger, I had just returned home from my paper route, skin burning. They were worried I had been buried in the storm.

“The climate is changing!” they cried out to me as I made my way down the hill to front door.

Now, I love the women in my family, but they have never been academically inclined. Blue collar. They all struggled to finish high school. Their eyes roll back in their head when I talk about science. I understand now that this is because they weren’t encouraged or invited. Still, my mother and aunt watch and read the news and had observed the very strange changes in the weather patterns happening around them living in the same place for roughly 40 years.

“It didn’t use to be like this,” they said. I had every reason to believe them.

NEWS

Although we would prefer to talk
 and talk it into psychological the-
 ory the prevalence of small genocides
 or the recent disease floating
 toward us from another continent we

¹² Union of Concerned Scientists. “1992 World Scientists Warning to Humanity,” *available at* <https://www.ucsusa.org/about/1992-world-scientists.html>.

must not while she speaks her eyes
 frighten us she is only one person
 she tells us her terrible news we
 want to leave the room we may not
 we must listen in this wrong world this
 is what we must do we must bear it.

—GRACE PALEY¹³

While my family most likely has no memory of this conversation, I will never again forget that it was the first time I ever heard the term “climate change.” Maybe it is the sweet chestnut medicine kicking in, but this precious memory just resurfaced while writing.

Climate change. In 1993, during an historic blizzard, my family members terrified for my safety cried out “climate change,” and I felt the resonance of their words blowing past me on a strong gust of snowy wind as I walked as I approach the door to go inside and get warm.

Climate change? What did this mean for my life? Not much at the time. I was twelve (12) and didn’t think that it was my problem to solve. Even though I was later actively engaged in environmental protection in the West, I don’t remember hearing the term again until in 2007 when I read the “World Scientists’ Warning to Humanity”¹⁴ as an assigned reading in college.

Warning. The Union of Concerned Scientists and more than 1,700 independent scientists, including the majority of living Nobel laureates in the sciences, called on humankind to curtail environmental destruction and cautioned that “a great change in our stewardship of the Earth and the life on it is required, if vast human misery is to be avoided.”¹⁵ They showed that humans were on a collision course with the natural world and expressed concern about current, impending, or potential damage on planet Earth involving ozone depletion, freshwater availability, marine life depletion, ocean dead zones, forest loss, biodiversity destruction, climate change, and continued human population growth. They proclaimed that fundamental changes were urgently needed to avoid the consequences our present course would bring.

¹³ So Little Time

¹⁴ “1992 World Scientists Warning to Humanity,” *available at* <https://www.ucsusa.org/about/1992-world-scientists.html>.

¹⁵ *Id.*

The authors feared that humanity was pushing Earth's ecosystems beyond their capacities to support the web of life. They described how we are fast approaching many of the limits of what the biosphere can tolerate without - substantial and irreversible harm. The scientists pleaded that we stabilize the human population, describing how our large numbers—swelled by another 2 billion people since 1992, a 35% increase—exert stresses on Earth that can overwhelm other efforts to realize a sustainable future. They implored that we cut greenhouse gas (GHG) emissions and phase out fossil fuels, reduce deforestation, and reverse the trend of collapsing biodiversity.¹⁶

Twenty five (25) year later, it has now become cliché to write that climate change is the greatest threat to humanity and the environment. The science linking changes to the earth's atmosphere to human activity—primarily the fossil fuel industry—has been clear for decades. Records suggest the industry knew very well what they were doing. They knew they were killing us.¹⁷ Killing the animals, plant life, and water. They knew. They know.

Is there another chestnut remedy for this kind of worry? How does one let this go?

Chestnut blight has been called the greatest ecological disaster to strike the world's forests in all of history.¹⁸ The blight was caused by an Asian bark fungus (*Cryphonectria parasitica*, formerly *Endothia parasitica*) accidentally introduced into North America on imported Asiatic chestnut trees.¹⁹ The American Chestnut tree is considered functionally extinct by the USDA because the blight fungus does not kill the tree's root system underground.²⁰ The American chestnut has survived by sending up stump sprouts that grow vigorously in logged or otherwise disturbed sites, but inevitably succumb to the blight and die back to the ground. The American chestnut tree survived all adversaries for 40 million years, then disappeared within 40.

¹⁶ *Id.*

¹⁷ Oliver Milman. "Oil Industry Knew of Serious Climate Concerns More than 45 Years Ago" *The Guardian*, April 13, 2016, available at <https://www.theguardian.com/business/2016/apr/13/climate-change-oil-industry-environment-warning-1968>.

¹⁸ The American Chestnut Foundation. "History of the American Chestnut," available at <https://www.acf.org/the-american-chestnut/history-american-chestnut/>.

¹⁹ "American Chestnut" available at https://en.wikipedia.org/wiki/American_chestnut.

