



“RIGHTS FOR THE EARTH” TOWARDS NEW INTERNATIONAL STANDARDS

From November 30th to December 11th, during the COP21 (UN Convention on Climate Change Conference of Parties of 2015) in Paris, the world's nations will reach new agreements on climate change. The major challenge with these negotiations rounds would be the achievement of **sufficiently binding commitment to ensure a sustainable living planet**. Addressing the global climate complexity requires **a moral and legal responsibility that should go beyond the mere “declaration of intentions”**. It is necessary to construct **a social pact for coexistence of a global governance regime and an international legal framework** whose pillars are safeguarding biodiversity and respecting ecosystems' dynamics, on which humanity depends for survival and well-being.

All over the world, initiatives presenting a systemic solution to climate change and the current state of the planet by adapting public international law and criminal law are growing. Whatever may be the approaches or legal tools (Earth Laws, Rights of Nature, Rights of Future generations, fundamental human right to live in a healthy environment, criminal recognition of environmental crimes, ecocides crimes, Global Commons) they all seem to agree in **a new socio-ecosystemic perspective**, acknowledging that humans are inalienable parts of Nature and their actions not only have consequences over their environment, but also for their own well-being. This growing convergence of initiatives is an **historic expression of public will at supranational level to control the way of how norms are defined in the case of major damage to the environment**.

The meeting of two international stakeholders: the coalition “The Global Alliance for the Rights of Nature” (GARN) and the citizens' movement “End Ecocide on Earth” (EEE) for the COP21, coming from different fields of law, having both accomplished amazing results on their continents, will be the symbol of this convergence; Seeking to implement a range of actions whose aim is to show the **complementarity and necessity of their approaches**. They get together in a vast program to propose and test new legal concepts:

- **the recognition of the Rights of Nature in the public law** at the international and local level - based on the “Universal Declaration of Rights of Nature” carried by GARN - which recognizes the rights of ecosystems to exist and the duties upon humanity to respect the integrity of their life cycles.
- **the recognition of the Crime of Ecocide by the international criminal law** - based on the EEE proposed amendments to the Rome Statute of the International Criminal Court - would allow to set up an international legal framework to ensure the safety of planet.

These two initiatives are designing a legal landscape that would strengthen and support future State's “climate” commitments by proposing **international norms to adopt in order to safeguard humanity and nature as well as the judgment and the sanction of environmental crimes**. In highlighting the consubstantial interdependence between men and nature, they are part of a broader fundamental debate that touches human's space within nature, in order to nurture collective consciousness transformation and global governance models.



INDEX / SUMMARY

CONTEXT ***COP21, FOR ENVIRONNEMENTAL AND CLIMATE JUSTICE***

LEGAL INITIATIVES

***RIGHTS OF NATURE (GLOBAL ALLIANCE FOR
THE RIGHTS OF NATURE)***

ECOCIDE CRIME (END ECOCIDE ON EARTH)

CONCEPT NOTE

INITIATIVES CONVERGENCE TOWARDS EARTH LAWS

PROGRAM COP21 / EXPERTS

CONFERENCE “TOWARDS NEW INTERNATIONAL NORMS”

INTERNATIONAL TRIBUNAL FOR RIGHTS OF NATURE

Presentation & Program

Goals, Members, past events

CIVIL SOCIETY MOBILISATIONS

PARTNERS

NATURE RIGHTS

Nature as the Subject of Rights

About

ATTAC FRANCE



RIGHTS FOR THE EARTH
TOWARDS NEW INTERNATIONAL NORMS



CONTEXT



COP21, FOR A CLIMATE AND ENVIRONMENTAL JUSTICE

France will chair the UN Convention on Climate Change Conference of Parties of 2015, from 30 November to 11 December (COP21 CMP11). A particularly important date, **as the World's Nations are aiming to reach new binding agreements on climate change to keep global warming below 2° C**, an agreement **that would replace the Kyoto protocol** and it would be enforceable for all the countries. The agreement is likely to represent a major turning point in our world history, if indeed it would be ambitious, binding and federative enough to stop the irreversible environmental degradation processes linked to global warming.

