



The case of illegal gold mining in French Guiana tried before the Rights of Nature Tribunal

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France's failure to act in regards to the health and ecological scandal of illegal gold mining in French Guiana was heard at an online hearing, today, Saturday 27th February 2021. This is one of the 5 hearings of the European Tribunal of Nature's Rights in defense of aquatic ecosystems. The Associations: Wild Legal, ONAG, the Association of Women Victims of Mercury, Maiouri Nature Guyane, the Guides of French Guiana company and the collective Or de question have joined forces to draw attention to the dramatic situation that is hitting French Guiana, its ecosystems and its population.

The five hearings of the European Tribunal of Nature Rights for the defense of aquatic ecosystems organised by the European Hub of the Global Alliance for the Rights of Nature ([GARN](#)) and the International Rights of Nature Tribunal are scheduled for every last Saturday of the month between January and May 2021. Their purpose is to raise public awareness of water and climate change issues. They also aim to question public decision-makers on the lack of rights of aquatic ecosystems in our current legal system.

Today's 2,5h hour hearing was focused on the consequences of illegal gold mining in the French Amazon. For more than 30 years, French Guiana has been a region severely hit by illegal gold mining. This activity is devastating the country because of its major impact on the environment and health.

The interveners in the trial were: **Marine Calmet**, president of the Wild Legal association, **Alexis Tiouka**, an expert in indigenous peoples' law and **Linia Opoya**, president of the association of women victims of mercury and inhabitant of Taluen, an Amerindian village in Haut Maroni.

The session was chaired by judges who are internationally recognized for their knowledge of environmental justice: **Cormac Cullinan**, lawyer, and writer (Wild Law: A Manifesto for Earth Justice), **Lisa Mead**, lawyer and founder of the Earth Law Alliance, **Valérie Cabanes**, international lawyer and member of Stop Ecocide, **Tom BK Goldtooth**, Director of the Indigenous Environmental Network, an activist for the rights of indigenous peoples and the rights of nature. The Co-Secretariat was **Camille Bouko-Levy**, and the Earth Prosecutor was **Rebecka LeMoine**.

Judge Tom Goldtooth opened the Tribunal with a water ceremony, stating that "We are part of water. Water is part of us. It needs to be respected and honored. Water is the melody and the rhythm of life. It has its own voice, its own personality, and intelligence."

The advocate, Marie-Angèle Hermitte said, "It's important for ecosystems to have a legal voice to be heard. This river (Maroni), it's the child of a watershed and an endless source of life and human activity".

Tribunal President, Cormac Cullinan, opened the session saying: "When we protect aquatic ecosystems we are protecting life, that which is most precious to us. Illegal gold miners know the damage mercury is posing, but the lure of money is too great, and that is part of the problem humanity faces. We seek justice not just for human beings. We think of all the beings that are members of the community that is Earth, and we seek justice for all. We seek a restorative justice that heals, rather than punishing people".

Judge Tom Goldtooth said: "The contamination of the Maroni River has led to a collapse of biodiversity, with mercury threatening the local population's health, especially Indigenous communities. Our hearts are with them. Our Indigenous prophecies tell us Earth is in great danger. We are accepting our responsibility to tell the world that we must live in peace with our Mother Earth to ensure harmony within creation. This is a time of greatest challenge facing humanity in the 21st century. How can we pursue human well-being in a manner that recognizes the sacredness of our Mother Earth, instead of undermining it?" he asked.

The Earth Prosecutor, Rebecka LeMoine stated that: "Water is a true treasure and should be treated like that, but instead, it's gold that it's treated like a treasure".

Lawyer Marine Calmet, from Wild Legal, was the Case Representative at the Tribunal hearing. She stated: "This is a health and ecological scandal in the French Guiana territory. This contamination is taking place in the Upper Maroni region and it affects Wayana and Amerindian

people established in that region. It affects all types of ecosystems and it has a huge and almost irreversible impact. Unfortunately, to feed themselves in the middle of the forest, thousands of illegal miners are poaching species that are already threatened. But worse, the mining that they are carrying out is not legal. Mercury poisons all ecosystems. Stored by plants, consumed by fish, it's found in carnivorous organisms, throughout the food chain. The rivers are empty, the situation is dire. The way of people living on the Maroni River has been completely disrupted. Neuropsychological tests have shown that this contamination has caused impaired reasoning from the people living by Maroni River, who have no other option than turning down their traditional diet for risk of contamination”.

Legal expert Alexis Tiouka, specialized in the rights of Indigenous People, stated: "Illegal mining activities have extremely negative impacts on biodiversity. To find gold, miners destroy banks and release mercury into the waterbeds. The French State is aware of the destruction and it hasn't gone through the necessary actions to avoid nature to continue to degrade. The French State needs to put in effective measures to avoid this happening. France is responsible for the violation of the Rights of Nature."

Tiouka went on: "The French State needs to be held accountable for affecting Upper Maroni River's inhabitants' access to a healthy life and maintain food security for its inhabitants. This implies the recognition of Indigenous people to allow preserving their fundamental rights and livelihoods, territories, and natural resources. The Wayana people are warriors. The river has become a plastic dump: when the tide is high, plastic remains 10 meters above the water level of the river, hanging from tree branches. Contamination is permanent, ongoing through the pouring of gas, human waste. The river is dying, little by little, and both fish and people are living its consequences."

Prosecutor Rebecka LeMoine then presented the witness in the injured party, Linia Opoya, representing inhabitants of Taluen and President of the Association of Women Victims of Mercury at the Tribunal. “I eat less fish now since it’s contaminated,” Linia stated in the video. “We have nothing. If I earn some money, I will be able to eat good fish, fish that is not contaminated. This is how we're living. We're trying to find a solution to help people”.

While giving her final arguments, Rebecka LeMoine said: “The rights of water as a source of life, from being free of pollution, contamination or radioactive waste, need to be recognized. Linia Opoya herself has high levels of mercury in her body, as do her relatives. Threats, rapes, and murders of Indigenous people are a reality due to the frequent confrontation between their communities and illegal gold miners. The Maroni River is a subject of rights. It needs its restoration by the state. We need to recognize the rights of water, and an action plan to ensure food security, local economy alternative projects for these people."

The session was closed by Goldtooth: “This case accompanies human rights violation: ecocide, the genocide of the Indigenous peoples. France has failed to protect the river and failed in the

recognition of the inherent rights of Indigenous peoples. France is engaged in violating the rights of Indigenous peoples: domination, patriarchy, and colonialism in their colonies, and this is what we are witnessing in this testimony in French Guiana. These events are not isolated. The gold is sold elsewhere, there are many accomplices in these global and regional actions, not only in French Guiana but also in Brazil, in all of South America. We need to hold France accountable,” he concluded.

The parties to the lawsuit based their arguments on French law but also on the doctrine of the Universal Declarations of the Rights of Nature, in order to inspire a positive evolution of our current law, the features of which no longer respond to the challenges of our century.

The judges' verdict will be ready and presented during the IUCN International Congress in September and will be sent to the competent authorities, ministries, and public institutions to ensure the claims for the rights of nature and indigenous peoples are heard. These documents will also be made available to local organizations in order to provide them with technical support in their potential litigation appeals.

The video of the session is available here:

 bit.ly/FrenchGuiana-EN

 bit.ly/FrenchGuiana-FR

Register for the future hearings at rightsofnaturetribunal.eventbrite.com.

For more information on the case of illegal gold pillage in French Guiana, visit the website of [the Tribunal des droits de la Nature](#) and the website of [the association Wild Legal](#).

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