²⁰ The American Chestnut Foundation. "History of the American Chestnut."

There is so little time left and the United States' President wants to defy the science and change course away from the development of renewable and low-technology and open the Arctic National Wildlife Refuge to oil drilling. In fact, he wants to censor use of "climate change" by all federally funded organizations. In February (2018), the Northeast Organic Farming Association, Vermont Chapter (NOFA VT) scrubbed "climate change" from the title of my workshop introducing this very Tribunal to the public.

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Do we really have to go over the science again? This is no longer an issue about science. Was it ever?

After taking white chestnut for worries of kind, Dr. Bach suggests taking chestnut bud. Chestnut Bud is the remedy most aligned with stuckness.²¹ According to Dr. Bach, many who need this remedy seem incapable of learning from their mistakes or of adapting to changing conditions. Creatures of habit, they repeat the same patterns over and over, even if they can admit there is a better way. A key to discerning when this particular chestnut is needed rather than another chestnut is that, in their unwillingness to grow, the Chestnut Bud type can seem immature.

²¹ Annabeth Meister. "Bach's Four Chestnut Types and How They Handle Change."



P.C.: Annabeth Meister



P.C.: Dr. Bach Centre

We are told:

Flower buds are immature by nature, tightly folded and with no more than a hint of the beauty that is to come. Given a bit more warmth and gentle coaxing by the sun, they seem overnight to burst into bloom. Chestnut Bud individuals, in particular, may surprise us with how quickly their potential unfolds with the gentle catalyst of this essence. As they continue to take it, these once stubbornly resistant folks often open up to change and begin to adapt.²²

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Now, I am not quite ready to admit that I am the one who needs Chestnut Bud medicine, but perhaps this is true. Maybe I am being childish. There is always new life coming into the world and always something more to learn. Maybe we *do* still have to keep talking about the science. There are young people who haven't heard this story before and they have a right to know how things got this way, as well as a right to information that impacts their safety.

This is, in part, why I began with a narrative and have included pictures and poems. Of course, it's a deviation from the standard forms of legal writing that I (all lawyers?) so painfully learned to simulate in law school. Format: Issue, Rule, Analysis, Conclusion (IRAC) or Conclusion, Rule, Analysis, Conclusion (CRAC). They say that it is only after you learn the rules that you can successfully break them. The goal after all is not perfection, but persuasion.

We will get there. I hope we will. Please bear with me. I promise to continue with finish with the chestnut treatment.

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Issue: Industrial extraction and consumption of fossil fuels has destabilized the life-supporting systems of the planet.

(Alternatively);

Conclusion: We're screwed!

(Alternatively);

Conclusion: Anyone connected to the development of fossil fuels should be ordered to immediately begin chestnut treatment and continue with it until the fossil fuel industries & gas are put back into the ground and the climate crises have abated.

Rule(s): There are so many to choose from already on the books not being followed. Where to begin?

Context: This is an international tribunal. So, it is probably a good idea to cite international law. But what about universal law? Is that permissible? Not sure. I like those rules better. I like the way the words feel—the way they are strung together—as they leave my lips. My lips and chest cavity vibrates at a higher frequency than when I talk about international law. Does an international tribunal have authority weigh in on these issues? Are their members powerful enough to

guide humanity back to a time before the first laws were broken? How do I cite Universal Law²³?

Rule #1: *The Law of Divine Oneness*: The Law of Divine Oneness helps us to understand that we live in a world where everything is connected to everything else. Everything we do, say, think and believe affects others and the universe around us.

Rule #2: *The Law of Vibration*: This Universal Law states that everything in the Universe moves, vibrates, and travels in circular patterns. The same principles of vibration in the physical world apply to our thoughts, feelings, desires, and wills in the Etheric world. Each sound, thing, and even thought has its own vibrational frequency unique unto itself.

Rule #3: *The Law of Action*: The Law of Action must be applied in order for us to manifest things on Earth. Therefore, we must engage in actions that support our thoughts, dreams, emotions and words.

Rule #4: *The Law of Correspondence*: This Universal Law states that the principles or laws of physics that explain the physical world – energy, light, vibration, and motion – have their corresponding principles in the etheric or universe. "As above, so below."

Rule #5: *The Law of Cause and Effect*: This Universal Law states that nothing happens by chance or outside the Universal Laws. Every action has a reaction or consequence and we "reap what we have sown."

Rule #6: *The Law of Compensation*: This Universal Law is the Law of Cause and Effect applied to blessings and abundance that are provided for us. The visible effects of our deeds are given to us in gifts, money, inheritances, friendships, and blessings.

Rule #7: *The Law of Attraction*: This Universal Law demonstrates how we create the things, events, and people that come into our lives. Our thoughts, feelings, words, and actions produce energies which, in turn, attract like energies. Negative energies attract negative energies and positive energies attract positive energies.

