CLOSING CEREMONY
MAY 18, 2018  11:00-12:00

MS. CARLY LETTERO: Hi, and welcome to the closing ceremonies for the Permanent Peoples' Tribunal session on Human Rights, Fracking and Climate Change. My name is Carly Lettero with the Spring Creek Project for Ideas, Nature and the Written Word at Oregon State University. It's been an honor to co-organize and co-host the Tribunal.

On behalf of the Spring Creek Project I want to thank everyone who came forward to courageously tell their stories for the Tribunal. Some of those stories are archived in the on-line sessions that we recorded this week but many more of those stories are archived in the documents that the attorneys provided for the judges in addition to the spoken testimony this week.

I would also like to thank the attorneys who donated their time and wisdom and expertise this week and in the months and years leading up to the Tribunal.

And special thanks to Tom Kerns who, with his colleagues, first proposed this session of the Tribunal and ushered it along for years and years until it finally happened this week.

Thanks to Gianni Tonogni who is the Secretary TREMAINE & CLEMENS, INC. EUGENE, OREGON  (541)343-8833
General of the Permanent Peoples' Tribunal and to Simona Fraudatario, who is the Coordinator of the Permanent Peoples' Tribunal in Rome, Italy.

Zoom Video Communications donated the software that we used to record the tribunal this week.

And special thanks to Shelly Stonerbrook who is the program coordinator with Spring Creek Project. She graciously worked with every single person who presented this week to make sure that they were comfortable with the on-line platform.

Thanks also to Emily Grubby who is an intern with the Spring Creek Project who very thoughtfully and quickly edited every single session of the Tribunal that we recorded so that we could put it on-line to share with you as it was happening.

And thanks to the graduate students of the Environmental Arts and Humanities Program here at Oregon State University who helped organize the Tribunal for the year leading up to it.

So while this session of the Tribunal has come to a close it is far from the end. I want to thank the judges who watched the tribunal on-line and off-line this week and who are going to spend the next few weeks deliberating and reading through all of the written documentation that was submitted.
They are going to write a judicial opinion some time over the next month and as soon as that opinion is done we will make it public.

All of the videos from the tribunal are going to be archived on the Spring Creek Project youtube page. Also on the fracking tribunal web site, which is TribunalOnFracking.org and ultimately they'll be archived on the Spring Creek Project web site at Oregon State University.

So now on to the closing remarks. First we will be joined by Gianni Tonogni who, I mentioned, is the Secretary General of the Permanent Peoples' Tribunal. And then we'll hear a poem by a writer Mark Trechock from Dickinson State University who will read his piece Down The River that was published in the anthology Fractures: Essays, Poems and Stories on Fracking in America.

And then we'll hear from Kathleen Dean Moore who will share some closing remarks. She is a Distinguished Professor of Philosophy Emerita at Oregon State University and author of Great Tide Rising among other books.

And finally we'll close the session with a song that was written and composed for the Tribunal by John Michael Looking Wolf who is an enrolled member of TREMAINE & CLEMENS, INC. EUGENE, OREGON (541)343-8833
the Kalapuya Confederate Tribes of Grand Ronde and a
world renowned Native American flute player.

Thanks so much for joining us.

DR. GIANNI TOGNONI: Okay. These are a
few closing remarks by Simona Fraudatario and myself as
Secretariat of the Permanent Peoples' Tribunal. They
are obviously not pretending to represent the advisory
opinion, which is the exclusive role of the component of
the jury.

The comments which follow are meant to
provide, first, focus on the overall experience and
evidence of all that has been accumulating over the last
four days of reports, data, but even more importantly on
the testimonies of the community of the various
continents who are represented. More vividly the
dramatic significance of the question which is at the
center of the title of this session, the impacts on
human rights of fracking and of one of its main
consequences climate change.

It would be incumbent on the judges that over
the next few weeks, depending on the availability of all
the documents, we provide an advisory opinion. For the
time being we are trying to give our impressions which
are based on the implicit comparison of the importance,
the reliability, significance of what has been presented
here with all the sessions which have explored different
issues and different context.

So the first observation is that the impacts
in so many dramatic modalities have been documented with
the richness of facts and related oral, visual,
juridical, cultural evidences which definitely coincide
with a scenario of violations which beyond any
reasonable doubt require an urgent qualification in
terms of responsibility to be ascertained and attributed
as well as of measures which must be assumed to avoid
events worsening of the already dramatic situation and
to allow policies of reparation of changes of practices.

