



INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL

**6th International Rights of Nature Tribunal
“A NEW PLEDGE FOR MOTHER NATURE”**

FINAL JUDGMENT

Judges: New York, 22 September 2024

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I. SUMMARY OF PRELIMINARY SESSIONS: FOSSIL FUELS AND LARGE-SCALE MINING

The 6th International Tribunal for the Rights of Nature (hereinafter, "the Tribunal") addresses two central issues of the global environmental and climate crisis: the exploitation and consumption of fossil fuels, and the expansion of large-scale mining as part of the post-oil energy transition, which evidences patterns of destruction and violation of the Rights of Nature and Human Rights.

To address these two major issues, the Tribunal organized two hearings. The first, entitled "The End of Fossil Fuels," was held on September 22, 2024, in New York, as part of Climate Week. The second session, called "The Impacts of Mining and the Post-Extractivist Era," was held on February 28, 2025, in Toronto, the city where the Prospectors and Developers Association of Canada (PDAC) organizes the world's leading mining convention each year.

In both preliminary sessions, a total of 24 cases from the Americas, Africa, and Asia were presented, illustrating the serious environmental, social, and cultural impacts and sacrifices caused by the oil, gas, and coal industries, which are the main contributors to greenhouse gas emissions. Other cases explain the rapid expansion of large-scale copper and gold mining promoted by Canadian industries, which threaten to destroy ecosystems and biomes that are key to climate mitigation and resilience.

A total of 14 environmental judges, three Earth prosecutors, and 33 experts, witnesses, and victims from frontline communities facing the consequences of the expansion of both types of industries participated in the hearings of both sessions.

For the analysis of the issues before this Tribunal, the ruling is divided into five main parts:

The first is an introduction setting out the legal and theoretical basis on which the Tribunal acts and decides cases. In the second section, the Tribunal addresses the cases presented at the New York session on fossil fuels. The third analyzes the cases of large-scale mining of Canadian origin presented at the third session in Toronto. The fourth part summarizes the Tribunal's main findings and conclusions in relation to both sessions. Finally, in the fifth part, the Tribunal issues its rulings.

This Tribunal is convinced that in order to achieve the climate goals established in the Paris Agreement and other international instruments, it is essential to abandon the current economic, political, and energy model that depends on the destruction of Mother Earth. Respect for Nature as a living being with rights, is the ethical, political, and legal path for governments, companies, corporations, and all societies to adopt real and effective measures to curb the climate crisis we are experiencing. This change must be carried out hand in hand with the communities and defenders of the Earth who are on the front line facing the devastating effects of the current model that exacerbates climate change on the planet.

The conclusions and resolutions of this 6th International Tribunal for the Rights of Nature were discussed, approved, and read publicly at the final session held on November 11, 2025,

in the city of Belém, Brazil, on occasion of the 30th edition of the United Nations Climate Change Conference - COP 30.

This final session did not admit new cases, but heard important contributions, presentations, and perspectives from frontline defenders, academics, and civil society representatives whose contributions nurtured the *Belem Declaration: A New Pledge for Mother Nature*¹(see below, §77) as the Tribunal's official contribution to the Peoples' Summit and COP30 negotiations.

These contributions included:

- A message of Mary Lawlor, UN Rapporteur on Human Rights Defenders;
- Presentations and testimonies on the state of the Amazon by:
 - Chief Ninawá on the expansion of the oil and mining frontier in the Amazon;
 - Josefina Tunki, leader of the Shuar Arutam people, representative of the Amazon subregion to the ICCA Consortium Council;
 - Leonela Moncayo as affected community member in the gas flare case in the Ecuadorian Amazon.
- Presentations of "Alternatives for Mother Nature" by:
 - Shrishtee Bajpai of the Global Tapestry of Alternatives;
 - Gabriella Cabañas of the Ecosocial and intercultural Pact of the South on the consensus of decarbonization;
 - Andrés Gómez of the Fossil Fuel Non-Proliferation Treaty Initiative;
 - José Heder Benatti, professor at the Federal University of Pará on “the protection of large forests in the world and the ecologization of law: the latin american juridical debate and the recognition of Nature as a subject of law”;
- Presentations on Defenders of Mother Nature by:
 - Michel Forst, UN Special Rapporteur on Environmental Defenders under the Aarhus Convention;
 - Albert Chan D'zul from the U Yich Lu'um organisation in Yucatán, Mexico, coordinator of the Mesoamerica sub-region of the ICCA Consortium;
 - Francesco Martone, Chair of the International Rights of Nature Tribunal on Tribunals policy on defenders of Mother Earth and territories.

The information contained in this judgment has been updated up to March 16th 2026. All experts and witnesses involved in the proceedings have been invited to review the document and to share any relevant updates required to ensure the accuracy and completeness of the information presented.

In the considered time, between the several sessions leading to this judgment and its actual release, many shafts and changes in company names, structures and holders of shares and levels of implications in the considered projects and impacts have occurred. Nonetheless, the Tribunal affirms that environmental damage does not disappear or diminish as a result of changes in a company's corporate structure or in the ownership of projects; rather, it remains an inherent part of the venture and in some cases, complicates the cases even further. Those who acquire and continue to operate a venture that has caused or is causing environmental impacts become part of

¹ See the declaration at:

<https://www.rightsofnaturetribunal.org/wp-content/uploads/2025/11/DEFINITIVE-ENG-BelemDeclaration.docx.pdf>

the chain of actors responsible for that damage. According to the “polluter pays principle”, all the actors in this chain remain responsible and must be held accountable for the damage and reparation of those damages.

II. INTRODUCTION: PRELIMINARY SESSIONS, APPLICABLE THEORETICAL AND LEGAL FRAMEWORK

2.1. Jurisdiction and Subject of Analysis

1. As established in its founding document, the Tribunal is a non-binding ethical judicial institution established with the aim of promoting universal respect for and guaranteeing the rights set forth in the Universal Declaration of the Rights of Mother Earth (hereinafter "the Declaration")², with the ultimate goal of promoting harmonious coexistence between human beings and other beings in Nature. To this end, it has the authority to investigate and rule on any violation of rights or breach of responsibilities established in the Declaration, whether committed by States, private or public legal entities, and/or individuals.³
2. The Tribunal for the Rights of Nature can be convened at different levels depending on the context of the alleged violations of the Rights of Nature: local, regional, and international. An International Tribunal for the Rights of Nature such as this one has jurisdiction to hear various cases of violations of the Rights of Nature that have occurred in different countries and geographical areas.⁴
3. Furthermore, the Tribunal is an essentially multidisciplinary space that allows for dialogue between different disciplines that contribute to the identification and understanding of different cases, and is therefore not limited to specific areas of knowledge. This is because, as an exercise in intercultural dialogue, the Rights of Nature come from a mixed cultural matrix, shaped by Indigenous thought and beliefs, among which the concept of Mother Earth or Pachamama stands out.⁵
4. In this regard, the Tribunal may hold hearings to hear and review further evidence presented by both the interested parties⁶ and experts, knowledgeable individuals, and sages from different disciplines and fields of knowledge.
5. Although the Tribunals are not binding, they are demonstrating their potential to influence outcomes on the ground.⁷ They enable the understanding and integration of the Rights of Nature into legal systems and societies, creating model jurisprudence that demonstrates how

² See full text at:

<https://www.garn.org/wp-content/uploads/2024/02/ENG-Universal-Declaration-of-the-Rights-of-Mother-Earth.pdf>

³ 5th International Tribunal for the Rights of Nature Amazon: A Living Entity, Glasgow 2021, Judgment, para. 10.

⁴ Constitutive Act of the Tribunal.

⁵ *ibid.*

⁶ 4th International Tribunal for the Rights of Nature, Bonn 2017, para. 8.

⁷ International Tribunal for the Rights of Nature, <https://www.rightsofnaturetribunal.org/about-us/>

courts and judges should approach Right of Nature cases.⁸ In addition, it provides a framework for raising awareness and educating civil society and governments about the fundamental principles of the Rights of Nature; and it is a tool for legal experts to examine the concepts necessary for a fuller integration of the Rights of Nature.

6. The Tribunal provides a framework for raising awareness and educating civil society and governments about the fundamental principles of the Rights of Nature, as well as a tool for legal experts to examine the concepts necessary for a more full integration of the Rights of Nature.
7. The International Tribunal for the Rights of Nature has held several international hearings on fossil fuel activities and false solutions to the climate crisis, including sessions in [Quito](#), [Lima](#), [Paris](#), [Bonn](#), and [Glasgow](#).
8. This 6th International Tribunal on the Rights of Nature aims to analyze the structural and specific impacts and violations of the Rights of Nature caused by the fossil fuel industries and the growing dependence on mining, which, under the pretext of the green energy transition, is affecting ecosystems and biomes that are key to climate mitigation and resilience, especially by Canadian industries. Allegations are considered regarding the incapacity to guarantee the Rights of Nature when measures that are insufficient, ambiguous, deficient, or non-structural to achieve the climate goal of not exceeding global warming levels of 1.5 °C⁹.

2.2. Principles and rules for the Tribunal's actions

9. The Universal Declaration for the Rights of Mother Earth was approved by the World People's Conference on Climate Change and the Rights of Mother Earth, held in Cochabamba, Bolivia, from April 19 to 22, 2010. At that conference, 142 countries were represented by official delegations, groups, and social movements that exceeded 33.000 participants. This Declaration is the first international instrument of civil society to consider Nature as a subject of rights, thus overcoming the anthropocentric paradigm of Nature protection.
10. Article 2 of the Declaration recognizes that Mother Earth has the right to live, to be respected, to regenerate, to continue its vital cycles and processes free from human interference, to maintain its identity and integrity, to be self-regulating and interrelated, to water as a source of life, to comprehensive health, free from contamination, pollution, and toxic waste, to not be genetically altered or modified, and to its full and prompt restoration.
11. The Tribunal also refers to the 2008 Constitution of the Republic of Ecuador, which recognizes Nature as a subject of rights. It also takes into account the provisions of Bolivian legislation—mainly Law No. 071 on the Rights of Mother Earth—which was inspired by the content of the Declaration. Furthermore, the Tribunal takes into account that the right to a

⁸ Ibid.

⁹ See: IPCC, Intergovernmental Panel on Climate Change, “Global Warming of 1.5 °C.” https://www.ipcc.ch/site/assets/uploads/sites/2/2019/09/SR15_Summary_Volume_spanish.pdf.

healthy environment has been recognized by various States on the continent, which include it in their respective Constitutions¹⁰, where it is stated that the right to a healthy environment derives from human rights. Similarly, the jurisprudential development of the Republic of Colombia will be considered, which recognizes the Atrato River¹¹ and, subsequently, the Amazon¹² as subjects of law and protection.

12. Given that the Tribunal recognizes that human beings are Nature, and that this gives rise to the relationship between human beings and Mother Earth, and the close engagement between the violation of the Rights of Nature and the violation of human rights, with regard to the allegations of human rights violations, this Tribunal is also guided by the provisions of the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights, the American Convention on Human Rights, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, Convention 169 of the International Labor Organization, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the American Declaration on the Rights of Indigenous Peoples, without prejudice to other instruments that the Tribunal considers relevant to the matter.
13. Likewise, the Tribunal considers those international instruments, both hard law and soft law, relating to the protection of nature, the environment, and biodiversity, and which establish obligations to address climate change, that may be relevant to the analysis of cases.
14. Such is the case of the Montreal Protocol, the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, the Paris Agreement, the Convention on Biological Diversity, the Kunming-Montreal Global Biodiversity Framework (GBF), the Escazú Agreement, the Minamata Convention, the Rio Declaration, reports and resolutions of agencies and experts from universal and regional human rights systems, among others. The Declarations of previous World Climate Summits are also considered, as are initiatives such as the Treaty on the Non-Proliferation of Fossil Fuels. Attention is paid to the recent Advisory Opinion on "Climate Emergency and Human Rights" OC-32/25 of the Inter-American Court of Human Rights, which recognizes at the inter-American level Nature "as a collective subject of public interest and holder of rights"¹³ and establishes the complementary nature of its rights and human rights¹⁴.

¹⁰ Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, and Venezuela.

¹¹ Ruling T-622, dated November 10, 2016, issued by the Sixth Review Chamber of the Constitutional Court of Colombia.

¹² Ruling STC 4360/2018, handed down by the Civil Cassation Chamber of the Supreme Court of Justice of Colombia.

¹³ Inter-American Court of Human Rights. Climate Emergency and Human Rights (Interpretation and scope of Articles 1.1, 2, 4.1, 5.1, 8, 11.2, 13, 17.1, 19, 21, 22, 23, 25, and 26 of the American Convention on Human Rights; 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, "Protocol of San Salvador"; and I, II, IV, V, VI, VII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII, and XXVII of the American Declaration of the Rights and Duties of Man). Advisory Opinion OC-32/25 of May 29th, 2025. Series A No. 32, para. 119.

¹⁴ *Ibid.*, para. 125.

15. Additionally, reference will be made to the Great Law¹⁵, an ethical and philosophical framework that inspires the Declaration, which posits that we are all part of the universe, and as such we must respect this order and, consequently, recognize and accept the intrinsic nature of Mother Earth. It is therefore necessary to protect all species that coexist with the human species, which means that we cannot continue to objectify Nature, considering it as a mere commodity that we can exploit, degrade, minimize, and ignore.
16. Wild Law is also considered, as it states that laws should exist to deepen the connection between all human beings and Nature, guiding humans to act in ways that are compatible with the greater jurisprudence and thus promote harmonious coexistence within the Earth community. Wild Law generally focuses on promoting ways of behaving and acting that maintain healthy relationships within the Earth community rather than prohibiting or authorizing specific acts. In this way, the intention and duty to protect Mother Earth arises in relation to the rights of other communities to live and self-regulate. Understanding that in reality it is Mother Earth who gives us the right to live, and Mother Earth is never wrong.
17. Finally, the Tribunal recognizes all Rights of Nature, of human and non-human beings that are inherent to their existence, will be taken into account.

2.3. Theoretical and legal foundations for the resolution of cases

18. The main standards related to the cases to be resolved by this Tribunal are set out below. For a better understanding, we have chosen to present thematic sections that make it easier to follow the reasoning of this Tribunal.

2.3.1. The Rights of Nature and the Continuity of Fossil Fuels

a) Climate change and fossil fuels

19. The reality of climate change has manifested itself in numerous ways on the planet: extreme weather, forest fires, droughts, floods, hurricanes, glacier retreat, ocean acidification, profound impacts on society and nature that cannot be ignored.
20. This Tribunal has recognized that although throughout the history of the Earth's climate there has been a constant exchange between oxygen produced by plants and consumed by animals, and carbon dioxide released by animals and consumed by plants, even volcanos, as a natural cycle; the problem arises when the amount of carbon dioxide and other greenhouse gases (GHGs) increases in the atmosphere, rise produced mainly due to anthropocentric activities that cause direct changes in the climate.¹⁶

¹⁵ Cormac Cullinan in "*Wild Law, A Manifesto for Earth Justice*," United Kingdom, 2003.

¹⁶ Fifth International Tribunal on the Rights of Nature, *False Solutions to the Climate Crisis*, 2021, para. 17

21. The Intergovernmental Panel on Climate Change (IPCC) stated that "warming of the climate system is unequivocal" and that it is "extremely likely (at least 95%) that human influence has been the main cause of the warming observed since the mid-20th century."¹⁷
22. In this regard, Article 1 of the United Nations Framework Convention on Climate Change (UNFCCC) defines *climate change* as: "the change in climate that is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and that is in addition to natural climate variability observed over comparable time periods."
23. Scientific studies indicate that human activities have caused changes in the Earth's climate over the last 50 to 100 years, such as: the burning of fossil fuels (coal, oil, and gas), chemical emissions, deforestation, the rapid expansion of agriculture and livestock farming, the use of fertilizers, the emission of fluorinated gases, industrial activities that release carbon dioxide, transportation, and, in general, the current economic model.¹⁸ These activities deposit GHGs in the atmosphere and cause global temperatures to rise.¹⁹
24. According to the IPCC's Sixth Assessment Report, the main GHGs responsible for global warming are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases (HFCs, PFCs, SF₆, NF₃). Of these, CO₂ is the largest contributor, accounting for approximately 75% of global anthropogenic emissions.²⁰
25. The scientific community agrees that changes in the atmosphere *come mainly from the burning of fossil fuels* such as coal, oil, and gas; and, to a lesser extent, from changes in land use²¹. The burning of fossil fuels "creates a layer of pollution that traps the sun's heat on Earth and increases global temperatures."²²
26. For its part, the United Nations (UN) has also concluded that fossil fuels (coal, oil, and gas) are "the biggest contributors to global climate change, accounting for more than 75% of global GHG emissions and nearly 90% of all carbon dioxide emissions."²³
27. In the early 1990s, when the UNFCCC was adopted,²⁴ the objective was "to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." Later, the Kyoto Protocol specified the need not only to stabilize, but to "*reduce greenhouse gas emissions in developed countries to*

¹⁷ See:

https://climate.ec.europa.eu/news-your-voice/news/ipcc-science-report-climate-change-unequivocal-human-influence-least-95-certain-2013-09-27_en?utm_source=chatgpt.com

¹⁸ Fifth International Tribunal on the Rights of Nature, *False Solutions to the Climate Crisis*, 2021, paras. 17 and 18

¹⁹ IPCC, "Climate Change in Data," available at:

<https://www.ipcc.ch/report/ar6/wg1/resources/climate-change-in-data/>,

²⁰ IPCC, *Sixth Assessment Report (AR6) – The Physical Science Basis*, Cambridge University Press, 2021.

²¹ Ibid.

²² See: <https://www.un.org/es/climatechange/science/mythbusters>

²³ See: <https://www.un.org/es/climatechange/science/causes-effects-climate-change>

²⁴ The United Nations Framework Convention on Climate Change was adopted on May 9, 1992, in New York and entered into force on March 21, 1994.

at least 5% below 1990 levels during the first commitment period (2008–2012)" (emphasis added).²⁵

28. In 2015, the Paris Agreement, based on scientific evidence, was more drastic in setting the goal of "*keeping the global average temperature rise well below 2°C above pre-industrial levels, and pursuing efforts to limit that temperature increase to 1.5°C above pre-industrial levels.*"²⁶
29. However, in 2019, United Nations Secretary-General Antonio Guterres, in his speech on Climate Action, acknowledged that we are facing a *climate crisis*, as some cases are approaching the worst-case scenarios predicted by scientists, with the richest nations being responsible for this crisis.²⁷ The Secretary went on to point out that we are facing a *climate emergency*, in which "we have been losing the race against the climate crisis, but the world is waking up."²⁸
30. At the regional level, for example, the Inter-American Court of Human Rights, in its recent Advisory Opinion No. 32/25, recognizes that the climate emergency is part of the *triple planetary crisis*: climate change, pollution, and biodiversity loss, which are interrelated and feed into each other.²⁹
31. Scientific data indicate that the decade between 2011 and 2020 was the warmest on record, with the global average temperature reaching 1.1°C above pre-industrial levels in 2019.³⁰ A 2°C increase over pre-industrial temperatures has serious negative impacts on nature and human health and well-being, so it is no exaggeration to say that we are currently on a trajectory that will end the possibility of human civilization by the year 2100. We are currently leaving the Holocene at a rate of approximately 0.5°C per decade, and the grave danger of this situation has not been sufficiently communicated.³¹

²⁵ Article 3, paragraph 1, of the Kyoto Protocol.

²⁶ Article 2 of the Paris Agreement.

²⁷ In the social and political sphere, the term was previously used by Al Gore. Available at <https://subscriber.politicopro.com/article/eenews/1060718493>. It was taken up again by United Nations Secretary-General Antonio Guterres. Speech available at:

<https://www.un.org/sustainabledevelopment/es/2018/09/el-secretario-general-antonio-guterres-pide-actuar-contr-el-cambio-climatico/>

²⁸ "The climate emergency is a race we are losing, but it is a race we can win." See:

<https://www.un.org/sg/en/content/sg/speeches/2019-09-23/remarks-2019-climate-action-summit>.

In 2020, the Secretary-General called for "declaring a state of climate emergency in your countries until carbon neutrality is achieved." Available at:

<https://www.un.org/sg/en/content/sg/statement/2020-12-12/secretary-generals-remarks-the-climate-ambition-summit-bilingual-delivered-scroll-down-for-all-english-version>.

²⁹ Inter-American Court of Human Rights. Climate Emergency and Human Rights (Interpretation and scope of Articles 1.1, 2, 4.1, 5.1, 8, 11.2, 13, 17.1, 19, 21, 22, 23, 25, and 26 of the American Convention on Human Rights; 1, 2, 3, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, "Protocol of San Salvador"; and I, II, IV, V, VI, VII, VIII, XI, XII, XIII, XIV, XVI, XVIII, XX, XXIII, and XXVII of the American Declaration of the Rights and Duties of Man). Advisory Opinion OC-32/25 of May 29, 2025, para. 42.

³⁰ Fifth International Tribunal for the Rights of Nature, False Solutions to the Climate Crisis, 2021, para. 19.

³¹ Idem.

32. Although climate change affects all regions of the planet, there are regions and certain animals that deserve special consideration, such as the Amazon, which is being devastated at an accelerated rate and is close to its point of no return.³² Similarly, some island and coastal states would be affected by sea level rise and ocean acidification to such an extent that these territories could disappear or suffer impacts inland, causing at the same time a serious social problem for those who would be forced to migrate from their homes.³³
33. In light of scientific evidence and pressure from various social movements at the local, national, regional, and global levels acting through collective advocacy, some progress has been made at the World Summits on Climate Change that is worth mentioning, although it remains insufficient:
- At COP 26 in Glasgow (2021), it was agreed that states should commit to "the phasing out of unmitigated coal power and inefficient fossil fuel subsidies, recognizing that support is needed to achieve a just transition."³⁴
 - At COP 27 in Sharm (2022), the commitment includes all coal energy and includes differentiated approaches for vulnerable populations: "The phasing down of un d coal power generation and the phasing out of inefficient fossil fuel subsidies, while providing targeted support to the poorest and most vulnerable in accordance with national circumstances and recognizing the need for support for a just transition."³⁵
 - COP 28 in Dubai (2023) announced "The Beginning of the End of Fossil Fuels" and established the First Global Stocktake of the Paris Agreements, which calls on states to "*phase out fossil fuels* in energy systems in a fair, orderly, and equitable manner, accelerating action in this critical decade to achieve the goal of net-zero emissions by 2050, in accordance with science" (emphasis added).
34. Therefore, countries around the world have recognized their responsibility to abandon and phase out fossil fuel production.
35. During COP 28, UN Secretary-General António Guterres reiterated the urgent need to eliminate fossil fuels in order to avoid a climate catastrophe and meet the objectives of the Paris Agreement: "We cannot save a planet on fire with a hose of fossil fuels," said Guterres. "The 1.5-degree limit is only possible if we finally stop burning all fossil fuels. Not reduce. Not mitigated."

b) The need and urgency to abandon fossil fuels

36. To better understand the urgency of the call to stop the fossil fuel industry, we need to return to science as our source.

³² In such a scenario, the Amazon would slowly degrade into a drier savanna, releasing billions of tons of carbon into the atmosphere, which would exacerbate global warming and alter the climate throughout South America.

³³ Fifth International Tribunal for the Rights of Nature, False Solutions to the Climate Crisis, 2021, para. 26.

³⁴ Glasgow Climate Pact, See: https://unfccc.int/sites/default/files/resource/cma2021_L16S.pdf, para. 36.

³⁵ Sharm el-Sheikh Implementation Plan, see:

https://unfccc.int/sites/default/files/resource/cop27_auv_2_cover%20decision.pdf, para. 13.

37. Global CO₂ emissions from fossil fuels and industry are estimated to have risen from approximately 33.31 GtCO₂ in 2010 to about 37.15 GtCO₂ in 2022, representing an increase of 11.5% over that period.³⁶ In 2022, CO₂ emissions from fossil fuel combustion increased by 46.3% compared to 2000, and were about 5.7 times higher than in 1950.³⁷ Compared to 1950, emissions increased from 5.93 GtCO₂ to 37.15 GtCO₂ in 2022, representing an increase of 526%.³⁸
38. By 2022, despite the growth of renewable energies, fossil fuels still accounted for 82% of global primary energy consumption, and oil consumption increased by 3.1% that year. Global oil production increased by 3.8 million barrels per day.³⁹
39. The United Nations Environment Programme (UNEP) Emissions Gap Report 2023 notes that projected greenhouse gas emissions for 2030 still need to be reduced by 28% for the 2°C pathway of the Paris Agreement and by 42% for the 1.5°C pathway.⁴⁰ To achieve this goal, the scientific community has indicated that it is necessary to leave about two-thirds of fossil fuel reserves underground.⁴¹
40. Despite this, insufficient action is being taken, as evidenced by the projected 110% increase in fossil fuel production by 2030, well above the levels needed to limit warming to 1.5°C.⁴² Expert witness Sivan Kartha, based on several scientific reports, showed this Tribunal the large gap between governments' production plans for 2030 and the maximum production needed to maintain the 1.5°C target:

³⁶ See:

https://www.statistico.com/s/environment-industry-co2-emissions-from-fossil-fuels-by-year?utm_source=chatgpt.com

³⁷ See: https://unstats.un.org/unsd/energystats/pubs/documents/2025pb-web.pdf?utm_source=chatgpt.com

³⁸ See:

https://www.statistico.com/s/environment-industry-co2-emissions-from-fossil-fuels-by-year?utm_source=chatgpt.com

³⁹ See at:

https://oilprice.com/Energy/General/Fossil-Fuels-Still-Account-For-82-Of-Primary-Global-Energy-Consumption.html?utm_source=chatgpt.com

⁴⁰ See at: <https://www.un.org/es/global-issues/climate-change>

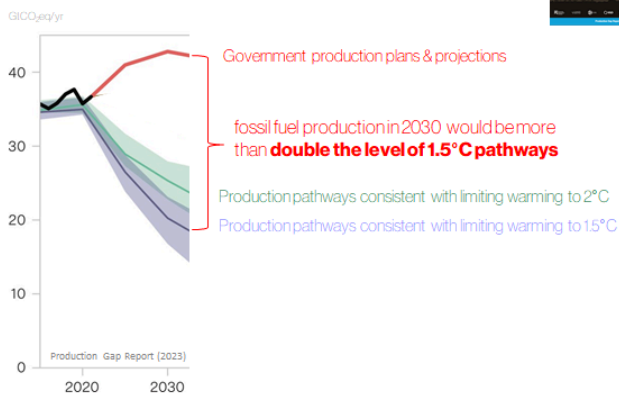
⁴¹ See:

https://econpapers.repec.org/article/natnature/v_3a517_3ay_3a2015_3ai_3a7533_3ad_3a10.1038_5fnature14016.htm?utm_source=chatgpt.com

⁴² See:

<https://www.unep.org/resources/production-gap-report-2023#:~:text=Top%20fossil%20fuel%20producers%20plan,consistent%20with%202%C2%B0C>

Carbon dioxide from fossil fuels is causing climate change



Source: Sivan Kartha.

41. Among the biomes threatened by the fossil fuel industries is the Amazon, which is seen by governments and corporations as one-fifth of the world's newly discovered oil and natural gas reserves, particularly off the coasts of Brazil and Guyana.⁴³
42. In addition to the catastrophic impact on the atmosphere and the entire climate system caused by greenhouse gases from fossil fuels, there is also serious environmental and social damage caused by the processes of exploration, exploitation, use, and commercialization carried out by these industries.
43. According to ITOPF (International Tankers Owners Pollution Federation),⁴⁴ "The total volume of oil lost to the environment from oil tanker spills in 2024 was approximately 10,000 tons."⁴⁵ This year, there were six major spills, i.e., greater than 700 tons, which occurred mainly in South America, Asia, and Europe with heating fuel.⁴⁶
44. Another related factor is deforestation caused by the production, transport, and exploitation of fossil fuels (and associated infrastructure), which requires access, forest clearing, road construction, infrastructure construction, etc., in addition to other extractive processes that destroy hectares of forests and jungles around the world.

⁴³ Flávia Milhorance and Renata Hirota. "The Amazon Rainforest Emerges as the New Global Oil Frontier." InfoAmazonia. April 1, 2025.

<https://infoamazonia.org/en/2025/04/01/the-amazon-rainforest-emerges-as-the-new-global-oil-frontier/>

⁴⁴ See: <https://www.itopf.org/about-us/>

⁴⁵ See: <https://www.itopf.org/knowledge-resources/data-statistics/oil-tanker-spill-statistics-2024/>

⁴⁶ Ibid.

45. It is estimated that in the last 8,000 years, humans have completely eliminated half of the world's forest cover and degraded another 30%, meaning that the planet has lost 80% of its primary forests.⁴⁷
46. According to the United Nations Environment Programme (UNEP), forests absorb a significant portion of emissions from industry and fossil fuels, between 60-80% of global GHG emissions. However, about 10 million hectares of forest are lost each year.⁴⁸ In Brazil, CO₂ emissions rose by 7.8% in 2013 due to a combined increase in deforestation and fossil fuel use: in that year, emissions from deforestation and degradation increased by 16% and those from energy by 7%.⁴⁹
47. In terms of biodiversity, the Conference of the Parties to the Convention on Biological Diversity, in the Kunming-Montreal Global Biodiversity Framework adopted in December 2022, recognized that "around one million species are already threatened with extinction, many within decades, unless measures are taken to reduce the intensity of the drivers of biodiversity loss." and that "biodiversity—diversity within species, between species, and the diversity of ecosystems—is declining at a faster rate than ever before in human history."⁵⁰ The drivers of these changes are land and sea use change, direct exploitation of organisms, climate change, pollution, and invasion of alien species.⁵¹
48. Fossil fuel industries are no exception. On the contrary, they bring with them a chain of pollution and loss of species, water sources, oceans, and terrestrial ecosystems, which in turn has led to the forced displacement of populations living in the affected areas. As expert Antonia Juhasz testified before this Tribunal, one example was the 2014 oil spill in the Gulf of Mexico, which was "the worst oil spill in history from an oil platform and the result not only of the predictable and anticipated failure of BP, but of all the major oil companies operating in the United States: Exxon, Chevron, Shell, and others."⁵²
49. *So, are coal, oil, and gas the problem?* No. They are victims of human exploitation. They are Nature. In this sense, this Tribunal agrees with the statement made by expert Antonia Juhasz:
- Oil, gas, and coal are natural. They exist in harmony with nature. Like many other natural resources, humans and other species have coexisted with fossil fuels for millennia. Only in the last 150 years have the fossil fuel industry and those who support it turned these natural resources into what many of us call 'weapons of mass destruction'."
50. The use and abuse of fossil fuels by companies and those who support them, such as investors, financiers, and governments, are responsible for exacerbating the climate crisis as

⁴⁷ See: World Resources Institute, *The Last Frontier Forests: Ecosystems and Economies on the Edge*, p. 14. Its 1997 data estimated a loss of 46% of forest cover and 78% of primary forests.

⁴⁸ See: https://www.unep.org/resources/factsheet/deforestation?utm_source=chatgpt.com

⁴⁹ See: <https://chatgpt.com/c/68fe90ae-8f98-8325-a52f-870a83a73195>

⁵⁰ See: <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-es.pdf>

⁵¹ Ibid.

⁵² Antonia Juhasz, expert witness, preliminary hearing "The End of Fossil Fuels," held on September 22, 2024, in New York.

well as the daily problems faced by individuals, communities, and non-human beings in ecosystems that disproportionately bear the brunt of these industries' impacts, particularly marginalized populations such as Indigenous Peoples, Black, and People of Color and low-income communities.⁵³ The IPCC's 2023 report⁵⁴ confirmed that the communities that have contributed least to climate change are the most affected.⁵⁵

51. The lack of commitment from states and their governments, especially the largest consumers of fossil fuels and emitters of GHGs, and the powerful lobby of large economic and industrial interests of fossil fuel companies,⁵⁶ prevent definitive and structural measures from being taken to move towards a fair and restorative phase-out of fossil fuels. This is reflected in the current state of Mother Earth's climate system⁵⁷.

c) Climate solutions: false climate solutions vs. solutions based on the protection of Nature

52. *What is a climate solution?* In simple terms, it is a response to climate change. From a climate law perspective, these measures were conceived as technological solutions and have gradually been framed within more comprehensive obligations for climate mitigation, adaptation, and resilience. Progress has been made with the Paris Agreement and the momentum of the Conferences of the Parties to the Convention on Biological Diversity (CBD-COP), which have begun to incorporate the notion of "nature-based solutions," recognizing the essential role of ecosystems in climate regulation and biodiversity protection.
53. However, these have proven to be insufficient because they are designed around the "maximum allowable" level of exploitation and destruction, or around adapting human life to the patterns of climate destruction that we have established as a species, and non-human behavior to the laws of Mother Earth. Furthermore, they put a price on vital processes and compensate for activities that pollute and perpetuate a system based on infinite exploitation, through so-called "market-based solutions," which continue to occupy a central place in governments' climate responses.⁵⁸

⁵³ Antonia Juhasz, expert witness, preliminary hearing "The End of Fossil Fuels," held on September 22, 2024, in New York.

⁵⁴ Report of the Intergovernmental Panel on Climate Change, Summary for Policymakers, 2023 Report, see: <https://share.google/3SkioJfEDCNzMunch>

⁵⁵ "Widespread and rapid changes have occurred in the atmosphere, oceans, cryosphere, and biosphere. Human-induced climate change is already affecting many extreme weather and climate events in all regions of the world. This has led to widespread adverse impacts and related losses and damages for nature and people (high confidence). Vulnerable communities that have historically contributed least to current climate change are disproportionately affected (high confidence)."

⁵⁶ COP 29 in Baku was widely criticized. UN Secretary-General António Guterres himself [noted](#) that "I had hoped for a more ambitious outcome, both in terms of financing and mitigation, to address this great challenge (...). But this agreement provides a basis on which to build." News reports from various media outlets noted that there was an unprecedented presence of lobbyists from the fossil fuel industry at this summit. For example, see: <https://www.swissinfo.ch/spa/en-la-cop29-hay-m%C3%A1s-delegados-de-empresas-petr%C3%B3leo-y-gas-que-de-los-pa%C3%ADses-m%C3%A1s-vulnerables/88164376>

⁵⁷ According to Article 1, paragraph 3, of the UNFCCC, the climate system is "the atmosphere, hydrosphere, biosphere, and geosphere, and their interactions."