²³ "Laws of the Universe," available at <https://lawsoftheuniverse.weebly.com/12-immutable-universal-laws.html>.

Rule #8: *The Law of Perpetual Transmutation of Energy*: This Universal Law states that all persons have within them the power to change the conditions in their lives. Higher vibrations consume and transform lower ones; thus, each of us can change the energies in our lives by understanding the Universal Laws and applying the principles in such a way as to effect change.

Rule #9: *The Law of Relativity*: This Universal Law states that each person will receive a series of problems (Tests of Initiation) for the purpose of strengthening the Light within. We must consider each of these tests to be a challenge and remain connected to our hearts when proceeding to solve the problems. This law also teaches us to compare our problems to others' problems and put everything into its proper perspective. No matter how bad we perceive our situation to be, there is always someone who is in a worse position. It is all relative.

Rule #10: *The Law of Polarity*: This Universal Law states that everything is on a continuum and has an opposite. We can suppress and transform undesirable thoughts by concentrating on the opposite pole. It is the law of mental vibrations.

Rule #11: *The Law of Rhythm*: This Universal Law states that everything vibrates and moves to certain rhythms. These rhythms establish seasons, cycles, stages of development, and patterns. Each cycle reflects the regularity of God's and Goddess's universe. Masters know how to rise above negative parts of a cycle by never getting too excited or allowing negative things to penetrate their consciousness.

Rule #12: *The Law of Gender*: This Universal Law states that everything has its masculine (yang) and feminine (yin) principles, and that these are the basis for all creation. A person must balance the masculine and feminine energies within to become a Master and a true co-creator with God and Goddess.

Analysis:

State actors across the globe have failed to fulfill their obligations to the people. The activities of the fossil fuel industry, including the development and

expansion of hydraulic fracturing of shale deposits and other unconventional techniques, are responsible for the climate catastrophe. Government actors have permitted this. I have outlined a few reputable scientific sources that stand out to me that support this conclusion:

Four (4) years ago, the Intergovernmental Panel on Climate Change observed the following changes in the climate system:

*Warming of the climate system is unequivocal, and since the 1950s, any of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen.*²⁴

*Anthropogenic greenhouse gas emissions have increased since the pre-industrial era, driven largely by economic and population growth, and are now higher than ever. This has led to atmospheric concentrations of carbon dioxide, methane and nitrous oxide that are unprecedented in at least the last 800,000 years. Their effects, together with those of other anthropogenic drivers have been detected throughout the climate system and are extremely likely to have been the dominant cause of the observed warming since the mid-20th century.*²⁵

In November 2017, the World Scientists' Warning to Humanity: A Second Notice was issued.²⁶ As of March 9, 2018, 20,000 scientists have signed on to the warning and it is presently the sixth most discussed paper in the world.²⁷ On the twenty-fifth anniversary of their call, World Scientists looked back at their warning and evaluated the human response by exploring available time-series data. Since

²⁴ IPCC, 2014: Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)]. IPCC, Geneva, Switzerland, 151 pp., at p. 2.

²⁵ *Id.* at p. 4.

²⁶ William J. Ripple, Christopher Wolf, Thomas M. Newsome, Mauro Galetti, Mohammed Alamgir, Eileen Crist, Mahmoud I. Mahmoud, William F. Laurance, 15,364 scientist signatories from 184 countries; World Scientists' Warning to Humanity: A Second Notice, *BioScience*, Volume 67, Issue 12, 1 December 2017, Pages 1026–1028, <https://doi.org/10.1093/biosci/bix125>.

²⁷ Lorraine Chow. "20,000 Scientists have now signed warning to humanity." *EcoWatch*, March 9, 2018, available at <https://www.ecowatch.com/warning-to-humanity-scientists-2544973158.html>; University of Sydney. "Scientists' Warning to Humanity Most Talked About Paper." *EurekAlert!: The Global Source for Science News*, March 7, 2018, available at https://www.eurekalert.org/pub_releases/2018-03/uos-swt030518.php.

1992, with the exception of stabilizing the stratospheric ozone layer, humanity has failed to make sufficient progress in generally solving these foreseen environmental challenges, and alarmingly, most of them are getting far worse. Especially troubling is the current trajectory of potentially catastrophic climate change due to rising GHGs from burning fossil fuels, deforestation, and agricultural production—particularly from farming ruminants for meat consumption. Moreover, **we have unleashed a mass extinction event, the sixth in roughly 540 million years**, wherein many current life forms could be annihilated or at least committed to extinction by the end of this century.

