



INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL

PRESS RELEASE
LAUNCH OF THE VERDICT
5th INTERNATIONAL RIGHTS OF NATURE TRIBUNAL
JANUARY 9th, 2020

On December 5th, 2019, the 5th International Rights of Nature Tribunal was held in the city of Santiago de Chile. The Faculty of Physical and Mathematical Sciences at the University of Chile, welcomed the Tribunal, whose judges were: Yaku Pérez (President of the Tribunal - Ecuador), Maristella Svampa (Argentina), Alberto Acosta (Ecuador), Antonio Elizalde (Chile), Raúl Sohr (Chile), Nancy Yáñez (Chile). The prosecutor of the Earth was Enrique Viale (Argentina) and the secretary of the Tribunal was Natalia Greene, both of whom are also members of the Executive Committee of the Global Alliance for the Rights of Nature. We had the presence of approximately 150 people who listened to the judges, presenters, experts and affected peoples in the following cases:

1. Lithium mining in the Atacama Desert - Chile
2. Threats to Patagonia: water and life reserve - Chile
3. Privatization of water: water as an object in Chile
4. Amazon (several countries)
5. Fracking in Vaca Muerta (Argentina).

The judges decided to accept all cases that were presented, both within the Tribunal, which will be treated in depth in the following session (Amazon and Vaca Muerta) and this opens a process of gathering information and data to substantiate the arguments. This Tribunal begins 2020 with the process of receiving and collecting information, testimonies and evidence of these cases.

The Tribunal strongly recommends that the government of Chile sign the Escazú Agreement that will allow participation in the definition of environmental public policies, transparent information for civil society and protection of the defenders of Nature.

The Tribunal considers that the plebiscitary event of Chile that may culminate in a new constitution emerging from the exercise of popular sovereignty, is a propitious moment to introduce the Rights of Nature, the right to existence and the restoration of Nature, to end Water privatization and to recognize its rights.

The full verdict is available on the [website](http://www.rightsofnaturetribunal.com) of the International Rights of Nature Tribunal, which will be sent to the presenters of each case, as well as to those responsible for the violations of Nature's Rights. This Tribunal calls on civil society to get empowered of this verdict and demand compliance with its warnings and recommendations.

www.rightsofnaturetribunal.com



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VERDICTS BY CASE¹

Lithium mining in the Atacama Desert - Chile

- 1) Accept the case of lithium mining in the Atacameño or Lickanantay territory before the International Rights of Nature Tribunal.
- 2) The Tribunal denounces that lithium mining endangers a fundamental and scarce good: water, whose control is secured by a few companies (which even handle confidential information about aquifers that are used for mining), depending on the current water code. As a result, it appeals to the Precautionary Principle, which operates on uncertainty, given the possibility of a danger of serious or irreversible damage, in this case, referred to water.
- 3) The violation of the rights of Nature, the integral health of the basin, the increasingly serious water crisis, the affectation of the Atacameño population and its worldview, this Tribunal proposes the moratorium on lithium mining in the Atacama region.
- 4) This Tribunal recognizes that the problem of lithium is broader, as it encompasses the discussion about the energy transition. Along these lines, this Tribunal maintains that the transition proposed today by the exploitation of the Salaries of Atacama is an unsustainable transition, associated with transnational corporations, which consolidates an energy model that reproduces the domination of Nature. and the populations. The current model of transnational mining that has been consolidated, will only serve to justify the looting, fueling the change in the energy paradigm in the countries of the global north (while in the south it insists with strongly polluting energies, as now in the hands of non-conventional hydrocarbons); based, once again, on the dispossession of local communities and the destruction of nature.
- 5) Regarding the role of lithium in the energy transition² whose discussion goes beyond the verdicts presented here, this Tribunal is aware that such a transition runs a serious risk of being appropriated by large companies, of being underestimated and placed at the service of the current social reproduction system. Because of this, the Tribunal considers that it is necessary to approach the discussion from a non-corporate, multidimensional and critical perspective, which contemplates both environmental justice and the needs of the peoples. It is about responding what transition we want, what place renewable

¹This bulletin includes a summary of the verdict on a case-by-case basis, to access the full document on a case-by-case basis and from the entire Tribunal, please consult:
[https://www.rightsofnaturetribun.com/tr Tribunal-chile-2019](https://www.rightsofnaturetribun.com/tr-Tribunal-chile-2019)

² https://www.tni.org/files/publication-downloads/transicionenergetica_resumen_ejecutivo_final.pdf



energies occupy to sustain a just society from both an environmental and social point of view, what geopolitical and civilizational challenges we face as peripheral societies, what place does lithium have in that framework and in what terms. Consequently, this Tribunal recommends holding multidisciplinary and multiactoral meetings and forums to discuss this issue, from a popular and counter-hegemonic perspective.

