

# PEOPLES' CONVENTION FOR THE ESTABLISHMENT OF THE INTERNATIONAL RIGHTS OF NATURE TRIBUNAL

## Preamble

We, the peoples and nations of Earth:

understanding that we are all part of Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny;

conscious that the economic, political, legal and social systems established by the industrial and consumerist cultures that dominate the world today are putting life as we know it at risk through phenomena such as climate change, ocean acidification, desertification, the destruction, degradation and pollution of ecological communities and the mass extinction of species;

recognising that international and national legal systems and institutions have proved to be inadequate to protect Earth and the rights of all beings, including human beings and future generations;

determined to take urgent, decisive, and collective action to transform structures and systems that are threatening the health, integrity and functioning of many beings who are an integral part of Earth;

responding to the mandate from the World People's Conference on Climate Change and the Rights of Mother Earth, convened in Tiquipaya Cochabamba Bolivia in April 2010, and in particular to:

- (a) the call in the Indigenous People's Declaration adopted on 21 April, 2010 for the establishment of a climate justice tribunal with the full and effective participation of indigenous peoples, and their principles of justice;
- (b) the call in the *Final Declaration of the World People's Conference on Climate Change and the Rights of Mother Earth* for the establishment of an International Climate and Environmental Justice Tribunal; and
- (c) the proclamation of the Universal Declaration of the Rights of Mother Earth on 22 April 2010;

wishing to promote the universal and effective recognition and observance among all peoples of the rights recognized in the Universal Declaration of the Rights of Mother Earth ("the Declaration") as a means of promoting a respect and reverence for all life among all humanity, which is essential to restore harmonious co-existence between humans and other beings and the well-being of current and future generations;

1. convinced that this is the appropriate time to establish an international tribunal to hear cases involving allegations of severe violations of the Declaration, and if those allegations are proved, to make findings and rulings and deliver opinions on the action

that should be taken to ensure that the health and integrity of any ecological community harmed by those violations is, as far as possible, restored and future harm is prevented;

do hereby establish the International Rights of Nature Tribunal in accordance with provisions of the articles of this Convention

### **Article 1. Establishment of Tribunal**

1. The International Rights of Nature Tribunal is formally established with effect from 4 December 2015
2. The Tribunal is established as an international people's organisation which derives its mandate and powers from the people represented by the signatories to this Convention.

### **Article 2 Purpose of Tribunal**

The Tribunal is established for the following purposes:

- (a) to investigate, hear, and decide cases involving alleged violations of the Declaration as well as co-violations of human rights of Earthdefenders ;
- (b) to further develop Earth jurisprudence by drafting and disseminating judgments<sup>[CC4]</sup> that interpret the Declaration as well as the human rights of Earth's guardians (defenders), and apply those rights and obligations to the specific facts of the cases presented;
- (c) to promote universal acceptance among the peoples of the world that they have a duty to respect the intrinsic rights of all natural beings, and the universal observance of the rights and duties contained in the Declaration;and
- (d) to demonstrate how the application of the rights and duties in the Declaration promotes the harmonious coexistence of humans and other beings in a manner that enhances the integrity, health, and functioning of the entire Earth community.

### **Article 3 Constitution of Tribunal**

1. The Tribunal must <sup>[CC5]</sup> operate in accordance with the Statutes and Rules of Procedure.
2. The Statutes of the Tribunal must be adopted by a resolution approved by a majority of judges present in person or represented at a meeting of the Assembly of Judges.
3. The Statutes of the Tribunal may be amended at any time after adoption by a resolution referred to in the preceding paragraph (2).
4. The Secretariat must periodically review the Statutes and any rules of procedure adopted by the Assembly of Judges and submit proposals for their improvement to that body.