This March (2018), in the most authoritative study of its kind²⁸, Physicians for Social Responsibility outlined thirteen emerging risks and harms associated with fracking operations.²⁹ The main conclusion they reached was that ***widespread hydraulic fracturing is exacerbating climate change***.³⁰

In addition to threatening drinking water, the impacts of fracking include toxic air pollution and smog (ground-level ozone) at levels known to have health impacts and, finally, earthquakes.³¹ Specifically, the study reaches the following conclusion:

Methane is a powerful greenhouse gas. An increasing number of studies reveal high levels of methane leaks from gas drilling, fracking, storage, and transportation, undermining the inventories prepared by the U.S. Environmental Protection Agency (EPA), which, through early 2016, continued to underestimate the impacts of methane and natural gas drilling on the climate. In April 2016, the EPA raised methane emissions estimates for oil and natural gas operations by 34 percent, retroactively increased estimates of past methane losses, and named the oil and gas industry as the single leading source of methane emissions to the atmosphere. Multiple lines of evidence point to the central role of unconventional oil and gas extraction as the driver of recent

²⁸ Justin Nobel. "Harms of Fracking: Increased Risks of Asthma, Birth Defects, and Cancer." *Rolling Stone*, March 13, 2018, available at <https://www.rollingstone.com/politics/news/fracking-health-risk-asthma-birth-defects-cancer-w517809>.

²⁹ Physicians for Social Responsibility. "Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas and Oil Extraction). Fifth Edition," March 2018, pp. 17-30, available at <http://www.psr.org/resources/fracking-compendium.html>.

³⁰ *Id.* at 137.

³¹ *Id.* at 17-30.

*increases in global greenhouse gases, especially methane. These include the atmospheric pattern of increased methane concentrations directly over intensively fracked areas of the United States; sharp upticks in global methane and co-occurring ethane levels that correspond to the onset of the U.S fracking boom; and documentation of catastrophic amounts of methane released from storage facilities and other “super-emitting” sites. An influential 2013 study that reported low rates of methane leakage from oil and gas operations was revealed to have relied on flawed instrumentation that can underestimate methane loss. Further, the widely touted claim that the U.S. fracking boom has helped drive recent declines in carbon dioxide emissions in the United States has been upended by research showing that almost all of the CO₂ emission reductions between 2007 and 2009 were the result of economic recession rather than coal-to-gas fuel switching, as was previously presumed. Other lines of research suggest the extremely important role that technological innovations related to energy efficiency can play in reducing reliance on fossil fuels and speeding a transition to renewable energy sources. **Drilling, fracking, and expanded use of natural gas not only to exacerbate climate change but also stifle investments in, and expansion of, renewable energy.**³²*

Our world is very clearly out of balance. It doesn’t have to continue this way. In order to change course, we need some perspective on where we are headed and path to get there. Again, as Attorney Mitchell suggests—the antidote is responsibility. When it comes to hydraulic fracturing and climate change, I can think of no better example of responsible government actors in the United States than those in the State of Vermont.

Hope in Vermont

Of course, we are driven by self-interest, it’s necessary to survive. But we need wise self-interest that is generous and co-operative, Taking others’ interests into account. Co-operation comes from kind-heartedness. Once you have a genuine sense of concern for others, there is no room for cheating, bullying or exploitation.³³

—His Holiness the Dalai Lama
speaking at Middlebury College, Vermont

³² *Id.* at 137 (emphasis added).

³³ So Little Time

October, 2013

In addition to sweet chestnut medicine, the people of Vermont give me hope. The State of Vermont officially recognizes that climate change is linked to how much carbon dioxide, methane and other greenhouse gases (GHG) we emit into the atmosphere.³⁴ Our use of fossil fuels lies at the heart of the problem, so switching to renewable energy and reducing the amount of energy we use is essential and urgent. In 2006, Vermont became one of the first states in the United States to set goals for reducing emissions of climate change causing gases. Vermont communities are taking swift action to create better buildings, cleaner energy, low carbon travel, nature-based solutions, innovative composting and recycling systems, and preparing for a new climate. There is much work to be done.

In 2012, the State of Vermont became the first state in the nation to ban hydraulic fracturing, as well as the collection, storage, treatment, and discharge of hydraulic fracturing wastewater, within its borders.³⁵ Vermont state geologists believe that natural gas may be sequestered in Utica shale deposits thousands of feet below the surface in the northwest part of the state.³⁶ As energy professionals throughout the state of Vermont began to hail fracked gas as a “bridge fuel,” Vermont permitted the development of a fracked gas pipeline, a project that activists continue to fight today. However, due to grassroots organizing efforts, it became evident that fracking creates an indefensible risk to the health of our state waters and food system. The decision for legislators was clear. Vermont enacted a ban on fracking to prevent contamination of surface and groundwater, protect its citizens and future generations, and mitigate climate change.³⁷

The Vermont Legislature adopted the following findings in support of the ban:

- (1) The drilling practice of hydraulic fracturing for natural gas exploration and production uses a variety of chemicals that are pumped into natural gas or oil wells.