The entire global community will be then reunited and will listen attentively to environmental issues. This could potentially be regarded as a window of opportunity, **a crucial moment to argue initiatives of civil society on the new political, economic, social and ecological world challenges that is now humanity facing.**

The climate issue raises **unprecedented questions**. While the most vulnerable populations around the world are being exposed to disasters due to rising temperatures, there is therefore an increasingly need for challenging our value systems and our governance models. Raising **critical issue of environmental justice and the potential need for an international legislative framework to prevent and mitigate the consequences of global warming.**

Number of issues related to the most fundamental human rights remain unresolved: the right to live in a healthy environment, the right of future generations, the right of access to water, food, health ... Indeed **the current international legal framework does not have the tools to supervise dangerous industrial activities, protect ecosystems or human health.** This topic is in substantive discussions that affect the development of international environmental law, but also to economic, international security, biodiversity issues ...

Apart from raising international awareness of climate issues, **COP21 is a unique opportunity to address questions of environmental justice / law and gain recognition as an inalienable human right:** the right to a healthy environment in which the resources are taken from equitable and sustainable manner. Tomorrow, for hundreds of millions of human beings, it can conditionate their access to water, land, health, respect for its traditions, the right to life and the simply right to enjoy Peace.



RIGHTS FOR THE EARTH
TOWARDS NEW INTERNATIONAL NORMS



RIGHTS OF NATURE : GLOBAL ALLIANCE FOR THE RIGHTS OF NATURE

The Global Alliance for the Rights of Nature (“GARN”) is a network of organizations and individuals committed to the **universal adoption and implementation of legal systems that recognize, respect and enforce the “Rights of Nature”**. Rights of nature are based on the **“Universal Declaration of the Rights of Mother Earth”** (UDRME), original text launched at **“World Peoples’ Conference on Climate Change and the Rights of Mother Earth”**, hosted at **Cochabamba**, Bolivia in 2010 and attended by over **35,000 participants from more than 100 countries**.

THE NATURE AS A SUBJECT OF RIGHTS

UDRME considers Nature as a subject rather than an object or commodity. **It recognizes an intrinsic value to the nature and all its life forms, for which it enunciates the right to exist, maintain and regenerate their vital cycles**. As acknowledged by the UDRME, rather than arising from human sources, nature’s rights are inherent to its very existence: ecosystems are therefore considered as subjects of rights, which can be represented in a court of law.

*From a philosophical standpoint, Rights of Nature represents a call to **replace the current paradigm of growth with one of harmony with nature**. Currently, our legal, social and economic systems are premised on an assumption of unlimited growth for profit and an insatiable desire for greater consumption. Nature is treated as a mere resource to be consumed and depleted. By passing laws and regulations that “manage” or “regulate” our exploitation of nature, we merely legalize its destruction. The result has been unprecedented damage to our planet to the peril of both humans and nature.*

*Recognizing Rights to Nature challenges our destructive legal and economic systems and puts forth a bold vision of living in **harmony with all life, reconciling human and nature, and restoring natural balance with our planet**. Grounded in the wisdom of ancient and indigenous cultures, Rights of Nature seeks to maintain a balanced relationship between humankind and every form of life, in recognizing and respecting the biosphere balance. The Rights of Nature are also intrinsically linked to the need for real participatory democracy, where communities and guardians of nature’s rights have equal standing to decide upon issues that affect all of our well-being (including harmful projects such as mega-dams, mining projects, and fossil fuel extraction), decisions which today are exclusively made by the market and its financial or political elites.*

Rights of Nature are part of a large growing movement that recognizes our interdependency with the terrestrial community and the right for all members to exist and prosper.

HISTORICAL BACKGROUND OF THE CONCEPT “RIGHTS OF MOTHER EARTH”

History: <http://therightsofnature.org/ga-rn-video/>

Over the last decade, the Rights of Nature, initiated by GARN has expanded rapidly across the globe. The petition for Rights of **Nature has obtained, at this date, more than 825,000 signatures from 122 countries**. The “Universal Declaration of Right of Nature”, official founding statute of Rights of Nature, was applauded by 35,000 people during the Cochabamba conference in 2012.