What has become further clear is the fact that
fracking is with important but limited exceptions and
still ongoing and an expanding reality which affects
both the rights of nature as well as the individuals and
communities in all the countries being considered by the
Permanent Peoples' Tribunal with specifically dramatic
consequences on indigenous people.

The practices of resistance of research, of
resilience, which has been presented underlying on the
other side that the violation of rights are most of the
times planned and implemented intentionally and are
further denied or hidden.

The existing absence of adopting clear
legislations is not recognized as a vacuum to be urgently corrected but as an excuse to go ahead in a regime of impunity.

The scenarios of fracking appear in this sense an exemplary model of the tragic broader geo-political policies and strategies which consider and impose an adverse heirarchy of values between human and people's rights and economic and environmental powers.

The work of the PPT is oriented to provide positive not simply descriptive answer to the four main questions which have guided the preparation and implementation of this session would certainly aim at exploring and judging responsibility of courses and actors of the violation but at the same time we concentrate the attention on three aspects.

First, the possible ways of strengthening the role of the communities who must remain and be further recognized as the main subjects of inviolable rights and of their self-determination.

Second, the focus will be on the needed evolution of existing international, national, local instruments towards an innovative role of guarantors of the rights of affected and threatened human communities and of nature.

The third, the promotion of broader and
effective networks of community, political community actors capable of transforming the present very rich but fragmented and disparate experiences of resistance and resilience into a response of people fighting for the combined respect and promotion of the old, but fundamental, Universal Declaration of Human Rights and of the so-called new Universal Declaration of Rights of Mother Earth.

And last, but not least comment, the event of this Session of the Permanent Peoples' Tribunal has been an experiment of collaboration and communication which has been decided to overcome the economic constraints which impede what should be a permanent, timely exercise of assessing, monitoring, reversing the universe of violation which occur in present global scenarios where the decisions and policies which go against the fundamental rights of nature and of human community are taken, imposed and directed centrally with unlimited resources.

The experiment has been made a success with some inevitable but instructive limitations thanks to the commitment of a group of promoters which deserve the recognition and the gratitude not only nor principally of the Permanent Peoples' Tribunal but of all those who could transform this experiment into a flexible powerful
permanent tool that could allow also the struggles of
the community of the world to become more globally and
timely known, shared and detected.

Thank you.

MR. MARK RASHAD: I'm Mark Rashad. I'm
reading the poem Down The Road which appeared in the
Anthology Fracture: Essays, Poems And Stories On
Fracking In America.

Down the road heading west on the interstate
through oil country toward Montana. Passing the ground
laid bare for Best Buy and newcomers condominiums whose
prices will rival Manhattan until the next bust and next
evacuation or whatever boom comes then, uranium or
gravel or freshwater to whatever unsuspecting place.

Passing the oil trucks headed to the Bakken.
The dual-wheeled pickups and company logos and license
plates from far away passing the eight acre scoria pad
cut out of a wheat field to accommodate the drilling rig
and its odor of fracking fluids. The pad not likely to
go back to wheat in the farmer's lifetime or his heirs.

Passing the great elevator they want to tear
down for a place to deliver fracking chemicals. Passing
the sign a shade the color of a tree trunk welcoming us
to the national park.

Passing descendents of Coronado's horses that
were packed, never ridden, looking down from a bluff.

    Passing a wing like metal fabrication churning
west on a wideload semi destined, we speculate, for an
Oregon wind farm, passing wheel, after wheel, after
wheel whose contact with the pavement produces the
insistent chant, got to move, got to move, got to move.

    DR. KATHLEEN DEAN MOORE: And so we come
to the end of a week long Tribunal on Fracking, Climate
Change and Human Rights.

    What we have learned has been terrifying and
empowering, infuriating and uplifting, tedious and
electrifying, disgraceful and full of grace.

    What a week, right smack in the center of what
I believe is the most critically important decade in the
history of life on earth. Where civilization will
either imagine into existence, adjust and find a
fruitful way forward or we will watch planetary and
human systems fray, fragment and fall apart.

    Imagine. Let us stop to think about the
paradoxical place where we are at the end of the
Tribunal.

    So here we are in my garden. You may hear
birds. You'll probably hear motorcycles. The birds will
be evening grosbeaks. I don't know what the motorcycles
are.
We all live in earth's garden where evolution has achieved its greatest fullness of flowering. I'm quoting theologian Thomas Berry, "It's the most lyric period in earth history. The time of thrush song and 30,000 species of orchards, microscopic sea angles with tiny wings and whales who teach each other to sing. "It's a time of birdsong and other astonishments that have evolved over four-billion years.