³⁴ <http://climatechange.vermont.gov/our-climate-solutions>

³⁵ “Vermont is First State to Ban Fracking,” by Amir Khan, *International Science Times*, May 17, 2012, available at <http://www.isciencetimes.com/articles/3065/20120517/vermont-is-first-state-to-ban-fracking.htm>.

³⁶ *Id.*

³⁷ *Id.*

- (2) During hydraulic fracturing, chemicals and waste fluid pumped into wells may be introduced into and contaminate drinking water aquifers.
- (3) To ensure that the state's underground sources of drinking water remain free of contamination, the general assembly should prohibit hydraulic fracturing for the purpose of the recovery of oil or natural gas in order to:
 - (A) allow the state time to review, develop, and establish potential requirements for regulation of hydraulic fracturing; and
 - (B) allow the agency of natural resources to review the environmental impacts of hydraulic fracturing.
- (4) When hydraulic fracturing can be conducted without risk of contamination to the groundwater of Vermont, the general assembly should repeal the prohibition on hydraulic fracturing for oil and natural gas recovery.³⁸

The burden of proof for the fourth criteria lies with the industry. Rather than take that effort up and pursue business interests in Vermont, the industry continues to frack in other states across the nation, invoking the Haliburton loophole contained in the Energy Policy Act of 2005³⁹ to shield companies from disclosing to the public the chemicals they use in their operations. The following statements by Vermont Representatives were made on the record in support of the bill:

Rep. Courcelle of Rutland City explained her vote as follows: “Mr. Speaker: Two sessions ago I voted to protect our ground water. We made it a public trust! This bill protects our state’s ground water (thus our wells and drinking water) for future generations.”

Rep. Ellis of Waterbury explained her vote as follows: “Mr. Speaker: Protecting our ground water is not only good for the environment, it will save us millions of dollars in clean-up costs.”

³⁸ “Journal of the House,” by the Vermont Legislature, Friday, May 4, 2012, p. 2186, available at <https://legislature.vermont.gov/assets/Documents/2012/Docs/JOURNAL/hj120504.pdf#page=93>

Rep. Lorber of Burlington explained his vote as follows: “Mr. Speaker: May this be the start of a nationwide movement to protect our environment.”

Rep. Mrowicki of Putney explained his vote as follows: “Mr. Speaker: A big thank you to your Fish, Wildlife & Water Resources Committee. Fracking is not only fracturing the earth and endangering our environment above and underground, it is also fracturing communities, pitting neighbor against neighbor. We don’t need this in VT. My vote is for protecting our environment and our communities, now and for the future generations deserving of a clean earth and clean water.”

Rep. Spengler of Colchester explained her vote as follows: “Mr. Speaker: I cannot be more pleased with the results of this conference committee unless we could ensure this ban on fracking in perpetuity. Safeguarding our state’s water and air for present and future generations is my duty as a Representative to the State of Vermont.”

⁴⁰

Vermont Governor Peter Shumlin signed the H. 464 into law on May 16, 2012.⁴¹ Explaining his decision, Governor Shumlin stated:

*Human beings survived for thousands and thousands
of years without oil and without natural gas.
We have never known humanity or life on this planet
to survive without clean water.*⁴²

The foundational law underlying Vermont’s decision to ban fracking is that the lakes and ponds of the state and the lands lying underneath them are held in

⁴⁰ *Id.* at 2191-2192.

⁴¹ <https://www.vpirg.org/news/new-law-makes-vermont-the-first-state-to-ban-fracking/?cpg=dont-frack-vt>

⁴² “Vermont is First State to Ban Fracking,” by Amir Khan, *International Science Times*, May 17, 2012, available at <http://www.isciencetimes.com/articles/3065/20120517/vermont-is-first-state-to-ban-fracking.htm>.

trust by the state for the benefit of all Vermonters.⁴³ This basic concept is referred to as the Public Trust Doctrine, a concept which can be traced back through English common law to Roman law.⁴⁴ As trustee of these waters and lands, the state, through the Department of Environmental Conservation, has an obligation to manage Vermont's lakes and ponds in a manner that preserves and protects a healthy environment, guarantees the right of Vermonters to hunt, fish, boat, swim, and enjoy other recreational opportunities, and provides the greatest benefit to the people of the state.⁴⁵ The state, as trustee, cannot sell or give away these public resources to individuals or corporations for purely private purposes.⁴⁶ Water and land held subject to the public trust may only be used for purposes approved by the Legislature as public uses.⁴⁷ The Vermont Supreme Court has invoked the public trust doctrine in several cases to reject claims of private rights with respect to public surface waters.