While the concept of nature’s rights has existed in **indigenous wisdom for millennia**, the first step towards recognizing the Rights of Nature in law began at the regional level in 2006. Since then, the legislators of Ecuador and Bolivia have adopted it, and it is part of numerous regional and municipal initiatives in several other countries (For example, included in more than 180 municipal ordinances in the United States).

- 2006** **Tamaqua Borough, Pennsylvania**, first municipality in the United States to recognize natural communities and ecosystems as “persons” in a court of law, for purposes of protecting the community from toxic waste, also recognizing residents’ rights to a healthy environment.
- 2008** **Ecuador** becomes the first country to including Rights of Nature in its **Constitution**

For the first time in history, the constitution of a country recognizes and calls for enforcement of the Rights of Nature (Art 71 and 57). Far from reducing it to a set of exploitable resources, it says: "Nature or Pachamama, where life is or realizes and reproduces itself, has the right of respect of his existence, as well as to maintain and regeneration of its vital cycles, structures, functions and evolutionary processes."

- 04 /2010** **Bolivia** hosts the "**World People's Conference on Climate Change and the Rights of Mother Earth**", **Cochabamba**
Agreement upon the "Universal Declaration of the Rights of Mother Earth" (UDRME).
Earth Day: 35,000 people gathered to acclaim the UDRME.
- 09/2010** Creation of the **Global Alliance for the Rights of Nature (GARN)**
- 12/2010** **Bolivia** and **Ecuador** adopts **Law on the Rights of Mother Earth**.
- 10/2012** **Bolivia** adopts **Framework Framework Law on Mother Earth and Integral Development for Living Well**.
- 12/2012** UN Conference on Sustainable Development, "**Rio +20**" – Rights of Nature is articulated in the UN consensus document and recognized in the People's Summit Declaration
120,000 signatures are presented to the UN Secretary-General
<http://www.thepetitionsite.com/1/yes-to-rights-of-nature/>
- 01/2014** Quito, Ecuador "Global Rights of Nature Summit"
First International Rights of Nature Tribunal
www.therightsofnature.org/rights-of-nature-tribunal/
- 12/2014** Lima, Péru "UN Framework on Climate Change Convention"
Second International Rights of Nature Tribunal
<http://therightsofnature.org/lima-2014-tribunal/>

GLOBAL ALLIANCE FOR THE RIGHTS OF NATURE

Recognizing the unparalleled developments in recognition of the rights of nature worldwide, **global leaders and Rights of Nature advocates from six continents came together in September 2010 to further galvanize the emerging movement** and create the Global Alliance for the Rights of Nature.

The GARN serves as **a global hub for connecting and fostering relationships, exchange of knowledge, and collaborating to forward the understanding and implementation of Rights of Nature. GARN members are a diverse network of experts** (scientists, attorneys, economists, indigenous leaders, authors, spiritual leaders, politicians, actors, business leaders, homemakers, students and activists) **to advance earth rights based thinking, community actions, and legal systems.** GARN is focused on creating a system of jurisprudence that sees and treats nature as a fundamental, rights-bearing entity – not as mere property to be exploited.

GARN seeks to break out of the human-centered limitations of our current legal systems by recognizing, respecting and enforcing Rights of Nature as one of the most transformative that humanity can take to create a thriving future for all.



SOME MEMBERS OF GARN :

Cormac Cullinan (EnAct international);
Pablo Solon (Focus on the Global South);
Atossa Soltani (Amazon Watch);
Tom BK Goldtooth (Indigenous Environmental Network - IEN);
Michelle Maloney (Australian Earth Laws Alliance - ALEA);
Shannon Biggs (Movement Rights);

Osprey Orielle Lake (Women's Earth and Climate Action Network);
Linda Sheehan (Earth Law Center);
Lisa Mead (Earth Law Alliance)
Vandana Shiva (Navdanya);
Carine Nadal (Gaia Foundation);
Pat Siemen (Center for Earth Jurisprudence)
Natalia Greene (Secretariat),
Robin Milam (Secretariat)



ECOCIDE CRIME: END ECOCIDE ON EARTH

End Ecocide on Earth (EEE) a grass-roots initiative aimed to **recognize the crime of ecocide in international criminal law**, as the fifth crime prosecutable before the **International Criminal Court** in the same manner as the crime against humanity, the crime genocide, war crimes and the crime of aggression. To that end, severe cases of environmental destruction and health related damages, which threaten the safety of the planet, must be recognized as a crime.