⁵⁸ Osprey Orielle Lake, Shannon Biggs, Natalia Greene, See: https://www.wecaninternational.org/_files/ugd/d99d2e_667f4c3eb1244893a6ba52c1efe24457.pdf

54. Planning and implementing climate solutions based on the Rights of Nature allows us, first of all, to recognize the critical state of Mother Earth and her climate system, including the inorganic beings, oil, gas, and coal that comprise it. Multidisciplinary collaboration between science and Indigenous knowledge, and the traditional and ancestral knowledge of various traditional, and local communities, is crucial to better understanding her situation.
55. Second, it allows us to place Nature at the center of climate responses. This shift in conception means that human actions and decisions are not designed exclusively in the interest of humans and to exhaust Nature and its components as much as possible, but rather to consider the well-being of Mother Earth. This forces us not to necessarily reach its maximum limits in order to act. Just as it is advisable to treat a disease in the human body as soon as possible and as diligently as possible, so must we act with Nature. In the face of global warming and the climate crisis that Mother Earth is undergoing, we humans must act immediately to stop its causes and address its impacts, with full awareness that frontline communities suffer the most from the drastic changes in the planet's conditions.
56. Therefore, from the perspective of the Rights of Nature, climate solutions must be aimed at transforming the relationship between humans and non-humans and Nature, which implies *"the obligation to live in harmony with the natural world, rather than considering ourselves its owners, and to protect and regenerate the ecosystems on which our mutual well-being depends."*⁵⁹ Indigenous Peoples and local communities have known this, so it is not surprising that their solutions have enabled the conservation of the planet's biodiversity in their territories.
57. The International Tribunal for the Rights of Nature has previously pointed out that false solutions purport to address key issues, but in reality only perpetuate the unsustainable status quo and, worse still, are "solutions" that can further affect and violate the Rights of Nature.
58. *Why are geoengineering and Reducing Emissions from Deforestation and Forest Degradation (REDD) credits false climate solutions?* These solutions often involve the financialization of Nature, with the aim of creating marketable and tradable commodities from elements found in Nature. They characterize forests, trees, plants, and, more recently, even living beings as mere "carbon sequesters" or "carbon offsets". These financial mechanisms not only allow polluters to continue business as usual and profit from the ecological crisis, but also constitute an outright refusal to make any changes that could jeopardize their access to fossil fuels and capital accumulation.⁶⁰ These false solutions serve to distract attention from the demand for fossil fuels and justify their increased extraction.
59. This Tribunal has also previously recognized the great risks posed by large-scale geoengineering projects, which can affect the entire planet and are irreversible, since geoengineering techniques aim to produce a massive, large-scale impact on the Earth's climate, implying direct human intervention in the vital cycles and processes of Mother Earth. Furthermore, by seeking to intervene directly in the Earth's climate, it can directly affect the structure of this climate, threatening its integrity and natural functioning.

⁵⁹ Ibid.

⁶⁰ Ibid, para. 35.

60. Many climate justice organizations have spoken out against what they consider to be false solutions; that is, technologies and policies that have a limited or insignificant impact on reducing emissions and that run counter to the broader cause of climate justice.⁶¹ False solutions proposed at the international level have been promoted by the United Nations Framework Convention on Climate Change; by the business sector; by the financial system, including private banks and the World Bank; and even by conservationist transnational corporations such as the World Wildlife Fund (), Conservation International, The Nature Conservancy, the International Union for Conservation of Nature, and others.⁶²
61. In this regard, this Tribunal welcomes the expert testimony of Gustavo Ulcue Campo and Panganga Pungowiyu, who presented several examples of solutions based on REDD+ funds and geoengineering, demonstrating how these false solutions provide impunity to decision-makers and executives of fossil fuel companies for their lack of real action.⁶³
62. The witnesses also emphasize that the results of the UNFCCC COP 29 in Dubai are an example of the international community's continued lack of serious commitment to credibly addressing the problem of carbon dioxide emissions: the interests of the fossil fuel industry were protected, and new projects that are veritable "climate bombs" were planned and permitted, due to the false solutions that are being advocated, rather than adopting commitments to keep fossil fuels in the ground.
63. Therefore, this Tribunal agrees with the expert witnesses that it is urgent to reject false solutions to climate change, as all strategies and "green rhetoric" are permitted to hide this truth and avoid the necessary path of eliminating fossil fuels, changing our economies, defending the rights of Indigenous Peoples, and building a more harmonious coexistence of our human societies with other living beings and ecosystems of nature and their rights.

d) The role of defenders of the Rights of Nature

64. In both hearings, in New York and Toronto, this Tribunal heard several allegations about the risks, threats, and violations faced by both frontline communities and civil society organizations for demanding respect and guarantees for their rights and those of Nature in their countries. The activities they have carried out in their work are diverse in nature, such as promoting legal proceedings, public complaints in the media, campaigns, lobbying, protests, among others.
65. This Tribunal affirms that all individuals, groups of individuals, communities, and Indigenous Peoples have not only the right but also the responsibility to protect the Rights of Nature.⁶⁴ Defenders of Mother Earth have been key to the recognition and protection of the

⁶¹ 5th International Tribunal for the Rights of Nature, Judgment, False Solutions to the Climate Crisis, Bonn, 2021, para. 34.

⁶² Ibid.

⁶³ Preliminary hearing "The End of Fossil Fuels," held on September 22, 2024, in New York, as part of Climate Week.

⁶⁴ Universal Declaration of the Rights of Mother Earth, Article 3, paragraph 2, subparagraph b).

Rights of Nature in different countries. For example, laws have been enacted in more than thirty five (35) countries in the last fifteen (15) years and many others are being studied in favor of the Rights of Nature,⁶⁵ which would not have been possible without the work of defenders. Many of them are part of frontline communities that suffer and resist the impacts of climate change, since, as the IACHR explains, “the defense of the environment is closely linked to the defense of territory and access to land.”⁶⁶

66. Given the importance of the work of human rights defenders, international organizations insist on the need to create “legal and factual conditions that allow for the free exercise of environmental defense functions, especially in light of the difficulties associated with this type of defense in the Americas.”⁶⁷ Likewise, Article 9 of the Escazú Agreement recognizes the right of defenders to have safe and enabling environments so that they can act without threats, restrictions, and insecurity.⁶⁸
67. For its part, this Tribunal, in response to the call to recognize the intrinsic relationship between the Rights of Nature and its guardians, who resist the pressures of economic and political interests that seek to transform Mother Earth into mere objects of commercial or economic value, created in May 2025 the *Policy on Defenders of Mother Earth and Territories*⁶⁹, under the conviction that “to defend Nature is to defend human beings, and to defend human beings is to defend Nature”⁷⁰.
68. In accordance with its mandate, capacities, and limitations, although this Tribunal does not have the capacity to directly address the harm suffered by defenders of Mother Earth, it recognized its duty to prevent harm and contribute to the protection of the guardians of Mother Earth in all phases of the Tribunal's process. To this end, it envisages a series of strategies and actions that include the creation of alliances with both international human rights organizations that protect defenders and civil society organizations.⁷¹
69. Likewise, this Tribunal has recognized the interdependence between human rights and the Rights of Nature, and the rights of defenders of Mother Earth are no exception.
70. If the rights of defenders of Mother Earth are affected, the possibilities of enforcing the Rights of Nature are also affected. This is because when Mother Earth is polluted, degraded, or destroyed, it is human beings who can demand her reparation and restoration.⁷² In practice, violating one or more of the rights of defenders is equivalent to reducing or eliminating the possibility of claiming the rights of Mother Earth. Hence, the Tribunal's policy on Defenders

⁶⁵ Osprey Orielle Lake, Shannon Biggs, Natalia Greene, See:

https://www.wecaninternational.org/_files/ugd/d99d2e_667f4c3eb1244893a6ba52c1efe24457.pdf

⁶⁶ IACHR, [Third Report on the Situation of Human Rights Defenders in the Americas, para. 39.](#)

⁶⁷ Ibid, para. 41.

⁶⁸ Article 9, paragraph 1, of the Escazú Agreement (Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters in Latin America and the Caribbean).

⁶⁹ See Policy at: <https://drive.google.com/drive/folders/1BY0WrEIBM6SSoGixCXC2udw139hgiRNr>

⁷⁰ International Tribunal for the Rights of Nature, quoting Vandana Shiva in the *Policy on Defenders of Mother Earth and Territories*, p. 1.

⁷¹ Ibid.

⁷² Ávila Santamaría, Ramiro, *Neconstitucionalidmo Andino*, UASB, 2016, p. 119.

of Mother Earth and Territories recognizes the dual role of defenders, both as guardians and as representatives of ecosystems.

71. For all of the above reasons, this Tribunal, as a principle, rejects and condemns all forms of intimidation, threats, censorship, stigmatization, discrimination, persecution, harassment, attacks on integrity and life, and any act or omission aimed at threatening or affecting the general and specific rights enjoyed by defenders of the Earth and Territories.
72. Defenders of Mother Earth are those who denounce social and environmental injustices; they are promoters of social, cultural, environmental, and economic changes that seek to overcome individualistic, anthropocentric, mercantilist, patriarchal, and violent models of life; they expand the plurality and diversity of thought and, therefore, are key to the establishment and strengthening of democratic societies.
73. Therefore, this Tribunal calls on all human beings, states, and all types of institutions, public and private, to protect, promote, and advance the work of defenders of Mother Earth at the national and international levels, particularly those who denounce the serious impacts of the climate crisis and the loss of biodiversity on the planet. Indigenous Peoples in particular, with their inherent, distinct and collective rights being threatened are particularly vulnerable. In addition, local communities, and other tribal communities, frontline communities, Afro-descendant communities, and peasant farmers are vulnerable through nation-state practices they are subject to threatening them as well.
74. Thanks to them, the defenders of Mother Earth, ecosystems that are key to climate resilience still exist and provide us with alternatives for life that can prevent our own destruction as human beings if we continue with the same extractivist and destructive model. Therefore, the duty to protect them must be considered a necessary and urgent obligation in the fight against the climate crisis.
75. It should be noted that many of the individuals and communities who defend Mother Earth are disadvantaged or suffer structural discrimination, making them even more vulnerable to any threat or attack because of their work. Their protection must therefore be reinforced, with adequate measures that do not constitute new forms of violation of their rights. For example, in the case of Indigenous Peoples communities and peoples, it is essential that any protection measures be consulted with and consented to by them and that they be culturally appropriate to their traditions, customs, and social organization. This must include Free, Prior and Informed Consent (FPIC). Otherwise, it will constitute a new violation of their rights to participation and consent.

e) The need for a new perspective on climate obligations based on *A New Pledge for Mother Nature*

76. Given the current climate crisis, the warnings from Indigenous Peoples, scientific evidence, and traditional and ancestral knowledge of local communities, this Tribunal considers it urgent to call on all states around the world to make a paradigm shift in the relationship

between humans and Nature, from destruction and abuse of Mother Earth to a model that allows us to live in harmony and peace with her, since we are also Nature. This is the only way to halt and overcome the current climate crisis in which we live.

77. Therefore, in the final session of this 6th International Tribunal, this Tribunal *adopted the Declaration of Belem: A New Pledge for Mother Nature*⁷³, which recognizes parameters that states must adopt to transform our relationship with Nature and non-human beings at this critical stage of humanity, including the need to "Keep fossil fuels underground, support community alternatives"⁷⁴ to achieve the long-awaited climate justice.
78. As mentioned in previous rulings, the Tribunal draws attention to the fact that current economic and legal systems define Nature as property and commodify living systems, thereby perpetuating and encouraging the violation of the rights and duties recognized in the Declaration.⁷⁵
79. In this regard, it is necessary to interpret and understand the climate obligations established in various legal instruments on the protection of the planet and climate change with the standards that offer greater protection to Mother Earth, based on the Rights of Nature and aimed at leaving fossil fuels underground.
80. The Inter-American Court of Human Rights, in its Advisory Opinion OC-32/25 on Climate Emergency and Human Rights, stated that the recognition of Nature as a subject of law "provides a framework conducive to States—and other relevant actors—advancing in the construction of a global regulatory system oriented toward sustainable development." In this system, it is consistent, together with the *pro personae* principle, to act in accordance with the principles of *pro natura*, intergenerational equity, prevention, and precaution.⁷⁶
81. In this regard, although the UNFCCC, the Kyoto Protocol, the Paris Agreement, the Rio Declaration on Environment and Development, the Escazú Agreement, UN General Assembly Resolution 76/300 (2022) on the right to a healthy environment, the 2030 Agenda and Sustainable Development Goals, among other instruments, have specific objectives and obligations, this Tribunal identifies the following common obligations in relation to climate change:
 - Reduce emissions and strengthen adaptation;
 - Protect human rights and vulnerable ecosystems;
 - Ensure public participation, information, and access to environmental justice;
 - Finance a just transition and support the most affected countries and communities;
 - Acting under the principles of equity, cooperation, and international solidarity.

⁷³ See full statement at: <https://www.rightsofnaturetribunal.org/a-new-pledge-for-mother-nature-tribunal-2025/>

⁷⁴ Ibid.

⁷⁵ 5th International Tribunal for the Rights of Nature, Bonn, 2021, para. 245

⁷⁶ Inter-American Court of Human Rights, Advisory Opinion OC-32/25, Interpretation and scope of Articles 1.1, 2, 4.1, 5.1, 8, 11.2, 13, 17.1, 19, 21, 22, 23, 25, and 26 of the American Convention on Human Rights, 2025, paras. 281 and 282.

f) From reducing emissions and strengthening adaptation to abandoning and phasing out fossil fuels

82. With regard to the obligation to reduce emissions and strengthen adaptation, despite the fact that the *corpus iuris* on the protection of the planet and climate change has not established clear red lines to prevent the development of new fossil fuel projects, for this Tribunal, after hearing the witnesses and receiving scientific information and knowledge from indigenous communities, it is clear that there is an urgent need to abandon and phase out fossil fuels.⁷⁷
83. The warnings from science and knowledge arising from Indigenous Peoples are clear: if we continue at the current pace and with current extraction plans, we will exceed the limits that the planet can bear, many of which have already been exceeded, and there is little time left to reverse this trend.
84. Therefore, for this Tribunal, the obligation to abandon fossil fuels must be immediate and achieve the goals set for 2030. However, this obligation has at least three important implications: a) halting current projects that threaten and violate ecosystems that are key to climate resilience and enable the regeneration of the planet's biocapacity; b) restoring the socio-environmental damage caused by the construction and operation of infrastructure, commercialization, and waste from the fossil fuel industries; and c) not expanding or investing in new projects.
85. If we place nature at the center of our decisions, we must stop the use and abuse of fossil fuels, the main cause of global warming. We must not wait until we reach the irreversible limits of the Earth's climate system to react. What the planet is experiencing is comparable to what our bodies experience when they are sick. We do not wait until we are on the verge of death to address the causes of the illness, but rather we act immediately. The same is true for the planet: we must transform and curb the causes of the accelerating climate crisis we are experiencing before it is too late.

g) Protecting human rights and vulnerable ecosystems through prevention and precaution

86. Protecting rights is often associated with the idea of repairing damage. While this is a fundamental dimension of protection, it is not the only one, nor is it the most important. The duty to protect is based on preventing damage and safeguarding the integrity of rights.
87. This Tribunal has already pointed out in previous rulings that the principle of prevention has its origin in the obligation of "due diligence."⁷⁸ The International Court of Justice, in its recent Advisory Opinion on climate change, stated that states "have an obligation to act with

⁷⁷ See more on Planetary Boundaries: <https://www.stockholmresilience.org/research/planetary-boundaries.html>

⁷⁸ The 3rd International Tribunal for the Rights of Nature, Paris, 2014, para. 39, explains that due diligence "lies in the potential of different behaviors to cause harm and the need for the subject under whose jurisdiction such acts are carried out to take reasonable precautions, with an intensity commensurate with the magnitude of the forces at play, to prevent such actions from causing harm to [...] other subjects," or to Mother Earth.

due diligence in taking measures, in accordance with their common but differentiated responsibilities and respective capabilities, that can adequately contribute to the achievement of the temperature goal set out in the [Paris] Agreement."⁷⁹ .

88. The principles of prevention and precaution complement each other and have been established in various international instruments, including the UNFCCC, which, in accordance with Article 3.3, states that the absence of scientific certainty cannot be used as an excuse to postpone the prevention of climate change and the reduction of its adverse effects.⁸⁰ The precautionary principle has been clearly explained in Principle 15 of the Rio Declaration on Environment and Development, which states that "Where there is a threat of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."
89. The Constitutional Court of Ecuador clearly explains the elements and differences between the precautionary principle and the prevention principle in its landmark ruling protecting the rights of the Los Cedros forest. Both principles apply when there is: a) a potential risk of serious and irreversible damage to nature, b) scientific uncertainty about negative consequences, and this leads to c) the adoption of appropriate and effective protective measures. Now, the difference is that the precautionary principle consists of a lack of scientific certainty, ignorance of both probabilities and some of the possible damages or effects; while the prevention principle applies when both the effects and their probabilities are known in advance.⁸¹
90. This is where the principles of prevention and precaution come into play, including those not yet explored and exploited by the fossil fuel industries, since the argument that we have not yet reached the maximum limit for continuing to destroy the planet is not acceptable, especially when scientific evidence and ancestral knowledge warn of the danger of exceeding that limit.
91. Mother Earth, her ecosystems, her beings, organic and inorganic, have the right to exist, to coexist, to perform their function, to integrity, to regeneration, and to restoration. Just as it is not acceptable to torture a human being because there are more humans on Earth, it is not acceptable to exploit more areas and turn them into sacrifice zones because there are others that could sustain climate resilience. Therefore, it is not enough to simply have an obligation to protect vulnerable rights and ecosystems; this obligation must be applied under the principles of prevention and precaution.

⁷⁹ ICJ, See: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-pre-01-00-en.pdf>

⁸⁰ Inter-American Court of Human Rights, Advisory Opinion OC-32/25, Interpretation and scope of Articles 1.1, 2, 4.1, 5.1, 8, 11.2, 13, 17.1, 19, 21, 22, 23, 25, and 26 of the American Convention on Human Rights, 2025, para. 228.

⁸¹ Constitutional Court of Ecuador, Judgment No. 1149-19-JP/21, para. 62. See: esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/e2NhcNBlDGE6J3RyYW1pdGUnLCB1dWlkOic2MmE3MmIxNy1hMzE4LTQyZmMtYjJkOS1mYzYzNWE5ZTAwNGYucGRmJ30=

h) Guarantee public participation, information, and access to environmental justice, considering the relationship with Mother Earth

92. With regard to the obligation to guarantee public participation, information, and access to environmental justice, which is extensively developed in the Escazú Agreement and is of particular importance to defenders of the Rights of Nature for the reasons outlined above, by placing Mother Earth at the center, it is necessary to consider that although she is represented by humans in processes of enforcing her rights, she participates as the subject of rights that she is and not as an object of separate analysis or study.
93. In other words, the relationship between Mother Earth and human beings is one of complementarity, reciprocity, and correspondence, since human beings are not in Nature but are part of it. Therefore, denying participation, information, or access to justice with respect to fossil fuels to communities or defenders of Mother Earth affects the possibilities of prevention or restoration of her and of ourselves who inhabit her.

i) Finance a just transition and act under principles of equity, cooperation, and international solidarity, without false climate solutions and with comprehensive approaches

94. In relation to the obligations to finance a just transition and to act under the principles of international cooperation and solidarity, it is worth emphasizing what was stated above about the need to move forward with solutions based on the Rights of Nature and not on technological, political, or market solutions that view Mother Earth as property.
95. Likewise, it is not possible to apply international cooperation and solidarity in a segmented manner. What happens in one ecosystem affects another; they are interconnected beyond the borders established by human beings. The need to move away from fossil fuels is a global, comprehensive, and cross-border obligation.
96. This explains why, in cases where fossil fuel exploration and exploitation projects have not yet materialized, there is a shared responsibility on the part of the countries and companies bringing the lawsuit, which exert pressure on countries where oil reserves are located.
97. Expanding oil frontiers on the pretext that there is a way to offset GHG emissions is not an acceptable argument for this Tribunal. Just as it is not acceptable to torture a human being because there are more humans on Earth, it is not acceptable to exploit more areas because there are others that could sustain climate resilience. Every ecosystem and the beings that inhabit it have the right to have their existence respected, to live, to coexist, to identity, and to integrity as distinct beings.
98. For a better understanding, the table below illustrates the relationship and interdependence between climate law and the Rights of Nature approach:

Obligations under climate law	Obligations under Rights of Nature
Reduce emissions and strengthen adaptation	Abandon and phase out fossil fuels: Stop emissions and restore
Protect human and collective rights and vulnerable ecosystems	Apply <i>pro-nature</i> , precautionary, and prevention principles
Ensure public participation, information, and access to environmental justice.	Take into account the principles of relationality, complementarity, reciprocity, and correspondence with Mother Earth
Finance a just transition and support the countries and communities most affected	The financing of a just transition excludes those policies or technologies that view Mother Earth as property, such as REDD+ funds, carbon credits and geoengineering.
Acting under the principles of equity, cooperation, and international solidarity	Take into account that Nature's relationships and systems are integral and transboundary

99. The plaintiffs in the various cases presented propose that governments and companies be required to stop GHG emissions and leave known oil reserves in the ground.
100. This Tribunal considers that, based on the rights and obligations developed by the climate legal framework and the Rights of Nature, what the petitioners are requesting is feasible and reasonable. There is an urgent need to take action that provides real solutions based on climate justice and respect for the natural laws of our Mother Earth, with origins inherent to Indigenous Peoples and their relationships with lands, waters and sky.

2.3.2. Nature and the risks of the (Canadian) mining industry in the energy transition

101. Mining has been part of human history for centuries. Whether as part of the primary or energy sector, human societies have sustained themselves through the extraction of minerals and fossil fuels such as copper, aluminum, precious stones, iron, marble, oil, natural gas, and coal.

102. Through a rapidly spreading discourse of modernization and development, more and more resources have been needed, and mining activities around the world have expanded and intensified. New techniques have been introduced and developed to carry out large-scale extraction projects across the planet.
103. Today, the mining industry has become completely globalized and operates through its own markets. National and multinational mining companies, both public and private, operate and invest in projects spread across five continents.
104. One of the key players in this global industry is Canada. In a recent briefing, MiningWatch Canada summarized the country's role in global mining as follows⁸² :
- Forty-seven percent of the world's public mining companies are listed on Canadian stock exchanges;
 - The Toronto stock exchanges (TSX and TSX Venture Exchange) are home to more mining companies than any other market in the world;
 - There are a total of 1,348 Canadian mining and exploration companies;
 - More than half of Canadian mining and exploration companies operate abroad (730);
 - Canadian companies were present in 97 foreign countries in 2020;
 - In 2022, the value of Canadian mining assets abroad amounted to \$188 billion, representing approximately two-thirds of the total value of Canadian mining assets;
 - Canadian mining companies operate in countries in Latin America, Africa, and Asia-Pacific. Most of the overseas value is found in Latin America and the Caribbean, which account for 45.4% of Canadian mining assets abroad, with a value of \$85.4 billion in 2020.
105. The same report states that “the harm caused or contributed to by Canadian mining companies, their subsidiaries, and contractors abroad is widespread globally and persistent. It includes environmental degradation that will persist for hundreds of years, a wide range of human rights harms, abuses of indigenous rights, as well as negative local and national economic and financial impacts. Taken together, these impacts have serious long-term consequences for local and national development”⁸³. These impacts are extensively

⁸² C. Coumans, “Canada’s Mining Dominance and Failure to Protect Environmental and Human Rights Abroad: Brief Accompanying Testimony provided by Catherine Coumans of MiningWatch Canada on February 6, before The House of Commons’ Standing Committee on International Trade (CIIT),” February 14, 2023, <https://www.miningwatch.ca/publications/2023/2/23/canada-s-mining-dominance-and-failure-protect-environmental-and-human-rights>.

⁸³ C. Coumans, “Canada’s Mining Dominance and Failure to Protect Environmental and Human Rights Abroad: Brief Accompanying Testimony provided by Catherine Coumans of MiningWatch Canada on February 6, before

documented on the MiningWatch Canada website and have also been the subject of reports to the Inter-American Commission on Human Rights.⁸⁴ They include both human rights violations and violations of the rights of Mother Earth, including:

- Murder, injury, sexual assault, and forced eviction of civilians, Indigenous Peoples, and farming communities, and human and environmental rights defenders by mine security, police monitoring the mines, and mining company executives;
- Toxic spills (case of Barrick Gold in Argentina);
- Impacts on the health of affected communities;
- Deforestation (case of Belo Sun in Brazil);
- Spills and waste dumps that alter the landscape (case of the glaciers in Kyrgyzstan and Centerra Gold);
- Contamination of rivers and headwaters (Papua New Guinea, case of Barrick Gold Porgera Joint Venture, and the Philippines, case of Barrick Gold).

106. Despite this significant environmental and human cost, Canada persists in its relentless pursuit of resource extraction. In 2023, it enacted a series of amendments aimed at accelerating the development of mining projects and actively promoted its mining interests.⁸⁵ In March 2025, as every year, Toronto hosted the “World Mining and Mineral Exploration Convention,” which bills itself as the premier gathering of individuals, companies, and organizations involved in mineral exploration, and expects to attract more than 30,000 attendees from over 130 countries.

III. FIRST SESSION: THE END OF THE FOSSIL FUEL ERA

3.1. Proceedings of the Session before the Tribunal

107. In the first session, this Tribunal was presided over by Judge Patricia Gualinga (Ecuador) and composed of Judges Casey Camp Horinek (United States), Tzaporah Berman (Canada), Osprey Orielle Lake (United States), Shannon Biggs (United States), and judges Reverend Lennox Yearwood (United States) and Tom Goldtooth (United States). Linda Sheehan

The House of Commons’ Standing Committee on International Trade (CIIT),” February 14, 2023, <https://www.miningwatch.ca/publications/2023/2/23/canada-s-mining-dominance-and-failure-protect-environmental-and-human-rights>.

⁸⁴ The impact of Canadian Mining in Latin America and Canada’s Responsibility: Executive Summary of the Report submitted to the Inter-American Commission on Human Rights. 2014. Working Group on Mining and Human Rights in Latin America: Latin American Observatory of Environmental Conflicts, José Alvear Restrepo Lawyers’ Collective, Due Process of Law Foundation, Honduran Center for the Promotion of Community Development, National Assembly of People Affected by Environmental Issues, Marianist Association for Social Action, and Muqui Network. https://www.dplf.org/sites/default/files/report_canadian_mining_executive_summary.pdf

⁸⁵ MineWatch Canada, “More, Worse Mining: Ontario’s Proposed Building More Mines Act,” March 7, 2023,

<https://www.miningwatch.ca/blog/2023/3/7/more-worse-mining-ontarios-proposed-building-more-mines-act>

(United States) and Nathaly Yépez (Ecuador) served as Prosecutors for Nature. Natalia Greene (Ecuador) served as Secretary of the Tribunal.

108. On this occasion, the International Tribunal first heard from two experts, Sivan Kartha⁸⁶ and Antonia Juhazs⁸⁷, who presented introductory information on climate science and frameworks. Next, experts Gustavo Ulcue Campo⁸⁸ and Panganga Pungowiyu appeared to discuss REDD+ projects and geoengineering as false climate solutions. Finally, Heather Milton Lightning⁸⁹ and Célia Xakriabá were heard as experts on the solutions and opinions of land defenders and the just transition and phasing out of fossil fuels.⁹⁰
109. The contributions and arguments of the thematic experts will be considered in the reasoning of this ruling.
110. Likewise, this Tribunal heard the testimonies of the victims and rights defenders in each of the nine specific cases brought to its attention:

⁸⁶ Experience and credentials: Senior Researcher at the Stockholm Environment Institute (SEI) and Director of the Equitable Transitions program. His work focuses on the economic, political, and ethical aspects of an equitable and ambitious response to the challenge of climate change, both within the international climate regime and in national climate policies. Dr. Kartha has advised civil society organizations, policymakers, and multilateral organizations. He also led the work on equity and sustainable development in the last two IPCC assessment reports.

⁸⁷ Experience and credentials: Antonia Juhazs is an award-winning investigative journalist and founder of (Un)Covering Oil. She has over twenty years of experience working at the intersection of fossil fuels, climate change, environmental justice, and human rights. She has written for outlets such as Rolling Stone, National Geographic, The New York Times, and The Star-Johannesburg. She is the author of three books: *Black Tide: the Devastating Impact of the Gulf Oil Spill*, *The Tyranny of Oil: the World's Most Powerful Industry and What We Must Do to Stop It*, and *The Bush Agenda*. Her essays and interviews include "Defeating the Fossil Fuel Industry," in *Not Too Late: Changing the Climate Story from Despair to Possibility*, by Rebecca Solnit and Thelma Young Lutunatabua, and "Fossil Fuels and the Climate Crisis," a course she developed at Tulane University and will teach again at Johns Hopkins University. Antonia is a member of the board of directors of Amazon Watch.

⁸⁸ Experience and credentials: Indigenous communicator belonging to the Nasa indigenous nationality with experience in communication and research processes with Indigenous communities and other social groups in Colombia. He has more than 10 years of experience as an audiovisual producer for Indigenous Peoples and organizations, as well as for Colombian public television. He is a jury member at Indigenous film festivals such as the CLACPI International Film and Television Festival, the Anaconda Prize, and the Colombian Indigenous Film and Video Festival - DAUPARÁ. He is part of the communications team of the National Organization of Indigenous Peoples of the Colombian Amazon (OPIAC), where he works on the consolidation of the National Indigenous Television Plan and the Public Communications Policy for the Indigenous Peoples of Colombia. (<https://ifnotusthenwho.me/who/gustavo-ulcue/>).

⁸⁹ Experience and credentials: She has over twenty years of experience in advocating for local issues to international campaigns. Heather was a founding member of the Native Youth Movement, which empowered young people politically and socially to bring about change in their communities, based in Winnipeg, Manitoba, in 1995. She helped found Winnipeg's first Indigenous youth organization, Aboriginal Youth with Initiative, Inc., in 1998. She founded and created a national network of Indigenous youth that supported the organizing of Indigenous youth in the United States and Canada with the Indigenous Environmental Network. She was a member of the Youth Advisory Council of the United Nations Environment Programme and has extensive experience in international advocacy through the United Nations and other international forums on issues related to Indigenous Peoples. She was a founding member of Indigenous Climate Action (ICA), the only Indigenous organization dedicated to climate issues in Canada. Heather currently advises many organizations.

⁹⁰ Experience and credentials: Indigenous woman leader from Brazil, with extensive knowledge and experience in defending her peoples. She is currently a member of the Brazilian Chamber of Deputies.

- a) In the “Mountain Valley Pipeline” case, Crystal Cavalier and Alissa Ganser were heard.
 - b) In the Mozambique Pipeline case, Daniel Ribeiro was heard.
 - c) In the “Coal in India” case, Witness 1 and Witness 2 were heard.⁹¹
 - d) In the “Coastal Gaslink Pipeline” case, Eriel Deranger was heard.
 - e) In the case of "Talará Refinery and Lot 64 Petroperú", Olivia Bisa was heard.
 - f) In the case of "Oil Spills in the Philippines," Yolanda Esguerra and Edwin Gariguez were heard.
 - g) In the case of “MMSZ (Musina-Makhado Special Economic Zone) Coal in Africa,” Makoma Lekalakala was heard.
 - h) In the case of “EACOP (East African Crude Oil Pipeline),” Delme Cupido was heard.
 - i) In the case of “Louisiana Sacrifice Zone,” Sharon Lavigne and Roishetta Ozane were heard.
 - j) In the case “Vaca Muerta Sacrifice Zone,” Gonzalo Vergez and Jorge Nawel were heard.
111. In each appearance, documentary and audiovisual evidence of the cases was provided by the witnesses. Additionally, the possibility of receiving evidence and information after the hearing was opened to better inform the Tribunal's judgment.
112. In her closing arguments, prosecutor Linda Sheenan pointed out that the testimonies and evidence in each of the cases offer convincing facts and analysis that demonstrate clear, continuous, and serious violations of the Rights of Nature by the fossil fuel industry and that governments are complicit in these violations. She therefore requested that these violations be condemned, that the specific violations in each case be recognized, that responsibilities be determined, and that reparations be ordered for the natural world and all those affected.
113. For her part, prosecutor Nathaly Yépez reiterated the request that the cases presented be heard and accepted for processing and that reparation be ordered for each of the subjects of Nature that have been threatened and affected in each case.
114. After hearing the interventions, the cases were unanimously accepted as concrete examples of the impacts of the fossil fuel industry in different parts of the world. The reasons for this Tribunal's decision are set out in detail below.

3.2. Analysis by the Tribunal

3.2.1. Background, precedents, and community resistance, testimonies, and alleged violations

3.2.1.1 Case "TotalEnergies LNG in Mozambique" (Mozambique)

⁹¹ In order to protect the identities of the individuals involved, they will be referred to in this document as Witness 1 and Witness 2.

Summary

115. The Mozambique LNG Project is a mega liquefied natural gas project operated by TotalEnergies, the world's second-largest LNG producer.⁹² It is located on the Afungi Peninsula, in the district of Palma, Cabo Delgado province, in northern Mozambique. Mozambique ranks seventh on the list of poorest countries,⁹³ and 73% of the population has no access to electricity.⁹⁴
116. The project covers an onshore area of 7,000 hectares for the industrial zone, infrastructure, and resettlement. It also has the offshore gas fields "Golfinho" and "Atum," with 60 trillion cubic feet (Tcf) of gas resources.⁹⁵ These are located in Area 1 offshore, and the construction of a two-train liquefaction plant with a capacity of 13.1 million tons per year is planned. It also has other concessions in the Róvuma basin.⁹⁶ The project's influence extends to Palma Bay and nearby waters (access channels, mooring areas, and potential marine corridors).⁹⁷
117. The project began with the discovery of a vast natural gas reserve off the northern coast of Mozambique in 2010.⁹⁸ Total Energies plans to exploit "65 trillion cubic feet of recoverable natural gas, including the construction of two liquefaction units with a capacity of 13 million tons per year (MTPA) and the capacity to expand to 43 MTPA."⁹⁹
118. Regarding ecosystems affected by the Mozambique LNG project, its environmental impact study notes that the onshore project area affects three types of ecosystems: marshes, wetlands, and forests, which support significant animal and plant life within the Afungi Project site. The removal of vegetation, the opening of roads, and the resettlement of communities cause direct deforestation and have affected nearly 3,000 hectares of native forest and mixed savanna.¹⁰⁰
119. There are also coral reefs throughout the bay and around the islands of Tecomaji and Rongui.¹⁰¹ It also acknowledges impacts on the air, on human and ecological receptors

⁹² See: <https://www.mozambiquelng.co.mz/>

⁹³ See: <https://eacnur.org/es/actualidad/noticias/emergencias/cuales-son-los-paises-mas-pobres-del-mundo>

⁹⁴ See:

https://www.banktrack.org/download/the_impacts_of_the_lng_industry_in_cabo_delgado_mozambique/impacts_of_lng_in_mozambique_by_ja.pdf?utm_source=chatgpt.com

⁹⁵ See at:

https://360mozambique.com/oil-gas/area-1-totalenergies-plans-to-start-natural-gas-production-in-2029/?utm_source=chatgpt.com

⁹⁶ See:

https://www.mozambiquelng.co.mz/wp-content/uploads/2024/01/chapter_4- lng_final_eia_sept_2014_eng.pdf?utm_source=chatgpt.com

⁹⁷ Ibid.