In 2008, the State of Vermont recognized that two thirds of Vermont's population relies on groundwater for their potable water, as does agriculture and industry. The Legislature enacted Act 199, declaring groundwater a public trust resource that shall be managed for the benefit of state citizens. During the legislative process, Vermont lawmakers discovered that the following additional states declare groundwater to be a public trust resource in statute or constitution: Hawaii, New Hampshire, Connecticut, Tennessee, New Jersey, and New Mexico.

However, despite the State of Vermont having banned the method and disposal inside its borders, Vermont citizen's human rights continue to be threatened by the fracking industry and the Federal government. The science shows that fracking exacerbates climate change. People all over the world are effected.

In 2012, hundreds of people gathered at Vermont's first *People's Convention for Human Rights* to create a vision and movement for a society that respects, protects and fulfills human rights.⁴⁸ The Convention also served as the first Northeastern convention of the *Human Rights at Home Campaign* and concluded with the signing of the Vermont Declaration of Human Rights. Among

⁴³ *City of Montpelier v. Barnett, Sanborn and Natural Resources Board* (2011-067), 2012 VT 32, ¶¶16-21, available at <https://law.justia.com/cases/vermont/supreme-court/2012/2011-067.html>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ "Vermont Declaration of Human Rights," Vermont People's Convention, December 2012, available at https://www.nesri.org/sites/default/files/vt_declaration_of_human_rights.pdf.

the rights articulated was the Human Right to a Healthy Environment. The people of Vermont know we are living in a time of crisis and that our lives are in jeopardy:

*The present economic and political systems undermine our stewardship and conservation of the earth. Profits are generated from the exploitation and destruction of land and resources that are fundamental to meeting human needs for food, health, and housing. Meanwhile, the same system that fails to meet people's fundamental human needs is making our planet unlivable. Our right to a healthy environment—with clean air, water, and soil—is compromised in order for this system to continue. **The disruption the earth's climate is threatening the conditions upon which all life depends, and placing ecosystems, species, and future generations in grave danger.***

*Efforts to transition to sustainable, community-run energy systems are undermined in favor of policies that make profits for investors and further pollute the earth. Our public funds subsidize militarism, resource extraction, and false climate solutions that benefit economic elites while further impoverishing our communities. **The excessive political influence of the fossil fuel industry fuels poverty and spreads global climate crises.***⁴⁹

Again, even though fracking is banned in Vermont, the climate impacts of fracking in other states and nations, such as air pollution and flooding, reach beyond politically constructed boundaries. Oil and gas companies and their allies continue to attempt to persuade Vermont lawmakers to allow the transportation of fracked gas through the state.

Early this March (2018) during Vermont's annual Town Meeting Day, thirty-five (35) towns voted overwhelmingly in favor of resolutions seeking climate solutions. The exact wording of each resolution varied, but all the resolutions acknowledged the severity of climate change, urged the State of Vermont to meet its goals for 90% renewable energy, and called for a fair and equitable transition away from fossil fuels. The majority of the resolutions also demanded a ban on any new fossil fuel infrastructure, such as natural gas pipelines. In many towns the resolutions passed unanimously, and every resolution passed where it was on the

⁴⁹ *Id.* at p. 12.

agenda or ballot. We are now starting seedlings in greenhouses, on the lookout for robins and other winged harbingers of spring, and getting our last ski in before the snow melts and fiddleheads unfurl.

THE OBLIGATIONS OF NATIONS

Earlier I wrote that the fossil fuel industry was to blame for climate change. This is only part of the story. There are multiple actors and forces at play that have gotten us to where we are now. Climate change is a complex equation that didn't just happen overnight or in a vacuum. We need to get to the "root" of the problem.

Is it possible that this colloquialism is more than just a metaphor? Is it at all possible that human beings used to live in trees?

עץ חיים

עץ חיים היא למחזיקים בה. ותמכיה מאשר :
 דרכיה דרכי נעם וכל נתיבותיה שלום :
 השׁיבנו ה' אליך ונשובה. חדש ימינו בקדש :

Translation:

It is a tree of life for those who cling to it, and those who uphold it are happy. Its ways are pleasant, and all of its paths peaceful. Return us to you, God, so that we shall return, renew our days as of old.

Translation by Gabe Seed



Tree of Life

Palace of Shaki Khans, Azerbaijan⁵⁰

Etz Chaim, Hebrew for "tree of life," is a common term used in Judaism. The expression, found in the Book of Proverbs, is figuratively applied to the Torah itself. *Etz Chaim* is also a common name for yeshivas and synagogues as well as for works of Rabbinic literature. It is also used to describe each of the wooden poles to which the parchment of a Sefer Torah is attached.