EEE proposes that ecocide be characterized by partial or total destruction of the global commons and/or ecosystem services, threatening living conditions on Earth for present and future generations. Ecocide Eco-cide derives from the Greek "oikos" meaning "house" or "home" and the Latin "caedere" meaning "strike down, demolish, kill". It literally translates to killing our home, and in this case the only one we have: the Earth! Ecocide is any act or failure to act which causes significant and durable damage to any part or system of the global commons, or threaten the safety of humankind.

AN INTERNATIONAL LEGAL LOOPHOLE

Pollution and destruction of our environment and the depletion of natural resources are progressing rapidly and we are **facing a major international legal loophole or absence of international norms**. Recognize Ecocide crime in peacetime would permit to prosecute and **judge the perpetrators of the most serious environmental crimes and thereby engage the responsibility of transnational corporations' executives, heads of state or directors of partner organizations**.

The Deepwater Horizon explosion in the Gulf of Mexico, the Fukushima disaster in Japan, massive deforestation in the Amazon, the Tar sands in Alberta (Canada), the oil pollution in the Niger Delta in Nigeria or the gold mine project in Rosia Montana in Romania are examples of environmental disasters which could be prevented by the adoption of legislation that would recognize the criminal liability of decision makers.

Overall, this initiative constitutes **a practical solution to set up a binding framework for multinationals corporations' action by waiving the impunity of their leaders, protect biodiversity and put people over profits, and last preserve future generations**. The recognition of the crime of ecocide would help shift from an anthropogenic vision of the law, to the recognition of rights to nature itself, thus affirming the principle of interdependence binding nature and human beings.

HISTORY OF AND STRATEGY OF END ECOCIDE ON EARTH (EEE)

Initially **launched as a European Citizen Initiative (ECI)**, EEE has first carried on a project of European directive on the crime of ecocide which has been submitted to the vote of European citizens in 2013 then turned into a petition in 2014 which **collected 190 500 signatures** (on www.endecocide.org). The project has been presented to the European parliament on 26th February 2015 and is now studied within four commissions: Energy, Justice, fisheries and environment. Meanwhile, in January 2014, the movement was globalized by claiming the establishment of an **international court of the environment and health**.

In this context, **EEE contributed to the writing and promotion of the Charter of Brussels**, drawn up with 9 other organizations which officially request the establishment of a European and an International Criminal Court of the Environment and Health. The Charter calls for the recognition of environmental crimes as crimes against Humanity and Peace by the United Nations. EEE then took part in the **10th anniversary of the Paris' Call for action** (International Declaration on diseases due to chemical pollution). In October 2014, EEE has organized an international conference in Brussels inaugurating the launch of a think tank bringing together international legal experts

Being a worldwide movement, **EEE set up an international legal experts group to draft a proposal of amendment to the Rome Statute establishing the International Criminal Court, in order to include Ecocide to the list of the international crimes**.

THE AMENDMENTS TO THE ROME STATUTE / INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC), governed by the Rome Statute, was established to help end impunity for perpetrators of the most serious crimes affecting the international community. The ICC Statute considers war





crime to cause widespread, long term and severe damage to the natural environment, but there is no provision to protect the environment of this type of harms in peacetime.

Since its entry into force in 2002, the Rome Statute was adopted by 123 countries (April 2015). Any state party may propose amendments to it. The text of the amendments must be submitted to the General Secretary of the United Nations, who shall promptly circulate it to all States Parties and to convene a General Assembly or a Review Conference. If the States agree by majority to study the proposal, they will then adopt the amendments by consensus, or otherwise at the majority of 2/3 of member states presents.

EEE proposed amendments to the ICC Statute for recognition of the crime of ecocide in peacetime would establish the effectiveness of a set of emerging standards through the establishment of an international criminal legal framework capable of ensuring the “safety of the planet” based on the protection of the global commons and transboundary ecosystem services, in compliance with the known planetary boundaries.