"And the greatest astonishment of all, the human species, which has the ability to turn awe-stricken to the night's sky and imagine its own beginnings and its own end.

"And yet governments, in collusion with the oil and gas industry, are rapidly taking steps to give away this world, this lovely world, to the planet's 93 crude oil billionaires enriching them beyond the cruelest pharaohs.

"It's our generation that's witnessing the end of the era we evolved in." That's Thomas Berry again.

"My generation has done what no previous generation could do because they lacked the technological power and what no future generation will be able to do because the planet will never again be so beautiful or abundant."
In my lifetime, because of fossil fuel driven climate change, fossil fuel enabled habitat destruction, fossil fuel driven agricultural expansion and fossil fuel based agriculture and other assorted poisons, 39% of terrestrial wildlife is gone. 39% of the marine wildlife is gone. 76% of freshwater wildlife is gone, 76%.

The greatest extinctions are in the poor countries with losses of 58% where the wealthy countries are out-sourcing their environmental destruction.

Let's think also of the extinction of home lands, Bangladeshee deltas, Alaskan coastal villages, Micronesian villages sinking under the rising seas.

Here we are in a garden. You may hear laughing children although we've tried to corral them.

There is my young grandson Theo who wants to be an engineer for Lego company when he grows up. His little brother Lem who wants to be a deep sea biologist. And Zoe who imagines herself working in a pet store when she grows up along with kittens and the snakes. All the imagined futures, all the dreams.

And yet a new extreme extraction technique, hydraulic fracturing, is flooding the atmosphere with greenhouse gases 80 times more potent than carbon dioxide.
And I hear this always in my mind, a statement by 500 scientists led by a team from Stanford. Unless all nations take immediate action on climate change by the time today's children are middle-aged the life-support systems of the planet will be irretrievably damaged. Irretrievable, from the French, retrouver. So: "Never to be found again."

Of course I am afraid for the children and my little biologist probing a soured scoured sea.

In countries around the world global warming has begun. In Africa disastrous flooding so mothers have to sleep standing up to keep their babies heads above water.

In East Africa drought so severe that crops die on the vine and 12-million people are in terrible need of food.

Children, the little ones, especially susceptible to spreading infectious diseases from fouled water and insect vectors. Thirsty children dreaming of gardens.

The planet balances here, now, between two possible futures. Earth, this beautiful blue marble in absolute balance trembles there with winds singing across its gardens. It could roll either way. The planet and the children head over heels.
In this context, in this place, in this time we gather to consider fracking, the new engine of the US energy revolution. A technology that has increased oil and gas production faster than at any time in United States history. 510,000 fracking wells producing more than half of US crude oil and 2/3rd of the natural gas, 13,000 new wells per year. A technology racing ahead far outpacing the legal regulations or the moral outrage that might control it.

This flood of cheap energy could not have come at a worse time in planetary history.

What happens next is largely a function of the choices we make aiding civilization toward the aspirational goals of international human and earth rights or surrendering to the power of the self-enriching corporations or to the allure of fossil fuel powered life, the easy life, the end game.

We are in terrible moral peril that we might let this world slip away. Imagine.

I think of Eric a Jong who wrote In My Dreams. "The angel shrugged and said if we fail this time it will be a failure of the imagination. And then she placed the world gently in the palm of my hand."

So let us turn to the good work of imagining.

Let us imagine two futures. One in which human and earth
rights are fully respected and one in which the rights are trampled by huge amounts of money invested in crimes that are dug into the very structure of the land. A tangled well-head of fearful politicians, reckless corporations and bewildered children.

Let's look at these two possible futures.

First, let's tell the story of a future without human rights enforcement.

In this scenario internationally recognized human and earth rights are simply ignored. They are, the argument goes, trumped by the corporation's right to make a profit.

The immediate result is that unimpeded by law or conscience wells spread across the land and profits sore. This wealth creates a lively market in legislators, judges and regulators, all happy to sell their consciences and their votes for oil money.

In this first story the level of corruption is staggering enough that citizens have to prod themselves to remember that paying piles of cash for votes is called bribery and it's a betrayal of the public trust. And if it weren't for the Citizens United court case it would also be a felony.

In this story federal energy policy is quickly transferred to the hands of the fossil fuel
corporations. It is now government of, by and for the
corporations, a corporatocracy, a thuggish petro state.