The tree of life is mentioned in the Book of Genesis; it is distinct from the tree of the knowledge of good and evil. After Adam and Eve disobeyed God by eating fruit from the tree of the knowledge of good and evil, they were driven out of the Garden of Eden. Remaining in the garden, however, was the tree of life. To prevent their access to this tree in the future, Cherubim with a

⁵⁰ "Tree of Life" available at https://en.wikipedia.org/wiki/Tree_of_life#Jewish_sources

flaming sword were placed at the east of the garden. (Genesis 3:22-24)

In the Book of Proverbs, the tree of life is associated with wisdom: "[Wisdom] is a tree of life to them that lay hold upon her, and happy [is every one] that retaineth her." (Proverbs 3:13-18) In 15:4 the tree of life is associated with calmness: "A soothing tongue is a tree of life; but perverseness therein is a wound to the spirit."^[8]

The Book of Enoch, generally considered non-canonical, states that in the time of the great judgment God will give all those whose names are in the Book of Life fruit to eat from the Tree of Life.⁵¹



Some sources say that my name, Vanessa, has Greek origins and means "butterfly." Others say it is a pet name, or secret name, for Esther or Queen Esther. I learned this past October (2017) from my cousin that my great-great grandfather's (Grampy's) father was the editor of the Yiddish New York City daily newspaper for twenty years, *The Jewish Morning Journal*, a.k.a. *Der Morgen Zshurnal*. who died while working on January 26, 1947 (two years after the Holocaust). His name was Michael. My father was named after him. Michael is well known as an archangel in Judaism, Christianity, and Islam. The secret of my Great grandfather's Jewish & Russian heritage wasn't told to my aunt until his wife, Catholic, revealed it on her death bed.

I also have many European ancestors and can trace my lineage back to Roger Conant, "founder" of Salem, Massachusetts. He was a salter, who arrived in the United States in as an indentured servant. There are competing accounts of his conduct with indigenous people. I like the version that says he left the Puritans in Plymouth to live in peace with the Naumkeag tribe. Salem is a hidden name for Shalom, the Hebrew word for peace.⁵²

My birthday is May 15, 1981. I was born in Taurus (ruled by Venus). Both my moon and rising sign are also in Venus. Venus was a revolutionary goddess of Love in Ancient Greece and Rome. Vanessa is also a secret name for Venus.

⁵¹ *Id.*

⁵² Salem. "Salem City Seal." November 15, 2016, available at <http://salem.org/learn/salem-ma-city-seal/>.

The Tribunal proceedings will be held during my birthday. The day following the end of the Tribunal, May 19th, is my grandmother's birthday. She loved me more than anyone in the world. One of my earliest memories, shortly after her death and the death of my paternal great grandparents is of a door knob that I couldn't reach (no one was there to help me). As I tried on more time to reach the door knob and open the door, a vision of deep despair surfaced. I knew that I would spend much of my life in misery searching for something and that if I did not complete the task, I would be reincarnated and live my life mostly alone searching for it once again and that this cycle would continue until I completed my task.

There is a story about Venus and the Archangel Michael detailed on the "Archangel Michael's Personal Page."⁵³



This brief is due *erev* (on the eve of) Passover, the major Jewish spring festival that commemorates the liberation of the Israelites from Egyptian slavery, lasting seven or eight days from the 15th day of Nisan.



Now, what if I told you that my name is the *White River*? The *Connecticut River*? The *Juniata River*? I am the *Delaware River*, the *Susquehanna River*, the *Atlantic Ocean*.

I am the *Spring Creek*, the *Willamette River*, the *Pacific Ocean*.

I am the whole world.



⁵³ Archangel Michael's Personal Page, available at <http://archangel-michael.us/2005/03/02/venus-mercury-mind/>.



A HURRICANE

A moment's stillness
Mid the hurricane's wild roar,
But Oh, the waves keep dashing up high upon the shore!

--GENSUI



In her new book, Sacred Instruction: Indigenous Wisdom for Living Spirit-Based Change, human rights attorney Sherri Mitchell suggests that climate change is the product of our collective trauma and a long history of failing to listen to our hearts and respect our intuitive abilities.⁵⁴ She defines “rights” as “legal, social, or ethical principles of freedom or entitlement.”⁵⁵ She goes on to define human rights:

- (1) Civil and political rights, which consist of the right to life, equality before the law, and freedom of expression;
- (2) Economic, social, and cultural rights, including the right to work, social security, education, cultural continuity, and

⁵⁴ Sherri Mitchell. Sacred Instruction: Indigenous Wisdom for Living Spirit-Based Change,

⁵⁵ *Id.* at 85.