⁹⁸ See: <https://www.mozambiquelng.co.mz/>

⁹⁹ Ibid.

¹⁰⁰ See

at: www.mozambiquelng.co.mz/wp-content/uploads/2024/01/mz-000-am1-hs-rpt-00002_eshia_executive_summary_and_update-05-19-2020.pdf

¹⁰¹ See:

www.mozambiquelng.co.mz/wp-content/uploads/2024/01/mz-000-am1-hs-rpt-00002_eshia_executive_summary_and_update-05-19-2020.pdf

outside the project site, and other impacts such as noise that will affect reptiles, amphibians, birds, and mammals.¹⁰²

120. In terms of social impacts, the environmental impact study itself acknowledges that there are several communities in the Palma district that depend on small-scale fishing and agriculture.¹⁰³ According to the official resettlement plan for the Mozambique LNG project, 1,680 families have been identified as economically displaced from their land and 643 families as physically displaced.¹⁰⁴ A 2020 report by Justiça Ambiental indicates that "556 families have been forcibly relocated, and some 2,000 families will be moved in the future."¹⁰⁵
121. In 2021, due to attacks by armed groups, the project was suspended by the company due to force majeure.¹⁰⁶

Statements on impacts

122. According to the testimony of Daniel Ribeiro¹⁰⁷, the Mozambican government is encouraging foreign oil companies to continue exploring gas and oil extraction projects in the Cabo Delgado region. This is despite the fact that recent years have been particularly violent, with a major terrorist attack in 2021 that caused numerous casualties. Several independent researchers have linked this violence to the gas megaproject led by TotalEnergies. This project is linked to the displacement of the local population, increased poverty, land grabbing, and human rights violations¹⁰⁸.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ See:

https://www.business-humanrights.org/en/latest-news/totalenergies-response-to-alleged-human-rights-violations-at-mozambique-lng-project/?utm_source=chatgpt.com

¹⁰⁵ See:

https://www.banktrack.org/download/the_impacts_of_the_lng_industry_in_cabo_delgado_mozambique/impacts_of_lng_in_mozambique_by_ja.pdf?utm_source=chatgpt.com

¹⁰⁶ See: <https://totalenergies.com/media/news/press-releases/total-declares-force-majeure-mozambique-lng-project>

¹⁰⁷ Daniel Ribeiro has been an activist for over 25 years, since he was a teenager. He has a deep sense of justice. In 1998, Daniel, along with other citizens, formed a grassroots movement to oppose a Danish-funded toxic waste incinerator project planned for his neighborhood in Matola, Mozambique. They ultimately succeeded in stopping the construction of this incinerator. Through this process, Daniel played a key role in founding Livaningo, Mozambique's first environmental justice organization. In 2004, he also played a key role in the creation of Justiça Ambiental (JA!), which means "environmental justice" in Portuguese. Daniel remains a central figure in JA!, where he currently holds the position of technical and research manager. JA! is one of Mozambique's leading civil society non-profit organizations. Daniel holds a master's degree in biology from the University of Cape Town.

¹⁰⁸ Alexandre Nhampossa, Climate Justice Central

<https://www.climatejusticecentral.org/posts/cabo-delgado-crisis-reality-mozambique-gas-boom>

123. In addition, this project would also directly affect local fauna and flora, both on land and at sea, including critically endangered species and the unique ecosystems of the Quirimbas Archipelago, declared a Biosphere Reserve by UNESCO¹⁰⁹.
124. It also notes that a group of 124 civil society organizations from Mozambique and around the world has launched an urgent appeal¹¹⁰ to the 28 financial institutions supporting TotalEnergies' LNG project in Mozambique: STOPMOZGAS states that "the development of LNG (liquefied natural gas) will cause habitat degradation, noise, and collisions with ships, and will force species such as humpback whales and sei whales to leave the area. Furthermore, this project is another climate bomb, as it will significantly contribute to the development of fossil fuel extraction and burning, which will have a direct impact on the already alarming climate crisis."
125. The group is calling on banks and export credit agencies to withdraw their support for the project due to a number of concerns, including ongoing terrorist attacks, human rights abuses, lack of benefits for local communities, and serious impacts on local ecosystems and the global climate. In the open letter, published in mid-November 2023, the coalition states that Palma and Cabo Delgado remain unsafe, with recent escalations of violence and attacks continuing to this day. Furthermore, this project is a "carbon bomb."
126. Several organizations have estimated that total emissions over the lifetime of the Mozambique LNG project will be between 3.3 and 4.5 billion tons of carbon dioxide equivalent, more than the combined annual greenhouse gas emissions of the 27 EU countries, making this project incompatible with the Paris Climate Agreement to limit global temperature rise to 1.5°C.
127. The victims of this case are identified as the terrestrial and marine fauna and flora of the Quirimbas Archipelago, humpback whales, sei whales, 1,500 species of flowers, 100 species of coral, and local fishing and farming communities.
128. The main threats identified are habitat degradation, noise pollution, collisions with ships, the climate crisis (combination of floating LNG, EXXONMobil and Total, which will process the gas on land with LNG plants, export and offshore gas wells), displacement of local communities, land grabbing, heavy militarization, areas of insurgency and attacks on communities, human rights violations, lack of environmental impact assessments, ship wastewater discharges, importation of invasive species, noise pollution, and forced displacement of 800,000 people from the area. In addition, the March 2021 attack left a total of 1,193 people dead, all of whom were frontline defenders of ecosystems.

¹⁰⁹ Alexandre Nhampossa, Climate Justice Central

<https://www.climatejusticecentral.org/posts/cabo-delgado-crisis-reality-mozambique-gas-boom>

¹¹⁰ See: <https://reclaimfinance.org/site/en/2023/11/17/stopmozambiqueLng/>

Requests

129. This Tribunal is requested to:

- Declare the violations of the Rights of Nature;
- Exclude Mozambique's gas companies;
- Direct the government to ensure a fair and equitable system that meets the energy needs of the population;
- Address violations of impacted communities.

3.2.1.2. Case “MMSZ, Musina-Makhado Coal Special Economic Zone in Africa” (South Africa)

*Summary*¹¹¹

130. The Musina-Makhado SEZ (MMSEZ) project is promoted by the Province of Limpopo in South Africa and managed by a state-owned company, MMSEZ SOC, which is owned by the Limpopo Economic Development Agency and has its own Board of Directors.
131. A Special Economic Zone (SEZ) was created in 2017 to attract investment, manufacturing industries, and agro-industries linked to metallurgy, coal, and related processes. The MMSEZ is located in the northernmost part of Limpopo Province, between the municipalities of Musina and Makhado.¹¹²
132. The Limpopo provincial government identified two sites: one in the north, in an area known as Antonvilla, covering 3,500 hectares in the municipality of Musina, intended for light and medium manufacturing industries, including logistics and agro-industrial processing; and one in the south, in the Mopani area, covering 8,000 hectares in the municipality of Makhado, intended for heavy industries.¹¹³ This is the area that has been officially declared an SEZ.¹¹⁴
133. The SEZ includes a coal washing plant to process 20 million tons per year, a dedicated coal-fired power plant (at least 1,320 MW), a ferrochrome plant, a ferromanganese plant, and a lime plant, among others.¹¹⁵

¹¹¹ For more sources: <https://amabhungane.org/220203-mmsez-the-battle-to-stop-limpopos-climate-bomb/>; <https://naturaljustice.org/press-release-letter-of-complaint-sent-to-the-undp-regarding-its-support-for-mmsez/>; <https://www.greenbuildingafrica.co.za/civil-society-organisations-bring-legal-challenge-against-musina-makhado-special-economic-zone/>; <https://www.wits.ac.za/news/sources/cals-news/2023/civil-society-challenges-musina-makhado-special-economic-zone.html>

¹¹² Ibid.

¹¹³ See: <https://mmsez.co.za/strategic-location/>

¹¹⁴ See:

https://radarr.africa/r67-billion-later-limpopos-musina-makhado-special-economic-zone-lies-idle/?utm_source=chatgpt.com

¹¹⁵ See: [AmaBhungane Centre for Investigative Journalism](#)

134. In terms of risks to nature, the MMSEZ is located near the Mapungubwe Cultural Landscape—a UNESCO World Heritage Site—and the Vhembe Biosphere Reserve.¹¹⁶
135. The Mapungubwe Cultural Landscape is located in the far north of South Africa, at the confluence of the Limpopo and Shashe rivers, and is an archaeological site of exceptional universal value as the center of the first indigenous kingdom in southern Africa from the 9th to 13th centuries.¹¹⁷ Surrounding this site is the Vhembe Biosphere Reserve, designated by UNESCO in 2009 under the Man and the Biosphere (MAB) program, covering an area of more than 30,000 km² and including protected areas such as Mapungubwe National Park, Mount Soutpansberg, and transition zones where rural communities and sensitive ecosystems coexist.¹¹⁸ This overlap makes the region a strategic biocultural hub.
136. The environmental impact studies carried out in 2019 were legally challenged by civil society organizations due to the lack of rigor in consultation procedures with local populations and the risks to the cultural and natural heritage of the area. However, in 2022, the appeal was dismissed by the Limpopo government, and this decision was challenged in the Polokwane High Court by the organizations Herd Nature Reserve, Living Limpopo, and the Center for Applied Legal Studies (CALs).¹¹⁹
137. One of the main concerns relates to the impact on water from the Limpopo River, which is in high demand by the coal industry in this area where it is already scarce. There have been social protests by local populations, who are predominantly rural, have limited access to water supplies, and suspect that the water is contaminated because it does not meet water quality standards. This is associated with large-scale agricultural processes and the chemicals used in these activities. It is also an area of high biodiversity¹²⁰ and it is estimated that if the project were to be carried out as initially planned, it would require 123 billion liters of water per year, which exceeds the capacity of the area. This is in addition to the GHG emissions that will be released into the atmosphere.¹²¹
138. In 2025, the project was under scrutiny for deficiencies in infrastructure, environmental impact, the rights of affected communities, and the amount of investment that would be needed to complete the project.¹²²

¹¹⁶ See: https://inr.org.za/sage-scientific-advisory-on-the-mmsez/?utm_source= and <https://whc.unesco.org/en/list/1099?>

¹¹⁷ See: https://whc.unesco.org/en/list/1099/?utm_source=

¹¹⁸ See: <https://www.dffe.gov.za/>

¹¹⁹ See:

https://www.news24.com/business/economy/limpopo-dismisses-activists-appeal-against-one-of-the-biggest-special-economic-zones-in-sa-20220709?utm_source=

¹²⁰ See: [AmaBhungane Centre for Investigative Journalism](#)

¹²¹ Ibid.

¹²² See:

https://radarr.africa/r67-billion-later-limpopos-musina-makhado-special-economic-zone-lies-idle/?utm_source=

Statement on impacts

139. Expert testimony from Makoma Lekalakala¹²³ explains that the MMSEZ project is expected to generate more than 1 billion tons of CO₂ over its lifetime, which is more than 10% of South Africa's annual carbon budget under its Paris Agreement commitments. The scale of the development has the potential to radically alter the environmental, social, and economic landscape of the Vhembe Biosphere Reserve region, and the risks demand careful decision-making around environmental authorization.
140. He points out that many organizations, including All Rise, Living Limpopo, and CALS, have repeatedly expressed concern about the viability and impact of the MMSEZ in this sensitive, highly biodiverse region, such as native trees (baobabs and marula trees are mentioned), water sources and watercourses, South Africa's pristine biodiversity, and the vulnerable rural communities in the area.
141. Efforts to engage meaningfully with the government agencies sponsoring the project through the public participation process have been fruitless. The final environmental impact assessment (EIA) report published in February 2021 by Delta Built Environment Consultants did not recommend approval.¹²⁴ Despite this, the provincial government of Limpopo proceeded to appoint another environmental assessment professional to issue a revised final EIA report in September 2021, paving the way for it to grant itself approval in February 2022.
142. The main violations of the Rights of Nature identified are the direct climate impact (coal-fired power station, coal washing plant, carbon ferrochrome, silicon-manganese plant, vanadium steel plant, metallurgical lime plant), uprooting of 100,000 indigenous trees, consumption of 250 million liters of water per day, burning of 15,000 tons of coal, 115 tons of hazardous and industrial waste, 34 million tons of GHG emissions, environmental corruption, threat to local food security, spending of 10-16% of South Africa's carbon budget.
143. CALS and All Rise, along with other civil society organizations promoting environmental and social justice, filed internal appeals against the decision to grant environmental approval, all of which were dismissed in July last year.¹²⁵

¹²³ Ms. Makoma Lekalakala is the director of Earthlife Africa, a civil society organization dedicated to environmental and anti-nuclear justice. She has been actively involved in social movements addressing issues related to gender and women's rights, as well as economic and environmental justice. In recent years, Lekalakala has focused on fighting environmental corruption. Her commitment to climate justice in South Africa has led civil society to win South Africa's first court case against the government on climate change and the revocation of the nuclear agreement between South Africa and the Russian government, for which she received the 2018 Goldman Environmental Prize for Africa and the 2018 SAB Environmentalist of the Year Award. Ms. Lekalakala is a climate commissioner and has been a member of the South African Climate Commission since 2021.

¹²⁴ See:

wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/cals/documents/programmes/environment/in-court/P17102_REPORTS_25_REV_02-FINAL_EIA.pdf

¹²⁵ See: [2023 - Civil society challenges Musina-Makhado Special Economic Zone - Wits University](#)

Requests

144. This Tribunal is requested to order the following:

- Stop the MMSEZ project;
- Urge South Africa to strengthen all its environmental policies to recognize the Rights of Nature and enact all necessary legislation to protect it;
- Restorative justice for the cultures, traditions, and spiritual life of the peoples of the Earth, and for life to flourish.

3.2.1.3. Case “EACOP, East African Crude Oil Pipeline” (Uganda and Tanzania)

¹²⁶ ;

145. The East African Crude Oil Pipeline (EACOP) consists of the construction of a 1,443 km cross-border pipeline that will transport oil from the oil fields in the Lake Albert region (Uganda) to the port of Tanga in Tanzania.¹²⁷ The world's longest heated crude oil pipeline includes six pumping stations and a thermal tracing system.¹²⁸ It is estimated to have a transport capacity of 246,000 barrels per day over 25 years of production.¹²⁹
146. The project was formalized with an Intergovernmental Agreement (IGA) between Uganda and Tanzania on May 26, 2017. Infrastructure work began in 2022.¹³⁰ By June 2025, construction of this pipeline had progressed more than 60%.¹³¹ The engineering (design, specifications, equipment supply) is well advanced, while pipe installation, trenching, and burial continue.¹³²
147. The project is being carried out by a consortium comprising TotalEnergies (62%), the Uganda National Oil Company (UNOC) with 15%, the Tanzania Petroleum Development Corporation (TPDC) with 15%, and the China National Offshore Oil Corporation (CNOOC) with 8%.¹³³
148. The project crosses sensitive ecosystems and wetland areas and could have significant negative effects on biodiversity, water, agricultural land, and indigenous communities in the area, especially since open-cut excavation has been chosen for its installation, "the most economical option but with a much greater environmental impact (...) The pipeline ran along

¹²⁶ See:

<https://news.mongabay.com/2023/11/disturbing-graves-is-latest-violation-attributed-to-east-african-oil-pipeline/> ;
<https://www.stopeacop.net/home>

¹²⁷ See:

<https://totalenergies.com/company/projects/oil/tilenga-and-eacop-projects-acting-transparently-uganda-tanzania>

¹²⁸ Ibid.

¹²⁹ See: <https://www.eacop.com/overview/>

¹³⁰ See: <https://www.eacop.com/>

¹³¹ See: https://allafrica.com/stories/202506230043.html?utm_source=

¹³² See: https://www.tanzaniainvest.com/energy/eacop-may-2025-update?utm_source=

¹³³ Ibid.

the southern shore of Lake Victoria, endangering the water supply and livelihoods of millions of people in the event of contamination.¹³⁴

149. On the other hand, an analysis by the Climate Accountability Institute (CAI) in 2022 revealed that the project "will generate 379 million tons of pollution that will contribute to global warming, according to an expert assessment, more than 25 times the combined annual emissions of Uganda and Tanzania"¹³⁵.
150. According to a 2023 report by Human Rights Watch, "In total, more than 100,000 people in Uganda and Tanzania will permanently lose their land to make way for the pipeline and the development of the Tilenga oil field, according to estimates based on project documentation."¹³⁶ By 2025, 13,000 people in Uganda and Tanzania have been displaced by the pipeline, many of whom have reported unfair and insufficient compensation and a lack of transparency.¹³⁷

Statement on impacts

151. Witness Delme Cupido,¹³⁸ points out that the construction of the pipeline is a disaster for the climate crisis, African ecosystems, and their inhabitants, because the construction of the pipeline threatens one of the most ecologically diverse and wildlife-rich regions in the world. The pipeline, which is almost 1,445 kilometers long, would cross numerous important habitats and nature reserves, home to several iconic and endangered animals, such as lions, elands, lesser kudus, buffalos, impalas, hippos, giraffes, roan antelopes, sitatungas, sable antelopes, zebras, aardvarks, and red colobus monkeys.
152. It notes that renowned American environmentalist Bill McKibben commented: "The proposed route seems almost designed to endanger as many animals as possible."¹³⁹ On its

¹³⁴ See:

https://www.iucn.nl/en/news/european-parliament-calls-to-end-extractive-activities-in-protected-and-sensitive-areas-in-uganda-and-tanzania/?utm_source=

¹³⁵ See:

https://www.theguardian.com/world/2025/apr/01/uganda-displaced-people-kingfisher-oil-pipeline-eacop-compensation?utm_source= and at:

<https://climateaccountability.org/wp-content/uploads/2022/10/CAI-EACOP-Rptlores-Oct22.pdf>

¹³⁶ See at:

<https://www.hrw.org/report/2023/07/10/our-trust-broken/loss-land-and-livelihoods-oil-development-uganda>

¹³⁷ See at:

https://www.theguardian.com/world/2025/apr/01/uganda-displaced-people-kingfisher-oil-pipeline-eacop-compensation?utm_source=

¹³⁸ Delme Cupido is the Regional Director for Southern Africa at Natural Justice, a pan-African NGO of lawyers and environmental activists dedicated to supporting, affirming, and defending the rights of communities affected by climate change, biodiversity loss, land dispossession, and the impacts of fossil fuel extraction on their land, culture, and livelihoods. Delme is a human rights lawyer who, prior to joining Natural Justice in 2021, worked for seven years at the Legal Assistance Centre, a public interest law firm in Namibia, and for twelve years at the Open Society Initiative for Southern Africa (OSISA), where he launched and led the Indigenous Rights Program.

¹³⁹

See:

<https://www.newyorker.com/news/annals-of-a-warming-planet/with-a-new-pipeline-in-east-africa-an-oil-company-flouts-frances-leadership-on-climate>

route from Uganda to the coast of Tanzania, the pipeline disrupts nearly 2,000 square kilometers of protected wildlife habitats, including the magnificent Murchison Falls National Park, Taala Forest Reserve, Bugoma Forest, and Biharamulo Game Reserve, all of which are critical reserves for the preservation of vulnerable species such as the eastern chimpanzee and African elephant.¹⁴⁰

153. He emphasizes that scientific evidence¹⁴¹ overwhelmingly shows that we have approximately a decade to drastically reduce carbon pollution if we want to avoid catastrophic climate change. In short, the witness points out, "there has never been a worse time to build the world's largest heated crude oil pipeline, which will allow us to burn another 6 billion barrels of oil and generate more than 34 million additional tons of carbon emissions each year."
154. In addition, this pipeline would affect all local communities, as it crosses the basin of Africa's largest lake, Lake Victoria, on which more than 40 million people depend for water supply and food production. It will cross numerous rivers and pass through thousands of farms.¹⁴²
155. A single spill or leak could have catastrophic effects on these vital sources of fresh water and the millions of people who depend on them. The likelihood of a spill or leak is high, not only due to accidental damage or poor maintenance, but also because the pipeline will cross an active seismic zone that experiences regular earthquakes.¹⁴³
156. In addition, it identifies as major threats the direct climate impact that will exacerbate the climate crisis in Uganda and Tanzania, as emissions estimates for the entire value chain over the 25-year lifetime of the EACOP amount to 377.6 million metric tons.
157. It explains that in 2020, a lawsuit was filed with the East African Court of Justice by the Organization for the Right to Food and Adequate Living (CEFROHT) - Uganda, the African Institute for Energy Governance (AFIEGO) - Uganda, Natural Justice Center for Strategic Litigation (CSL) against the governments of Uganda and Tanzania, and the Secretary General of the East African Community (EAC). The applicants sought an urgent injunction to halt the development of the pipeline infrastructure. The lawsuit sought a declaration that: a) the signing of the Host Government Agreements (HGAs) and the Intergovernmental Agreement (IGA) by Uganda and Tanzania violates both national and international law; b) the implementation of the EACOP project in legally protected areas contravenes the East African Community (EAC) Treaty; c) a permanent injunction preventing the construction of the pipeline in protected areas of Uganda and Tanzania; d) an order requiring the defendants to compensate all persons affected by the project for losses already suffered due to restrictions imposed on their property.

¹⁴⁰ See:

https://media.wwf.no/assets/attachments/99-safeguarding_nature_and_people_oil_and_gas_pipeline_factsheet.pdf

¹⁴¹ See: <https://www.ipcc.ch/sr15/>

¹⁴² See:

<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621045/rr-empty-promises-down-line-101020-en.pdf>

¹⁴³ See:

https://media.wwf.no/assets/attachments/99-safeguarding_nature_and_people_oil_and_gas_pipeline_factsheet.pdf

158. On November 29, 2023, the court dismissed the lawsuit for allegedly being filed after the deadline. The plaintiffs filed an appeal with the court of appeals in January 2024, and to date, the case remains under review.

Requests

159. This Tribunal is requested to:

- Raise awareness of what is happening and show solidarity with the African people in their struggle to stop the EACOP.

3.2.1.4. Case “Coal in India” (India)¹⁴⁴ :

160. Before coal mining came to Chhattisgarh, a landlocked state in central India, Hasdeo Arand was a remote forest with a dozen tribal villages. Covering more than 650 square miles, the forest is often called the "lungs of central India" and is home to endangered elephants, sloth bears, and leopards, as well as valuable water reserves.¹⁴⁵ Today, the Hasdeo-Arand coal mines are a network of mines with an annual production of 5 million tons (MTPA) in the Hasdeo-Arand coalfield. Coal mining activities have intensified and expanded, causing massive deforestation, land grabbing, and violations of human rights and nature.

161. Activists and nature advocates claim that thousands of trees have been cut down in 137 hectares of biodiversity-rich forest in Hasdeo for the Parsa East and Kanta Basan (PEKB) coal blocks in Chhattisgarh. The PEKB and Parsa coal blocks have been allocated to Rajasthan Rajya Vidyut Utpadan Nigam, operated by the Adani Group.¹⁴⁶

162. According to the witnesses, interviews conducted over three months in 2022 with more than 40 people, including local residents who oppose the mine and others who support it, Adani workers at the PEKB mine, and teachers, police officers, and activists in the area, revealed how life in the forest has been transformed by the presence of a mining giant.¹⁴⁷

163. When coal is extracted from PEKB, its journey has only just begun. The fuel travels north by train and truck to Rajasthan, while the profits from its sale are reaped by Raipur, the capital of Chhattisgarh state. There, the rapid development of towers, shopping malls, and hotels

¹⁴⁴ See:

<https://www.theguardian.com/environment/2022/dec/20/india-adani-coal-mine-kete-hasdeo-arand-forest-displaced-villages> ; <https://time.com/6318729/india-coal-mining-climate-hasdeo-arand/> ;

<https://article-14.com/post/in-lush-ancient-chhattisgarh-forest-thousands-of-trees-cut-to-mine-coal-for-rajasthan-threatening-advansi-homes-water-livelihoods-65d2bdd0e264a> ;

https://www.gem.wiki/Hasdeo-Arand_coal_mines;

<https://www.hindustantimes.com/india-news/chhattisgarh-activist-alok-shukla-to-receive-goldman-prize-for-hasdeo-arand-movement-101714379555166.html>;

<https://scroll.in/article/1067326/interview-fight-to-save-hasdeo-has-shown-that-forests-belong-to-everyone>

¹⁴⁵See: <https://time.com/6318729/india-coal-mining-climate-hasdeo-arand/>

¹⁴⁶ See:

<https://www.downtoearth.org.in/forests/activists-allege-thousands-of-trees-felled-in-hasdeo-for-coal-mining-93718>

¹⁴⁷ See at: <https://time.com/6318729/india-coal-mining-climate-hasdeo-arand/>

contrasts sharply with the lives of the forest dwellers who work in the mines, 90% of whom depend on agriculture and forest products for their livelihoods.¹⁴⁸

164. ¹⁴⁹It is a pattern that is repeated throughout India, the world's second-largest importer, consumer, and producer of coal. By 2023, amid growing demand for electricity, its government plans to have extracted more than 1 billion tons from 2022 alone.¹⁵⁰
165. ¹⁵¹The struggle to keep coal underground in Hasdeo has been going on for decades. Despite recommendations from government research agencies that no more mines be authorized in Hasdeo ¹⁵² blocks continued to be allocated for coal mining. By 2022, efforts by Chhattisgarh Bachao Andolan led the state government to pass a resolution canceling 21 planned coal mines in Hasdeo, saving 445,000 acres of biodiversity-rich forests. Last year, the Ministry of Coal announced it would cancel 40 coal blocks for mining following recommendations from the previous Congress government.¹⁵³

Statement on impacts

166. Two witnesses appeared in the Tribunal; for security reasons, they wished to remain anonymous. Hereinafter, they will be referred to as Witness 1 and Witness 2. Witness 1 explains that coal accounts for almost half of India's energy mix, with the rest coming from oil, renewables, and hydroelectric power.
167. They indicate that the main arguments in favor of coal use and expansion have been that, historically, coal has driven India's industrial growth since the late 19th century, fueling key sectors such as railways and manufacturing. Despite being one of the largest consumers of coal, India's per capita carbon emissions remain relatively low compared to developed countries.
168. Coal provides an abundant source of energy that reduces dependence on imports, improving national energy security. Thanks to huge subsidies, coal is one of India's most cost-effective energy sources, with established supply chains that facilitate lower electricity costs. The coal industry supports millions of jobs in mining, transportation, and power generation. Bolstered by these arguments, India has been expanding coal over the past few years. Between 2022 and 2023, coal production has increased by nearly 12% in 2023-2024. The Ministry of Coal has already offered 67 blocks, and this round is expected to conclude in November. After

¹⁴⁸ See: <https://time.com/6318729/india-coal-mining-climate-hasdeo-arand/>

¹⁴⁹ See:

<https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1807677#:~:text=A%20plan%20to%20increase%20all,coal%20to%20the%20extent%20available.>

¹⁵⁰ See: <https://time.com/6318729/india-coal-mining-climate-hasdeo-arand/>

¹⁵¹ See: <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1969085>

¹⁵² See:

<https://article-14.com/post/how-delhi-raipur-ignored-expert-warnings-to-clear-coal-mine-in-vast-chhattisgarh-forest-61bab2d363588>

¹⁵³ See: <https://scroll.in/article/1067326/interview-fight-to-save-hasdeo-has-shown-that-forests-belong-to-everyone>

that, the ministry plans to launch the 11th round with more than 50 coal blocks on offer. Each coal block can range from 500 to 2,000 hectares, or even more. These are forest lands, agricultural lands, residential areas and villages with hundreds of families living there, communal lands and even small municipalities. These are the factors that allow the government to expand coal mining.

169. Witness 2 points out that civil society organizations that criticize the government are subject to reprisals, whether by revoking their license to receive funds or conducting tax raids, or harassing them with countless visits to investigative agencies to answer their questions and provide them with documents and papers from recent years. Activists on the ground who dare to oppose these projects are intimidated by the police or company thugs, but they are also sometimes arrested under draconian anti-terrorism laws, under which it is very difficult to obtain bail.
170. Witness 2 explains that it is not just about projects such as coal, but that, in general, throughout the country, constitutional institutions have played a subordinate role to the regime, rather than being independent and serving as a mirror to power. He points out that over the last decade there has been a deliberate weakening of these institutions, which has led them all to look the other way instead of playing the role they are supposed to play.
171. He also mentions that the Securities and Exchange Board of India, equivalent to the US Securities and Exchange Commission, has allowed one company to win all the major tenders in the country over the last decade, which have gone to a few companies close to the regime. The fact that a wide range of projects, from ports to airports, coal, renewable energy, and green hydrogen projects, were awarded to a single corporation, which even expanded its coal business smoothly to Australia, Indonesia, Mozambique, and South Africa, in addition to India, is proof of this. The name of the company is Adani. Any media outlet or civil society organization that has raised this issue has found itself in a very delicate situation. This “cronyism” made him the richest person in the world for a brief period, until an activist short-selling company, Hindenburg, brought to light the illegal practices with which they amassed their fortune.
172. He points out that the media, which could have highlighted the problems of the population, are tightly controlled and, with few exceptions, none of them go beyond what the government wants them to publish. Instead of talking about the problems of nature and the population, they talk about religious polarization, which is not uncommon in the last decade. The fact that most of the media is owned by a handful of companies, including Adani, may explain the situation in India, where they control the media.
173. The witness explains that India has a rapidly expanding renewable energy sector. The fact that it has grown by 260% in the last decade is revealing. However, this growth has not slowed the growth of coal. Coal has continued to grow, as we have seen above. What changed is that India began to tout this rapid growth in the renewable energy sector to hide the growth and expansion of coal and other fossil fuels. Thus, what could have been a success story for India's in its transition to a just energy system has ended up being a shield to hide the story of dirty coal.

Requests

174. This Tribunal is requested to do the following:

- With restrictions imposed on activists, grassroots organizations, and an unwilling media, please raise awareness of the problems of coal at the international level;
- Seek answers from the Indian government about what it is doing in the country.

3.2.1.5. Case: "Oil spills in the Philippines" (Philippines)

Summary¹⁵⁴ :

a) The Verde Island Passage (VIP)

175. ¹⁵⁵ is a strait located between the islands of Luzon and Mindoro in the Philippines, connecting the South China Sea. It is located in the heart of the Coral Triangle, a region internationally recognized as one of the most biodiverse areas for marine species. It is home to more than 300 species of coral, underwater rock canyons, and reef formations, as well as 60% of all known coastal fish species in the world within an area of ten kilometers.¹⁵⁶ Millions of people depend on this region for artisanal fishing, tourism, and livelihoods linked to the sea.¹⁵⁷ This makes the VIP the most biodiverse marine habitat in the world, comparable to nothing less than the Amazon of the oceans.¹⁵⁸
176. The VIP, which already faces numerous threats from climate change and economic activities as one of the country's busiest shipping lanes, is now in grave danger as one of the four provinces surrounding it, Batangas, is rapidly becoming the center of operations and expansion for a destructive industry: liquefied natural gas (LNG) and fossil gas. Batangas is home to 5 of the 6 existing gas plants in the Philippines; 8 of the 35 proposed new plants (4 are active, 4 have been removed from the list or are on hold); and 7 of the 12 planned terminals. Several energy companies are now participating in the race to devastate the island's Green Passage, with Linseed Field Power Corporation, Atlantic Gulf & Pacific Company (AG&P), and San Miguel Corporation leading the way.

¹⁵⁴ Read more at: <https://www.protectvip.org/> ;
<https://ceedphilippines.com/report-the-big-bill-of-the-oil-spill-in-the-verde-island-passage/> ;
<https://maritimefairtrade.org/advocates-call-for-urgent-protection-of-verde-island-passage-as-new-oil-spill-hits-marine-corridor/>

¹⁵⁵ See:
https://ceedphilippines.com/wp-content/uploads/2024/11/Southeast-Asia-at-a-Crossroads-Deterring-SEAs-Fossil-Future-with-Renewables-v1.pdf?utm_source=

¹⁵⁶ See:
https://www.philstar.com/headlines/climate-and-environment/2023/03/22/2253566/endangered-threatened-species-risk-oil-spill-reaches-verde-island-passage?utm_source=

¹⁵⁷ Ibid.

¹⁵⁸ See: <https://www.protectvip.org/>

177. In preparation for the construction of what could be one of the country's first LNG import facilities, Linseed Field Power Corporation and Atlantic Gulf & Pacific Company have bulldozed part of the coastline of Barangays Ilijan and Dela Paz in the city of Batangas. The earth excavated from the mountainous area is now being dumped into the sea, on top of the area's underwater marine life, to make way for the import facility's pier. In the distance, the 1,200 MW Ilijan gas plant continues to spew polluted air, as it has done for the past two decades.¹⁵⁹

b) February 2023 Oil Spill

178. On February 28, 2023, a tanker carrying 800,000 liters of industrial oil sank off the coast of Eastern Mindoro.¹⁶⁰ In the days that followed, an ecological nightmare unfolded. In an open letter, the organization Protect VIP wrote¹⁶¹ :

"Protect Verde Island Passage strongly condemns the devastation that the MT Princess Empress oil spill has caused and will continue to cause in the waters inside and outside the Verde Island Passage (VIP), a biodiversity hotspot known to have the highest concentration of marine species in the world."