Ecocide is defined in the amendments as an extensive damage or destruction having for consequence a severe and durable alteration of the global commons, that is to say natural spaces/areas recognized as of common interest to terrestrial biodiversity and ecosystem services necessary for the survival of humanity (oceans and seas beyond territorial waters, atmosphere, extra atmosphere and their respective chemistry, Arctic, Antarctic, rivers and transboundary rivers, groundwater, migratory species, biogeochemical cycles, genetic heritage).

The damage assessment may be entrusted to the United Nations Environment Programme. In case of Ecocide crime, victims have the possibility of an international remedy to compel the perpetrators (person or company) to pay moral, physical and economic compensation. It is also possible with Ecocide law to request the restoration of the damaged natural environment with regard to its ecological value. In addition, the international judge has the power to order the dissolution of a transnational corporation depending on the severity of the facts. The superior responsibility could be engaged and imprisonment sentences could be imposed.

EEE ON GOING STRATEGY

Ecocide should be added to the Rome Statute as an international Crime against Peace, and tried under the jurisdiction of the International Criminal Court, beside the crime of genocide, the crime against humanity, the war crime and the crime of aggression. **EEE is lobbying head of states in order to bring the amendement project of the Rome Statute to the UN Secretary-General Ban Ki-moon during the COP21.** To achieve it, EEE

- organizes conferences at executive levels in the DR Congo, Ivory Coast, Poland and France, and others.
- launches a worldwide campaign to let people of this planet speak out their demand to protect our ecosystems and our future by the implementation of an international criminal law.
- plans a press conference on the 10th of December, the day the Human Rights were declared in Paris in 1948, to publicly announce together with all willing Head of States the amendment to the Rome Statute.

EEE bears a long term strategy illustrated in several axes: **expertise** (multidisciplinary research, analysis and trans-disciplinary context, scientific publications); **political** (political lobby towards States parties to endorse the proposal, but also to encourage its adoption); and **citizen** (support campaign, concepts outreach, publications, etc.).

THE AMENDMENT HAS BEEN DRAFTED BY

Adam Cherson (Doctor in Jurisprudence) and **Koffi Dogbevi** (Jurist in International Law, Co-founder of “Jeunes Verts Togo”) under the coordination of **Valérie Cabanes** (End Ecocide on Earth)

EXPERTS WHO SHARED THEIR EXPERIENCE WITHIN THE EEE THINK TANK ON ECOCIDE:

Prof. **Laurent Neyret** Professor of Law. Editor of the book “from écocrimes to Ecocide”

Damien Short Dir. Ecocide Project within the School of Advanced Studies, University of London,

Jan Van de Venis (Président “Stand Up For Your Rights” & L&AW Director of WaterLex.),

Marie-Odile Bertella-Geffroy (former Judge, Vice-President of the Court of Paris and coordinator at the Secretariat of Public Health in Paris),

Dr. Dominique Belpomme (Professor of cancer medicine at the University

Paris V, President of the European research institute on cancer and the environment),

Dr. Sandor Fülöp (Former Parliamentary Commissioner for Future Generations in Hungary),

James Skelly (Director of the Baker Institute for the study of peace and conflict, Juniata College, Pennsylvania),

Roger Cox (Lawyer and author of “Revolution Justified”),

Wouter Veening (President of the Institute for Environmental Security),

Ahmed Alami (Former Moroccan Minister of Environment),

Kirsten Meersschaert Duchens (Coalition for the International Criminal Court),

Valérie Cabanes (Lawyer in International Law, spokes person of End Ecocide on Earth),

Emilie Gaillard (Professor of Law, specializing in the rights of future generations).



CONVERGING TOWARDS NEW LEGAL STANDARTS



LAWS FOR THE EARTH!



CONVERGENCE INITIATIVES : RIGHTS FOR THE EARTH

The COP21, highlighting the **climate emergency and the need to strengthen States' commitments on this issue**, is a key moment to develop and converge the legal initiatives with systemic solutions to the degradation of the natural environment by an adaptation of the public international and penal law.

CONVERGENCE INITIATIVES : AN INTERNATIONAL LAW FOR THE EARTH

A new body of law is emerging across the planet around the concept of "Earth Law" in a diversified approaches and legal proposals: Earth Law, Rights of Nature, Rights of future generations, Human rights to a healthy environment, crime of Ecocide, etc.