(3) Collective rights, which include the right to development and self-determination.⁵⁶

These rights, she tells us, are “inherent” and “inalienable”; or, in other words, they permanent, inseparable, and no one can give them to you and no one can take them away. They have been guaranteed by law in countless ways, including being articulated in treaties, identified in the practices of international law, embedded in the tenets of countless constitutions, and incorporated in numerous human rights acts, conventions, declarations, and resolutions.⁵⁷

These ideas are consistent with the philosophy of social ecology, which asserts that all ecological problems arise from deep-seated social problems.⁵⁸ For some evidence of this related to issue at hand, one need not look much further than the communities where fossil fuel infrastructure is placed. The vast majority of fossil fuel infrastructure is located in low income communities and communities of color.⁵⁹ Another perspective may be to consider the origin of laws permitting fossil fuel development or, simply, the origins of private property law. Unlike universal laws and human rights laws that attempt to protect us from danger and create conditions for collective thriving, laws that permit fossil fuel development are rooted in ideas of domination, control, and fear a.k.a. worry.

Yes, clearly we can technically build machines to extract oil from underground. That is true. But what good is it if it is killing us and the other lifeforms with whom we share the planet? Are we really so afraid of change?

Attorney Mitchell suggests the key to ending the domination of the fossil fuel industry and, thus, climate change in one word: Responsibility.⁶⁰ We must take responsibility.

According to John Knox, United Nations Rapporteur on Human Rights and the Environment, nation states have sixteen (16) affirmative human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.⁶¹ Countries should:

⁵⁶ *Id.* at 86.

⁵⁷ *Id.*

⁵⁸ Institute for Social Ecology, at <http://social-ecology.org/wp/>.

⁵⁹ Melanie Santiago-Mosier. “Unlocking Clean Energy in Low-Income Communities,” May 22, 2017, available at <http://www.governing.com/gov-institute/voices/col-clean-energy-low-income-communities.html>.

⁶⁰ Mitchell 87

⁶¹

- (1) Ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights;
- (2) Respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment;
- (3) Prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment;
- (4) Provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence;
- (5) Respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters;
- (6) Provide for education and public awareness on environmental matters;
- (7) Provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request;
- (8) Avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights and require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights;
- (9) Provide for and facilitate public participation in decision-making related to the environment and take the views of the public into account in the decision-making process;
- (10) Provide for access to effective remedies for violations of human rights and domestic laws relating to the environment;
- (11) Establish and maintain substantive environmental standards that are non-discriminatory, not-retrogressive and otherwise respect, protect and fulfil human rights;
- (12) Ensure the effective enforcement of their environmental standards against public and private actors;

(13) Cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights;

(14) Take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities;

(15) Ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by:

a. Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used;

b. Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources;

c. Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources;

d. Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.

(16) Respect, protect and fulfill human rights in the actions they take to address environmental challenges and pursue sustainable development.

REMEDIES

As we have previously discussed, local and global efforts over the past twenty-five (25) years, or depending on your perspective, 300 years or longer, have failed to persuade government officials to address climate change. The fossil fuel industry continues to expand. Much progress has been made in the development of renewable technology. However, these nongovernmental efforts to supplant the industry have largely been unsuccessful. If we cannot regulate fossil fuels,⁶² we must completely phase them out. We cannot wait even one more year.

For much of her life, Attorney Mitchell has been having dreams about a seed and a time of great healing. Meanwhile, I have been dreaming of meeting a great Native American woman healer. I met Sherry Mitchell almost by accident two years ago when I was developing a state nonprofit, the *White River Reconciliation Project*. Last year, Attorney Mitchell told me that she received a call from across the globe from another indigenous person who had a powerful dream, but didn't know what it meant. He had a message to deliver: "It's time to release the seed." Attorney Mitchell and her tribe, the Passamaquoddy, have now begun a 21 year ceremony to heal Turtle Island. This summer will be the second year.

Perhaps the answer lies with the chestnut?



P.C. Katherine Sturges

BABY'S HANDS

One chestnut, only one,
Is all his tiny hands can hold,
My little baby son.

~ GOEMI (1731-1803)

CONCLUSION

For all the reasons stated above, the Permanent Peoples' Tribunal should issue an order requiring:

- (1) All fossil fuel companies to immediately disclose the chemicals contained in the injection fluids and clean up the waters the Earth;
- (2) All fracking operations to take immediate action to tighten controls on infrastructure and prevent future leaks;
- (3) Immediately begin phasing out all operations:
- (4) Preventing National and state governments from issuing new permits for fossil fuel infrastructure;
- (5) All fracking companies to implement state of the art measures to prevent leakage;
- (6) Shut down fracking sites where groundwater protections are clearly failing. The fracking industry has pose imminent threats to water, soil, wildlife, livestock, and human health; and
- (7) Impose steep and strict sanctions Public officials that refuse to comply.

DATED: March 30, 2018.

Respectfully March 30,
2018,

/s/Vanessa Brown

Vanessa Brown, Esq.

License # 5072