179. Initial estimates of the damage suggested that thousands of hectares of key ecosystems—mangroves, coral reefs, seagrass beds—could be affected.¹⁶² The latest estimates reveal that more than 36,000 hectares of mangroves, coral reefs, and seagrass beds could be affected, and reports indicate that oil from the ship, which has yet to be located, has already reached the province of Antique in Visayas and is feared to be continuing southward.¹⁶³

180. Following the oil spill, Philippine authorities implemented containment and cleanup operations. According to the Philippine Coast Guard and the Batangas Provincial Risk Management Office, monitoring conducted between March and September 2023 indicated that the waters of the VIP were free of visible contaminants.¹⁶⁴ However, experts and environmental organizations—including Oceana and the University of the Philippines Marine Science Institute—warn that the absence of surface debris does not imply complete ecological recovery, as dissolved hydrocarbons and damage to mangroves, coral reefs, and seagrass beds may persist. Consequently, they have urged the maintenance of long-term monitoring

¹⁵⁹ See:

https://www.smcglobalpower.com.ph/our-business-power-generation?p=4&slug=batangas-lng-fired-power-plant&utm_

¹⁶⁰ See: <https://ceedphilippines.com/wp-content/uploads/2024/02/Big-Bill-of-the-Oil-Spill-1.pdf?>

¹⁶¹ See: <https://www.protectvip.org/disaster-in-paradise-oil-spill-in-the-v>

¹⁶² See at:

<https://franciscansinternational.org/wp-content/uploads/2024/11/Oceans-and-Human-Rights-Submission-FI-AC-and-CEED-19.11.24.pdf?>

¹⁶³ See at:

https://www.philstar.com/headlines/2023/03/04/2249267/36000-hectares-coral-reefs-mangroves-possibly-affected-mindoro-oil-spill?utm_source=chatgpt.com

¹⁶⁴ See at: <https://www.pna.gov.ph/articles/1209801?>

programs and specific contingency plans, considering the ecological fragility of the VIP and its essential role in food security and coastal livelihoods.¹⁶⁵

Statement on impacts

181. According to expert witnesses Yolanda R. Esguerra¹⁶⁶ and Edwin Gariguez¹⁶⁷, the Coral Triangle is home to 75% of the world's coral species and is an epicenter of marine biodiversity. They indicate that the VIP is home to endangered and threatened species, including hawksbill turtles, Napoleon fish, dugongs, and giant groupers. They indicate that the impacts of oil spills in this area are multiple, as they can affect 8 municipalities, 66,380 people, 9,247 fishermen, and 740 protected hectares.
182. Witness Esguerra explains that an oil spill can clog the gills of fish and marine invertebrates and damage the feathers of birds and the fur of marine mammals. The toxic materials can even be harmful to humans if they consume contaminated seafood. In addition, the damage caused by the oil spill could affect biodiversity (including endemic species found only in the Philippines, as well as species yet to be discovered), tourism revenues, and food security in the area.
183. In the case of dolphins and whales, he explains that they can inhale oil, which can affect their lungs, immune systems, and reproduction. Many birds and animals also ingest oil when trying to clean themselves, which can poison them. In the case of manta rays, for example, oil—and the dispersants used to break it down—could damage the plankton sources that manta rays feed on, as well as the “cleaning stations” where they go to have smaller fish remove their parasites. She emphasizes that oil could also alter the migrations of manta rays throughout the Gulf, or even their reproduction; no one knows where they give birth,

¹⁶⁵ See:

[https://science.upd.edu.ph/irreplaceable-marine-resources-of-verde-island-passageunder-threat-from-oil-spill/?](https://science.upd.edu.ph/irreplaceable-marine-resources-of-verde-island-passageunder-threat-from-oil-spill/)

¹⁶⁶ She is a seasoned Filipino activist who has been advocating for marginalized sectors of Filipino society since her student days. She is the national coordinator of Philippine Misereor Partnership Inc. (PMPI), one of the largest and most important social development and advocacy networks in the country. It has more than 230 members spread across the country and implements various community projects on sustainable agriculture and fisheries, environmental protection, climate change mitigation, and disaster risk reduction management. It supports the struggles of communities affected by mining and those affected by development aggression. She is a pioneering advocate for the Rights of Nature campaign in the Philippines. She plays a key role in the initiative to introduce a national bill, local ordinances, and environmental codes that legally recognize the Rights of Nature or ecosystems in the Philippine judicial system. She is a sociologist and community development worker and is currently pursuing a master's degree in environmental studies and management.

¹⁶⁷ He is a Filipino religious leader and environmentalist. In 2012, he was awarded the Goldman Environmental Prize for his protests on behalf of indigenous communities against large-scale mining projects in the Philippines. Father Gariguez completed his PhD in Anthropology at the Asian Social Institute in 2008. From 2010 to 2020, he served as executive director of Caritas Philippines, the development, humanitarian aid, and advocacy arm of the Catholic Church in the Philippines. Father Gariguez is one of the founding members of the Center for Energy, Ecology, and Development (CEED), dedicated to advocating for clean energy and environmental justice. CEED focuses on promoting policies that encourage renewable energy, oppose harmful energy projects, and address urgent climate and environmental challenges. Father Gariguez is also the lead coordinator of the Protect Verde Island Passage (VIP) movement, a coalition dedicated to defending the Verde Island Passage, a globally recognized center of marine biodiversity, from threats such as the proliferation and expansion of fossil fuel projects. The Protect VIP movement plays a key role in coordinating efforts to preserve this vital ecological corridor, which sustains both marine ecosystems and the livelihoods of coastal communities.

according to Mexican marine biologist Silvia Hinojosa Álvarez of the Mexican Caribbean Manta Ray Project. Regarding giant clams, she explains that they are creatures capable of hiding and can survive an oil spill, like snails or clams that retract into their shells. These animals can absorb toxic substances from oil by ingesting contaminated food.

184. On the other hand, they point out that there was great concern for the affected communities. Overnight, at least 18,000 fishermen in Eastern Mindoro alone have been deprived of their livelihoods, as fishing activities have been forcibly suspended. Residents have also been deprived of their supply of seafood, which is a severe blow to a province where more than 50% of households already suffer from varying levels of food insecurity. We therefore join local residents in lamenting what would be prolonged suffering for the local fishing industry—valued at 11.8 billion Philippine pesos in the five VIP provinces in 2021—as the effects of the oil spill are expected to be felt for years to come.
185. The tourism sector, which generated 35 billion Philippine pesos in Eastern Mindoro province alone in 2019, also faces severe disruption. Local tourism workers and provincial revenues will suffer billions in losses, as the oil spill has occurred just as summer approaches, a time when tourist arrivals typically peak.
186. The injustice suffered by communities as a result of this terrible incident is compounded by the likely effects on their health. Due to the toxicity of oil, past spills are known to have caused serious health problems, including respiratory difficulties, heart damage, stunted growth, effects on the immune system, and even death among exposed communities.
187. They urge the Philippine government to take urgent action to contain the spill, assess the severity of the damage, and prioritize the well-being of the affected communities, who must receive support for their livelihoods and protection from health effects.
188. They also hold the owner of the MT Princess Empress, RDC Reield Marines Services, and the supplier of the fuel it carries accountable. They are concerned that, amid all this chaos, the owner of the industrial oil remains unconfirmed. By transporting a highly polluting substance through the Verde Island Passage and its surrounding waters, these companies are deliberately navigating and endangering fragile marine ecosystems and the livelihoods of all who depend on them. , a public investigation must be conducted immediately to determine the cause of this terrible incident and those responsible for it, and to hold these polluters accountable for every act of negligence committed. It is only fair that these companies compensate the communities and take responsibility for the environmental remediation requirements.
189. They point out that this incident serves to open our eyes to the long-standing neglect of the Verde Islands, despite their socio-economic and ecological importance. This is not the first time that a ship carrying highly polluting fuels has spilled its contents into the waters of the VIP, but insufficient measures have been taken that could have prevented this latest oil spill or the devastation it has caused. Meanwhile, further development of heavy industry is planned in the VIP area, particularly fossil fuel power plants and LNG terminals that will receive shipments of liquefied natural gas or LNG. More plans for LNG terminals mean

more transport ships passing through the maritime corridor. This increases the possibility of a similar situation recurring in the future.

190. The Verde Islands Passage must be given maximum protection, as it is a global treasure trove of marine biodiversity. They emphasize that we are in a race against time to stop further destruction of the lives of local communities and marine and coastal life. Protect and address the needs of the affected communities and the Verde Islands Passage! Action and accountability, now! ¹⁶⁸
191. In July 2024, the Philippines suffered another oil spill in Manila Bay, adding to the ecological and social disasters for which the fossil fuel industry is responsible in the region. ¹⁶⁹

Requests

192. This Tribunal is requested to do the following:

- That it recommend the passage of the Rights of Nature Act in the Philippines;
- Lobby the International Criminal Court for ecocide;
- Promote the adoption of the Universal Declaration of the Rights of Mother Earth and the Universal Declaration of the Rights of the Oceans at the UN General Assembly;
- Promote a Treaty on the Responsibility of Transnational Corporations in the Protection of the Environment;
- Strengthen the role of communities in protecting nature;
- Demand an end to the use of and investment in fossil fuels;
- Avoid false solutions and promote supposedly natural solutions.

3.2.1.7. Case: Coastal Gaslink Pipeline (Canada)¹⁷⁰ :

193. The Coastal GasLink (CGL) pipeline is a 670-kilometer natural gas pipeline project between fracking fields near Dawson Creek and a liquefied natural gas (LNG) plant in the port of Kitimat. This pipeline will be owned and operated by TC Energy (formerly known as TransCanada). The gas will be liquefied in Kitimat for export to Asia. The governments of British Columbia and Canada have supported the project through incentives such as tax and

¹⁶⁸ See: <https://www.protectvip.org/disaster-in-paradise-oil-spill-in-the-v>

¹⁶⁹ See:

<https://ph.oceana.org/press-releases/oceana-raises-alarm-on-damages-of-manila-bay-oil-spill-to-fishing-grounds-and-coral-reefs/>

¹⁷⁰ See: <https://kairoscanada.org/what-we-do/ecological-justice/coastal-gaslink-pipeline> ;
<https://www.kairoscanada.org/what-we-do/ecological-justice/coastal-gaslink-pipeline> ;
<https://www.amnesty.org/en/latest/news/2022/10/canada-pipeline-indigenous-territory-endangers-land-defender-s/> ;
<https://www.indigenouclimateaction.com/entries/rbc-funding-climate-chaos> ;
<https://insideclimatenews.org/news/24012024/first-nations-activists-fighting-coastal-gaslink-pipeline/>

tariff exemptions. The CGL pipeline violates the rights of Indigenous Peoples. So far, the project has been the cause of violence for land defenders, who are currently on trial.

Statements on impacts

194. Eriel Deranger¹⁷¹ appeared as an expert witness. Eriel explains that the CGL would have 190 km of pipeline crossing traditional Wet'suwet'en community territory, including 206 bodies of water, which are sacred sources for Wet'suwet'en culture and sustenance. Eriel also mentions non-human beings, such as sockeye salmon, which depend on the well-being of these water systems.
195. Eriel points out that the project has received 50 warnings issued by the British Columbia Office of Environment and Assessment, in addition to 16 orders and 2 fines. The failures mentioned relate to sediment control, waste management, and the absence of conservation plans. Several incidents of deforestation, destruction of critical spawning grounds, and oil spills have already occurred.
196. Eriel emphasized the rights of the Wet'suwet'en communities. Although they are not part of a specific treaty, she mentioned the *Canadian Supreme Court ruling in Delgamuukw v. British Columbia*.
197. Eriel warned about the climate impacts of fracking and the global LNG market, which would be further driven by CGL production. Approving such a project sets a precedent for similar future developments, in direct contradiction to the scientific ruling to abandon fossil fuels. He also mentioned other related projects in the region, such as Pacific Trails, West Coast Connector, and Prince Rupert, which together could emit up to 15 megatons of carbon by 2050.
198. Finally, Eriel recounted the crackdown on blockades by frontline communities to stop the project. The government authorized the Royal Canadian Mounted Police to enter traditional Wet'suwet'en territories, resulting in several violent assaults, persecution of community leaders, and even the breaking down of a door with an axe while a member of her team was inside.

Requests

199. The Tribunal is requested to order the following:
 - Consider the project a violation of Nature, the sacred salmon, the sacred forest, and the rights of Indigenous Peoples.

¹⁷¹ Eriel Deranger is the founder of Indigenous Climate Action, with years of experience supporting the Wet'suwet'en communities in defending their territories.

3.2.1.8 Mountain Valley Pipeline case (United States of America)

200. This case concerns the threats and impacts to Mother Earth, non-human beings, and indigenous communities related to the operation of the Mountain Valley Pipeline (“MVP”) and its South Gate expansion project (“MVP South Gate”). The MVP is a 303-mile interstate gas pipeline system built to transport methane gas extracted using the technique of fracking or hydraulic fracturing. This pipeline extends from West Virginia to Virginia in the United States. As of the date of the hearing, it is estimated to have accumulated more than \$2.5 million in fines for water quality violations.¹⁷²
201. In addition, since 2018 there have been plans to extend it to North Carolina through the “MVP Southgate” project, a 31-mile (approximately 50-kilometer) extension of 30-inch pipeline planned for 2028.¹⁷³
202. The MVP and expansion plans are a project owned by Mountain Valley Pipeline LLC.¹⁷⁴ According to its public information, this is a joint venture formed by EQT Corporation; NextEra Energy, Inc.; Consolidated Edison, Inc.; AltaGas Ltd.; and RGC Resources, Inc. EQT currently operates the pipeline and owns the largest stake in the joint venture.¹⁷⁵¹⁷⁶
203. The MVP crosses several sensitive ecosystems, such as wetlands and streams, as well as the territories of Indigenous Peoples and local communities in North Carolina and Virginia.¹⁷⁷ Currently, as acknowledged by Mountain Valley Pipeline LLC, the MVP route crosses the following counties in West Virginia and Virginia: Braxton, Doddridge, Fayette, Greenbrier, Harrison, Lewis, Monroe, Nicholas, Summers, Webster, Wetzel, Craig, Franklin, Giles, Montgomery, Pittsylvania, and Roanoke.¹⁷⁸ To expand the pipeline, private land is being expropriated, leading to deforestation, erosion, and sedimentation of nearby streams, especially the Haw and Dan rivers.¹⁷⁹
204. On June 1, 2024, the International Tribunal for the Rights of Nature met at the local *Yesah* Tribunal to hold the twelfth local hearing at Haw River State Park to hear this case and issue a ruling¹⁸⁰.

¹⁷² See: <https://www.wvtf.org/news/2019-10-11/virginia-mvp-announce-agreement-for-stricter-monitoring>; <https://www.wvtf.org/news/2024-03-28/virginia-fines-mvp-for-environmental-violations>; <https://cardinalnews.org/2024/07/24/va-fines-mountain-valley-pipeline-for-environmental-violations-after-another-quarterly-review/>

¹⁷³ MVP Southgate, <https://mvpsouthgate.com/project-overview>

¹⁷⁴ See: <https://www.deq.virginia.gov/news-info/shortcuts/topics-of-interest/mountain-valley-pipeline-main-line>

¹⁷⁵ MVP, see: <https://www.mountainvalleypipeline.info/project-overview>

¹⁷⁶ Mountain Valley Pipeline LLC was formed by Equitrans Midstream Corporation, LP (which had the largest stake in the company), NextEra Capital Holdings, Inc., Con Edison Transmission, Inc., WGL Midstream, and RGC Midstream, LLC. However, in 2024, EQT Corporation announced its acquisition of Equitrans Midstream, and EQT Corporation now operates the MVP.

¹⁷⁷ See: DEQ, Virginia Department of Environmental Quality, <https://www.deq.virginia.gov/news-info/shortcuts/topics-of-interest/mountain-valley-pipeline-main-line>

¹⁷⁸ MVP, <https://www.mountainvalleypipeline.info/project-overview>

¹⁷⁹ MVP Southgate Amendment Resource Report 2 (Water Use and Quality), February 2025, Section 2.2.1, p. 2-12, 2025

¹⁸⁰ You can read all about this Tribunal session [at this link](#).

205. The Tribunal ruled that the Mountain Valley Pipeline (MVP) and its Southgate extension constitute a violation of the Rights of Nature (RON) and the Rights of Rivers (ROR), causing serious ecological and social impacts, as well as damage to indigenous communities and aquatic ecosystems. It recommended that the case be referred to the International Tribunal for the Rights of Nature and examined by international bodies; that federal, state, and local agencies investigate possible violations of U.S. environmental laws; that the legislation that accelerated the construction of the pipeline be repealed; It recognized the inherent rights of rivers, nature, and Indigenous Peoples; rejected any claim by companies that their rights could prevail over natural rights; highlighted the relationship between environmental destruction and violence against Indigenous communities; and stressed the importance of visiting the affected territories to strengthen the legal protection of nature and people.¹⁸¹
206. Without prejudice to its previous resolution, this Tribunal will consider the structural violations related to the alleged threats and violations as part of the expansion of the fossil fuel gas industry.

Statements on impacts

207. In their testimonies, Crystal Cavalier¹⁸² and Alissa Ganser,¹⁸³ warn of the dangers and impacts that accumulate due to the extension of the MVP, whose works resumed in 2023, on Indigenous Peoples and the living beings that inhabit the lands through which the pipeline extends. These impacts mainly relate to the lack of guarantees for the indigenous sovereignty of the affected communities that reject the expansion of the MVP, the contamination of water in the communities through which the pipeline passes, and the lack of protection for the Haw and Dan rivers and other living beings.
208. In this regard, the complainants point out that the MVP Southgate project impacts a large ancestral territory of up to 50 miles, despite the fact that in practice its length has been reduced to 31 miles. In addition, its size has been increased to a 30-inch gas pipeline. It is scheduled for completion in 2028 and this extension will consume the lower cities of Saurah,

¹⁸¹ 12th Local Tribunal of the Rights of Nature, Mountain Valley Pipeline (MVP),

<https://www.rightsofnaturetribunal.org/tribunals/yesah-tribunal-2024/>

¹⁸² Crystal A. Cavalier is a citizen of the Occaneechi Band of the Saponi Nation and resides in Mebane, North Carolina. She is an adjunct professor and co-founder of 7 Directions of Service. Previously, Crystal worked as a counterintelligence analyst at the Department of Defense and a senior analyst at the Department of Homeland Security. Crystal completed her PhD in Organizational Leadership at the University of Dayton. Her current Master of Legal Studies in the Indigenous Peoples' Law program at the University of Oklahoma College of Law further solidifies her academic background and experience. Crystal is dedicated to defending her homeland against the Mountain Valley Pipeline. Crystal co-authored North Carolina House Bills 795 and 923, on the Rights of Nature and the Rights of the Haw River.

¹⁸³ Alissa Ganser is a doctoral candidate in Fisheries and Wildlife Sciences at Virginia Tech in Blacksburg, Virginia. She began her work with freshwater mussels on the Mississippi River in Wisconsin and continued her work in Kentucky, Tennessee, and Virginia. She specializes in the thermal tolerance and physiology of mussels. She currently chairs the Virginia Science-Community Interface, a group of young scientists who contribute their expertise on community advocacy issues, and has been actively involved in the fight against oil pipelines for nearly two years.

where there is a historic indigenous village of the Saurah people, from which several Sampoani communities emerged in the 18th century. They indicate that despite the existence of the Middle Plantation Treaty in United States of America legislation on tribal sovereignty, regarding its legal recognition and, therefore, its decisions, these are not respected. In addition, they explain that local indigenous communities are governed by their Indigenous sovereignty,¹⁸⁴ , and have therefore decided to reject the expansion projects.

209. They specify that the existence of the Haw and Dan Rivers is not adequately protected. Despite the laws and regulatory agencies governing water resources and the specific rules and regulations on water quality and pollution in Virginia, these have not been adequately enforced; and when damage from pollution is recognized, it results in fines. As an example of the various pollution incidents, they point out that the damage caused by the MVP to Mageny Creek and adjacent Blackwater Creek resulted in a \$31,500 fine from the Virginia Department of Environmental Quality in May 2024. However, this fine for “a multi-billion dollar project for destroying the creek for the second time is ridiculous. The compensation should be significant and sufficient to help mitigate some of the damage they have caused.”
210. Additionally, the excess chemicals used to prevent erosion and prolong its useful life can cause “eutrophication” or excessive enrichment of a body of water with nutrients. In other words, it can lead to an increase in microorganisms in the river, which in turn reduces the oxygen available to other species, including mussels and fish, and has been shown to be toxic to mussels, especially younger ones. The problem is complicated because the exact components used are not known, so it is impossible to know for sure how it will affect aquatic life.
211. The expert witness, Ganser pointed out that mussels are important for fish and wildlife, and therefore for maintaining a healthy river system; that these species are very susceptible to sediment in the water, water pollution, and temperature changes. Because they are late-maturing species that cannot move very quickly, we may not know the full effects of the pipeline on these creatures for years to come. Finally, they point out that there are 300 species of freshwater mussels in North America, and 70% of them are currently considered threatened or endangered.
212. They warn that since July 2023, the MVP's main pipeline is no longer subject to these environmental standards due to the provisions of the Fiscal Responsibility Act, which has severely exposed the water systems that are home to thousands of species and provide drinking water to several communities in the area.
213. In the case of residents whose water is contaminated by pipeline corrosion and construction work, the company operating the MVP has provided them with plastic water bottles to replace their water supply. However, they indicate that residents have expressed concern about the long-term effects, as their water supply depends on groundwater that has been contaminated.

¹⁸⁴ The declarants point out that indigenous sovereignty differs from tribal sovereignty because it is not a recognition by the federal government, but rather arises from their traditional knowledge and consists of their spiritual customs, culture, language, social and legal systems, political structures, in close relationship with their lands, waters, and living beings.

214. Furthermore, they point out that the MVP passes over the Appalachian Mountains, meaning that the mountain tops, characterized by a unique topography called "karst"¹⁸⁵, are being "removed." This landscape is formed by acidic water that dissolves limestone, creating unique mountain features. The pipeline not only has to go up and down steep slopes, but also has to navigate the karst topography.
215. Finally, they submitted presentations to this Tribunal that include bibliographic and scientific references on the allegations.¹⁸⁶

Requests

216. They request that the Tribunal:
- Condemn the perpetrators of the alleged acts, including the project investors;
 - Bring this case to the attention of the 6th International Tribunal for the Rights of Nature;
 - Declare the violation of human and nature rights with reparations, especially for the Haw and Dan Rivers, freshwater oysters, the communities of Maggodee Creek and Blackwater Creek, the karst of the Appalachian Mountains and the species of these ecosystems such as black bears, spiny oysters, roanoke logperch, bigeye jumprock, goldenseal, candy darter, and all indigenous human communities along the pipeline;
 - Require state and federal agencies to enforce regulations and controls on the protection of rivers and aquatic species with fines and compensation sufficient to repair the damage caused.
 - It should express its concern about the U.S. Supreme Court's overturning of the Chevron doctrine,¹⁸⁷, which could be detrimental to the protection of the Rights of Nature in the United States.

¹⁸⁵ Crystal Cavalier explains that karst topography is characterized by the dissolution of bedrock, which creates unique features such as underground cave systems, sinkholes, streams, and pools of water.

¹⁸⁶ Such as: Goldsmith, Amanda M., et al. "Clearing up cloudy waters: a review of sediment impacts to unionid freshwater mussels." *Environmental Reviews* 29.1 (2021): 100-108. Ikins, Duncan, et al. "Illuminating hotspots of imperiled aquatic biodiversity in the southeastern US." *Global Ecology and Conservation* 19 (2019): e00654. Sligh, D. 2023 Mountain Valley Pipeline Pollution in Virginia Watersheds. Report published by Wild Virginia. Table by Sligh, D. 2023 Mountain Valley Pipeline Pollution in Virginia Watersheds. Report published by Wild Virginia.

¹⁸⁷ Alissa Ganser explains that the Chevron doctrine was originally adopted following a 1984 Supreme Court decision. Chevron's goal was to leave final decisions on any gray areas of federal law to the regulatory agencies responsible for overseeing that area. For example, ambiguous areas of environmental law would be referred by default to the Environmental Protection Agency or the U.S. Fish and Wildlife Service for interpretation. In June 2024, the Supreme Court overturned the Chevron doctrine, which now removes the final authority over ambiguous sections of federal laws from regulatory agency experts and requires gray areas of the law to be settled in court. This means that judges who are unlikely to be experts in environmental science or endangered species are now responsible for interpreting these federal laws, increasing the risk of rulings that favor corporations due to their influence and economic power, which puts local communities that are forced to litigate at a disadvantage. Unfortunately, the overturning of the Chevron doctrine has been overshadowed by other important Supreme Court rulings and has not received the media attention it deserves.

3.2.9. Case: "Louisiana Sacrifice Zone" (United States)

*Summary*¹⁸⁸

217. Starting in the 1980s, the massive influx of polluting industries caused a wave of serious health problems for residents of the fifth district of St. James Parish, a village of predominantly African American communities on the west bank of the Mississippi River, where sugar cane plantations once stood. The area, where some 20,000 people still live, became known as part of the "Cancer Alley," a 137-kilometer stretch along the Mississippi River known for its high concentration of industrial plants and high rates of cancer among local residents.¹⁸⁹¹⁹⁰
218. These industries are directly linked to the climate change crisis, as they are responsible for tons of carbon emissions. One example is the \$9.4 billion petrochemical complex proposed by Taiwanese company Formosa Petrochemical Corporation. Dubbed "Project Sunshine," the plant will include 14 facilities that will emit more than 13 million tons of carbon pollution per year, according to Formosa's air permit application. That's equivalent to 2.8 million passenger cars.¹⁹¹¹⁹²
219. The plant will process ethane from fracked gas and convert it into various chemicals used to make everything from disposable plastics to drainage pipes and antifreeze.¹⁹³
220. Other plants are planned for expansion or development, facing strong resistance from local communities defending their rights and those of Mother Earth.
221. The case of Cancer Alley is just one example of the numerous fossil fuel-related industrial infrastructures that have been growing in and around Louisiana. These expansions include liquefied natural gas pipelines.

¹⁸⁸ Read more: <https://www.hrw.org/news/2024/01/25/us-louisianas-cancer-alley>;
<https://earthjustice.org/feature/cancer-alley-rises-up> ;
https://www.indiegogo.com/projects/cancer-alley-investigational-documentary?gad_source=5&gclid=EAIaIQobChMI2_q41Y3bhwMVkaBoCR0JeiJgEAAYAiAAEgIynPD_BwE#/; https://en.wikipedia.org/wiki/Cancer_Alley;
<https://www.propublica.org/article/welcome-to-cancer-alley-where-toxic-air-is-about-to-get-worse>;
<https://oilandgasthreatmap.com/threat-map/> ;
<https://www.fractracker.org/2023/02/2022-pipeline-incidents-update-is-pipeline-safety-achievable/> ;
<https://www.sierraclub.org/dirty-fuels/us-lng-export-tracker>;
<https://www.ferc.gov/media/us-lng-export-terminals-existing-approved-not-yet-built-and-proposed>

¹⁸⁹ See:

<https://law.tulane.edu/news/tulane-study-louisianas-severe-air-pollution-linked-dozens-cancer-cases-each-year>

¹⁹⁰ See: <https://earthjustice.org/feature/cancer-alley-rises-up>

¹⁹¹ See at: <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle>

¹⁹² See at: <https://earthjustice.org/feature/cancer-alley-rises-up>

¹⁹³ See: <https://earthjustice.org/feature/cancer-alley-rises-up>

Statements on impacts

222. Roishetta Ozane¹⁹⁴ and Sharon Lavigne¹⁹⁵ appeared before the Tribunal as expert witnesses. Roishetta shared the testimony of her community, which is surrounded by nearly 200 fossil fuel facilities, including Sasol Chemical, Westlake Chemical, Citgo Petroleum, Indorama, Cameron LNG, Calcasieu Refining, PPG, Phillips 66, Firestone Polymers, Lotte, Westlake Polymers, and BioLab. She described the living conditions in her community, where the air "smells like rotten eggs," one hectare of wetland is lost every hour, groundwater levels drop daily, and poverty and widespread cancer cases are commonplace.
223. Roishetta shared her analysis of the links between these impacts and the environmental violations committed in impoverished communities of African descent. For her, the link between the climate crisis and environmental racism is clear. Her community of Lake Charles is home to 80,000 people of African descent, where four new methane gas facilities have also been built. This phenomenon is widespread throughout the region, with other Liquefied Natural Gas plants on the Gulf Coast and beyond.
224. Roishetta also denounced the financial institutions and banks that finance these facilities, mentioning JP Morgan Chase and Citigroup.
225. Sharon Lavigne shared that her community is located in the Fifth District of St. James Parish, on the west bank of the Mississippi River.
226. She shared that there are more than 180 petrochemical plants between New Orleans and Baton Rouge, with the Fourth and Fifth Districts bearing the highest concentration. "In our district, oil, gas, chemical, and storage infrastructure is located just steps away from essential living spaces: the cemetery where my parents are buried is a short distance from huge storage tanks. That is the level of proximity between these projects and our lives."
227. Sharon shared her analysis of inequality in decision-making regarding the placement of new facilities, which are systematically installed in the Fourth and Fifth Districts—historically African American districts—while rejecting any proposal that affects the First and Second Districts, which are predominantly white.
228. Sharon shared the air, water, and soil pollution that her community endures, generated by companies such as American Styrofoam and the Cal-Dai plant. Her community has dedicated itself to researching, reporting, and informing communities about these impacts, developing a

¹⁹⁴ Roishetta Sibley Ozane is the founder, director, and CEO of The Vessel Project in Louisiana and co-director of the Gulf Fossil Finance Hub. Roishetta is an award-winning and internationally recognized environmental justice advocate who has spoken on many stages defending the rights of Black, Indigenous, and people of color and their right to clean air, clean water, and sustainable communities that are not burdened by pollution. Roishetta holds a bachelor's and master's degree in science from McNeese State University and is currently a doctoral student at Walden University. Roishetta is a member of several organizations and serves on several boards of directors. Most importantly, Roishetta is a mother of six and grandmother of one. Her children are the ones she strives to make the world a better place for. Roishetta firmly believes that no one is good until we are all good, and she demonstrates this daily through her generous heart and philanthropy.

¹⁹⁵ In September 2019, Sharon Lavigne, a special education teacher turned environmental justice advocate, succeeded in stopping the construction of a \$1.25 billion plastics manufacturing plant on the Mississippi River in St. James Parish, Louisiana. Lavigne mobilized popular opposition to the project, informed the community, and organized peaceful protests to defend her predominantly African American community.

community program called “Chemical of the Month.” “Our workshops and courses, in collaboration with Rice University, seek to educate and alert the community to these risks. Former petrochemical plant workers have shared their stories: several regret having worked in the industry because of the illnesses they now suffer, such as colon cancer or advanced liver damage.”

229. Sharon highlighted the devastating reality of how common cancer and death from various types of cancer are in her community, directly associated with substances present in our environment, such as benzene, nitrogen oxides, and toxic compounds emitted by refineries and chemical plants.
230. Regarding the Formosa Plastics project, which went from an estimated investment of \$9.4 billion to \$12 billion, Sharon shared that it poses a deadly threat to her community. This complex would have 14 plants within its own premises, in addition to the facilities that are already in operation.
231. A long legal battle has already taken place, with successive courts ruling against the community's petitions. At the time of the hearing, Sharon and her community were waiting for the US Army Corps of Engineers to deny the discharge permit necessary for the Formosa project.

Requests

Roishetta and Sharon submitted the following requests to the Tribunal:

- Recognize and accept the systemic nature of environmental injustice and the disproportionate impact on Black, Brown, and Indigenous communities;
- Urge banks and financial institutions to stop financing new fossil fuel expansion projects;
- Require a comprehensive health impact assessment of these projects affecting communities in Louisiana;
- Support community-led initiatives;
- Consider the growing movement for the Rights of Nature and encourage the adoption of the Rights of Nature in Louisiana;
- Adopt mitigation strategies and urge the implementation of comprehensive mitigation and adaptation strategies that prioritize the protection of ecosystems and people;
- Adopt a holistic approach to environmental justice that addresses human and Nature's rights and considers the long-term impacts of these projects.

3.2.10. Case: "Vaca Muerta Sacrifice Zone" (Argentina)

Summary

232. In light of its significant oil and natural gas reserves, oil companies carried out intense extraction activity in Vaca Muerta, especially through hydraulic fracturing. This has greatly affected the ecosystem and local communities, particularly the Mapuche indigenous people.

233. As a result, Vaca Muerta became a sacrifice zone. For this reason, in December 2019, the Tribunal analyzed the devastating consequences of fracking in Vaca Muerta. However, in order to determine the violation of the Rights of Nature, it was imperative to gather more information on the allegations.
234. Between March and April 2023, a delegation of judges from the Tribunal visited the provinces of Neuquén and Río Negro. In these two areas, the delegation documented the adverse effects of fracking on the environment, such as excessive water use, toxic waste storage, increased CO₂ emissions, and seismicity.
235. The investigation also revealed that oil companies occupied areas of Mapuche territory without prior and free consultation. By occupying a large part of the indigenous lands, these companies forced the Mapuche communities to move. Unfortunately, the Argentine judicial system only recognized part of the disputed lands as belonging to the Mapuche communities. The above findings served as evidence for the Tribunal to declare the violation of the Rights of Nature.¹⁹⁶

Statements on impacts

236. Gonzalo Vergez¹⁹⁷ appeared as an expert witness in this case. He used a map to explain how Vaca Muerta (VM), in addition to the 30,000 km² megaproject, extends from the north and transports fuels to the Atlantic, even connecting to the Pacific through Chile.
237. The witness explained how the project was always conceived as a sacrifice zone, based on a shady agreement between Chevron and YPF, with the complicity of companies and the state, always behind the backs of the people, with legislators who did not know what they were voting on, and through police repression and violence, they approved the megaproject.
238. He added that VM was born in a context of economic crisis in the country, where poverty, foreign debt, unemployment, and destitution reigned. Gonzalo used statistics to show how today, 11 years after the start of the fracking megaproject, the numbers have not improved. "The foreign debt is incalculable and poverty has increased dramatically."
239. He presented a list of Rights of Nature that, according to him, the VM project violates: VM violates the right to water as a source of life (Art. 2 Inc E, DDMT). The excessive use of fresh water in a context of global water crisis constitutes ecocide, or at least the prelude to one. Fracking uses quantities of water that come from the mountains, from melting snow and

¹⁹⁶ More information: <https://www.rightsofnaturetribunal.org/vaca-muerta-comunicado/?lang=es>

¹⁹⁷ Lawyer, legal coordinator of the Argentine Association of Environmental Lawyers (UNMDP), environmentalist with a strong social vocation and interest in resolving conflicts that affect collective rights. Litigator, specializing in environmental law (UBA), environmental risk analyst (UTN), and specialist in climate planning and management (RAMCC). Member of the Network of Lawyers for Food Sovereignty. Legal advisor to Greenpeace Argentina on hydrocarbons. Coordinator of Organización Fuser. Member of various organizations and territorial assemblies. Teacher and external researcher. Extensionist. Promoter.

from rain. Water that feeds the most important rivers in Patagonia and one of the country's most abundant water basins. Gonzalo explained that the water is taken directly from the rivers and transported through large hoses known as "anacondas." He indicated that VM uses so much water that a few years ago (2021), the basin authorities declared a water emergency in the area. The Neuquén, Limay, and Colorado rivers were at 1/3 of their historical flow. Fruit and vegetable farming was left without water.

