



INTERNATIONAL
RIGHTS OF NATURE
TRIBUNAL

PRESS RELEASE

MADRID COP 25, DECEMBER 9th

INTERNATIONAL RIGHTS OF NATURE TRIBUNAL SESSION IN CHILE AND JUDGES CASES OF NATURE RIGHTS

The 5th International Rights of Nature Tribunal was held in the city of Santiago de Chile on December 5th, 2019. The Faculty of Physical and Mathematical Sciences of the University of Chile hosted the Tribunal, whose judges were: Yaku Pérez (president of the Tribunal-Ecuador), Maristella Svampa (Argentina), Raul Sohr (Chile), Antonio Elizalde (Chile), Alberto Acosta (Ecuador), Nancy Yáñez (Chile); the prosecutor of the Earth was Enrique Viale (Argentina) and the secretary of the Tribunal, Natalia Greene (Ecuador). Approximately 150 people listened to the judges, presenters, experts and affected people throughout the day.

A Mapuche ceremony marked the opening of the Tribunal, ancestors were invoked and shared muday as a symbol of solidarity, after this, the activities planned in the program began. The 22 speakers and presenters came from: Chile, Bolivia, Ecuador, Argentina and Brazil. The cases that were exposed were the following: 1) Lithium mining in the Atacama Desert - Chile, 2) Threats to Patagonia: water and life reserve - Chile, and 3) Water privatization: water as an object in Chile. Additionally, two cases were considered to be admitted in a next Tribunal: Amazon (several countries) and Vaca Muerta (Argentina).

In an act of recognition of the work and the impeccable career of Doctor Humberto Maturana and his impact on the defense of Mother Earth, he was awarded a distinction, in which he was appointed Honorary Judge.

The judges decided to accept all cases filed in the Tribunal and was the fund failed in the three Chilean cases. For the Amazon and Vaca Muerta cases, the cases are accepted for processing and a process of gathering information and data is opened to be analyzed in the next Tribunal, in addition to recommending on-site visits. Those responsible and victims of the attacks were identified and a preliminary verdict was issued (annex). The final sentence will be presented by the Tribunal the week of December 9th.

Within the framework of COP25 in Madrid a workshop was held with Amazonian people to talk about Rights of Nature and to start gathering testimonies for the Amazon case to be presented at the next Tribunal. There will be a press release on Monday, December 9th in Madrid.

For more information visit page of the Tribunal

website: <https://www.rightsofnaturetribunal.com/tribunal-chile-2019>

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To see the Tribunal's Livestream :

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Preliminary verdict by case

The judges of the 5th International Tribunal of the Rights of Nature issued preliminary verdicts for each case on December 5th. The final verdicts will be announced the week of December 9 once all the evidence presented is integrated.

The jury decided to accept the case of lithium mining in Atacameño territory and ruled that there have been violations of the Rights of Nature. It also dictated that there are affected (ecosystems, human and non-human beings) and that both companies (which have private capitals of national and transnational origin), and the State at its different levels (local, regional, state) are responsible. The extraction of lithium, together with the extraction of other precious metals (such as copper) and minerals (such as potassium) are consuming unsustainable amounts of water in the Atacama Desert of Chile, by putting the fragile desert ecosystem at risk, as well as the wildlife and the livelihoods of the indigenous Atacameño people who live there. The exploitation of lithium in the Atacama salt flats is related to water mining; when this mineral is found in the brines, it causes the dispossession of the communities, destruction of the nature and contamination of the water, and by consequence, causing serious water stress in the ecosystem. The "Salar de Atacama" is currently overexploited, having exceeded its water recharge capacity. On the other hand, it is necessary to leave an open question about whether or not lithium occupies a place in the socio- ecological transition, in the construction of a post- fossil paradigm. Along these lines, the Tribunal poses an inquiry if there is a single possible transition and states that there is no post-development without social and environmental justice.

In the case of Patagonia: reserve of water and life, the Tribunal confirms that Patagonia has great biodiversity threatened due to the presence of industries that have progressively destroyed nature, and that the exploitation of the sea edge has affected the ecosystem. The Tribunal also considers that the Chilean state allowed genocide of the indigenous inhabitants of the extreme south to develop sheep farming, and that the state has not respected the communities. Similarly, infringement of recognizing the rights enshrined in the Universal Declaration of the Rights of Mother Earth in which it is recognized that each being has the right to a place and to play its role in Mother Earth for her harmonious functioning.

The Tribunal recommends that the Chilean state change its ecocidal attitude; rigorously respect protected and conservation areas; comply with prior consultation processes; establish precautionary measures so that human activities do not brutally affect the sites in question; establish restorative justice for the affected indigenous peoples; morally condemn mining and salmon companies and urge them to bear the real costs of their actions; as well as requiring the State of Chile to generate all the conditions to adopt a new constitution that enshrines Rights of Nature.

Based on all the foregoing paragraphs, this Tribunal finds that the mining and salmon farming activity that is carried out in Chilean Patagonia are contrary to the rights of Mother Earth, which is why this Tribunal declares the violation of the Rights of Nature.

Regarding the case of the privatization of water in Chile, the Tribunal heard the testimony of victims and experts related to life and threats of life and evidence that water has become a



business. Water in Chile is an object and is commercialized, by allowing its privatization. The Tribunal condemns the extractivist economic model that denies that water is life, when it must be a political, community and spiritual subject. The Tribunal recommends influencing and taking advantage of the Chilean Constituent moment to establish that water is a subject of rights. It recommends reviewing the Constitution of Ecuador (art. 12, 282 and 318) where water has recognized rights and also establishes a priority of its use.

Regarding the Amazon case, the Tribunal recognizes that the Amazon is the largest rainforest on the planet and is threatened by ecocide (deforestation and others). The Amazon is essential to guarantee the biodiversity of the region and the world. Fires in the Amazon have been influenced by the states to consolidate agribusiness, which is reflected in the deinstitutionalization of mechanisms to protect nature and the adoption of laws that exempt those responsible for the fires. Deforestation is not solely responsible for ecocide, but also mining and oil extraction. There are protection rules for this ecosystem but they are not met. Under these considerations, the case of the Amazon is accepted and a period of gathering evidence of the case in the region is opened so that it can be considered in depth at an upcoming session of the Tribunal. More organizations and affected people are also requested to send their evidence, emphasizing the damage to mother earth, indigenous communities and the differential impact on uncontacted peoples in voluntary isolation. Due to the plight of the fires (Chiquitanía-Bolivia, Amazonía-Brazil), it is decided to prioritize the affected regions and recommend on-site visits by the Tribunal to verify the damages.

Vaca Muerta is an important case of fossil fuel exploitation, especially through intensive hydraulic fractures as there is clear evidence of possible violations of the Rights of Nature. The information provided to the Tribunal indicates that there is an obvious violation of the Rights of Nature and therefore it is requested that an investigative commission be established to analyze the use and condition of the water and that a process of collecting evidence of the case should be initiated with a visit to Vaca Muerta, a request that is accepted by the judges.