Now the greatest transfer of public lands and
public wealth into the hands of gas and oil companies
proceeds apace as drills move into cherished indigenous
land and into the once protected lands of public parks,
forests, grasslands, farms and neighborhoods.

The effect on human health is immediately
measurable. There are cancer zones that map exactly
onto the fracking fields which, at first, map exactly
onto poor and minority communities.

Asthma, neurological disorders, skin rashes
increase, birth weights decrease. The costs are borne
by the victims, never by the corporations or the state.

Water and air pollution follows fracking
wherever it goes.

Abandoned wells leak methane. Chemicals leak
into ground water. Chemicals leak into surface water.

Pipelines leak, corrode, spill and explode.

Gradually the cancer zones radiate from the
wells following the pipelines just as cancer cells
follow the blood.

To consolidate their power the corporations
fight against the most powerful opponent they might ever
face which is knowledge.

TREMAINE & CLEMENS, INC.  EUGENE, OREGON  (541)343-8833
Four traditional sources of knowledge, the pride of civilization, come under relentless attack; science, universities, free press and the courts.

Their weapons are silencing, scrubbed web sites, demoted scientists, cancelled research, non-disclosure agreements, purchasing university professorships and research centers, hired guns who plant false stories, bribes of every sort. Deception and threats to homes and livelihoods.

In this first story activists who seek and share information are charged under new laws that allow a person who aides, advises, counsels or conspires with someone who damages a pipeline to be charged with a felony and sentenced to ten years in prison.

Sometimes, absent any human rights, murder is a preferred way to silence a critic. Citizens who know only one fact, their stress and their pain, are ridiculed, isolated and threatened.

In this story, as the methane leaks without restraint, global warming accelerates as do its effects on peoples homelands, driven from the lands by drought, driven from their homes by flood, driven from their cities by unbearable heat stress, people are on the move with no possible place to go and no redress. There are no rights for refugees.
That's the first story and I've got to stop. I don't know how to write this. Do I use past tense because these things have already happened? Do I use the present tense because this story is unfolding today? Do I use future tense because without effective protection of human rights they will continue to occur? What is the verb tense for, Dear God, this cannot be allowed to happen? So let's start over. Now we are going to do a different thought experiment. Now let's imagine a story of a future with full protection of human and earth rights. In this story the government's commitment to rights serves as a powerful restraint on the fossil fuel industry's freedom to defile.

At first the fossil fuel industry does its level best to use hydraulic fracturing in as careful a way as possible developing technologies, siting wells and disposing of waste in ways that are expensive but fully respect the rights of health to people and biota, to self-determination and to the free enjoyment of property.
And in this second story let us assume also that the protection of the right to know is a high priority for government.

Now I'm quoting. "A responsibility of every American citizen to each other is to preserve and protect our freedom by recognizing what truth is and is not. What effect is and is not. And begin by holding ourselves accountable to truthfulness and demand that our pursuit of America's future be fact based."

Who said that?

I never thought I would be quoting Rex Tillerson, the former CEO of Exxon Mobil, former secretary of state.

When his advice is followed as it is in this alternative story much becomes clearer about the fracking technology.

A salient fact is that it seems to be impossible to pour poisons on to the ground, impossible to move methane thousands of miles, impossible to release toxins in to the air to be filtered by the lungs of children and songbirds with the assurance that human and earth rights will not be violated.

And at this point in this story the precautionary principle kicks in.

If your primary obligation is to honor the
rights of life, health and so on, and if you simply do not know enough about the chemistry of toxins, the geology of wells, the fittings of the pipes to be even a little bit sure they are safe then the rational and, in this imaginary setting, the legal thing is to not proceed.

Now things are getting really expensive for the fracking industry. Delay costs a fortune and now gas and oil cost a whole lot of money, far more than solar panels and winds turbines or agricultural and methane capture and tidal power. It's a powerful incentive for industry to find more reliable sources of income. And off we go into the future with the monkey off our back and the whole realm of possibility ahead of us.

The point is that there are two paths here. We have learned that we can see quite a way down those two different roads. It's not as though the path is obscured by fog or distance. We know the consequences of turning one way or another.

What the Tribunal will do is to show us which path the collective moral wisdom of the planet would have us choose.

The other point I want to make with these two stories is about the transformative power of a human
rights narrative. Once you start looking at the world through the lenses of human and earth rights you will see a quite different prospect.