240. According to official government information, one well (Fortín de Piedra), owned by the company Tecpetrol, used 108 million liters of water in 2021. It should be emphasized that this figure refers to just one well. The average water consumption per well is 60 million liters. Some wells use 140 million liters. At the end of last year, there were 2,550 wells drilled.
241. VM pollutes the soil. Gonzalo explained that the volume of toxic waste generated by fracking is extraordinary and, at the same time, extremely toxic: it contains mercury, chromium, cadmium, and radioactive materials such as uranium. All of this should be treated in a specific way, but the truth is that there is not enough infrastructure to treat this volume in VM. He explained that this is compounded by the absence of state control and negligence. For this reason, a criminal complaint was filed against COMARSA, the companies, and public officials for "simulation of treatment and contamination," which today has its owners under seizure for \$7 million.
242. In addition, the witness indicated that VM causes "induced seismicity." He explained that there were no earthquakes in the area before VM. There was no history of them, either in the measuring devices or in the testimonies of the residents. Currently, according to data from the Induced Seismicity Observatory, since 2015 to date, there have been 500 earthquakes recorded (an average of 55 per year, 5 per month, more than one per week). This has adverse effects on the quality of life of the population, affecting residential infrastructure and causing fear among the population.
243. VM contributes to global warming. Gonzaló described VM as "the supplier of a planet addicted to oil." According to official data he presented, companies released 515 megatons of CO₂ in 10 years. What is extracted from VM is transported and processed elsewhere in the country and around the world. This would be a clear element of a sacrifice zone: the transition, not even the false energy transition, is carried out for the benefit of the peoples of the south.
244. Finally, the witness highlighted the situation of nature defenders in VM. A large number of Mapuche communities, natural guardians of the territory, have lived in this area since ancient times, even before the existence of the Argentine state. Today, these communities are persecuted and made invisible by the state, in addition to being dispossessed of their territories.

Requests

245. From the allegations made before this Tribunal, the following requests can be inferred:

- Immediately suspend fracking operations;
- That Vaca Muerta cease to be considered a sacrifice zone.

3.2.11. Case of the Talará Refinery and Lot 64 Petroperú (Peru)

*Summary*¹⁹⁸

246. The Achuar Indigenous Peoples of the Pastaza River, the Wampis Indigenous nation, and the Chapra Indigenous nation, whose ancestral territories are affected by Lot 64 in the Peruvian Amazon, have opposed oil extraction for decades and have been successful so far. However, their territories are now under a new threat, as the Peruvian state built the controversial Talara oil refinery and plans to impose oil extraction in Lot 64, which continues to devastate ecosystems, indigenous communities, and the climate.
247. Peruvian oil exploitation has been linked to land dispossession, oil spills, violations of health and environmental rights, deforestation, water pollution, and the reduction of habitat for incredible wildlife, both on the coast and in the Amazon.
248. A recent publication by Dr. Roger Merino, sponsored by Amazon Watch, has identified the set of human rights violations against Indigenous Peoples that must be remedied by the Peruvian State and operating companies for these 50 years of "slow expulsion" suffered by the Amazonian peoples.
249. Furthermore, research by AmazonWatch and Stand.Earth shows that the "modernization" of the Talara oil refinery was financed by a syndicated loan involving banks such as Citigroup, Deutsche Bank, HSBC, JPMorgan Chase, and BNP Paribas. To pay off these debts, Petroperú plans to maximize profits and keep Talara in production for as long as possible. For the Peruvian government and Petroperú, this means increasing oil extraction in the Peruvian Amazon, including Lot 64.

Statements on impacts

250. Olivia Bisa¹⁹⁹ appeared as a witness and expert in this case. She told the Tribunal that, for Indigenous Peoples, the sea and the land are one being, and that all beings—human and non-human—deserve to live in peace. Mother Earth, she said, nurtures, begets, and shapes; therefore, defending her is a fundamental duty.

¹⁹⁸ See:

<https://amazonwatch.org/news/2024/0423-new-report-exposes-risks-of-investing-in-petroperu-amid-controversial-oil-expansion-in-amazon-basin> ; <https://amazonwatch.org/news/2022/0412-petroperus-ongoing-threat-to-the-amazon> ; https://www.democracynow.org/2024/4/29/olivia_bisa_tirko ;

¹⁹⁹ Olivia Bisa Tirko is an Indigenous leader who presides over the Chapra Nation Autonomous Territorial Government, located in the province of Datem del Marañón, Loreto, Peru.

251. Olivia presented information on the oil circuit in northern Peru, whose centerpiece is the North Peruvian Pipeline. She explained that this system violates both the rights of Indigenous Peoples and the Rights of Nature. Among the rights affected, she mentioned: the right to self-determination, to a dignified, healthy, and livable territory, and the right of nature to exist in its entirety, to be restored, and to be protected from activities that destroy ecosystems and natural cycles.
252. She pointed out that old oil blocks, such as blocks 192 and 8, have been operating in the Peruvian Amazon for more than 50 years, leaving behind enormous environmental destruction. In addition, new blocks—such as blocks 67 and 39—threaten territories inhabited by peoples living in voluntary isolation in the Yavari Tapiche Reserved Zone.
253. Block 64, located in her own province, is an example of this extractive pressure. Olivia recounted that, through struggle and sacrifice, the communities managed to expel three transnational companies that sought to exploit the territory. She thanked allied organizations, such as Amazon Watch, for their solidarity, which strengthened this resistance.
254. Olivia denounced that the Peruvian state is currently promoting 25 oil lots in the Amazon, in addition to lots on the coast. Added to this is the Talara refinery, which she described as "a monster" created to sustain an extractive model. She warned that for this refinery to function, it requires more Amazonian oil, which will increase destruction in both the jungle and the coast.
255. She explained that the North Peruvian Pipeline is a constant source of spills and an instrument that facilitates violations of human rights and nature. She pointed out that the Peruvian legal system has been designed to privilege oil exploitation and commodify nature without considering the environmental costs or the historical debts owed to the affected peoples.
256. The witness criticized the developmentalist narrative of governments and the media, which justifies the usefulness of oil while hiding its impacts and irreparable damage to the environment. She also mentioned companies that have operated under this unjust system—both public and private—including Occidental Petroleum and Petroperú.
257. She also denounced the complicity of the international financial system, naming Citibank, JP Morgan Chase, Goldman Sachs, Deutsche Bank, and other European and Italian banks. She emphasized that many of these institutions claim to respect human rights and the environment, but continue to finance oil activities that destroy indigenous territories and Amazonian ecosystems.
258. She explained that some banks try to justify their financing by arguing that they only support the Talara refinery, not Amazonian projects. However, "for Talara to operate at 100,000 barrels per day, the Amazon must continue to be exploited," she said.

259. Olivia pointed out that the Amazon "is on fire," hurt by the death of 17 people and the loss of thousands of animals in recent forest fires. She recalled that the destruction of Mother Earth affects all of humanity without distinction: "When Mother Earth dies, we all die."
260. She denounced that oil expansion generates criminalization, threats, and murders of defenders of the territory. She herself, she said, has been one of the people persecuted.
261. She stressed that while Indigenous Peoples face violence for defending their homes, no environmental or self-determination policy can be considered real.
262. Finally, she reported that, as of 2022, the oil circuit has recorded 1,449 spills, all located in Indigenous territories. She stressed that none of these spills has been properly remediated, repaired, or compensated. She closed by thanking the Tribunal and reiterating that this situation is not fair to anyone.

Requests

263. It is requested that the Tribunal order:

- Build a post-oil future in the Amazon without fossil fuels;
- Permanently cease activities in Block 64 and at the Talara refinery;
- Complete removal of oil infrastructure from their territories;
- Urgent and priority remediation of ecosystems;
- Recognize Indigenous Peoples territories;
- Promote transitional and transformative justice with a Truth Commission on all damage caused to nature and to people affected by the oil industry;
- Call on the Peruvian State to commit to the energy transition: no more oil in the Amazon or in the Peruvian sea;
- Hold all actors involved accountable: the Peruvian government, oil companies, and the entities that finance them.

3.2.2 Patterns and structural violations of the Rights of Nature identified in all cases.

264. The testimonial and documentary evidence submitted to this Tribunal in relation to the nine cases reviewed is abundant and compelling, allowing us to appreciate the persistent and systematic violations of the rights of Mother Earth and human beings by the economic, institutional, legal, and political structures that sustain and promote the fossil fuel industries throughout the world.

a) Subordination of the climate crisis and Nature to economic development

265. There is no doubt that, despite scientific warnings and Indigenous knowledge, international commitments to reduce GHG emissions, and even the existence of national environmental

and water control laws and agencies, government and corporate decisions to continue and expand ambitious oil, gas, coal, and industrial zone projects take precedence.

266. For example, in the cases of the imposition of the Musina-Makhado SEZ coal and metallurgy industrial zones in Limpopo, whose environmental impact assessment was approved without considering their proximity to the Mapungubwe Cultural Landscape and the Vhembe Biosphere Reserve; or the case of the construction of the EACOP oil pipeline, in which licenses were authorized without assessing the entirety of the biodiversity corridors along Uganda and Tanzania, the subordination of Mother Earth to the development of extractive projects is clearly evident.
267. In other words, the urgent need to avoid the irreversible point of global warming and to prevent the destruction of ecosystems and biomes that are key to climate resilience continues to be subordinated to the logic and dynamics of markets that accumulate and exploit Mother Earth. Even narratives and projects promoting renewable energy are being promoted while the exploitation of fossil fuels, the main cause of the current climate crisis, continues to expand. The case of the coal industries in India clearly illustrates this.
268. Another example is the large amounts of financing that companies and governments seek to promote the construction and expansion of extractive projects, indebting themselves more and more in fossil fuels, instead of investing in other types of programs and economies that benefit local populations. This can be seen in the case of the Talara oil and gas pipelines in Peru, where the government has been heavily criticized for incurring public debt to sustain an environmentally unviable project; or the EACOP oil pipeline in Uganda and Tanzania, which is seeking millions to complete its construction, Earth defenders have had to campaign for investors and banks to stop financing destruction.
269. Subordinating care for the planet to economic and political decisions that protect the current capitalist market system violates the rights to existence, to be respected, and to the maintenance and regeneration of nature's life cycles, as recognized in Article 2, paragraphs a, b, and c of the Universal Declaration of the Rights of Mother Earth.

b) Lack of due diligence for the protection of ecosystems: absence of prevention and precaution

270. As a result of the above, this Tribunal finds that, despite the fact that in all cases there was, to a greater or lesser extent, some degree of information about the impact on highly sensitive or biodiverse ecosystems, fossil fuel projects continue to fail to give sufficient consideration to the risks of disturbance, modification, and contamination to Mother Earth.
271. Such is the case of oil spills in the Philippines, the epicenter of marine biodiversity in the VIP, inasmuch as the 2023 spill could have been avoided, especially if it had been taken seriously that the ecosystem used as a fuel transport route is home to coral species and other endangered species; or the spills that could have been avoided in the Amazon by the pipeline that reaches the Talara refinery in Peru, which is why indigenous peoples have strongly opposed its operation.

272. Likewise, it is clear that there is no predictability in caring for either the air or water sources. A common denominator in all projects is that these resources are used for industrial growth until they are polluted or even depleted, as in the case of MMSZ, the Musina-Makhado Coal Special Economic Zone in Africa, where serious socio-environmental problems have been caused by water shortages.
273. The reactivation, construction, and expansion of extractive projects are being promoted through mega-projects considered to be veritable "climate bombs," even though the approximate number of millions of GHG emissions that will be released into the atmosphere is known, as in the case of the gas pipeline in Mozambique, coal mines in India, and the EACOP oil pipeline in Uganda and Tanzania.

c) Violence, lack of consent, and sacrifice zones

274. Another pattern observed in the fossil fuel industries is the degree of violence and discrimination they generate in the human and non-human populations affected.
275. First, this Tribunal notes that these industries disproportionately impact local populations who depend on their environments for survival and who in many cases have been forced to endure the impacts of these extractive industries not only in their lifestyles, but also in their bodies; such as in the sacrifice zones of Luisana and Vaca Muerta, where humans and non-humans are sick, with evidence of cancer; or the precarious living conditions in Chhattisgarh, India, where coal is mined to enrich large cities.
276. Likewise, there is a systematic pattern of constant denial of the right to consultation and free, prior and informed consent (FPIC) of Indigenous Peoples; as well as consultation with local communities in order to impose the advancement of projects, as in the cases of the Canadian communities of the Coastal Gaslink Pipeline or the disregard for the tribal sovereignty law of Mountain Valley.
277. This Tribunal is deeply concerned about the degree of pressure on territories to impose fossil fuel industry infrastructure, with all kinds of measures being used to silence those who demand rights and oppose these plans. These range from institutional legal measures, such as criminalization in the case of the Coastal Gaslink Pipeline, to alleged links to attacks by insurgent forces in Mozambique.
278. The displacement caused by these projects is the clearest example of violence that this and any court that has heard these cases cannot ignore. Part of climate justice must be the possibility for both Mother Earth to recover her capacity for regeneration and for human beings to sustain their life projects in harmony with Nature.
279. All of the above has meant that, in practice, many of these ecosystems, subordinated to capital, have become sacrifice zones.

280. This Tribunal has pointed out that a sacrifice zone arises from a rational decision to use a territory for a specific purpose, generally economic, regardless of any other social or environmental considerations. This creates areas with a massive concentration of polluting industries and toxic waste, in close proximity to the population.²⁰⁰
281. In this regard, this Tribunal confirms in the cases under analysis that these zones are marked by prejudice against certain populations that have historically been discriminated against Indigenous Peoples as well as others due to their social, ethnic, or racial conditions, also known as Black and People of Color populations.²⁰¹ Such is the case of the coal mines in India, the economic zones of Musina-Makhado, which affect communities living in poverty, or the industrial zone of the Fourth and Fifth Districts of Luisana, which particularly impacts the Afro-descendant population. This environmental racism and discrimination is closely related to the imposition of sacrifice zones in favor of large economic and corporate interests, which exacerbates the systematic and historical conditions of inequality of the populations and ecosystems affected on the front line.

3.2.3. Specific violations of the Rights of Nature identified in each case

a) Case: "TotalEnergies LNG in Mozambique" (South Africa)

282. The Tribunal considers that the Mozambique LNG Project, a liquefied natural gas megaproject operated by Total Energy together with other corporations, is incompatible with several rights of the Universal Declaration of the Rights of Mother Earth, as it has a violent and irreparable impact on the terrestrial and marine ecosystems of the Afungi Peninsula and its local populations, many of whom have been forcibly displaced.
283. Given that this project will contribute to a huge amount of liquefied gas production and the release of GHGs into the atmosphere, it is accurate to describe it as a "climate bomb." Given these characteristics, the mere fact that no definitive decision has been made to abandon the project and that it has been suspended due to force majeure with the potential to be reactivated makes it a project that runs counter to the obligations to keep fuels underground, break our dependence on them, and thus live in peace with Mother Earth.

Specific violations

- **Article 2(1)(a), (b), (f), and (h) of the Declaration, rights to life, to exist, to be respected, to clean air, and to be free from pollution:** Both the onshore areas and the offshore infrastructure and their impacts on marshes, wetlands, native forests, and mixed savannah, as well as the threat of harm to species in the Quirimbas Archipelago, violate the right to have one's existence respected. Despite the known amount of liquefied gas that will be produced, the potential release of GHGs, and the proximity to the Quirimbas Biosphere Reserve, the project intends to continue operating, a decision that does not

²⁰⁰ Fifth International Tribunal on the Rights of Nature, Judgment, False Climate Solutions, para. 162.

²⁰¹ The acronym BIPOC comes from Black, Indigenous, and People of Color. In Spanish, it is usually translated as "black, indigenous, and people of color."

consider prevention and precaution to guarantee the right of their ecosystems and the beings that inhabit them to enjoy clean air and freedom from pollution.

- **Article 2 (2) and (3) of the Declaration, rights of each being to play their part in the harmonious functioning of the ecosystem and of all beings to have the right to well-being in relation to access to land and housing:** The lack of protection and prevention of safe environments for local populations who depend on the ecosystems of the peninsula and the bay for their survival, severely affected by the violent attacks of 2021, prevent these populations from living in harmony with these ecosystems. On the contrary, they have had to leave their homes and have no alternatives for a safe return. This has violated the right of every being, including human beings, to function as part of the peninsula's ecosystems in harmony with nature, as was the case with the fishermen and local populations of Mozambique, who have been systematically excluded from the possibility of enjoying adequate and clean economic and energy sources, in many cases forced to give up and leave their lands.

b) Case: "MMSZ, Musina-Makhado Coal Special Economic Zone in Africa" (South Africa)

284. This Tribunal considers that the creation of the MMSZ or SEZ has constituted a veritable sacrifice zone for nature and local populations. In this regard, the Limpopo government has sacrificed more than 10,000 hectares to create the SEZ, intended for the concentration of manufacturing industries, mainly coal industries, resulting in the death of thousands of native trees and seriously affecting water sources from the Limpopo River. In addition, it is a source of air pollution, burning thousands of tons of coal and generating hazardous and industrial waste. This is despite the conclusions of the first environmental impact study and the questions raised by civil society in various administrative and judicial instances regarding environmental authorizations to establish and continue with this sacrifice zone.

Specific violations

- **Article 2(1)(a) of the Declaration, right to life and to exist:** The construction of the SEZ has violated the right to life of the native trees where this project has been established, such as the baobabs and marula trees in the area. It has also been demonstrated that due diligence has not been exercised to protect water sources, thereby violating their right to exist. Consequently, the dignified life of the beings that depend on this water has also been affected, including local populations, who have had to resort to legal and social enforcement mechanisms to claim the lack of availability and access. Furthermore, there is no evidence that the project has taken effective measures to prevent impacts on the Vhembe Biosphere Reserve, failing in its duty of care.
- **Article 2(1)(b) and (j) of the Declaration, right to be respected and to restoration in relation to the lack of transparency, participation, and climate justice for local populations and guardians of nature:** The lack of solid and consistent environmental studies, as well as the lack of participation by local populations, demonstrate that the creation and continuation of the SEZ is contrary to access to climate justice. By failing to implement participatory mechanisms that could guarantee a fair distribution of responsibilities, benefits, and damages, both present and future, or determine the social and environmental unviability of the project, access to information is impeded and the

possibility of justiciability of the damages caused by these industries to the beings that inhabit and depend on the water in the area is hindered. Similarly, the lack of access to sufficient, high-quality, pollution-free water could have been discussed. All of this also constitutes a violation of Mother Earth's right to be restored, because while appeals are denied or not resolved in domestic courts, she continues to be affected by the industries in the SEZ.

Furthermore, this Tribunal cannot ignore the fact that the project has failed to consider the importance of the Mapungubwe Cultural Landscape heritage site for both the local population and humanity as a whole. This Tribunal has already recognized the relationship between human rights and the Rights of Nature. Ignoring the cultural importance of memory directly affects the survival of the guardians of Mother Earth. Both participation mechanisms and effective justiciability allow all these aspects to be considered before decisions are made on the implementation of projects, which has not been done with due diligence in this project.

- **Article 2(1) c), e), h), and j) of the Declaration, rights to the continuation of vital cycles and processes of Mother Earth to water as a source of life, to be free from pollution, and to restoration:** The diversion of water to satisfy SEZ industries, especially coal, leaving the ecosystem and the local population without sufficient availability, accessibility, and quality is a violation of the right to water as a source of life. At the same time, it constitutes a violation of the right to water that is free from contamination and has the opportunity to reproduce its vital processes.

c) Case: "EACOP, East African Crude Oil Pipeline" (Uganda and Tanzania)

285. Given the scale of the construction of the EACOP cross-border pipeline, which proposes to exploit and transport around 6 billion barrels of oil over a period of 25 years and generate more than 34 million tons of GHG emissions each year, just five years away from the climate goals proposed by the *corpus iuris* of climate law (not to exceed 2 degrees of temperature in the Earth's atmosphere by 2030), it is clearly a project incompatible with the obligation to abandon fossil fuels.
286. Although under the differentiated obligations in climate law not all countries have the same reduction obligations, with a distinction being made between so-called developing or non-industrialized countries and industrialized countries (Annex I of the Kyoto Protocol);²⁰² the truth is that a project of this nature is contrary to the object and purpose of both the climate agreements and the Declaration of the Rights of Mother Earth. Ultimately, all these legal and political instruments seek the same thing: to prevent the irreversible sacrifice of Mother Earth through human action.
287. The construction of the world's largest pipeline for transporting hot crude oil is absolutely incompatible with climate goals and the protection of nature, primarily because of its impact

²⁰² See: https://unfccc.int/kyoto_protocol

on the rich biodiversity that has been protected in several hectares as national parks and the displacement of human communities.

288. It should be noted that if governments wish to justify this project on the grounds that they have differentiated climate obligations with regard to GHG reduction, given that Uganda and Tanzania are non-industrialized countries, even under this assumption, the implementation of the EACOP project is not justifiable. While the climate obligations for these countries are progressive, this is not a blank check. Progressiveness means moving forward and not backward; nor does it excuse inaction or, worse still, justify actions contrary to climate and nature commitments, as in the present case, where it has been shown that the interests of the fossil fuel industry outweigh the interest in protecting Mother Earth.
289. This Tribunal considers that the active search for investment by the companies operating the project to complete this work, which is 60% complete, despite the refusal of several financial institutions to inject capital into the project due to its high social and environmental risks,²⁰³ is a clear example of the lack of interest in protecting and respecting the life of Mother Earth. Likewise, the agreements signed between states to make this project viable confirm the lack of protection for the Rights of Nature.
290. Finally, another important issue to note is that, as this is a cross-border pipeline, this Tribunal calls on the governments involved to seek alternatives to this type of industry, based on the principles of cooperation and solidarity, rather than encouraging it, since Nature's ecosystems transcend borders and require comprehensive responses.

Specific violations

- **Article 2(1)(a) and (b) of the Declaration, rights to existence and life and to be respected:** There is no prevention or precautionary measure in place to mitigate the impact on the habitat and lives of various endangered animals in the region, such as lions, chimpanzees, buffalo, impalas, hippopotamuses, giraffes, zebras, and anteaters, among others. These impacts have already been generated and may be exacerbated by the construction of the remaining kilometers of pipeline. According to the testimonies and information submitted to this Tribunal, the protection of their habitats through parks or reserves, such as Murchison Falls National Park, Taala Forest Reserve, Bugoma Forest, and Biharamulo Game Reserve, is not sufficient, as the pipeline will impact them. This lack of foresight is particularly evident in the open-pit technique used to implement the pipeline, which has a greater impact on biodiversity. In addition, there are the dangers of spills in a seismic zone, as evidenced by the information provided to the Tribunal. Therefore, there is clear evidence of a violation of the right to respect for the existence of these ecosystems and the beings that inhabit them. There is also a clear violation of the rights to a dignified life of local communities which, according to the studies and testimonies compiled by this Tribunal, exceed more than ten thousand people displaced by the construction of the pipeline.

²⁰³ See:

https://www.banktrack.org/article/totalenergies_financiers_beware_eacop_is_eating_up_money_nature_and_livelihoods

There is also a clear violation of the rights to a dignified life of local communities which, according to the studies and testimonies compiled by this Court, exceed more than ten thousand displaced persons due to the construction of the oil pipeline.

- **Article 2 (1) c), d), h) of the Declaration, rights of Mother Earth to the continuation of her life cycles free from human activity and free from contamination:** The information submitted to this Tribunal shows that both governments involved and the operating corporations are aware of the high risks to the ecosystems through which the pipeline will pass. Therefore, due to a lack of caution and prevention, the right of these ecosystems and the wide variety of species that inhabit them to live their life processes and cycles in peace and free from any danger of contamination is being affected.

d) Case: "Coal in India"

291. The Tribunal considers that the continued expansion of coal mines in the forests of Hasdeo Arand, in the state of Chhattisgarh in India alongside the development of renewable energies, reveals the double discourse and lack of serious commitment on the part of governments and corporations to move towards abandoning fossil fuels.
292. This Tribunal observes that a key element in understanding the difficulty of abandoning the coal exploitation model in Hasdeo is the increasing concentration and monopoly of the production and marketing chain in a single corporate group—Adani—and the lack of independence of the control and justice bodies from those corporate interests.
293. While this Tribunal takes note of the Chhattisgarh’s legislative assembly's efforts in 2022 to cancel or suspend coal mining concessions in Hasdeo, these have not been sufficient to halt and overcome dependence on the coal industry, despite the need to adjust internationally established climate commitments for 2030 and establish real pathways for a just energy transition, especially with regard to the ecosystems and frontline communities impacted by coal mine development.

Specific violations

- **Article 2(1)(a)(c), (h), and (j) of the Declaration, rights to exist and to life, to the continuation of vital cycles and processes of Mother Earth, and to be free from pollution and to restoration:** The impact and deforestation of the Hasdeo Arand forests, home to endangered elephants, sloth bears, and leopards, as well as their water reserves, constitute a violation of their right to exist freely and prevent them from continuing their vital processes. The expansion of coal mines perpetuates pollution and prevents the restoration of these ecosystems.
- **Article 2(1)(b) and (j) of the Declaration, rights of Mother Earth to be respected and restored in relation to lack of participation and climate justice for local populations**

and guardians of Nature: The concentration of economic power, the lack of independence from political power, and the repression of the guardians of the Earth affect the real possibilities for Mother Earth to be respected and restored. The lack of guarantees for a safe environment in which to exercise criticism and demand rights, such as those of Nature, prevents democratization in decision-making and renders invisible the demands and needs of the communities most affected by this industry. This, in turn, has hindered the possibility of implementing effective measures to restore the forests that were deforested to make way for coal mines.

e) Case: "Oil Spills in the Philippines" (Philippines)

294. The Tribunal considers this case to be a catastrophic example of what happens when the market is prioritized over life and care for Mother Earth. The pollution caused by the 2023 spill and others that have occurred before and after in the most biodiverse marine ecosystem on the planet, the Verde Island Passage, is reprehensible. The Tribunal condemns the lack of measures to prevent and punish fossil fuel spills in its waters, whose impacts are not limited to the surface but extend over time, disrupting the diverse marine life and the rights of fishing families and local communities in Batangas.

Specific violations

- **Article 2(1)(a) and (b) of the Declaration, rights to life and existence and to be respected:** The dumping of more than 800,000 liters of industrial oil, coupled with the pressure of infrastructure for the production, transport, and consumption of liquefied gas and other fossil fuels, violated the right to life of marine species in the Verde Island Passage. In addition, the dignified life of fishermen and local communities was violated by affecting their livelihoods, such as fishing, which is a source of food and the basis of their family and community economies.
- **Article 2(1) c), e), g), and h) of the Declaration, rights to the continuation of their life processes, to water as a source of life, to comprehensive health, to be free from pollution:** The spill reported to this Tribunal constitutes one of the most tragic episodes for the rights to live free from pollution of the sea, corals, marine species, and local communities. As a result, multiple rights have been impeded: that species living in the VIP can continue their life cycles and processes free from human intervention; that non-human and human species can enjoy seawater as a source of life, both for living and as a source of food; and that they can enjoy health, since exposure to toxic pollutants can cause them to suffer from diseases over time.
- **Article 2(1) h) of the Declaration, right to restoration:** The scientific information provided to this Tribunal assures that the prolongation of the contamination cannot be avoided and that a superficial cleanup is not sufficient to repair all the damage caused. Furthermore, it is reprehensible that those responsible for this ecocide have not been thoroughly investigated and that impunity continues to allow the repetition of other spills in one of the world's biodiversity hotspots. Therefore, all non-human and human beings in the VIP have the right to full and comprehensive restoration, including measures to prevent recurrence.

f) Case: Coastal Gaslink Pipeline (Canada)

This Tribunal finds that there have been serious violations of the rights of Nature in the “Coastal Gaslink Pipeline” case (Canada), highlighting the following:

- **Article 2(1)(a), (b), (c), and (h) of the Declaration, rights to life and existence, to be respected, to the continuation of their life processes, to water as a source of life, and to be free from pollution:** The project's failures, which have led to incidents of deforestation, destruction of critical spawning grounds vital to salmon species, and oil spills, constitute violations that affect the rights to respect for life and continuity of non-human beings inhabiting the ecosystems through which the pipeline passes. Likewise, information has been submitted to this Tribunal on the constant threat and damage to water sources, which are home to non-human beings and are also sacred sites for the Wet'suwet'en Indigenous communities, thereby violating the right of water itself and of other beings to be free from contamination.
- **Article 2(1) b) and j) of the Declaration, the right to be respected and restored in relation to the lack of participation and climate justice for local populations and guardians of Nature:** The disregard for the sovereignty of the Wet'suwet'en Indigenous communities directly impacts the protection of Mother Earth, as it prevents them from communicating their concerns regarding the protection of Mother Earth, making the construction of the gas pipeline an imposition on their culture, ancestral lands, and the non-human beings that inhabit them.

g) Case: Mountain Valley Pipeline (United States of America)

295. This Tribunal considers that the operation of the Mountain Valley Pipeline (“MVP”) for the transport of methane gas extracted using fracking techniques and its South Gate expansion project (“MVP South Gate”) is contrary to the obligation to abandon fossil fuels and, on the contrary, encourages this industry. Similarly, this Tribunal takes note of and expresses its deep concern about the legislative and jurisprudential setbacks expressed during the respective hearing and confirmed in the information provided, which allow for the relaxation of water control standards and weaken the mechanisms for enforcing rights.

Specific violations

296. Without prejudice to the decision of the Local Tribunal that heard and ruled on this case, this Tribunal also finds the following violations of the Rights of Nature:
- **Article 2(1)(a), (b), (c), and (h) of the Declaration, rights to life and existence, to be respected, to the continuation of its life processes, to water as a source of life, and to be free from pollution:** The contamination of the water sources of the Haw and Dan Rivers, as well as the deformation and destruction of the karst of the Appalachian Mountains, constitute attacks on its very existence. For its part, the water of both rivers, being the source of life for oysters, mussels, and other species, when polluted, not only disrupts their lives. As was

presented before this Tribunal, changes in water temperature and quality impact the life processes of these river species and others that depend on them, violating their life processes.

- **Article 2(1) b) of the Declaration, right to be respected in relation to lack of participation:** The failure to recognize the sovereignty and participation of the indigenous and local communities affected by the operation of the MVP pipeline and threatened by its expansion prevented them from representing and defending Mother Earth and the beings that inhabit her before the decisions that allowed the operation of this project were made.
- **Article 2(1) b) and j) of the Declaration, right to be respected and restored in relation to lack of access to climate justice:** Likewise, the weakening of adequate and effective mechanisms to enforce the Rights of Nature, such as the violation of the rights of the guardians of Mother Earth, prevents them from achieving full and complete reparation and restoration. The lack of justiciability of rights, especially for those who suffer the impacts of the pipeline firsthand, such as the ecosystems of the Haw and Dan rivers, the Appalachian Mountains, and the Maggodee Creek and Blackwater Creek Indigenous communities, constitute disproportionate burdens due to the advance of the fossil fuel extraction industry and the destruction it causes. In other words, these are actions that give rise to real climate injustices.

h) Case: "Louisiana Sacrifice Zone" (United States)

297. The Rights of Nature are closely linked to the human rights of Black and People of Color communities and the distinct inherent collective rights of Indigenous Peoples. As in sacrifice zones, decisions to impose infrastructure for the development of fossil fuel industries are borne by historically discriminated populations and the ecosystems they inhabit, as the socio-environmental impacts caused by their mere presence and installation are inevitable. Such is the case here, where throughout the Fourth and Fifth Districts of Louisiana, which have a majority African-American population, an industrial zone stretching more than 137 kilometers along the Mississippi River has been systematically and historically imposed on them. This Tribunal finds multiple violations caused by both the installation of the industries and their operation. It should be noted that some of these industries are fossil fuel industries, which violates the obligation to phase out such industries.
298. Likewise, this Tribunal welcomes the main concern expressed before this Tribunal regarding the announcement of the Formosa Plastics project, also known as the Sunshine Project, which aims to be a mega petrochemical complex located in St. James Parish, Louisiana, with dozens of plants producing plastics, resins, etc. This project will aggravate the situation of populations already suffering from the impacts of industries located in these areas, and whose projected GHG emissions are contrary to the obligations to reduce such emissions and mitigate climate change.
299. This Tribunal can demonstrate that sacrifice zones make both Mother Earth and the populations that inhabit them sick, proving once again the symbiotic relationship between Nature, non-human beings, and humans.

Specific violations

- **Article 2(1)(a), (c), (f), and (h) of the Declaration, rights to life and existence, to the continuation of their life processes, to clean air, to water as a source of life, and to be free from pollution:** The systematic and continuous pollution caused for decades in the fourth and fifth districts of Luisana by the establishment of various types of industrial plants, which have led to the loss of ecosystems, mainly wetlands, violating their right to existence and life. In addition, the constant pollution of the air, water, and soil irreparably violates their life processes. It should be noted that the sources of pollution are not limited to the installation of the plantations, which in themselves have caused deforestation and environmental degradation, but that their operation violates the rights to soil, water, and air that are free from all pollution. Therefore, in view of the announcement of the implementation of the Formosa Plastics project, also known as the Sunshine Project, action must be taken in accordance with the precautionary principle to avoid further pressure and aggravation of the rights of Mother Earth that have already been violated.
- **Article 2(1) b), d), g) of the Declaration, rights to be respected, to identity and integrity, and to comprehensive health:** Due to the continuous and systematic contamination and impact on the life cycles of ecosystems in the sacrifice zone of Luisana, both humans and non-humans are suffering from serious illness and deterioration. This has been demonstrated by the high rates of cancer among the population of this area of Louisiana and by the change in the characteristics of the conditions of non-human beings, such as the air in the area; according to the testimonies received, the air changed over time in terms of its smell and feel, which, in turn, causes discomfort among the population. These conditions worsen as industrial activities intensify in the districts that make up the Luisana sacrifice zone.
- **Article 2(1)(j) of the Declaration, right to full and prompt restoration:** The ineffectiveness of domestic legal remedies has prevented reparation and restoration of the rights of Mother Earth and the beings that inhabit the sacrifice zone, allowing these damages to perpetuate over time and worsen. Therefore, in these cases of systematic, structural, and continuous violations, it is essential to consider measures of structural reparation and non-repetition that will allow for healing from the consequences of decades of contamination and rights violations.
Furthermore, it is unquestionable that the persistent presence of industries has changed the ways of life and relationships of all beings in the affected ecosystems, especially human beings, who in many cases have had to assimilate and depend on the extractive way of life of the sacrifice zone. For this reason, it is also essential to devise fair, transparent, and participatory restoration and transition processes that contemplate transforming these patterns of extractive relationships while guaranteeing the economic, social, and cultural rights of those who depend on this model.

i) Case study: "Vaca Muerta sacrifice zone" (Argentina)

300. The Vaca Muerta sacrifice zone is a clear example that refutes the premise underpinning the continuity of the fuel industry, namely that it is a model that contributes to the growth and development of countries. As demonstrated by the testimonies and information provided to this Tribunal, the sacrifice zone did not change the socio-economic conditions of the country and worsened the living conditions of the local indigenous communities of the Mapuche people, who were dispossessed of their territories to favor the Vaca Muerta fracking mega-project.