All these proposals are part of an innovative socio-ecosystemic perspective, recognizing that human beings are inalienable parts of nature and that their actions have consequences, not only on their environment, but also on their own future.

This emergence and convergence proposal is the expression of a historic momentum, which, faced with the destruction of life conditions on Earth, advocates shifting philosophy of law and adapting international standards to establish a legal framework for the protection of the Earth, its inhabitants and the consideration of future generations.

FROM RIGHTS OF NATURE TO CRIME OF ECOCIDE

This principle of interdependence induces **a stepwise progress in environmental law**, moving from a **purely anthropocentric perspective** (protection of nature for human well-being), to one that **encompasses the interests of future generations**, to finally recognize **nature as a subject of law** in an **ecocentered perspective** in order to protect ecosystems, recognizing their rights to maintain their live cycles (earth jurisprudence). Distinct in their focuses, **these approaches meet common ground in the definition of ecocide as proposed by EEE to ICC states parties**. The fundamental value on which relies the criminalization of ecocide is the **"safety of the planet"**. This value is set to become a peremptory norm; human in this vision is one of the protected components. Indeed, the **prohibition of ecocide will guarantee the human right to a healthy environment but also enshrine the right of nature to be protected**. This proposal is therefore a transversal approach between the rights of nature and the rights of humanity that correlates them, also considering a number of advanced concepts in terms of legislative standards and environmental regulations known to date:

*The amendments guarantee the safety of the global environment by protecting global commons and ecosystem services related to the respect of planetary boundaries.
They rely on strong principles such as: the precautionary principle and the due diligence within the framework of shared responsibility.
Through declaratory judgments and injunctive reliefs, they implement preventive justice.
In case of environmental damages, they enable strict liability of superiors (managers), relying on a repressive but also compensatory and restorative justice.
They protect against environmental injustices and violations of traditional or indigenous lifestyles.
Ultimately, they promote future generations' right to live in a healthy and sustainable environment ensuring effective protection of the Earth system.*

ENSURING EFFECTIVENESS OF NORMS BY THE INTERNATIONAL CRIMINAL LAW

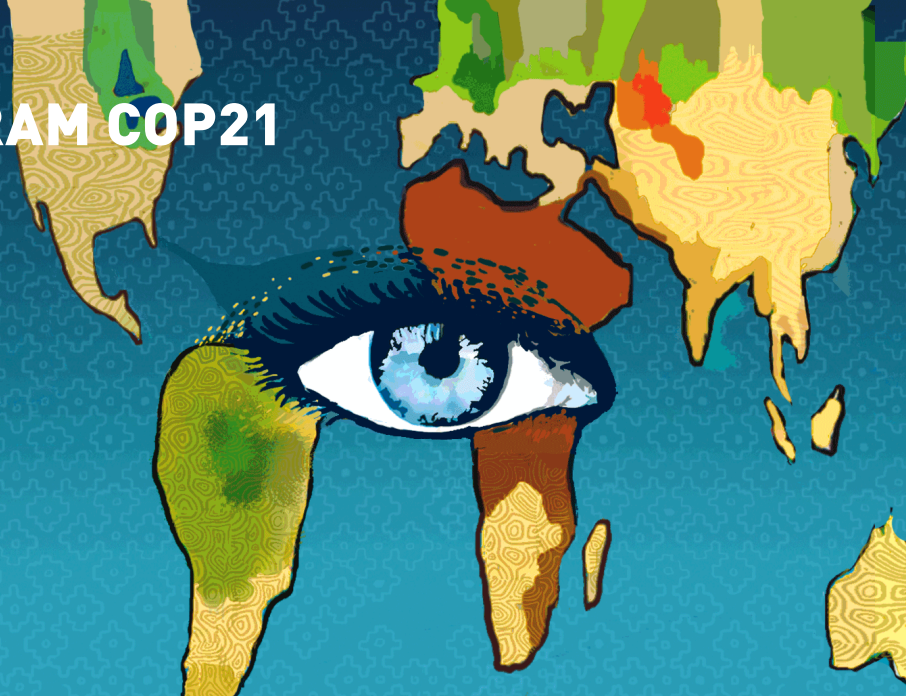
The citizen movement "End Ecocide on Earth" has decided to go further, proposing to adapt international criminal law by including the crime of ecocide to the Statute of the International Criminal Court.