## Article 4 Assembly of Judges

1. The Assembly of Judges is composed of judges of the Tribunal who are actively engaged in the affairs of the Tribunal, is the highest decision-making body of the Tribunal, and is responsible for the matters listed in paragraph (4) below.
2. Any person who has served as a judge on a panel of the Tribunal is eligible to be a member of the Assembly, but will only become and remain voting members of the Assembly when, and for as long as, they fulfill the active participation criteria specified in the Statutes.
3. The Assembly may invite natural persons to join it, in accordance with the procedure established in the Statute and/or the Rules of Procedure.
4. The functions of the Assembly include:
  - (e) deciding whether a case should be heard by a Tribunal;
  - (f) establishing the different tribunals according to the case or cases being dealt with and appointing the panel of judges;
  - (g) providing support and strategic advice on the work and activities of the Tribunal;
  - (h) contributing to the development of theoretical frameworks and academic contributions on the topic of Rights of Nature in collaboration with the Global Alliance for the Rights of Nature (“GARN”);
  - (i) organizing field missions or sending independent observers;
  - (j) issuing statements, urgent actions, or legal inputs in support of initiatives for the recognition of the rights of Nature;
  - (k) deciding on the recognition, or termination of the recognition of, regional or special purpose tribunals as [chambers/ chapters/divisions} of the Tribunal, and providing guidance and support to any such tribunals;
  - (l) when appropriate, hearing appeals from, or providing advisory opinions to, regional or special purpose tribunals which it has recognised;
  - (m) proposing and approving strategic alliances and other forms of cooperation with other similar organizations; and
  - (n) undertaking other functions established in the Statute.
5. The Assembly may establish, if needed to improve its capacities, an executive committee which would meet regularly in accordance with the Statutes.
6. The Assembly must elect one of its members as a coordinator to work with the Tribunal Secretariat in convening meetings of the executive committee and of the Assembly, and generally to facilitate the work of the Tribunal and represent Assembly.

7. The Assembly will hold informal meetings every month at alternate times to allow wide participation of judges from different time zones and two general assemblies annually.

#### **Article 5 Secretariat**

1. The Tribunal shall have a secretariat that shall be responsible for the administration and management of matters relating to the functioning of the Tribunal and any panel of judges appointed to hear a case or participate in a delegation of the Tribunal.
2. The Secretariat shall be headed by a Secretary-General who is accountable to the Assembly of Judges.
3. The Secretary-General shall be appointed by resolution of the Assembly of Judges.
4. The functions of the Secretariat include, but are not limited to:
  - a. raising the necessary funds to finance the implementation of this Convention, including the means to finance the Secretariat, the activities of the Tribunals, and the Assembly of Judges;
  - b. maintaining a record of the original parties to the Convention, who may, upon request, nominate a person as their representative in the Assembly of Judges.

#### **Article 6 Legal Advisory Commission**

1. The Legal Advisory Commission is a specialized body of lawyers appointed by the Secretary-General from candidates recommended by the executive committee of the Assembly, created to provide legal advice to the Tribunal on matters related to its competencies and objectives, as determined in this Convention and in the Tribunal's Statute.
2. The executive committee of the Assembly must appoint one or more members of the Commission to represent nature and other victims of rights violations in each case brought before the Tribunal.

#### **Article 7 Hearings of the Tribunal**

1. The Assembly must appoint a panel consisting of a minimum of three judges to hear each case which it accepts for hearing, and the decision of the panel shall be the decision of the Tribunal.
2. The Assembly must appoint one of judges on each panel as its president. The president must preside over the hearings of the panel and if necessary, and after consulting with the other judges, may rule on any procedural issues that arise in relation to the hearing.

#### **Article 8 Regional and special purpose chambers of Tribunal**

1. An application to the Assembly of Judges for the recognition of a regional or special purpose [chamber / chapter / division] of the Tribunal and/or for the recognition of a regional secretariat for that tribunal, must be made by a minimum of two members of the Assembly of Judges, supported by the GARN Hub for that region
2. The Assembly of Judges will receive a formal written application referred to in paragraph (1) and must decide whether or not to refuse the application or to grant it subject to conditions, and in either case must give reasons for its decision. In order to avoid jurisdictional conflicts, the Assembly must not approve more than one regional tribunal with jurisdiction over the same area or sub-region at the same time, or more than one tribunal with the same specific purpose at the same time
3. When approving a formal written application referred to in paragraph (1) the Assembly may grant the chapter the right to use the name, logo and resources of the Tribunal and may impose reasonable conditions: to prevent or minimise jurisdictional conflicts between tribunals, to maintain the integrity, reputation, good functioning and professionalism of the Tribunal and the regional and special purpose chapter.
4. The Assembly of judges may withdraw the recognition of any regional or special purpose chapter if it has good grounds for doing so, and after giving representatives of that chapter an opportunity of making representations to it, and must give reasons for its decision.

## **Article. 9. Interpretation**

In this Convention:

- a) "Assembly" means the Assembly of Judges referred to in article 4;
- b) "Declaration " means the Universal Declaration of the Rights of Mother Earth proclaimed on April 22, 2010 by the World People's Conference on Climate Change and the Rights of Mother Earth.
- c) "Earth defender" mean a human being **or community or organization** who has taken action to prevent humans harming Nature and/or to protect and uphold the rights recognized in the Declaration; and
- d) "Statutes" means the Statutes of the Tribunal that are in force at the relevant time.

## **Article 10 Entry into force of Convention**

This Convention entered into force on the 4th of December 2015