Specific violations

301. Without prejudice to the decision of the Local Tribunal that heard and ruled on this case, this Tribunal also finds the following violations of the Rights of Nature:

- **Article 2(1)(a), (b), (c), and (h) of the Declaration, rights to life and existence, to be respected, to the continuation of its vital processes, to water as a source of life, and to be free from contamination:** The use and abuse of water sources for fracking in the VM megaproject has prevented this non-human being from living freely and continuing its life processes without interference. To gauge the seriousness of the vital rights to water, it was demonstrated before this Tribunal that the average amount of water used per fracking well is 60 to 140 million liters, considering that by the end of 2024, there were a total of 2,550 wells drilled.²⁰⁴
- In addition, fracking has affected the structure and integrity of the soil, causing large cracks throughout the project and constant earthquakes that did not exist in the area before the imposition of VM's megaproject. As a result, the vital process of the soil has been interfered with. In addition to this, it should be noted that the pollution caused by toxic waste dumps is also a source of contamination and transgression for the soil and air, which is polluted by the GHGs emitted by the wells into the atmosphere. These multiple violations also affected the Mapuche Indigenous communities, who live in this ecosystem that is now part of VM's ancestral territory. The deterioration and impact on the living conditions and plans of the communities, who are also victims of the VM project's pollution, have been reported to this Tribunal.²⁰⁵
- **Article 2(1) b) of the Declaration, right to be respected in relation to lack of participation:** The failure to recognize the sovereignty and the free, prior and informed consent (FPIC) of the Indigenous Peoples affected by VM's operation prior to its imposition

²⁰⁴ Gonzalo Vergez confirmed that by 2025, the number of wells had already exceeded 3,000, in addition to a massive expansion of social infrastructure, with construction well underway on an oil pipeline called "Vaca Muerta Oil Sur" that connects the oil-producing heartland with the San Matias Gulf, where a cargo port terminal will be built. At the same time, the Argentina LNG project is moving forward, aiming to install multiple LNG plants in the Gulf itself to liquefy gas from Vaca Muerta and export it.

²⁰⁵ Since the date of his testimony at the New York session, Gonzalo states that in just over two years, human rights violations have escalated exponentially, encroaching on the territory and communities. Gonzalo Vergez reported that the persecution of communities has also intensified with the enactment of a protocol to protect companies in response to road blockades by communities. Drilling is also taking place in the "Mari Menuco" area, a water reservoir in the province of Neuquén.

prevented them from demanding the protection and respect of their territorial rights and those of Mother Earth. In fact, as guardians of Nature, they have been persecuted, stigmatized, and criminalized for seeking mechanisms of justice for themselves and Mother Earth, hindering any possibility of seeking respect, justice, and restoration for VM.

j) Case of the Talará Refinery and Lot 64 Petroperú (Peru)

302. This Tribunal has already pointed out on previous occasions that the destruction of the Amazon is unacceptable in any case, as it is in a critical situation close to the point of no return and is a key biome for tackling climate change.
303. This Tribunal is convinced that the entire Amazon biome should be declared a subject of rights.²⁰⁶ The Peruvian Amazon is no exception, having been affected by decades of oil exploration and exploitation. The guardians of the Amazon who have resisted and prevented its accelerated destruction have been the indigenous peoples, who have also suffered various violations: displacement, assimilation processes and dependence on the oil industry, often forced to live in contaminated territories, persecuted, stigmatized, criminalized, and even murdered due to the voracious interest in maintaining this extractive industry.
304. The insistence of the Peruvian government and corporate interests and their financiers on keeping Block 64 and the Talara refinery active shows that it has been indigenous resistance that has succeeded in exposing the serious violations of human rights and nature committed by these industries.
305. Although Block 64 is currently inactive thanks to social resistance, a temporary suspension is not sufficient to comply with the obligation to abandon fossil fuels, especially when the government plans presented to this Tribunal are to upgrade the Talara refinery and connect it and other oil fields in the Amazon through the North Peruvian pipeline, which has a long history of spills that have affected Indigenous territories. All of this is contrary to the protection and respect of Mother Earth.
306. It should be noted that this Tribunal will jointly address the imposition of Lot 64 and the Talara refinery without consultation, as it has been demonstrated that the operation of both projects are closely related, since the operation of the latter is linked to the production of Lot 64.
307. Finally, this Tribunal wishes to draw attention to the irresponsibility of using public funds to finance projects for the transport, processing, and commercialization of fossil fuels. As discussed above, although there are differences in obligations regarding GHG emission reductions between industrialized and non-industrialized countries, the fact is that the commitments to abandon fossil fuels and achieve the 2030 climate targets are common, and even more so if the fuel originates from a sensitive ecosystem in danger of reaching a critical point of degradation. Experts, Indigenous Knowledge holders, traditional knowledge holders

²⁰⁶ Belem Declaration, cited above.

of other local communities, researchers, and guardians of the Earth warn of the need to stop all types of destruction to avoid reaching this critical point.

Specific violations

- **Article 2(1) b) of the Declaration, the right to be respected in relation to the lack of participation and the free, prior and informed consent (FPIC) of Indigenous Peoples:** The lack of adequate consultation and prior consent processes prior to the imposition of Lot 64 and the construction prevented Indigenous Peoples from demanding respect for their own rights and those of Nature. Not allowing the Chapra, Wampis, and Achuar nations to participate in decision-making is equivalent to preventing respect for the rights of Mother Earth. In addition, this led to the displacement of several communities, allowing for the violent imposition and construction of Lot 64.
- **Article 2(1)(a), (b), (c), and (h) of the Declaration, rights to life and existence, to be respected, to the continuation of their vital processes, and to be free from contamination:** The installation of oil infrastructure in Lot 64 and its transport through pipelines, which have been the subject of several reports of spills, as reported to this Tribunal, have affected the life of the Amazon rainforest located in that area, which is also home to a great diversity of non-human beings. This, in turn, has altered the close relationship that Indigenous Peoples had with their environment, affecting both the vital processes of the Amazon and of these peoples. The pressure on the operation of the Talara Refinery drove the continuity of production and transport from Lot 64, aggravating Mother Earth's right to be free from all types of pollution.

3.2.4. Conclusiones

308. The evidence is abundant and consistent. A single pattern of ecocide is being perpetrated under the guise of development, systematically violating the inherent rights of Mother Earth and human rights, especially those of indigenous peoples, Afro-descendants, peasants, rural communities, among others, who are on the front line facing the devastating effects of the fossil fuel industries.
309. The Tribunal holds Mozambique, South Africa, Uganda, Tanzania, India, the Philippines, Canada, the United States, Argentina, and Peru responsible for structural and specific violations of the rights of Mother Earth. The Tribunal also condemns the companies TotalEnergies, state-owned MMSEZ SOC., the Uganda National Oil Company, the Tanzania Petroleum Development Corporation, the China National Offshore Oil Corporation (CNOOC), Rajasthan Rajya Vidyut Utpadan Nigam operated by the Adani Group, Linseed Field Power Corporation, Atlantic Gulf & Pacific Company (AG&P), San Miguel Corporation, MT Princess Empress, RDC Reield Marines Services, TC Energy, EQT Corporation, NextEra Energy, Inc.; Consolidated Edison, Inc.; AltaGas Ltd.; and RGC Resources, Inc., Mountain Valley Pipeline LLC, Formosa Petrochemical Corporation,

Chevron, Petroperú; for their direct role in the destruction of ecosystems and the persecution of the guardians of the Earth.

310. The Tribunal stands in solidarity with the communities and defenders of Mother Earth and affirms that their struggle to protect their territories is the ultimate fulfilment of the human duty to defend the rights of Mother Earth.
311. In accordance with the principles of restoration and comprehensive reparation recognised in the Universal Declaration on Mother Earth and in various international human rights instruments, once rights violations have been established and those responsible identified, measures must be put in place to remedy the harm caused. Measures must also be taken to prevent further violations. To this end, this Tribunal will consider the threats and harm caused, the gravity of the acts or omissions, the victims' requests, the rights violated, amongst other aspects, which will enable the adoption of measures of restoration, compensation, satisfaction, rehabilitation and non-repetition.

IV. SECOND SESSION: THE IMPACTS OF MINING AND THE POST-EXTRACTIVE ERA

4.1. Proceedings before the Tribunal

312. In the second session, this Tribunal was presided over by Judge Heather Milton Lightening (Canada) and composed of Judges Casey Camp Horinek (United States), Tzeporah Berman (Canada), Maude Barlow (Canada), Danii Kehler (Canada), and judges Tom Goldtooth (United States), Enrique Viale (Argentina), Francesco Martone (Italy/Ecuador), and Lucio Cuenca (Chile). James Yap (Canada) served as Prosecutor for Nature. Natalia Greene (Ecuador) and Shannon Biggs (United States) served as Secretaries of the Tribunal.
313. On this occasion, the International Tribunal first heard from Ñana Zbona²⁰⁷, who gave an introductory presentation on critical minerals in the world and what could be done about a just transition.
314. The Tribunal also heard testimony from victims and human rights defenders in each of the seven specific cases brought to its attention:
 - a) In the “Belo Sun” case, Ana Laide Soares Barbosa and Verena Glas de Aguiar Magano were heard;
 - b) In the “Aclara Resources in Penco” case, Valeria Sepulveda was heard;

²⁰⁷ Experience and credentials: She is the director of the Resource Center's Civil Liberties and Human Rights Defenders (HRD) program. The program explores the role of companies in these areas. As part of her duties, she has coordinated the Business Network on Civil Liberties and Human Rights Defenders for the past six years. Ana is a member of the steering groups of several civil society coalitions, such as the Alliance for Indigenous, Land and Environmental Defenders and the Zero Tolerance Initiative, which she also coordinated in 2020.

- c) In the case of “Cyanide Spill and Lithium Mining in Argentina,” Domingo Jeffrey, Verónica Chávez, and Miranda Solís were heard;
 - d) In the case of “Uranium Mining,” Jordyn Burnouf was heard;
 - e) In the case of “Canadian Mining in Ecuador,” Zenaida Yasacama and Hortencia Zhagüi were heard;
 - f) In the case “Free Trade Agreement,” Viviana Herrera was heard;
 - g) In the case of “Dundee Precious Minerals in Serbia,” Francesco Martone was heard.
315. In each appearance, documentary and audiovisual evidence of the cases was attached by the witnesses. Additionally, the possibility of receiving evidence and information after the hearing was opened to better inform the Tribunal's judgment.
316. In his closing arguments, prosecutor James Yap pointed out that the testimonies and evidence in each of the cases offer convincing facts and analysis that demonstrate clear, continuous, and serious violations of the Rights of Nature and human rights by the mining industry and that governments are complicit in these violations. He therefore requested that these violations be condemned, that the specific violations in each case be recognized, that responsibilities be determined, and that reparations be ordered for the natural world and all those affected. He focused on the responsibility of the Canadian government, supported by the complicity of the governments in the specific cases, for generating these violations in its own country and exporting this extractivist model to the affected countries.
317. After hearing the interventions, the cases were unanimously accepted as concrete examples of the impacts of the Canadian mining industry in different parts of the world. The motivations for this Tribunal's resolution are set out in detail below.

4.2. Analysis by the Tribunal

4.2.1. Background, alleged violations, and requests to the Tribunal

4.2.1.1 Belo Sun case (Brazil)

Summary

318. The International Tribunal on the Rights of Nature had conducted an on-site visit to the Brazilian Amazon in July 2022 with the aim of verifying firsthand the testimonies presented during the 2021 International Tribunal on the Rights of Nature in Glasgow. During the visit, witnesses and victims of Belo Monte and Belo Sun requested that the Tribunal hold a session in the territory where the funds financing the mining threat posed by Belo Sun originated. In response to this call, the Tribunal held the session in Canada, where the case was heard again, and to which not only the banks financing the project were invited, but also the clients themselves, so that they might understand the impact of the financial system on territories as vulnerable as the Vuelta Grande del Xingu.

319. The Canadian mining company Belo Sun aims to develop Brazil's largest open-pit gold mine. According to its website, Belo Sun is a “Canadian mining company in the development phase that is advancing [Brazil's largest untapped gold deposit] in the Volta Grande project in the state of Pará.” For a decade, local residents and movements have been resisting this project, which would threaten the critical ecosystem of the Xingu River and its human and non-human inhabitants. Belo Sun has been accused of illegally acquiring public land, of various violations of environmental and public participation obligations and procedures, and of illegally criminalizing land defenders. In the latest news, a Brazilian federal court declared null and void the contract granting land concessions for the mining project between Brazil's National Institute of Colonization and Agrarian Reform (INCRA) and Belo Sun. This is a partial victory, and it remains to be seen how the situation will evolve, as Belo Sun has stated in its official responses that it will “work with INCRA to resolve this issue.” Belo Sun recently approved a new board of directors and governance structure to lead a “strategic transformation.”

Statements on impacts

320. Ana Leade Soares and Verena Glass appeared before the Tribunal to testify and ratify their statements in this case. She represented the Xingu Vivo para Sempre Movement, which organized resistance against the Belo Monte hydroelectric dam and now leads opposition to the Belo Sun mining project. Verena is a journalist who has supported the Xingu Vivo para Sempre Movement for many years.
321. Ana denounced Belo Sun for operating in violation of Article 225 of the Brazilian Federal Constitution, which establishes the obligation to protect the environment and all forms of life. She stated that the company's activities in the Volta Grande territory have caused irreparable damage to the territorial integrity of local communities, including their spiritual and cultural ties.
322. She also traced a thread of historical resistance in the region, beginning with the Belo Monte hydroelectric dam 15 years ago, an era of struggle that has now intensified with the Belo Sun project. She described how local waters are no longer suitable for sustaining life. Although community resistance efforts have brought moments of recovery and healing, ongoing extractive activities continue to put pressure on ecosystems, constantly threatening them with disease, intimidation, and death.
323. She illustrated this by referring to the murders of several human rights defenders in recent years and the prosecution and preventive detention of more than 50 others. Ana concluded her testimony with the following words: “That is why we are here today, denouncing it. It is a cruel dispute, a dispute over what gives meaning to life itself. For us, who know what nature means, human and non-human beings and our ancestors are what give meaning to this life. It is what makes us vibrate, it is our essence. And that is what is at stake for this mining company, and what is leading the world into chaos.”
324. Verena, who has been part of the Xingu Vivo Movement for over 18 years, complemented Ana's testimony by presenting a map of the region, showing the proximity of the Belo Monte

and Belo Sun projects, both located near several indigenous communities and small fishing villages:

325. She explained that several communities were forcibly displaced from their homes and that massive land restructuring and deforestation took place to make room for both projects. Verena stated: “All the communities living along these 130 kilometers have lost virtually all their livelihoods. Fishing no longer exists; agriculture barely exists; the gathering of forest materials has almost completely disappeared.”
326. She identified the communities of Vila Ressaca, Pac-Samba, Arara, and Taksamba as direct victims of these projects. Verena also highlighted the serious risks posed by the coexistence of the two companies: explosions from Belo Sun's mining operations could compromise the integrity of the Belo Monte dam, potentially causing it to collapse and flood the entire region, including the city of Altamira.
327. Verena accused the Brazilian government of donating land to these companies and authorizing their activities without consulting the Indigenous Peoples and traditional communities in the region. Apparently, 2,000 hectares were granted to Belo Sun with the aim of extracting 70 tons of gold. This has taken place in a climate of intimidation and threats against those who resist, with reports of armed military operations aimed at suppressing opposition.
328. Ana and Verena presented several photographs documenting community resistance, violent military attacks, and stories of persecution and imprisonment of land and human rights defenders.
329. She also stated that parts of the Xingu River have already dried up due to the diversion of water for the Belo Monte hydroelectric plant. The Belo Sun mine, which plans to use thousands of cubic meters of water, would accelerate this process of environmental degradation.

Requests

330. The Tribunal is requested to:
 - Report the human rights violations committed by Belo Sun to the Canadian Ombudsman for Responsible Enterprise, demanding concrete measures against the company;
 - Report Belo Sun's violation of human rights and the Rights of Nature to its investors;
 - Report the violations of human rights and the Rights of Nature to the OAS/IACHR, holding the Canadian state accountable for its leniency towards these violations and demanding concrete measures against these situations;
 - Demand that the Brazilian government guarantee that all indigenous, riverine, fishing, and extractive communities, as well as farmers settled in the Ressaca Nature Reserve, affected by Belo Sun, have their right to Free, Prior and Informed Consent recognized under ILO Convention 169 and the UNDRIP;

- Denounce the Brazilian and Canadian states for violations of nature and of Indigenous Peoples, and separately, other local traditional peoples within the framework of COP 30.

4.2.1.2. Aclara Resources case (Chile)

Summary

331. The Biobío region, which was once the focus of the 11th Local Tribunal for the Rights of Nature, has attracted considerable interest due to its abundance of critical minerals. This has attracted the interest of both national institutions and a number of local and international companies exploring the region's potential. In recent years, the Chilean government has actively promoted mining development, positioning Biobío as a key player in the global energy transition, backed by significant state investment.
332. Since 2012, the region has hosted numerous pilot exploration programs, with different projects and companies taking the lead over time.
333. In 2022, the main project was transferred to Aclara Resources, a Toronto-based company listed on the Toronto Stock Exchange. Aclara specializes in the development of heavy rare earth elements (HREE) from ionic clay deposits. Among its flagship initiatives is the "Penco Module," a project covering more than 600 hectares in the Biobío region. Aclara aims to establish itself as a leading supplier of critical HREEs, including dysprosium (Dy) and terbium (Tb), which are essential for the production of permanent magnets used in renewable energy technologies and electric vehicles (EVs).
334. However, Aclara's involvement has sparked considerable opposition from local communities, particularly the Penco-Lirquén Women's Network. Concerns raised by these groups include lack of transparency, insufficient public participation, problems with environmental licensing, and fears of environmental and cultural degradation. These unresolved tensions have fueled organized resistance to Aclara's mining projects in the region.

Statements on impacts

335. Valeria Sepúlveda, from the community of Penco—a site of great significance to the Mapuche Lafkenche people—spoke on behalf of various local and social organisations, neighbouring communities, NGOs and foundations, including the Corporación Parque para PENCO, where she works as an environmental educator and ecotourism guide in an area of outstanding natural value that forms part of a Chilean biodiversity hotspot, home to endangered species, and which actively campaigns against the establishment of mining operations and for water sovereignty.
336. Valeria reported on the creation of pilot projects and facilities—which were later abandoned—without environmental impact studies, assessments, or FPIC processes in an area of high biodiversity. She stated that the governments of Canada and Chile should be held accountable for the aggressive and disrespectful way in which they entered the territory,

building infrastructure, deforesting areas, and damaging natural ecosystems and monuments without permission.

337. Furthermore, Valeria stated that these activities are being carried out under the pretext of contributing to the energy transition, despite causing significant environmental damage and the extraction of large quantities of material. It appears that these operations serve the interests of the arms industry rather than promoting genuine renewable energy development.

Requests

338. The Tribunal is requested to:

- Hold the governments of Chile and Canada accountable for the prosecution and extortion of Indigenous Peoples, other local communities, especially, in Chile, the Mapuche Indigenous Peoples;
- That the Aclara company abandoned the logging project in Penco;
- That the Aclara company transferred the water rights for the Penco River, Bellavista Creek, and Poñen Creek to the communities of Penco, Tomé, and Florida;
- That the company takes responsibility for implementing mitigation measures for the psychological harm and emotional distress caused to environmental leaders and advocates in Penco;
- That the company implements mitigation measures for the damage caused to the Penco River basin, for damage to *queules* (a Chilean Natural Monument), and for the impact on native flora and fauna resulting from the company's unauthorized logging in the mining concession area and the construction of mining roads;
- We call on the Chilean government to support the sustainable development of our community by funding the Parque para Penco project, to ensure the protection of the Penco River basin, the restoration and effective protection of existing biodiversity, and the Queule (Gomortega keule) natural monument and living fossil;
- We call on the Chilean government to ensure that citizen participation processes are binding and decisive.

4.2.1.3 Cyanide Spill Case (Argentina)

Summary

339. In September 2015, a major environmental disaster occurred at Barrick Mining Corporation (ex- Barrick Gold²⁰⁸) Veladero mine in San Juan, Argentina, when more than one million liters of cyanide solution spilled into nearby rivers due to a valve failure. This incident,

²⁰⁸ On May 6 2025, the company changed its name from Barrick Gold to Barrick Mining Corporation: <https://www.barrick.com/English/news/news-details/2025/barrick-announces-name-change-to-barrick-mining-corporation-and-election-of-directors/default.aspx>.

considered the largest mining spill in Argentina's history, led to two federal cases against public officials. Despite the 2018 ruling to proceed to trial, the process has been repeatedly delayed and oral hearings have not yet begun.

340. The Argentine judicial system, including the Supreme Court, has been criticized for protecting Barrick from liability. Some judges have obstructed investigations into the company's responsibility, including that of former CEO Guillermo Caló and provincial officials. The case also involves violations of environmental laws, particularly with regard to glaciers and water sources in the region. Federal Judge Sebastián Casanello attempted to move the case forward, but local courts obstructed its progress. So far, despite petitions with more than 71,000 signatures demanding justice, the trial has not begun.
341. This prolonged delay highlights a systemic problem of injustice and impunity that favors mining companies such as Barrick. Successive Argentine governments have failed to hold the company accountable, allowing environmental and social damage to continue. Recent policies may further protect mining interests, which could exacerbate the situation.

Statements on impacts

342. Domingo Jofré, social communicator and territorial writer, representing the Jáchal No Se Toca Assembly, the Potrerillos River, the Jáchal River ecosystem and its fauna (vicuñas, guanacos, foxes, pumas and condors), shared his first-hand testimony about the spill in a video that was shown during the hearing.
343. Enrique Viale, environmental lawyer with the Argentine Association of Environmental Lawyers (AAdeAA), described the historical activity of mining projects in Argentina, which consume large amounts of water, using 100 million liters of water per day, every day, for decades. He shared how cyanide is used in equally large quantities, causing one of the most catastrophic environmental disasters in Argentina's history when, in 2015, more than one million liters of cyanide solution leaked, contaminating and destroying nearby rivers due to a valve failure. Enrique stated that the Canadian company Barrick Gold is responsible for damaging these ecosystems and the drinking water of all communities downstream, without prior warning or communication. Enrique lamented that, to date, the mining company continues its activities with total impunity. In his testimony, Enrique stated that the human and environmental rights violated by these mining companies are comparable to those of the biotech giant Monsanto and that, together, these megacorporations are operating under a false “green” narrative: rather than extracting minerals to address an energy crisis, it is actually a corporate energy crisis driven by economic profit. Finally, he stated that Canadian mining in Latin America is carried out by undermining democracy, reducing it to its minimum. Another disadvantage of mining, according to him, is the erosion of the most basic political and civil rights and principles, which in some places leads to death, with Latin America being the region with the most deaths and disappearances of environmental defenders on the planet, mostly due to resistance to mining operations.

Requests

344. The Tribunal is requested to:

- Condemn Canadian companies, but also the Argentine and Canadian governments;
- Call for accountability from the Argentine administrations and mining companies;
- Order a halt to ongoing environmental and social damage and suspend policies that could further protect mining interests, which could aggravate the situation.

4.2.1.4. Lithium mining case (Argentina)

Summary

345. On December 29, 2024, representatives of the communities of Cuenca de Salinas Grandes and Laguna de Guayatayoc, in the Argentine province of Jujuy, drafted a letter of protest against lithium mining exploration in their territories. The exploration activities are being carried out by Lition Energy under the auspices of the Canadian company and Argentine crude oil exporter Pan American Energy Ltd. These operations have been authorized through irregular environmental licenses and permits, violating public participation, collective rights, and Indigenous Peoples rights. Representing more than 30 Indigenous communities in the province, the letter highlights the anticipated damage to human rights and the environment in their territories, water sources, ecosystems, and cultural identity.
346. Lithium extraction projects are being touted as “climate action” to promote green energy, and Argentina, with the world's second-largest lithium reserves, is seeking to position itself as a global hub for clean energy, attracting private investment. These projects are being carried out at the expense of local Indigenous communities and the local environment, as exploration is taking place without consultation or access to information, and with serious violations of applicable national and international regulations.
347. There are already signs of serious environmental problems, such as evidence that the water level in the basin has dropped, affecting the entire ecosystem and its biodiversity. The loss of wetland habitats due to water depletion from mining transforms the ecological conditions of the system, mainly the pH and conductivity of the water, which is related to the presence of microbial layers. There has been a decline in the number of flamingo nests, birds, and chicks in areas near lithium projects, probably due to the decline in the presence of microorganisms that constitute their food base. Other species that depend on the basin—and are therefore important indicators—are the Andean avocet (*Recurvirostra andina*) and the red-necked phalarope (*Phalaropus tricolor*).
348. The loss of wetlands and marshes leads to the release of stored carbon and natural methane reserves, which is detrimental to climate change mitigation and paradoxical for the supposedly clean energy obtained through the mining project itself.

349. Given that mining operations are drastically changing all aspects of livestock and agriculture, there is also real concern that indigenous culture will be forced to abandon its traditional practices.

Statements on impacts

350. Verónica Chávez and Miranda Solís appeared as witnesses in this case. Verónica is a representative of the Santuario Tres Pozos community and belongs to the Salinas Grandes-Laguna de Guayatayoc watershed. Miranda Solís is an attorney with a degree in environmental management, and she is a member of the Environmental Policy team at the Environment and Natural Resources Foundation (FARN).

351. Verónica began her testimony by describing the traditional life of her community before the arrival of mining operations: “Our grandparents and great-grandparents lived in this place, which was so beautiful. They lived off livestock, culture, crafts, and also the salt flats, where they extracted salt. They sold it, taking it to the ravine, to the valleys, to Jujuy, in exchange for vegetables and fruit.” She explained to the Tribunal that, since then, her community has developed sustainable tourism, selling textiles, cheese, and traditional dried meat, while living in peace and harmony with nature. She highlighted the importance of Mount Chañi, Mount Casabindo, natural springs, and watering holes, as well as local fauna and flora, such as vicuñas, lizards, and foxes, as essential parts of this sustainable way of life. Verónica testified that, about 15 years ago, mining companies began to explore the region, entering their ancestral lands without the consent of the 38 communities living between the provinces of Salta and Jujuy: “They came without permission and began to destroy our beautiful salt flats, breaking the water veins. I myself found miles and miles of fresh water flowing under the El Nistión II salt flat. You can imagine how painful it was to find our land destroyed, our Mother Salt Flat bleeding. It was heartbreaking. From that moment on, we began to organize. We began to file complaints with the provincial government, the national government, and international organizations.” She explained that this resistance has been going on for more than 15 years, during which time the communities created a protocol called Kachi Yupi (“Footprint of Salt”), a consultation mechanism, and a declaration recognizing the entire Jujuy basin as a subject of rights.

352. However, Verónica pointed out that neither the government nor the companies respected these initiatives. Instead, they organized workshops, offered promises of employment, and distributed tools to obtain so-called “social licenses,” all while avoiding any genuine dialogue or consultation. Verónica emphasized that all the watersheds and waterways in the region are interconnected and support thousands of people and countless species.

353. She explained: “We have claimed a collective right to this water. Why collective? Because water and brine have no borders. Neighboring communities cannot make decisions on their own; it must be a collective effort.” She went on to describe episodes of violent repression

ordered by the government, including the use of rubber bullets, tear gas, persecution, and false criminal charges against defenders. Verónica concluded her testimony with these words:

“They fabricated criminal charges against our brothers who defend the territory. But we are not giving up; we will continue to live there. The companies claim that they bring jobs, but that is a lie. The work that we have, the work of our ancestors, is lasting. The work that they bring only lasts 10 or 20 years. And what will be left afterwards? Our Mamita Pacha (Mother Earth) will be destroyed. The waters, her blood, will be contaminated. What kind of ‘work’ is that? That is not work. That is bread for today and hunger for tomorrow. We do not want it and we will not allow it. We will continue to resist. We are human beings, just like everyone else in the world. We deserve a healthy environment, for ourselves, for the animals, for everything that lives in this small basin. We appear before this Tribunal to say, with great pain, that I do not want to leave my land, the land that was so beautiful, where I sang my songs, herded my sheep calling them ‘cuti cuti’ and they answered me. My mother lived there, my father, my grandfather, everyone. I do not want to leave that place. I ask you to listen to us and do justice for what we are going through. The salt flat is part of our family. It is our mother. That is why we do not want it destroyed. The salt flat is more than five million years old. Our ancestors lived off it. They extracted salt bricks to trade. Later came the production of fleur de sel, the delicate layer that forms when the salt flat fills with water and, with the heat of the sun, evaporates, leaving a thin crust half a millimeter to a millimeter thick, which is then collected and sold throughout Argentina, in Jujuy, and even in Paraguay. Then came pool salt, also for human consumption, which reaches our tables. That also comes from the salt flats, harvested from ponds that take between eight and ten years to fill and mature. That is very important to us because it sustained our grandparents. The salt flats, the Guayatayoc lagoon, the hills, the vicuñas, the foxes, the suris, they are all part of our family. They are our family. At dawn, when a little bird sings, it greets us. When we go to the fields, the vicuñas cross our path and greet us. We share the land with them. We find the springs, the ponds, we herd our llamas, we sing our songs, we chew coca leaves and offer them to Mother Earth. Every day we make these offerings to ask if things will go well or not. Sometimes the answer is good, sometimes not, but we never lose hope. Although companies have divided us, that is what hurts the most, breaking our unity and damaging our environment. They buy people from the areas where the springs are. Two companies entered the community of Lipán, but it was not the entire community that gave its consent, only a few families. The same thing happened in the community of El Rincón: only a few families agreed. This is how companies divide and break us. That is why we want this to stop. All of nature, our part of it, our family, suffers. When they destroy it like this, they destroy us as a family. We have many problems; that is what is happening now in Argentina. We do not want to be sacrificed so that a few people can drive luxury cars. We will never do that. We want to preserve this salt flat, these mountains, Chañi, the springs, the glaciers, so that future generations, our grandchildren and great-grandchildren, can enjoy them. That is all. Thank you. Thank you very much.”

354. Miranda complemented Verónica's testimony by stating that FARN has been working with her and the local resistance movement for more than ten years, and pointed out the direct and

severe persecution and harassment faced by its members. He emphasized that the so-called “energy transition” is threatening the integrity of a unique ecosystem: the high Andean salt flats. “These are fragile and unique environments that are home to biodiversity found nowhere else on the planet.”

355. Miranda explained: "Beneath these salt flats lies brine, groundwater in which minerals have accumulated over millions of years, rich in various elements. It is from this brine that companies intend to extract lithium. This brine interacts with freshwater at different levels, water that communities use for their daily lives and on which local flora and fauna depend for survival. This ecosystem exists in balance, a balance achieved over thousands of years through the co-evolution of species and human communities."
356. The mining now being proposed would extract the brine from beneath the salt crust, clearly endangering this delicate hydrological balance that took millennia to form. The true consequences of this extraction are still unknown. Drawing on similar experiences, Miranda explained how similar extractive dynamics in other regions have led to ecosystems drying up beyond recovery.
357. She denounced violations of the Rights of Nature, including the Earth's right to be respected, to regenerate, to continue its life cycles without human interference, to maintain its identity and integrity, and the right of water as a source of life for all beings. She also pointed out that many companies have set their sights on the Jujuy region, often using evasive corporate structures to avoid responsibility: “Even so, we know that two Canadian companies, Dajín and Pan American Energy, operate in the territory of Salinas Grandes and Laguna de Guayatayoc, where Verónica comes from. This has been confirmed. According to data published by the national government, there are at least 16 other projects backed by Canadian capital, although we have not been able to clearly identify them due to this opaque management.”²⁰⁹
358. Miranda highlighted how the complicity of provincial governments and local courts has worsened the situation, and also pointed to the role of international financial institutions, such as the Inter-American Development Bank (IDB), which financed the reform of Jujuy's environmental law. He explained that these reforms allow environmental impact hearings to be held only with landowners, with very limited community participation, which is a clear violation of the right to free, prior, and informed consultation, (FPIC) as well as the right of Indigenous Peoples to give or withhold their consent.

Requests

359. The following requests are made to the Tribunal:

²⁰⁹ Note regarding the involvement of Dajín and Pan American Energy at the time of this ruling's publication: With regard to Dajín, and according to information obtained by FARN from the Embassy, the Canadian company formerly linked to Dajín Resources S.A. is now D2 Lithium Corp., which no longer has any involvement in mining projects in Argentina. Regarding Pan American Energy: it is currently impossible to confirm whether it is backed by Canadian capital, due to a strategy of constant buying and selling that creates confusion and opacity regarding the owners of the capital.

- Require that the entire ecosystem be taken into account in future projects;
- Recognize the danger that lithium mining poses to the ecosystem and surrounding communities;
- Order respect for the right to prior, free, and informed consent (FPIC) of Indigenous communities;
- They concluded their requests with the following words: “We hope that the vulnerabilities reported will be sufficient to halt these projects, as well as the insufficient consideration of the environmental impacts and irreparable damage that these lithium extraction projects will cause.”