Threats to Patagonia: water and life reserve - Chile

- 1) Change the complicit and permissive attitude towards the ecocidal economic activities of extractive nature carried out in Patagonia.
- 2) Strictly respect areas for environmental conservation such as national parks and other conservation regimes.
- 3) Strictly comply with prior consultation processes, through free and informed consent, to the communities affected by the development of new productive activities.
- 4) Establish precautionary and restrictive measures to prevent human activities from leading to the extinction of species, the destruction of ecosystems or alteration of ecological cycles in Patagonia.
- 5) Study and introduce elements of restorative justice, these norms and legislation conducive to the reparation of the enormous damages done to the original inhabitants of Patagonia and the Southern Territory.
- 6) Obtain the National Monuments Council to open a file for the declaration of the Natural World Heritage Site Archipelagos and Patagonian Ice for the purpose of being presented to UNESCO.
- 7) Comply with the current Constitution, international conventions and existing laws (i.e.- Chile/Argentina Water Resources Protocol) in order to cancel concessions in protected and indigenous areas, study ecosystems before intervening.
- 8) Carry out a process of participatory planning and effective regulation of the development of touristic activities so that they are compatible with the preservation of the natural and cultural heritage of Patagonia, therefore, review load capacity and plan and regulate tourism.
- 9) Have real, independent Environmental Impact Studies and with real participation for protected areas and demand environmental repairs, especially to restore burned basins and with environmental liabilities.

Based on all of the foregoing paragraphs, this Tribunal finds that the mining and salmon farming activity that is carried out in Chilean Patagonia are contrary to the Rights of Mother Earth and that in turn there is a breach of the obligations of human beings towards it, so that this Tribunal declares the violation of their rights and those of the communities affected by these activities, to the extent that their quality of life has been violated by the absence of a prior consultation that allowed to express the feeling of the surrounding communities with respect to these.



Privatization of water: water as an object in Chile

- 1) The 5th Rights of Nature Tribunal demands that the Chilean State adopt the necessary measures to guarantee and protect the right to life, and to exist for the various species belonging to the territories affected by the privatization of water.
- 2) Promote a new Constitution via a Constituent Assembly in Chile, plurinational and feminist, that recognizes Nature as a subject of Law, recognizes the Law of Water and establishes a fair priority of water use.
- 3) Repeal the Water Code and the other privatizing instruments that transform water into merchandise and that encourage its hoarding, pollution and increasing scarcity.
- 4) Promote a new water and soil law that recognizes community and ancestral water management, agroecology, fair use priorities, the water cycle and safeguards cycles and the conservation/restoration of natural ecosystems.
- 5) Legally and materially protect all glacial ecosystems, native forests, wetlands and fragile environments.
- 6) Water is life and has rights that must be recognized in Chile.

Fracking in Vaca Muerta - Argentina

- 1) The case is accepted.
- 2) There is an obvious violation of the Rights of Nature in the exploitation of this megaproject of unconventional hydrocarbons; and that these evidences must be investigated, developed and sustained.
- 3) To this end, the Tribunal proposes to establish an investigative commission to analyze the use and condition of water as a fundamental asset for the support of the rest of Nature as we know it today.
- 4) The parties are requested to present to the Tribunal the expert evidence that they have in their possession regarding the environmental and social impacts generated by the project, emphasizing the impacts of the project pertaining to collective rights and the self-determination of indigenous peoples.

Amazon case

- 1) Accept the case of ecocide in the Amazon, Chiquitania and other adjacent forests and begin its development at the next Tribunal session. This request is accepted on behalf of non-human beings who are being exterminated and of the communities and people who are also being affected and in some cases killed to promote this deforestation.
- 2) Urge recognition and declaration of the entire Amazon as a subject of law.
- 3) To urge countries that do not have specific laws related to the protection of Nature as a subject of rights, to recognize it as such.



- 4) Encourage all countries that share the Amazon rainforest to develop special programs and policies to conserve it and stop the promotion of productive and extractive activities that threaten the integrity of the Amazon.
- 5) Urge the adoption of specific measures to protect the uncontacted or voluntary isolation peoples that inhabit the Amazon.
- 6) Convene all organizations and entities involved in the problem to send information, studies, testimonies and any documentation that contributes to this case.
- 7) Point out the responsibility and guilt of the governments of Jair Bolsonaro, Evo Morales/Jeanine Añez, Martin Vizcarra, Mario Abdo Benítez, Lenin Moreno and Iván Duque Márquez in the aforementioned events, generated during and after the fires of the forests of the Amazon, Chiquitanía, Pantanal and other adjoining areas.
- 8) Adopt the precautionary measures requested at different levels:
 - a) Immediately repeal the legal provisions of the legislative and executive bodies that favor and encourage burning and deforestation (i.e.- exemption of responsibility "Forgiveness", extensions of the clearing area, reduction of fines, approval of transgenic events and others).
 - b) Apply the precautionary principle and demand that governments stop agribusiness activities in particular those that were initiated without environmental impact assessment studies such as, for example, the case in Bolivia of meat exports to China and ethanol production and biodiesel.
 - c) Requiring governments to declare and carry out an ecological pause in burned and deforested areas to allow the recovery of these ecosystems and not adopt measures for reforestation of monocultures and land allocations that would only end up killing these forests.
- 9) Send a commission to carry out on-site views to recover evidence and collect information from the different actors involved, especially the Bolivian Chiquitanía and the regions of the Brazilian Amazon most affected by the fires (Acre, Amapá, Amazonas, Rondonia, Mato Grosso and Pará) in order to verify in situ, the seriousness of the facts, gather evidence and dialogue with the different state and non-state actors.

Once these visits have been made, the Tribunal will formulate a set of recommendations of an integral nature (economic, legal, institutional, social, political, environmental and others) to save the Amazon and stop the ongoing ecocide. Due to the magnitude of the case, the causal factors involved and the extension of the territory, the Tribunal will address the case in phases starting with the problem of forest fires and fires in Bolivia and Brazil.

The Tribunal asks more organizations and affected people to send their evidence, emphasizing damage to mother earth, indigenous communities and the differentiated impact on people in voluntary isolation or who are non-contacted.