The amendments proposal of EEE would allow effectiveness of all emerging norms through establishment of an international criminal legal framework capable to ensure the safety of planet, in protecting the global commons and transboundary ecosystem services, in compliance with the known planetary boundaries.

This penal framework will regulate industrial activities to ensure healthy living conditions for present and future generations. **It will ensure an international and environmental climate justice that can prevent and mitigate global warming consequence, environmental prosecution and sanction, and promotion safeguarding of humanity and nature.**



PROGRAM COP21



CONFERENCE “RIGHTS FOR THE EARTH : TOWARDS NEW INTERNATIONAL NORMS”



THE PLACE TO B - 3RD DECEMBER 14H30/17H45

To clarify **initiatives convergence towards international frames to protection of the planet**, a conference will take on December 3rd at Place to B.

Experts will clarify the different concepts and emerging principles of the Law of the Earth (Earth Law). These proposals aim to raise the right to a healthy environment as a basic standard and to grant Rights to Nature. They provide relevant insights into the close relations between the fields of environmental law and human rights in order to assert the principle of interdependence binding nature and human beings and their responsibilities.

The object will be to present these legal angles and create a dialogue between different holders of proposals, instruments, declarations, court success and emerging initiatives.

- The complementarity of these approaches have the potential, in their interpretation and implementation, of ending unlimited exploitation of natural resources which jeopardizes all future on earth.
- They give rise to a paradigm shift by encouraging international environmental law to recognize rights to nature in a biocentric perspective.
- Finally, these initiatives contribute to an evolution of consciousness and human behavior by providing a transition to systems of governance that are guided by the general interest of the Living on Earth, recognizing that human is at the heart of a system of life beyond him, and that we must respect the laws, processes and boundaries in order to maintain the balance of the system.

PRACTICAL INFO

Thursday 3rd December 14h30 / 17h45 PLACE TO B 5 rue de Dunkerque, 75010, Paris, France

WebPage: <http://www.naturerights.com/blog/?p=1122>

Registering : https://docs.google.com/forms/d/1UQRQuQd7_45djqeql8uakW89ferOlphbsW3N1Cy5KJA8/viewform?usp=send_form

Live stream: <http://www.placetob.org/live/>

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Valerie Cabanes (EEE) valerie@endecocide.eu +33 06 89 85 28 70

Natalia Greene (GARN) nati.greene@gmail.com +593 99 944 3724

CONFERENCE PROGRAM*

Thursday 3rd December - 14h30 / 17h45

PLACE TO B 5 rue de Dunkerque, 75010, Paris, France



* Some stakeholders are still to be confirmed.

Introduction
Key note speech

Natalia Greene (GARN), *Samanta Novella* (NR)
Cormac Cullinan (Author Wild law, EnAct)

“CONCEPTS”

Facilitator:
Sumak Kawsay - Mother Earth
Buen Vivir

Genevieve Azam (Attac)
Patricia Gualinga Sarayeku, *Tom Goldtooth* (IEN)
Alberto Acosta (Former president of the Constitutional
Assembly in Ecuador)
Serge Latouche (economist, author)
Roderigo Péret (Franciscans)

DISCUSSION : Economic model / Ecological governance

“NORMS”

Facilitator
Duty of care

Law of the Commons
Rights of Nature
Rights of Future Generations

Shannon Biggs (Movement Rights; Global Exchange)
Mireille Delmas Marty (Professor Collège de France, Chair in
Comparative Legal Studies and Internationalization of Law)
Silke Helfrich (Author)
Osprey Orielle Lake (WECAN, founder)
Emilie Gaillard (Professor of Law)

DISCUSSION: Relationship with nature and climate change

“INSTRUMENTS”

Facilitator:
Climate Justice
Universal Declaration for the Rights of Mother Earth

Universal Charter of the Environment
Declaration of the Rights of Mankind
Crimes against Health

Binding Treaty on transnationals corporations

Eco-crimes & Ecocide Conventions
Ecocide as a crime against peace and human security