4.2.1.5. Case: Uranium mining in Canada

Summary

360. Canada is one of the world's largest producers and exporters of uranium. Uranium is found in rock and is extracted in open-pit and underground facilities. Once processed, it is used for nuclear energy, weapons, and medical isotopes for cancer treatment.
361. Uranium mining in Canada began in the 1970s. Currently, all mines are located in northern Saskatchewan, including:
- Cigar Lake Mine
 - Key Lake Plant
 - McArthur River Mine
 - McClean Lake Mine and Plant
 - Rabbit Lake Mine and Plant
362. New mining projects are currently under development. The Canadian Nuclear Safety Commission regulates and licenses all of them.
363. Uranium mining causes considerable environmental and social damage. To extract uranium, rocks are drilled and blasted, drastically altering the terrain and ecosystems. Mines and plants contaminate soil and groundwater with dissolved metals and waste, and disperse radioactive dust and gases into the air. Eighty-five percent of radioactive waste is left behind and requires safe treatment for hundreds of years. These impacts have led to the displacement of Indigenous First Nation communities of the Cree and Dene Peoples. Since the beginning of uranium mining, those impacted have shown resistance. The most notable victory was the 1984 moratorium in the province of Nova Scotia, which has now expired. The Canadian government, under the banner of a "green/clean energy transition to uranium," is taking strong measures to continue exploring and developing uranium mining, facing growing community resistance.

Statements on impacts

364. Jordyn Burnouf, a Nehîyaw (Cree) woman from Sakitawahk (Île-à-la-Crosse) and a member of the Black Lake First Nation, appeared to testify in this case. She explained that her community, which is over 250 years old, was one of the first to be colonized. This

colonization was characterized by the creation of residential schools, to which Indigenous children were forcibly taken to break their ties to their culture and identity.

365. Jordyn stated that she was bringing the voices of his relatives to the Tribunal: the caribou of the forests, the peat bogs, the medicinal plants, the beaver, the muskrat, the frogs, the trees, and the moose. She emphasized that the ecosystem from which he comes, the northern boreal forest, is one of the largest carbon sinks in North America.
366. The witness shared her firsthand experiences working during the summer in the Cigar Lake and MacArthur River mines. She recounted the warnings she received about exposure to violent behavior and sexual harassment. In addition, she personally witnessed how safety measures and regulations were often ignored or poorly enforced.
367. Jordyn also shed light on how the uranium and nuclear energy industries invest in disinformation campaigns about green and nuclear energy to win the sympathy and support of Indigenous communities. According to her, these efforts are often made with false promises and in an environment marked by instability and violence, citing both ongoing violence and the loss of 700 jobs when Cameco restructured a few years ago.
368. From her perspective, Jordyn concluded that the marginal benefits that the energy industry can offer cannot outweigh the long-term costs to health, the economy, the environment, society, and culture.

Requests

369. The Tribunal was asked to do the following:
 - To ask federal governments to ensure that FPIC is truly informed and not biased or constructed by industry;
 - To question the IPCC and the International Energy Agency on the inclusion of nuclear energy as a cleaner solution to the climate crisis, taking into account all its risks and damage to land and living beings.

4.2.1.6. Impacts of Canadian mining companies in Ecuador: 7 cases

370. These cases were heard during the XV Local Tribunal for the Rights of Nature, held in Quito on February 19, 2025. Following this local hearing, representatives Zenaida Yacasema and Hortencia Zhagüi were sent to the tribunal in Toronto. The following section summarizes the information gathered in Quito, followed by the representatives' testimonies and requests.

Summary

A. Las Naves

371. The Curipamba-El Domo mining project aims to begin large-scale open-pit and underground mining of copper, gold, silver, and zinc in the province of Bolívar in July 2027. Canadian mining companies Silvercorp Metals Inc. and Salazar Resources Ltd., together with their local operator Curimining S.A., have repeatedly violated human rights, collective rights, and the Rights of Nature, affecting several agricultural communities and their territories.
372. With impacts on watershed headwaters, contamination from sludge and other heavy metals, massive water extraction, and alterations to the communities' ancestral roads, this mining activity threatens water security and the local life of communities and ecosystems.
373. On February 11, 2025, the Bolívar Criminal Court of Guarantees handed down a sentence against three defenders who, along with thousands of other local residents, have resisted this mining project for nearly two decades because it threatens critical water sources that sustain dozens of indigenous, montubio, and peasant communities on the western slope of the Andes in central Ecuador. The massive militarization of this conflict, which has brought severe violence and repression to the communities in resistance, has led to a call by 280 Ecuadorian and international organizations for the State of Ecuador and the government of Canada to halt the project.
374. In February 2026, three further women environmental activists were sentenced by the Criminal Court in the canton of Quevedo to four (4) years' imprisonment and ordered to pay fifteen (15) times the basic wage for speaking out against the risks and impacts associated with the Curipamba–El Domo mining project²¹⁰.

B. Kimsakocha

375. The Kimsakocha páramo, covering an area of more than 3,217 hectares, is the source of five rivers that supply water to Cuenca. It is threatened by the Loma Larga mining project, led by the Canadian mining company DPM Metals Inc (ex-Dundee Precious Metals²¹¹). The Kimsakocha páramo and its water, as well as the people who benefit from and defend this land, face the threat of large-scale gold mining, which affects Indigenous territories and the water supply of Cuenca and rural areas. Defenders of water and local communities have been working for more than three decades to protect the Kimsakocha páramo.

²¹⁰

https://miningwatch.ca/sites/default/files/2026-02-24%20Pronunciamento%20otra%20Sentencia%20Las%20Naves.docx%20%28SPANISH%29_0.pdf

²¹¹ On September 12 of 2025 changed its name from Dundee Precious Metals to DPM Metals Inc:

<https://dpmmetals.com/news-media/news-releases/dpm-metals-completes-name-change-from-dundee-prec-11485/>.

376. In 2022, the Provincial Court of Azuay ruled in favor of the communities in resistance for their actions against concessions in the Kimsakocha páramo that the Ecuadorian state had granted without prior consultation or environmental assessment. The Court recognized that this violates the human right to water and the Rights of Nature. On August 28, 2023, the Court reiterated its ruling in favor of consultation, “decreeing that, in the absence of consultation, all mining activity in the Kimsakocha páramo is suspended.”
377. Following the historic march for water in September 2025 and a community cleanup effort in the Kimsakocha moors to collect waste left behind by the Canadian company, six members of the Federation of Indigenous and Peasant Organizations of Azuay (FOA) are facing criminal charges.

C. Warintza

378. Copper, gold, and molybdenum mining in the Shuar Arutam territory, Morona Santiago province, is causing social and environmental conflicts. Indigenous resistance defends their ancestral lands and the integrity of their natural resources.
379. In a March 2023 report, Amazon Watch exposes the risks of the Warintza project, which is already in an advanced stage of exploration. The report mentions the Andes mountain range, the Condor mountain range, and the western Amazon basin as ecosystems affected by deforestation, pollution, water use, and climate change. It also lists human rights violations linked to the project: the right to free, prior, and informed consent FPIC; the right of association and participation; the right to personal integrity of human rights defenders; the right to territory; the right to culture and self-determination; and the right to a healthy environment, guaranteed by the Constitution and jurisprudence of Ecuador, ILO Convention 169, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
380. The Shuar Arutam People (PSHA) have repeatedly reiterated the environmental, legal, social, and reputational risks of the Warintza mining project in response to the public announcement by Solaris Resources, a junior mining company based in Switzerland but which, until January 2025, was Canadian, that it will proceed with the exploration phase. In October 2023, Solaris Resources Inc announced the appointment of China International Capital Corporation Limited (CICC) as the company's Chinese financial advisor. On November 20, 2023, the Indigenous Peoples affected by the Warintza project issued a statement addressed to potential buyers stating that the project lacks a social license to operate.

D. Nabón

381. Mining exploration threatens traditional agricultural practices and food autonomy for the inhabitants of the canton of Nabón, particularly in the parish of Cochapata, due to the concession of large tracts of land to the Cachavi mining company for mining operations, which affects the water sources used by the population for both irrigation and human consumption. The communities are fighting to preserve their livelihoods and local culture. The canton of Nabón has mobilized to protect the water sources in the páramos and the impact on El Mozo hill, which have been concessioned against the will of the population, who are defending their territory and their water.

E. Fierro Urku

382. “Fierro Urku is a páramo that gives rise to four river basins in southern Ecuador: Jubones, Puyango-Tumbes, Zamora, and Catamayo Chira.” The Agency for the Regulation and Control of Energy and Non-Renewable Natural Resources reports that, since 2002, 27,272 hectares of páramo have been granted in seven concessions. According to data from the geoportal, the beneficiary companies are Green Rock Resources, a subsidiary of Solgold (Australia); Cañabrava Mining, a subsidiary of Cornerstone (Canada); Guayacan Gold, a subsidiary of Salazar Resources and Adventus Mining (Canada); and Compañía Minera del Pacífico Noroeste (Ecuador). According to the website of Solgold, one of the companies with a concession, there are gold, silver, and copper deposits in the area. At this time, all projects are in the exploration phase, despite social resistance and legal actions filed by water and land defenders. The area, known as the “Water Star of Ecuador,” supplies water to more than 333,000 people.

F. Palo Quemado

383. The communities of Palo Quemado and Las Pampas, in the province of Cotopaxi, have been resisting mining projects for 40 years. These agricultural lands are home to 27 water sources, including the Esmeraldas River and El Tigre Hill, where a mining project is planned. The area has a long history of silver exploration by various companies from around the world since the 1970s.
384. In 2021, Atico Mining Corporation acquired 100% of the shares in the exploration project. The concession covers 2,222 hectares of land. The company initiated a broad outreach strategy with the local population to obtain consent and move forward to the consultation phase.
385. Since 2019, community organization and resistance to the project have intensified, hosting, for example, the Third National Meeting Against Mining Dispossession in the parish of Las Pampas in 2021.
386. In 2023, a first attempt at environmental consultation was carried out, in which only two areas considered favorable to mining in the parish of Palo Quemado were given access, excluding the active and free participation of other communities. As tensions rose, the area was militarized by security forces, sowing fear and confusion in communities, repressing protests with tear gas and rubber bullets, and putting pressure on the consultation process. The United Nations High Commissioner for Human Rights, Volker Türk, and the Ecumenical Commission on Human Rights (CEDHU) expressed concern about the violence that occurred during this period.
387. In March 2024, the environmental consultation on the project was suspended until August of the same year, when a judge ruled in favor of the company and lifted the precautionary measures, leading to renewed militarization in October 2024, by order of President Noboa. These actions, marked by violence, intimidation, and the criminalization of several defenders

of the territory, were denounced by various human rights organizations, as well as by the United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor.

G. Espindola

388. The “Correa-Jirón” concession, owned by the Canadian company Osos Negros Company O3NC S.A. & Salazar Ressources, is located in the parish of El Ingenio, canton of Espindola, province of Loja, and covers an area of 1,175 hectares for gold exploration and extraction. This area is very rich in water and acts as a buffer zone for the Yacuri National Park. Espíndola invoked its constitutional right to resistance, and on November 21, 2024, the population rose up in rejection of mining activities in the Espíndola moorland in order to guarantee human rights and the Rights of Nature and revoke these concessions in areas of high biodiversity. In September 2024, the Decentralized Government of Espíndola considered declaring Espíndola a mining-free jurisdiction.

Statements on impacts

389. Zenaida Yasacama, vice president of CONAIE (Confederation of Indigenous Nationalities and Peoples of Ecuador), and Hortencia Zhagüi, representative of the Victoria del Portete and Tarqui Drinking Water Administrators Board and member of the Kimsakocha Women's Agroecology School, appeared before the Tribunal to testify about seven mining cases in Ecuador. As mentioned, they were entrusted with representing these cases during the XV Local Tribunal of the Rights of Nature, held in Quito on February 19, 2025.
390. Hortencia Zhagüi explained that the fight against mining in the Kimsakocha páramo has been going on for more than 30 years. Only recently has a consultation process finally been carried out, in which 95% of votes at the national, provincial, and parish levels were against mining, extractivism, and the destruction of the páramos.
391. She emphasized that, prior to this, communities had never been provided with information or consulted. Hortencia presented a map to the judges of the Tribunal showing the numerous watercourses, springs, and lagoons directly threatened by mining operations. She described how the machinery used during the exploration phase has already contaminated the hillsides and water sources, with chemical waste being dumped into the lagoons and lakes that make up the Kimsakocha ecosystem.
392. Hortencia stated that although community resistance has been organized since 1924, the Ecuadorian government has never lent its support, but has instead responded with military operations against local defenders. She cited a report published by ETAPA, an independent scientific organization, documenting the pollution expected as a result of the mining projects, in particular the serious health risks posed by the arsenic used in mining operations.
393. She also highlighted the danger of unstable waste (mountains of mining waste), contamination of surface and groundwater sources, and massive land degradation, with an estimated 3,000 tons of soil expected to be removed as part of these projects.

394. Zenaida began her testimony by recalling two important events that were taking place simultaneously in Ecuador: the negotiation of a Free Trade Agreement between Ecuador and Canada, and the rapid expansion of Canadian mining companies in Ecuadorian territory.
395. She stated that Canadian mining concessions now cover 653,505 hectares, of which 6.9% are located on Indigenous lands. To illustrate this, she cited the case of Palo Quemado, where 2,222 hectares were granted to the La Plata mining company.
396. Zenaida testified that communities are being oppressed through militarization and criminalization, and that security forces prioritize mining interests over the protection of people and nature. She recalled the conflict in Palo Quemado, where collective rights, the right to life, water, a healthy environment, and the right to free, prior, and informed consent have been seriously violated.
397. She concluded her testimony with the following words: “As CONAIE, the Confederation of Indigenous Nationalities and Peoples, together with our allies and all those who defend life, we seek to guarantee legal and judicial protection for defenders of nature who have been criminalized for defending their rights and territories. Therefore, we request your support and solidarity to ensure justice and end impunity, not only for our ancestral territories, but also for those who dedicate their lives to defending them.”

Requests

398. The Tribunal is requested to do the following:
- Abandon all mining projects in Ecuador and revoke all related mining concessions;
 - Guarantee fair legal proceedings and fair sentences for all land defenders who have been prosecuted;
 - That international investigations be ordered into all cases related to the environmental and social impacts of mining projects;
 - Guarantee the right to free, prior, and informed consent FPIC and respect the consultations that have already been carried out, specifically the Kimsakocha consultation;
 - Respect the rights of communities to decide on their own territories;
 - Protect and officially declare ecosystems that are currently at risk as protected areas;
 - Demand that the Canadian government take responsibility for the human rights, environmental, and nature violations committed by its mining companies in Ecuador;
 - We urge the Ecuadorian government to defend and enforce the Rights of Nature enshrined in its Constitution, as well as the rights of its citizens and indigenous communities;
 - Denounce Presidential Decree 111, which restricts constitutional rights—including freedom of assembly—under the pretext of internal armed conflict;
 - Demand reparation and restoration for all damage caused to the environment and affected communities;

399. They concluded their petitions by reading the mandate under which they were sent to Toronto, including the following requests:

- Stop the criminalization and persecution of human rights and nature defenders. They represent nature and have explained to us that animals are warning of the damage and threats they face.
- Respect popular consultations, which are legitimate expressions of the will of the people.
- That consultation processes are genuine and carried out in the exercise of self-determination. That they not be manipulated and that the will of community assemblies and community decisions be respected.
- That this verdict be presented to the International Tribunal for the Rights of Nature in Canada.
- The immediate withdrawal of companies from the territories. That concessions that do not comply with environmental impact studies and have been granted without prior, free, and informed consultation, in violation of constitutional rights, be reviewed.
- Regarding the risk posed by tailings dams, this Tribunal demands clarity on their construction and that downstream tailings dams, such as the one being built in C6ndor Mirador, not be allowed under any circumstances.

4.2.1.7. Free Trade Agreement Case (Ecuador)

Summary

400. In early February 2025, government leaders from Canada and Ecuador announced the completion of a controversial trade agreement that, if ratified, will harm the rights and way of life of Indigenous nations on the front lines of climate change. Promoted by Ecuadorian President Daniel Noboa on the eve of his country's national elections, the Canada-Ecuador Free Trade Agreement is moving forward despite opposition from Ecuador's largest indigenous organization (CONAIE) and several indigenous nations already suffering human rights abuses in connection with Canadian mining projects on their territories.

401. It is particularly concerning that the proposed agreement includes an investor-state dispute settlement (ISDS) mechanism, even though the Ecuadorian people voted in a constitutional referendum in 2024 to ban the inclusion of ISDS in future trade agreements. Multiple UN bodies and experts have recommended that ISDS not be included in new trade agreements and be removed from existing ones, warning that ISDS limits states' efforts to combat climate change and comply with their international human rights obligations.

Statements on impacts

402. Viviana Herrera, Latin America program coordinator for MiningWatch Canada, shared her observations on the systemic damage to the environment and human rights caused by Canadian mining operations in Latin America. She described patterns of toxic spills, dam collapses, water contamination, repression, and murders of environmental leaders.
403. To illustrate this, she recalled the 2019 murder of Mariano Abarca, a Mexican environmental defender who opposed Canadian mining projects. Herrera stated, “There is an undeniable pattern: Canadian mining companies systematically violate human rights and cause environmental damage.” Viviana spoke about the Canada-Ecuador Free Trade Agreement, which was concluded in January 2025 after six rounds of negotiations that began in April 2024. The agreement was expected to be signed and ratified in the coming months. She highlighted what she described as false promises made by Canada: that the agreement would respect democracy, human rights, indigenous rights, and environmental protection. However, he noted, “this free trade agreement is moving forward at the same time that six environmental defenders from Las Naves, in the central highlands of Ecuador, have been sentenced to three years in prison for peacefully resisting the Canadian mining project Curipamba El Domo, owned by Silvercorp Metals and Salazar Resources.”
404. Herrera emphasized that a key feature of the agreement is its support for foreign mining investment in Ecuador. Drawing on the history of Canadian mining in Ecuador, he warned that this is likely to lead to violations of the Rights of Nature, exacerbate socio-environmental conflicts, deepen human rights violations, and militarize territories, thereby intimidating indigenous and environmental defenders who speak out against Canadian mining interests.
405. She also warned that the expansion of mining activities will threaten endemic species and pollute vital water sources on which thousands of Ecuadorians depend. “Meanwhile, Canada still lacks a meaningful mechanism to prevent or remedy such abuses,” she added.
406. One of the main concerns raised was the possible inclusion of investor-state dispute settlement (ISDS) mechanisms, which are often used by Canadian mining companies to sue governments in private supranational courts. According to Herrera, this would violate the Ecuadorian Constitution and worsen the situation of human rights, indigenous rights, and environmental damage.
407. She quoted former UN Special Rapporteur on Human Rights and the Environment David Boyd, who stated that “the investor-state dispute settlement mechanism represents a formidable obstacle to the climate and environmental measures needed to prevent a planetary catastrophe.”
408. Herrera also reminded the Tribunal that ISDS mechanisms are explicitly prohibited by the Ecuadorian Constitution.

Requests

409. Viviana addressed the Tribunal with the following requests:

- That it urged the Canadian Parliament and the Ecuadorian Constitutional Court not to approve the Canada-Ecuador Free Trade Agreement;
- It urges both governments not to include ISDS provisions in the final agreement, as these mechanisms violate the Ecuadorian Constitution and could exacerbate damage to human rights, Indigenous rights, and the environment. The Tribunal is also asked to take note that no free trade agreement should be ratified without the consent of Indigenous Peoples;
- Call attention to the governments of Canada and Ecuador for failing to fulfill their obligations to Indigenous nations and peoples: in the case of Canada, for ignoring the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and in the case of Ecuador, for neglecting the Rights of Nature enshrined in its own Constitution;
- Defend and promote the rights of Indigenous Peoples to free, prior, and informed consent (FPIC) in relation to extractive projects, and defend the rights of local peasant communities that express their opposition to mining through popular referendums, not only in Ecuador, but also in Colombia, Chile, and Argentina;
- We urge the Canadian government to adopt mandatory human rights and environmental due diligence legislation to ensure accountability of Canadian mining companies operating abroad, and to strengthen the mandate of the Canadian Ombudsman for Responsible Enterprise (CORE) by granting it long-promised investigative powers to compel witnesses to testify and produce documents.

4.2.1.8. Dundee Precious Minerals case (Serbia)

Summary

410. Nestled in the mountainous region of eastern Serbia, Homolje is one of Europe's last remaining wilderness areas and an important biodiversity hotspot. It is home to more than 140 protected and highly protected species, including 57 listed under the Bern Convention, such as the Eurasian lynx and the critically endangered golden eagle. Part of the Carpathian Mountains, Homolje is renowned for its pristine beauty, rich wildlife, and crystal-clear waters.
411. In December 2021, Canadian company Dundee Precious Metals announced plans to open a gold mine in Homolje, using surface mining techniques that could involve the use of cyanide, an option that is still under consideration (SaveHomolje).
412. This proposal has raised growing concerns about violations of the Rights of Nature and escalating threats against local communities and defenders who oppose the project. Serbia

has become a hub for anti-mining movements, characterized by widespread protests and large-scale acts of resistance.

413. The environmental and social consequences of mining in this region would be significant. Potential impacts include deforestation, water and soil pollution, noise disturbance, destruction of natural habitats, and much more. The case has been brought before the Bern Convention on the Conservation of European Wildlife and Natural Habitats, underscoring the urgent need to safeguard Homolje's unique ecosystems and cultural heritage.
414. This case was presented at the 14th Local Tribunal for the Rights of Nature on November 23, 2024. Given its importance in addressing Canadian mining issues, an initial statement was issued and subsequently presented at the Ecuador session and, finally, at the 6th International Tribunal for the Rights of Nature.

Statements on impacts

415. Francesco Martone, judge of the 14th Local Tribunal for the Rights of Nature in the Dundee Precious Metals (DPM) case, and Rade Mosaic presented their testimonies on this case. Rade Mosaic shared his statement through a recorded testimony, which is available for consultation.
416. Francesco explained that since drilling began in 2007, the number of wells drilled had reached 12,277 in May 2020 for the Timok project. In December 2021, DPM announced its plans to develop a gold mine in the Homolje region, using extraction techniques that involve the use of cyanide, a highly toxic substance. He noted that DPM's proposed activities in Timok, Potaj, Cuca, Tijinica, and Coka-Rakita are of particular concern, as they are all located in ecologically sensitive areas of critical biodiversity, home to 143 species of conservation interest.
417. The mountainous region of Homolje lies between two national parks, next to the Danube River to the north and close to natural monuments such as the Mlava and Omogljapotokcinica rivers. In addition, three Important Bird Areas (IBAs) surround the affected region. Numerous rivers flow through the project area, including the Losareka, Mlava, Veliki Timok, and St. Timok rivers, all of which flow into the Danube River.
418. Francesco highlighted that the anticipated environmental impacts of mining activities would be considerable and could amount to ecocide, as they would include the production and dumping of toxic waste, deforestation, water pollution, and habitat destruction, including erosion-prone areas likely to be affected by the Timok project. These impacts would compound the damage already caused by DPM's exploration activities in Homolje. There remains serious concern about the lack of official data on the impacts of the drilling wells already completed, especially as samples from the Coka-Rakita concession show a significant increase in toxic minerals, well above safe levels for human exposure. Francesco also warned of the harassment and threats faced by journalists and environmental defenders who have attempted to document the situation.

419. He recalled the reaction of the 14th Local Tribunal for the Rights of Nature: “We urge the Serbian government to take all necessary measures to ensure that civil society and the media can operate freely and without risk, as guaranteed by international instruments such as the Aarhus Convention on environmental rights defenders.”
420. Francesco Martone described a broader global dynamic aimed at transforming eastern Serbia into a mining region, facilitated by the complicity of the Serbian government, which, through legislative and administrative decrees, seeks to create a favorable environment for foreign mining investments without taking into account environmental or social impacts. He denounced the Serbian government's failure to ensure transparency, access to environmental information, and compliance with environmental laws: “The Serbian government has not ensured the availability of data on drilling activities carried out by DPM. It has not implemented adequate waste management mechanisms, nor has it provided legal and administrative protection for wild flora and fauna. Such conduct constitutes a violation of several international conventions to which Serbia is a signatory, including the Carpathian Convention, the Bern Convention, the Bonn Convention, the Danube Convention, and the Aarhus Convention.” Finally, Francesco recalled that the 14th Local Tribunal for the Rights of Nature found Dundee Precious Metals guilty of knowingly causing environmental damage while taking advantage of a weak regulatory framework, “thus contradicting its supposed commitments to responsible mining.”

Requests

421. The Tribunal was asked:

- That, as a precautionary measure, the Serbian government order the immediate suspension of all exploration activities carried out by DPM and that the concession agreements for the exploration and exploitation of gold deposits in the Homolje region be suspended indefinitely;
- That, as a remedial measure, the Serbian government and DPM conduct a comprehensive, independent, and participatory audit of the impacts of exploration activities and develop and implement restoration and remediation measures to fully restore the Rights of Nature violated by their behavior. This would include cleanup operations for the more than 1,500 wells drilled for exploration and the resulting contamination. In accordance with the “polluter pays” principle, DPM should be financially responsible for these remedial measures;
- That the Serbian government sanction any violations of national and international laws and ensure full harmonization of its legislative framework with international commitments and conventions. Furthermore, the Serbian government is urged to ensure the full and permanent protection of the Homolje region by granting it the status of Special Nature Reserve;
- That, more generally and on the basis of precedents and the documented current impacts of gold exploration and mining worldwide and in Serbia, and in line with the precautionary approach, all mining activities in highly sensitive areas of the country be suspended;
- That the DPM case in Homolje be submitted for consideration to the International Tribunal for the Rights of Nature, to be held in Toronto, Canada, in March 2025, when

the final judgment will be handed down, and that both the Serbian government and DPM be officially invited to present their defense testimony;

- That a mission of the Tribunal be organized after the International Tribunal in March 2025 to disseminate the final judgment to the affected communities, the Serbian public, and the authorities.

4.2.2. Patterns and structural violations of the Rights of Nature identified in all cases.

422. The Tribunal considers that the cases presented reveal a widespread and systemic pattern of violations rooted in an extractive economic model that treats nature as mere property to be exploited. States and companies are supported by a legal framework that recognizes nature as a resource, rather than as an entity with rights. This fundamental misrepresentation allows for the granting of licenses for the destruction of nature. This model is fundamentally incompatible with the Rights of Nature. Systemic violations include:

- a) Systemic violation of the right to life and existence (Article 2(1)a):** The very premise of large-scale extraction—open-pit mining, uranium mining, lithium brine extraction—is based on the large-scale alteration and destruction of ecosystems, which directly threatens their right to exist and continue their life cycles.
- b) Systemic violation of the right to regeneration (Article 2(1)(c)):** These projects irreversibly damage the regenerative capacity of water cycles, forests, and soil. Contamination from cyanide, heavy metals, and radioactive waste poisons the land and water for generations, halting their natural regeneration processes.
- c) Systemic violation of the right to water (Article 2(1)e):** In all cases, the water life cycle is subject to diversion, overconsumption, and/or contamination, treating it as an industrial input rather than the lifeblood of Mother Earth. Furthermore, States and companies systematically ignore their obligation to obtain the free, prior, and informed consent of Indigenous Peoples, violating their role as historical guardians of the territories and their right to self-determination. This directly violates the principle of Earth jurisprudence that human laws must be in harmony with the laws of Mother Earth.
- d) Connection in the Violation of the Rights of Nature and Indigenous Peoples:** On previous occasions, this Tribunal has already indicated that there is an intrinsic connection between the rights of Mother Earth and those of Indigenous Peoples', which protect the right of Indigenous Peoples and communities to land, territory, and resources, to build their own model of life and development, and, in general, to self-determination. All of these rights are protected by, among other instruments, ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples' (UNDRIP), that are considered transversal in all Tribunal deliberations. The lack of free, prior, and informed (FPIC) consultation and consent prevented these Peoples from meaningfully engaging in matters concerning their rights and the life and well-being of the ecosystems and biodiversity of their lands. The lack of respect for their traditional livelihoods through the imposition of extractive projects severely altered the health and integrity of rivers, forests, jungles, and highlands (*páramos*). The lack of recognition of land titling and

ownership facilitated the dispossession and destruction of water, animals, and Nature. During the Tribunal sessions, the testimonies and evidence submitted to this Tribunal demonstrate that the patterns of violations of the Rights of Nature have severely impacted Indigenous Peoples' traditional livelihoods, culture, worldview, and spirituality. Therefore this Tribunal reasserts the intrinsic and mutual relation between violations of the Rights of Indigenous Peoples' and the Rights of Nature.

4.2.3. Specific violations of the Rights of Nature identified in each case

a) Case: Belo Sun, Brazil (Volta Grande do Xingu)

423. The Tribunal considers that the proposed Belo Sun mine, together with the existing Belo Monte dam, constitutes an existential threat to the Volta Grande do Xingu, a vital artery of the Amazon. This case exemplifies the "sacrifice zone" model, in which entire ecosystems and cultures are considered expendable for the sake of corporate profit, facilitated by a State that criminalizes defenders and evades its constitutional and international obligations.

Specific violations of the UDRME:

- **Article 2(1)(a) Right to life and existence:** The diversion and drying up of the Xingu River, together with the planned massive use of water and pollution from the mine, threaten the very existence of the river ecosystem and its aquatic and terrestrial life.
- **Article 2(1)(b) Right to be respected:** The project demonstrates a profound lack of respect for the integrity of the Xingu River, the forest, and the cosmological and cultural relationships that local and indigenous communities have with them.
- **Article 2(1)(c) Right to regenerate its biocapacity:** The cumulative impact of the dam and mine creates stress on the ecosystem, preventing its recovery and causing permanent loss of biodiversity and fisheries.
- **Article 2(1)(d) Right to maintain its identity and integrity as a distinct, self-regulating, and interrelated being:** The Volta Grande is being fundamentally redesigned, transforming it from a living river into an industrial canal, destroying its identity and integrity.
- **Article 2(1)(e) Right to water:** The project is based on large-scale consumption and pollution of river water, which directly violates this right.

b) Case: Aclara Resources, Chile (Penco Module)

424. The Tribunal considers that the planned exploration and mining of heavy rare earth elements (HREE) in the Biobío region violates the Rights of Nature under the false pretext of a "transition to green energy." This case illustrates the profound hypocrisy of "green extractivism" that claims to preserve certain ecosystems while destroying others, demonstrating a lack of understanding of the interconnectedness of Mother Earth.

Specific violations of the UDRME:

- **Article 2(1)a) Right to life and existence:** Deforestation and infrastructure construction in a highly biodiverse area without impact assessments directly undermine the right to life of local ecosystems.
- **Article 2(1)c) Right to regenerate:** The extraction of large quantities of minerals and damage to natural monuments and ecosystems cause long-term, potentially irreversible damage to the earth's capacity for regeneration.
- **Article 2(1)d) Right to maintain identity and integrity:** The project transforms a complex living system of forests and soils into a degraded industrial site, stripping it of its unique identity.
- **Article 3 Obligations of human beings to respect and promote the rights of Mother Earth:** The governments of Chile and Canada and Aclara Resources have failed in their fundamental obligation to respect, entering the territory aggressively and without permission.

c) Case: Cyanide spill, Argentina (Barrick Gold/Veladero Mine)

425. The Tribunal considers that the 2015 cyanide spill and the subsequent culture of impunity represent a catastrophic and ongoing violation of the Rights of Nature. This case highlights how corporate power, coupled with state complicity, creates zones of exception where the Rights of Nature are systematically suspended and "justice" is delayed until it is functionally denied.

Specific violations of the UDRME:

- **Article 2(1)(a) Right to life and existence:** The spill of more than one million liters of cyanide solution directly killed river ecosystems, exterminating aquatic life and poisoning the water that sustains all other beings.
- **Article 2(1)(b) Right to be respected:** The valve failure and lack of warning systems show reckless disregard for the well-being of the Potrerillos and Jáchal rivers.
- **Article 2(1)(h) Right not to be polluted:** This is a classic violation. The rivers were used as a dumping ground for toxic industrial waste, showing a fundamental lack of respect for their purity.
- **Article 3(2) Obligation to ensure that violations are rectified and those responsible are held accountable:** Barrick Gold and the Argentine State demonstrated a failure to establish effective preventive measures. The judicial impunity that followed constitutes a second violation, denying the rivers' right to restoration and justice.

d) Case: Lithium mining, Argentina (Salinas Grandes and Guayatayoc basin)

426. The Tribunal considers that lithium mining in the Andean salt flats is a form of ecocide that threatens a unique, fragile, and ancient ecosystem. This case illustrates the powerful contrast between a worldview that sees nature as an entity to be revered (“Mamita Pacha”) and another that sees it as a reserve of "critical minerals." The division of communities and the use of “social licenses” are tools to impose the latter worldview through force and coercion.

Specific violations of the UDRME:

- **Article 2(1)a) Right to life and existence:** The decline in water levels and the alteration of the hydrological balance threaten the very existence of the salt flat ecosystem, its microbial layers, flamingos, and other endemic species.
- **Article 2(1)c) Right to regenerate:** The extraction of brine, which took millions of years to accumulate, is fundamentally non-regenerative on any human timescale. The ecosystem, once altered, may never recover.
- **Article 2(1)d) Right to maintain its identity and integrity:** The "mother salt flat" is described as a living, breathing member of the family. Mining seeks to dismantle this living entity, destroying its identity as a sacred being and sustainer of life.
- **Article 2(1)e) Right to water:** The interconnectedness of all watersheds and watercourses in the regions means that mining directly violates the right to water.

e) Case: Uranium mining in Canada (northern Saskatchewan)

427. The Tribunal considers that uranium mining represents one of the most serious and enduring attacks on the Rights of Nature due to the permanent toxicity of its waste. This case highlights the fallacy of "clean" nuclear energy. The discourse of the "green transition" obscures the initial ecocide and intergenerational toxic legacy of uranium mining, a burden that falls disproportionately on the Cree and Dene Indigenous Peoples and their territories.

Specific violations of the UDRME:

- **Article 2(1)a) Right to life and existence:** Drilling, blasting, and excavating the earth for mines drastically disrupts and destroys local ecosystems.
- **Article 2(1)c) Right to regenerate:** Radioactive contamination prevents the natural regeneration of the land for millennia, effectively creating a permanent wound on Mother Earth.
- **Article 2(1)h) Right to be free from pollution:** The contamination of soil and groundwater with dissolved metals and radioactive waste, as well as the dispersion of radioactive dust, is profound and long-lasting pollution. Eighty-five percent of the radioactive waste left behind requires safe treatment for hundreds of years, imposing a multigenerational burden and violating the Earth's right to be free from such contamination.

f) Case: Canadian entrenchment in Ecuador (7 cases)

428. The Tribunal finds a coordinated pattern of violations throughout Ecuador, where Canadian mining is a key driving force behind the attack on the páramos, water sources, and indigenous territories. Ecuador presents a tragic paradox: a country whose Rights of Nature are being systematically undermined by multinational corporations. The cases demonstrate a corporate strategy of division, judicial manipulation, and state-sponsored violence to subvert both human rights and the Rights of Nature.