Here again the tribunal is an exceptional opportunity to imagine a world very different from our own, an aspirational world. A world that calls us to our better, more discerning and more empowered selves.

Which leads me to say one more thing about rights. Throughout the tribunal we have a firm human rights and we have a firm earth rights but there is a set of rights we haven't talked about. A set of rights that hovers over us like a nervous angel. These are the rights of future generations.

What are our responsibilities for those who will come after us, the children of all species desperately imperiled by the corporate plunder of the planet? What do we owe the future?

Surely this. Future beings have a right to a world as rich in possibilities as the world that was left to us. At a bare minimum the material conditions for ongoing life. A world with fresh water to drink, fresh air to breathe, clean food to eat, the minimum. And then bird song to delight in. Safe homes to return to at night. Dreams that might come true. Not just for people but for the towering trees and the cowering owls.
1 Why do we have this duty to the new ones?
2 Because they are the very definition of innocent and
3 every single blow and shout and shiver of fear that
4 rains down on them is utterly undeserved and unfair and
5 unwarranted. Those words are Brian Doyle's.
6 And I would add because we promised the new
7 ones, every parent holds a newborn life in her arms and
8 she whispers I will care for you. I will give you the
9 world.
10 Whatever is left of the planet when the
11 pillage ends that's the world that future beings will
12 live in.
13 Whatever genetic lines, whatever possibilities
14 are left, that is what evolution has to work with.
15 Future beings have a right to more than what's
16 left scattered and torn on the table after the great
17 cosmic going out of business sale.
18 The planet, so gentle to life, picked over and
19 storm torn. How can the future beings deserve any less
20 than what we ask for ourselves?
21 Philosophers say you can't talk intelligently
22 about the rights of future generations because you don't
23 know what they will want.
24 That is simply not true. Maybe we don't know
25 whether they will want electric cars or jet packs,
apples or protein pops or whatever, but there's one fact about the desires of future beings that we cannot deny and that is the fact about the urgent press towards ongoing life.

I struggle to make this case, so forgive me, but consider I love my grandchildren more than I love my own life. They are the manifestations of life ongoing. That love is intense, ferocious and all consuming.

And when I think about other people all around the world I assume, I know, that they love the future that is manifest in their children with an equal intensity.

And then I think of all the plants and animals that shiver with the urgency of reproduction and life ongoing. Life ongoing in the rotting log. Life in the deepest sea, ongoing life in bedrock and hot springs. The urge towards life has to be the strongest force on the planet. On a warm humid day the air fairly buzzes with it.

So I know this about present life. Life wants to live. And I know this about future lives. They, too, will want the possibility for full life, for full manifestation of potential for growth and change for continuing.

And this is the authenticity of natural rights
that they echo, they amplify the trembling urgency of
life ongoing.

Surely these future generations only imagined
deserve a planet as rich in the possibility of ongoing
life as our own. This is what we must protect fiercely
and faithfully for all time.

So I say thanks to the witnesses, all the
courageous truthtellers, the organizers and the judges.
And may you find wisdom and courage to match the
challenges of the time on the reeling planet that we
hold in our hands.

May gentle rain fall forever on green hills.
May ice return to glaze the bays. May people speak
without fear and dream of the future. May salmon
endlessly return when sandpipers call and may the
children hum themselves to sleep in the safe and
sustaining night.

[youtube.com/watch?v=4tOg1_otN9k]
State of Oregon

County of Lane

I, Mark A. Clemens, the undersigned Shorthand Court Reporter and Notary Public for the State of Oregon, do hereby attest that I prepared a transcript of proceedings from an youtube.com digital audio/video recording of The Permanent Peoples' Tribunal Plenary Session on Human Rights, Fracking and Climate Change that was held on the 14-18 days of May, 2018, at Corvallis, Oregon, as set for in the foregoing transcript consisting of 959 consecutive pages;

I further attest that all motions made, and other proceedings occurring at the tribunal sessions of said matter were then and there taken down in shorthand from an digital audio/video youtube.com recording by me and thereafter reduced to typewriting by me or under my direct supervision.

I further attest that I am not of counsel or attorney to any of the parties, nor am I interested in the event of the cause, nor am I related by blood or marriage to any party to this matter.

IN WITNESS WHEREOF, I have hereunto set my hand in the City of Eugene, County of Lane, State of Oregon, this 9th day of August, 2018.

Mark A. Clemens
Notary Public State of Oregon
My commission expires April 5, 2021