Specific violations of the UDRME (consolidated in the 7 cases):

- **Article 2(1)a) Right to life and existence:** The páramos of Kimsakocha and Fierro Urku, the water sources of Nabón and Palo Quemado, and the ancestral forests of Warintza are under direct threat of destruction by exploration and mining.
- **Article 2(1)d) Right to maintain identity and integrity:** The páramo is a unique ecosystem that regulates water. Converting it into a mining district destroys its identity and integrity.
- **Article 2(1)e) Right to water:** The right to water is central to each of these cases and is violated through heavy metal pollution, massive water extraction, destruction of water-generating ecosystems, and other means.
- **Article 3(2) Obligation to promote the full implementation and enforcement of the rights of Mother Earth:** The Ecuadorian State, despite its constitutional recognition of the Rights of Nature, systematically fails to uphold these rights in the face of powerful Canadian corporate interests. Militarization, the criminalization of defenders, and the manipulation of consultation processes are direct attacks on those who defend these rights.

4.2.4. Conclusions

429. The evidence is overwhelming and consistent. From the Amazon to the Andes, from the moors to the salt flats, a single pattern of ecocide and terracide is being perpetrated under the pretext of development and a false “green transition.” This model, driven by corporate greed and state complicity, systematically violates the inherent rights of Mother Earth as articulated in the Universal Declaration.

430. The Tribunal hereby condemns the States of Brazil, Chile, Argentina, Canada, and Ecuador for their acts of omission and commission that have allowed these violations to occur. The Tribunal further condemns the companies Belo Sun, Aclara, Barrick Gold, Pan American Energy, Dundee Precious Metals, Solaris Resources, and all others mentioned for their direct role in the destruction of ecosystems and the persecution of defenders.

431. The Tribunal stands in solidarity with the communities and defenders and affirms that their struggle to protect their territories is the highest fulfillment of the human duty to defend the rights of Mother Earth.
432. In accordance with the principles of restoration and comprehensive reparation recognized in the Universal Declaration on Mother Earth and in various international human rights instruments, once violations of rights have been determined and those responsible have been identified, measures must be established to repair the damage caused. Measures must also be taken to prevent further violations. To this end, this Tribunal will consider the threats and damage caused, the seriousness of the acts or omissions, the requests of the victims, the rights violated, among other aspects, in order to adopt measures of restoration, compensation, satisfaction, rehabilitation, and non-repetition.

V. FINAL CONCLUSIONS AND COMMENTS

433. The cases we have heard in the two international tribunals in New York on fossil fuels and Toronto on Canadian mining and in the two local sessions in Serbia and Ecuador provide ample evidence of widespread violations of the Rights of Nature enshrined in the Universal Declaration of the Rights of Mother Earth, particularly with regard to social, environmental, and territorial impacts, as well as the rights of Indigenous Peoples.
434. After hearing all the evidence, the Court finds that not only is the promise to move beyond the fossil fuel era not being fulfilled, but the oil frontier is expanding—even into the world’s most biodiverse areas, which should be the first to be designated as oil-free zones. Furthermore, while acknowledging the urgency of the transition, companies have viewed the energy transition as a new excuse to exploit nature, and mining is now one of the greatest threats to the world. Not only are we failing to break free from the vicious cycle of extractivism, but the damage and impacts on the land and on communities defending it are deepening, despite data showing the dangerous planetary boundaries that humanity has already exceeded and the fragile balance of life that is at grave risk.
435. They can be considered paradigmatic of the nature and impacts of extractivism, insofar as they show a recurring and common pattern linking the expansion of the extractivism with the reduction of democratic spaces and the repression of resistance by communities and movements in defense of Mother Earth. Exploitation and extractivism are the result of patriarchal societies, colonization, racism, and neoliberal capitalism, all of which are based on the same systems and ideologies of power and exploitation of women, Indigenous

peoples, tribal, frontline, afro-descendent, local, peasant communities, people of color, and the Earth.

436. In particular, we have heard testimonies and gathered objective evidence on how mining generates inequality and poverty and is inherently unsustainable due to the intrinsic characteristics of the activity itself, which, having exhausted available mineral deposits, is now turning to intensive and widespread extraction in pristine and delicate ecosystems to meet growing global demand.
437. For all these reasons, this ruling, beyond its relevance to the cases in question, takes on a more general value and importance by highlighting and denouncing the violations of the Rights of Nature and peoples related to the expansion of extractive frontiers. It should be remembered here that, globally, one million species are threatened with extinction, 75% of the terrestrial environment has been severely altered, less than 20% of the world's forests remain intact, and mass extinctions of species have been recorded in critical ecosystems, to the point that these now emit carbon rather than store it. Global warming and associated climate change further exacerbate the crisis caused by industrial extraction of fossil fuels and minerals, which threatens the functioning of the natural systems that sustain human well-being. It is urgent to halt the expansion of fossil fuel extraction, while managing a fair and equitable phase-out to a safer and cleaner renewable energy system.
438. For us, it is essential to denounce the new green colonialism, disguised as an “energy transition” promoted by the North, through which even greater pressure is exerted on the Global South²¹² to obtain so-called critical or transition minerals.
439. This process, driven by large corporations and states, represents a new phase of environmental dispossession in the Global South, impacting the lives of millions of women, men, and children, as well as non-human life.
440. Thus, the Global South is once again becoming a sacrifice zone, a supposedly inexhaustible storehouse of resources at the service of the countries of the Global North.
441. Therefore, any transition process, and the related supply of so-called critical or “transition” minerals, must be fair, led by Indigenous Peoples and local communities, and must not end up affecting other ecosystems or violating the Rights of Nature, Human Rights, or the rights of Indigenous Peoples (to land, free, prior, and informed consent, resources, water, among others) or local communities, or further aggravating their living conditions. This Tribunal warns against forms of carbon colonialism based on a narrative that justifies the expansion of

²¹² Global South as being understood: a condition, more than a geographic space, occupied by marginalized communities across the world.

the extractive activities, creating a sense of urgency that legitimizes the plundering of these resources to make them available for the so-called energy transition. False solutions, such as geoengineering, carbon capture and storage, carbon offsets and markets, and climate-smart agriculture, are exacerbating violations of the rights of Mother Earth.

442. The reason lies in the fact that, instead of embarking on a rapid and radical change of course—which in turn would also require a shift from an anthropocentric to a biocentric worldview—governments continue down the path of relaxing and deregulating environmental standards, a consequence of the weakening of democratic systems, in order to allow for the expansion of corporate interests. We are alarmed by the ongoing process of commodification of Nature, which is not limited to its elements, but also to its functions, in order to put them on the market. This is a new form of plundering based on the idea that it is not necessary to question capitalism or the notion of growth, simply by appropriating and internalizing the protection of Nature into its paradigm, responsible for its destruction, or by putting a price on it. Therefore, the testimonies we have heard have underscored the urgency of holding both governments and companies accountable. Banks that finance new fossil fuel or mining projects and countries that approve new fossil fuel or mining projects threaten life on Earth. This Tribunal holds governments and corporations responsible for the ecocide perpetuated by the lack of effective government action, while corporations announce grand environmental conversion plans, such as net-zero emissions plans and climate and biodiversity plans, but in reality engage in greenwashing in support of industrial extraction.
443. This Tribunal also denounces the shared responsibility of free trade agreements, such as the FTA between Canada and Ecuador, and public and private financial institutions. Effective legal instruments, such as the recognition of the Rights of Nature and the crime of ecocide, are urgently needed to protect Mother Earth and to substantiate a claim for redress within a framework of social, ecological, and environmental justice.
444. Finally, we would like to highlight the close relationship between threatened ecosystems, Indigenous Peoples, and the local and other (tribal, frontline, afrodescendent, and peasant) communities that protect them. These guardians are not only actors of positive action in protecting their inherent relationships to, and rights of the ecosystems they have inhabited since time immemorial, but they are also the ones who bring them to the attention of this Tribunal, thus playing a dual role as guardians and representatives of those ecosystems. This Tribunal pays tribute to the communities and movements that protect the land, territories, and ecosystems and who, for this reason, are persecuted, harassed, threatened, and killed, and calls on the international community, governments, and institutions to ensure that their role in promoting climate justice and the Rights of Nature is respected and protected.

VI. RESOLUTIONS AND RECOMMENDATIONS

This tribunal **resolves:**

1. To rule in favor of all those beings who have no voice and have been affected by the Canadian and other companies, fossil fuel and mining exploration and exploitation industries:

The humpback whales, sei whales, corals, and marine fauna of the Quirimbas Archipelago; the Vhembe Biosphere Reserve; the water that comes from the Limpopo River; the sensitive ecosystems and wetland areas of Uganda and Tanzania, home to lions, lesser kudus, buffalo, impalas, hippos, giraffes, roan antelopes, sitatungas, sable antelopes, zebras, aardvarks, and red colobus monkeys; Murchison Falls National Park; Taala Forest Reserve; Bugoma Forest; Biharamulo Game Reserve; Hasdeo Arand Forest in India; the more than 300 species of coral, underwater rock canyons, reef formations, and coastal fish of Verde Island Passage (VIP); the Haw and Dan Rivers, freshwater oysters, the karst of the Appalachian Mountains, black bears, spiny oysters, roanoke logperch, among other species in Virginia and North Carolina in the United States; Salinas, salt marshes, flamingos, vicuñas, pumas, the rare Kele crustacean species, mountain monkeys, pudú, rosacea frogs, and guinea pigs, which live in the coastal area of Panko, Chile; caribou, as well as frogs, skunks, blueberries, and birch trees that inhabit the rivers and boreal forests of northern Saskatchewan, as well as all affected human communities and individuals: Indigenous Peoples, local communities and others (tribal, frontline, afro-descendents, peasant)

2. Declare that, given the magnitude of the cumulative impacts and damage caused by fossil fuel activities worldwide, as the main source of global warming, we are facing cyclical continuous ecocide and ethnocide of affected Indigenous Peoples, as well as local communities and others (tribal, frontline, afro-descendents, peasant). The increase in fossil fuel and mining projects around the world is worsening year after year, with cumulative effects that are leading the planet to an irreversible point of heating that will exceed 2 degrees, as proven by science and agreed upon in the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement.
3. Declare that the pressure to expand mining on a large scale to extract minerals considered necessary by governments and corporations for the energy transition represents a serious threat to Nature and lands and territories of affected Indigenous Peoples. In addition, local communities and others (tribal, frontline, afro-descendents, peasant), within nation-states are also seriously impacted. These impacts lead to violations of the Rights of Nature, and the rights of Indigenous Peoples. Within nation-states local

communities and others (tribal, frontline, afro-descendants, peasant) are also impacted. This Tribunal recognizes the urgency of a just energy transition, but condemns forms of extractivism under the pretext of the “green transition,” in favor of alternatives generated with respect for their life cycles by communities living in harmony with Nature.

4. Declare that those responsible for the violations and threats to the rights of Mother Earth are:

Governments, which through their actions and omissions have allowed the continuation of the oil, gas, and coal industries and the expansion of the mining frontier. With systemic violence, they have established themselves in the various territories where these extractive projects are located, in many cases using companies and the actions of criminal organizations that operate outside the law and invade the territories of traditional peoples and are the unpunished perpetrators of murders and kidnappings of Indigenous leaders, activists, and defenders of human rights and the Rights of Nature.

The corporations that operate projects for the exploration, exploitation, and commercialization of fossil fuels and mineral resources, for their direct actions that affect human and non-human beings and for contributing to the deterioration of the conditions of Mother Nature; and

Banks, financiers, and investors in destruction, for actively contributing to the violation of the rights of Mother Earth and the beings that inhabit her.

The consumerist, economic elites place enormous, unjust and unfair demands on Nature and its resources.

5. To ratify that REDD+ projects, and other carbon-market approaches, geoengineering, Nature-based solutions, are false climate solutions and intrinsically violate the Universal Declaration of the Rights of Mother Earth. The Rights of Nature, of Mother Earth, are inherent, and any human law that denies these fundamental rights is illegitimate.

REDD+ projects commodify Mother Earth and the traditional use of forested areas, while geoengineering involves direct human intervention in the vital cycles and processes of Mother Earth, threatening her structure and natural functioning. Mother Earth and her creation, all life, Nature, and biodiversity are the source of life that must be protected, not a resource to be exploited and commercialized as "natural capital."

6. To ratify and defend the importance of the role of defenders of the Earth, individually and collectively, since thanks to their work, Mother Earth can demand her rights and not leave those responsible for her destruction unpunished.

Therefore, this Tribunal **demands that the governments and corporations involved in the cases resolved by this Tribunal adopt the following general measures of reparation apply to each and every cause:**

1. Stop and abandon all projects for the exploration, exploitation, expansion, and commercialization of fossil fuels that threaten, degrade, and pollute the world's ecosystems and biomes, as the only effective measure against the climate crisis.
2. Stop all large-scale mining²¹³, particularly Canadian-led and other mining, exploration and exploitation projects in all natural ecosystems and Indigenous Peoples' territories, In addition, local communities' and others' (tribal, frontline, afro-descendents, peasant) territories, also need protection from acts that reproduce the same patterns of disregard and destruction of Mother Earth, as well as violence and human rights violations, especially against Indigenous Peoples, local communities and others (tribal, frontline, afro-descendents, peasant).
3. Restore each ecosystem and community that has been threatened, affected, degraded, contaminated, or destroyed by the concession, exploration, exploitation, and commercialization of fossil fuels and large-scale mining in fragile, highly biodiverse ecosystems and Indigenous Peoples' territories, with the aim of fully and timely restoring their bio capacities and life cycles.
4. Offer public apologies to each and every being whose rights have been affected, through ritual and symbolic acts or processes agreed upon and led by Indigenous Peoples, local communities and others (tribal, frontline, afro-descendents, peasant).
5. All processes of closure, abandonment, restoration, reparation, and public apology must be immediately planned. Moreover, they should be coordinated, managed, and executed from an ecocentric approach, respecting the rights of Mother Earth and with the full participation, consent, and leadership of the Indigenous Peoples. Where possible local communities and others (tribal, frontline, afro-descendents, peasant) affected by those extractive projects should also have similar protections.

These processes must allow for a just energy transition that is adapted to the social, cultural, spiritual, and ecosystemic characteristics of each case.

Those responsible must provide the necessary financial resources until full completion.

²¹³ Specific measures on Canada mining (see below)

6. Recognize and guarantee the Rights of Nature in the national legislation of countries where violations have been identified and committed, recognizing that the large-scale mining of critical minerals and rare metallic elements for the transition to green energy technologies is an undeniable threat to Nature.
7. Protect and guarantee safe environments for the work of defenders of Mother Earth, as each of them strengthens democratic systems and independent self determination systems of Indigenous Peoples, and advances the promotion of climate justice and the search for real climate solutions to save the planet and ourselves.

In countries that do not have a public system for the protection of defenders of Mother Earth, the following measures should be taken immediately: a) develop and implement specific protection measures for defenders at risk who request such measures in their countries; b) begin creating the respective public protection policies and systems, in accordance with the standards of the International Court of Justice, Escazú Agreement and other international instruments, with the participation and leadership of Indigenous Peoples, local communities and others (tribal, frontline, afro-descendents, peasant)

8. Disseminate this ruling among the responsible public and private entities; to public and private media outlets, television and print media, with national reach;
9. The responsible governments and corporations must develop capacity to assess the impact of their actions on the Rights of Nature and Indigenous Peoples rights and provide adequate litigation and restoration mechanisms in a culturally appropriate and participatory manner.
10. The Tribunal commits to following up on the implementation of this judgment.

Notwithstanding the foregoing, this Tribunal **requires governments and corporations involved in fossil fuel cases decided by this Tribunal to adopt the following specific remedial measures:**

1. Fossil fuel session cases

a) In the case of “Total Energies LNG Mozambique” (South Africa)

01. The government of Mozambique must cancel all contracts, authorizations, and environmental licenses granted to Total Energies and any other corporation or company

for the operation of the project. The cancellation of these contracts shall not be subject to further claims.

02. The government of Mozambique is held responsible for the failure to effectively protect all persons killed during the violent events that occurred during the attacks in 2021 and during the time the project was implemented and operated. Therefore, the implementation of policies and programs of truth, justice, and reparation for the victims affected by those events is required.

03. Immediately initiate appropriate, timely, and independent administrative and judicial processes to investigate and punish the alleged links between the violent events of 2021 reported to this Tribunal and the interests in favor of the operation of the Total Energies LNG project.

04. Create a safe return program for all individuals and families displaced by Total Energies' LNG project to the lands it occupies; or, in the event of prior agreement with the displaced victims, deliver lands of equal or better quality than those they possessed before the project. This is without prejudice to the compensation for damages to which they are entitled.

05. Create and implement plans and programs for the socioeconomic recovery of the local population that depends on artisanal fishing in the area, as well as other sustainable alternatives in harmony with nature.

06. Create and implement plans and programs that guarantee access to clean energy for the populations affected by the project.

b) Case: “MMSZ, Musina-Makhado Coal Special Economic Zone in Africa” (South Africa)

01. Immediately supply water to the ecosystems and local populations of the SEZ while the restoration and comprehensive repair processes are completed. These actions must be carried out with the participation and leadership of the affected local populations, victims of the implementation and expansion of the SEZ.

02. Create and implement plans and programs for the socioeconomic reactivation of affected local populations through sustainable alternatives in harmony with nature.

03. Immediately initiate appropriate, timely, and independent administrative and judicial processes to investigate and sanction officials or third parties who may have been involved in alleged irregularities and corruption in the issuance of environmental authorizations and licenses for the SEZ. These processes must include the participation and oversight of the affected local populations.

04. Create and implement plans and programs for the maintenance and recovery of sites of cultural importance and relevance impacted by the SEZ. This includes preventive care and repair measures related to the Mapungubwe Cultural Landscape area. These actions must include the participation and leadership of the affected populations.

c) Case: “EACOP, East African Crude Oil Pipeline” (Uganda and Tanzania)

01. Rescind the Intergovernmental Agreement (IGA) between Uganda and Tanzania of May 26, 2017, which allowed for the cross-border construction of the pipeline.

02. Under the principles of coordination and cooperation, Uganda and Tanzania, in addition to restoring all affected ecosystems—as previously established—must adopt agreements and measures to strengthen the protection of animals and biodiversity along the kilometers of the route where the pipeline has not yet been built. These agreements must guarantee mechanisms for the participation and consultation of local communities.

03. Create and implement plans and programs for the safe return of all individuals and families displaced by the project to the lands it occupies; or, in the case of prior agreement with the displaced victims, provide them with land of equal or better quality than they possessed before the construction of the project. This is without prejudice to the compensation for damages to which they are entitled.

04. Create and implement plans and programs for the socioeconomic reactivation of the affected local populations, through sustainable alternatives in harmony with nature.

d) Case: “Coal in India” (India)

01. Immediately cancel any processing, bidding, or authorization procedures for the granting of new coal mining concessions in the Hasdeo area.

02. Immediately create and implement energy transition plans and programs for local populations affected by the Hasdeo mines, with the aim of guaranteeing these populations free and culturally appropriate access to clean energy.

03. As part of a just energy transition, a just social transition must be taken into account and guaranteed, allowing for:

- End the dependence on employment generated by the coal industry in local communities, offering alternatives that guarantee the rights to work and social security, in harmony with Mother Earth, for workers in these industries.

- The socioeconomic reactivation of those who live off agriculture and forest products for their livelihood and who have been affected by the Hasdeo coal mines, offering them incentives and any other measures that strengthen their activities in harmony with nature.

05. To dismiss any ongoing proceedings against the guardians of Mother Earth who have been criminalized for demanding and asserting their rights against the Hasdeo coal mines.

06. Immediately hand over all information held in the archives of public and private entities involved in the operation of the Hasdeo coal mines, regarding their implementation and operation, to anyone who requests it, especially the guardians of Mother Earth. This information must be provided in full, free of charge, and without delay.

07. Guarantee the creation of community media outlets that can be run and led by the affected local populations and guardians of Mother Earth, with the aim of breaking the media monopoly and expanding democratic spaces for access to information and discussion of ideas.

08. Mandatorily guarantee the exercise of the rights of contradiction and rectification of information of the affected local populations and guardians of Mother Earth, in public or private media when they so request. If necessary, the necessary regulatory reforms will be carried out, with the participation and consultation of these populations.

e) Case: “Oil spills in the Philippines” (Philippines)

01. Suspend fossil fuel shipping routes along the Isla Verde Passage (VIP), declare it a fossil fuel-free zone due to its importance for the planet's marine biodiversity, and declare its ecosystems as subjects of rights.

02. As part of the restoration measures ordered in the previous section, specialized research and studies must be incorporated to determine the health status of the beings living in the area where the catastrophic spill occurred in 2023.

03. Create and implement plans and programs for the socioeconomic recovery of local populations affected by the 2023 spill, through sustainable alternatives in harmony with nature.

04. Create and immediately implement programs for the evaluation, care, and medical treatment of local populations affected by the 2023 spill, giving priority to those suffering from catastrophic diseases such as cancer.

05. Immediately initiate all administrative and judicial proceedings to determine the identity and responsibility of the owner and supplier of the fuel that was spilled in 2023.

06. Urge the Philippine government to support initiatives to recognize ecocide as a crime that can be tried under the jurisdiction of the International Criminal Court before the Assembly of States Parties.

f) Coastal Gaslink Pipeline Case (Canada)

01. In the restoration processes previously ordered, guarantee consultation and consent of all affected local populations, particularly the Wet'suwet' communities.

02. Create and implement plans and programs for the maintenance and recovery of sites of cultural importance and relevance to all affected local populations, particularly the Wet'suwet' communities impacted by the pipeline. These actions must involve the participation and leadership of the affected populations.

03. Create and implement plans and programs that strengthen the protection of ecosystems that have not yet been affected by the construction of the pipeline but were planned to be affected, as a measure to ensure that the declared violations are not repeated.

04. Adopt the necessary legal reforms for the normative recognition of the principle of territorial sovereignty judicially recognized for indigenous communities. This should be done with the participation and leadership of indigenous communities, especially the Wet'suwet' communities.

05. In the previously ordered public apology processes, include specific apologies from the government and the Royal Canadian Mounted Police to the Wet'suwet'en communities, who were persecuted and violated for defending their territory against the unconsulted construction of the pipeline.

06. Initiate investigations and sanctions against those responsible for the persecution and violence of the Royal Canadian Mounted Police incursion into the ancestral territories of the Wet'suwet communities.

g) Mountain Valley Pipeline Case (United States of America)

Without prejudice to each and every one of the measures ordered and recommended by the Local Tribunal for the Rights of Nature, this Tribunal determines that:

01. All procedures and authorizations initiated, in process, or completed related to the expansion of the South Gate pipeline ("MVP South Gate") shall be immediately canceled.
02. The Haw and Dan Rivers, as well as the beings and ecosystems affected by the construction and operation of the MVP pipeline, are declared subjects of rights.
03. Section 324 of the Fiscal Responsibility Act of 2023, which accelerated the construction of the pipeline and eliminated its oversight, shall be repealed.
04. Adapt Virginia state regulations to incorporate the principle of nature restoration in cases where liability for contamination is determined. Until such measures are adopted, environmental control agencies shall apply this principle directly and immediately.
05. As part of the previously ordered restoration processes, immediately initiate care and treatment processes to ensure the health of mussels, oysters, and other species affected by pollution caused by the pipeline.
06. In the previously ordered restoration processes, ensure consultation and consent of the indigenous populations that were affected by the project.
07. Create and implement plans and programs for the maintenance and recovery of sites of cultural importance and relevance to all affected local populations, especially indigenous populations.

h) Case: "Louisiana Sacrifice Zone" (United States)

01. It is recognized that violations of the Rights of Nature and human rights in this case are ongoing, historical, and systemic, causing a disproportionate impact on Black and Indigenous communities in the fourth and fifth districts along the Mississippi River.

02. Cancel all authorizations initiated, pending, or granted for the Sunshine Project operation, as they contravene the principles of precaution and prevention with Mother Earth.

03. Until all measures and actions to comply with the previously ordered restoration are carried out, all adaptation and mitigation measures aimed at the availability and access to uncontaminated air, water, and soil for the affected population must be guaranteed. These measures must be planned and executed with the participation and leadership of that population.

04. Immediately create and implement high-quality, culturally appropriate medical evaluation, care, and treatment programs for affected local populations, with priority given to those suffering from catastrophic illnesses such as cancer.

05. Immediately create and implement energy transition plans and programs for affected local populations, with the aim of guaranteeing them free and culturally appropriate access to clean energy.

06. As part of a just energy transition, a just social transition must be taken into account and guaranteed. This means moving away from the labor dependency that has been created by the fossil fuel industries, offering alternatives that guarantee the rights to work and social security, in harmony with Mother Earth, for workers in these industries who may be affected by the reparations measures ordered by this Tribunal.

i) Case: “Vaca Muerta Sacrifice Zone” (Argentina)

Without prejudice to each and every one of the measures ordered and recommended by the Local Court for the Rights of Nature, this Court determines that:

01. Immediately cancel any proceedings initiated, in progress, or concluded for the granting of new concessions and operating authorizations for the exploration or exploitation of fossil fuels in Vaca Muerta.

02. Immediately suspend the provision of water for fracking operations in the Vaca Muerta sacrifice zone.

03. Build and equip technically adequate and sufficient facilities and infrastructure to store and treat the toxic waste left behind by decades of exploitation in Vaca Muerta.

04. The previously ordered public apology processes, include specific apologies from the government and companies to the Mapuche indigenous communities, who were persecuted and violated for defending their territory.

05. In the restoration processes previously ordered, guarantee consultation and consent from all affected local populations, particularly the Mapuche communities.

06. Adapt internal regulations to recognize and respect the rights of autonomy, participation, and consent of indigenous communities before making decisions on tenders and authorizations for the exploration and exploitation of fossil fuels that directly or indirectly affect indigenous territories.

j) Case: “Talará Refinery and Lot 64 Petroperú” (Peru)

01. Recognize the Amazon rainforest of Peru as a subject of law and, therefore, as an area free from oil extraction.

02. Immediately cancel any proceedings initiated, in progress, or completed for the delivery and reactivation of Lot 64.

03. Immediately cancel any proceedings initiated, in process, or concluded for the repowering, financing, or investment of the Talara refinery.

04. Immediately create and implement energy transition plans and programs for indigenous communities

05. Affected by Lot 64 and the Talara refinery, with the aim of guaranteeing these populations the availability and free and culturally appropriate access to clean energy.

06. As part of a just energy transition, a just social transition must be taken into account and guaranteed, allowing for:

- Break the dependence on employment generated by the oil industry, offering alternatives that guarantee the rights to work and social security, in harmony with Mother Earth, for workers in these industries.
- The socioeconomic reactivation of those who live off agriculture, forest products for their livelihood, hunting, and fishing, affected by Lot 64 and the Talara refinery, offering them incentives and any other measures that strengthen their activities in harmony with nature.

07. Adapt internal regulations to recognize and respect the rights of autonomy, participation, and consent of indigenous communities before making decisions on bidding and authorizing the exploration and exploitation of fossil fuels that directly or indirectly affect indigenous territories.

2. Cases from the session on large-scale Canadian mining and energy transition

a) Belo Sun case:

01. The Tribunal denounces the abuses to the Canadian Government's Ombudsman and requests a response regarding the violations of ecosystems and indigenous communities in the Xingu territory related to the Belo Sun mine, following the violations caused by the construction of the Belo Monte dam that killed the Xingu River.

02. Demand respect for Free, Prior, and Informed Consent (FPIC) and compliance with ILO Convention 169.

b) Resources related to the Aclara case

- The Tribunal holds the governments of Chile and Canada responsible for the persecution and extortion of communities affected by intensive rare earth mining in Penco.
- It calls for the protection of Chile's last remaining forests, which are vital to local communities and biodiversity.
- It promotes the recognition of the rights of the *queule*, a tree endemic to Chile, which is at risk of extinction and threatened by mining.
- It calls for a reconsideration of the need for mining for the energy transition and for genuine consultation processes with the Indigenous Peoples affected.

c) Uranium mining in Canada

- It denounces labor rights violations, constant allegations of sexual harassment against women, environmental degradation, and abuses of collective rights caused by Canadian mining both nationally and internationally.

- Rejects the use of nuclear energy as a clean solution in the energy transition.
- Demand that Canadian mining companies respect the UNDRIP in its entirety.
- Highlights the responsibility of Canadian mining companies accused of committing crimes and violating labor rights, indigenous rights, the human rights of local communities, and the Rights of Nature both in Canada and in the countries where they operate with the consent of local administrations.
- Urges Canada to enact corporate duty of care and due diligence laws on human and environmental rights similar to those in France and Germany to hold companies accountable for abuses of human rights and Indigenous Peoples' rights.
- Lithium mining and cyanide spill in Argentina:
 - Hold the governments of these companies' countries of origin accountable, preventing them from causing further damage around the world.
 - It calls for the comprehensive restoration of nature and affected communities, particularly with regard to the cyanide spill in Veladero-San Juan and the impacts of lithium mining in Jujuy, Argentina.

d) 7 cases of Canadian mining in Ecuador (15 Local Tribunal of Rights of Nature) and Ecuador-Canada Free Trade Agreement

01. Urges the Parliament of Canada and the National Assembly of Ecuador to reject and not ratify the Ecuador-Canada Free Trade Agreement (FTA) and to immediately disclose the content of the text being negotiated to the public.
02. Demands the immediate withdrawal of Canadian mining companies from the affected territories.
03. Demands the implementation of the Rights of Nature enshrined in the Ecuadorian Constitution.
04. Supports community resistance against militarization and repression in Palo Quemado and other regions of Ecuador.
05. Affirms the following measures for comprehensive reparation in Ecuador:

- End the criminalization and persecution of human rights, Indigenous Peoples, and defenders of the land and nature.
- Respect popular consultations as legitimate expressions of the will of the people.
- Ensure that prior consultation processes are genuine, self-determined, and free from manipulation, representing all impacted communities, respecting the decision of communities that have spoken out against mining in their territories.
- Demand the immediate withdrawal of companies from the territories and the review of concessions granted without environmental impact studies or prior consultation.
- Demand transparency regarding the type of tailings dams being built in places such as Cónдор Mirador, the associated risks, and the prohibition of upstream tailings dams.
- Demand that the governments of Ecuador and Canada and Canadian mining companies repair the damage caused.
- Condemn both illegal and so-called legal mining, which allows for the destruction of the environment and human rights violations, exposing its links to drug trafficking and violence in the country.
- Prohibit metal mining in Ecuador, particularly in water recharge areas, and declare Ecuador a mining-free country.

e) Dundee Precious Metals (DPM) case in Homolje, Serbia:

01. The Tribunal orders the Serbian government to immediately halt all exploration activities carried out by DPM and to suspend indefinitely the concession agreements for the exploration and exploitation of gold deposits in the Homolje region, and to prohibit any mining activity in sensitive areas.

02. The Tribunal urges the Serbian government and DPM to conduct a comprehensive, independent, and participatory audit of the impacts of exploration activities, as well as restoration and remediation measures to fully restore the violated Rights of Nature.

03. The Tribunal calls on the Serbian Government to punish any violations of national and international laws and to ensure that its legislative framework is fully compliant with international commitments and conventions. In addition, it calls for the full and permanent protection of the Homolje region by granting it the status of a Reserve.

Notify and publish.

VII. SIGNATURES JUDGES

President New York

PATRICIA GUALINGA (Kichwa Sarayaku, Ecuador)



President Toronto

HEATHER MILTON LIGHTENING (Pasqua First Nation, Treaty Four, Canadá)



Presidents Belém

ANA CAROLINA ALFINITO (Brazil)



NNIMMO BASSEY (Nigeria)



Judges New York, Toronto, Belém

ASHISH KOTHARI (India)



CASEY CAMP HORINEK (Ponca Nation, USA)



CORMAC CULLINAN (South Africa)



DANII KEHLER (Canada)



ENRIQUE VIALE (Argentina)



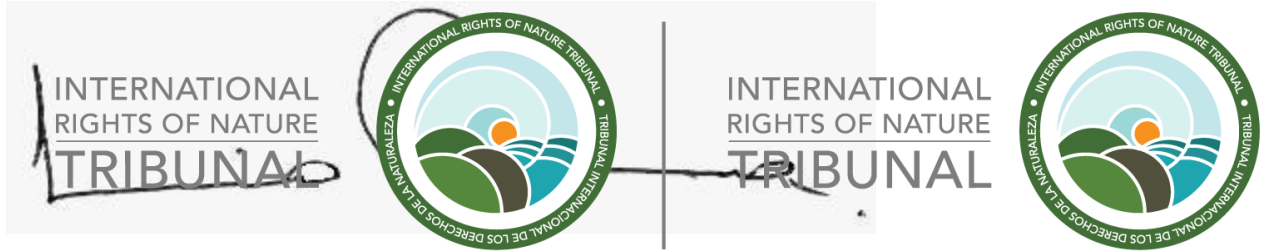
FELICIO PONTES (Brazil)



FRANCESCO MARTONE (Ecuador/Italia)



LUCIO CUENCA (Chile)



MAUDE BARLOW (Canada)



OSPREY ORIELLE LAKE (USA)



POOVEN MOODLEY (South Africa)



PRINCESS ESMERALDA DE BELGIQUE (Belgium)



REVEREND LENNOX YEARWOOD (USA)



SHANNON BIGGS (USA)



TOM GOLDTOOTH (Navajo Nation, USA)



TZEPORAH BERMAN (Canada)



Secretary New York, Toronto, Belém

NATALIA GREENE



INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL



INTERNAT
RIGHTS OF
TRIBU

SHANNON BIGGS



VIII. HONORARY JUDGES SIGNATURES

ANTONIO ELIZALDE HEVIA (Chile)



INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL



INTERNAT
RIGHTS OF
TRIBU

Carolyn Raffensperger (USA)

INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL



INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL



ATOSSA SOLTANI (Iran/USA)



INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL



INTERNAT
RIGHTS OF
TRIBU

Alberto Acosta (Ecuador)



Alberto Saldamando (USA/Mexico)



YUBELIS MORALES (Colombia)



MAXIMILIANO MENDIETA (Paraguay)



JAQUELINE ARRIAGADA (Chile)



CARLOS ZORRILLA (Ecuador)



ELSIE MONGE (Ecuador)