Koffi Dogbevi (International Law/Environmental Law Jurist)
Roger Cox (Lawer Urgenda, author)
Cormac Cullinan (Author Wild law, EnAct)
Yann Aguila (Lawyer, BREDIN PRAT)
Corinne Lepage (Lawyer, former minister of environnement)
Marie-Odile Bertella Geffroy (former Judge, VP of Court of
Paris, admin. Secretariat of Public Health in Paris)
William Bourdon (lawyer, Cabinet Bourdon Forestier, Sherpa)
Laurent Neyret (Professor of Law, Publication director)
Valérie Cabanes (Lawyer, End Ecocide on Earth)

DISCUSSION: Hope for implementation

CLOSURE Similarities and differences *Vandana Shiva* (Navdanya)

All speakers are invited to contribute to the earthlaws blog
<http://desdroitspoulaterre.blog.lemonde.fr/>



RIGHTS FOR THE EARTH
TOWARDS NEW INTERNATIONAL NORMS



INTERNATIONAL RIGHTS OF NATURE TRIBUNAL



December 4-5, 2015, 9am - 6pm
at MAISON DES METALLOS
94, Rue Jean-Pierre Timbaud, 75011 Paris
www.maisondesmetallos.org

INTERNATIONAL TRIBUNAL OF RIGHTS OF NATURE

A unique, citizen-created initiative to testify publicly about the destruction of the Earth and propose a systemic alternative to environmental protection and current environmental laws.

The "International tribunal for Rights of Nature" was launched by GARN in 2014. First session of the tribunal, presided by Dr. *Vandana Shiva*, convened hearings in Quito, Ecuador in January 2014 during the Global Rights of Nature Summit. The second session held in Lima, Peru in December 2014 during the UNFCCC-COP20 was presided by *Alberto Acosta*.

The Tribunal is a unique citizen-created initiative. It gives people from all around the world the opportunity to testify publicly as to the destruction of the Earth, destruction that governments and corporations not only allow, but in some cases encourage.

The Tribunal provides **a systemic alternative to environmental protection, acknowledging that ecosystems have the right to exist, persist, maintain and regenerate their vital cycles**, with legal standing in a court of law. The Tribunal has a strong focus on enabling **Indigenous Peoples to share their unique concerns** and solutions about land, water, air and culture with the global community.

The Tribunal features internationally renowned lawyers and leaders for planetary justice, who will hear emblematic cases addressing issues such as climate change, false solutions, GMOs, fracking, extractive industries and other environmental violations.

They formulate judgments and recommendations for the Earth's protection and restoration based on the **Universal Declaration of the Rights of Mother Earth**. Among other things, the Declaration binds us to respect the integrity of the vital ecological processes of the Earth. Accordingly, the Declaration also helps advance **proposed amendments to the Rome Statute of the International Criminal Court to recognize the crime of Ecocide**.

The International Tribunal of the Rights of Nature is part of an effort to promote a change of consciousness and highlight the need to expand the international legal framework and national laws to ensure the safety of planet by preserving biodiversity and respecting ecosystem dynamics.

The third International Rights of Nature Tribunal will be held on 4 and 5 December 2015 concurrently with the United Nations Framework Convention on Climate Change (UNFCCC COP 21) in Paris, France. This tribunal is hosted by the Global Alliance of the Rights of Nature in partnership with End Ecocide on Earth; NatureRights & Attac France.

Featuring cases of:

FALSE SOLUTIONS TO CLIMATE CHANGE • FRACKING • AGRO-FOOD INDUSTRY/GMOS
MEGA-DAMS IN THE AMAZON • DEFENDERS OF MOTHER EARTH
OIL EXPLOITATION ECOCIDES •

Registration details:

www.maisondesmetallos.org/2015/07/22/tribunal-international-des-droits-de-la-nature

More infos

(EN) <http://therightsofnature.org/rights-of-nature-tribunal-paris> - tribunal@therightsofnature.org

(FR) <http://www.naturerights.com/blog/?p=1126> - samanta@naturerights.com

RON TRIBUNAL PROGRAM*

MAISON DES METALLOS - VENDREDI 4 ET SAMEDI 5 DÉC. / 9H00-18H30

The Tribunal is hosted by the *Global Alliance for the Rights of Nature (GARN)* who holds the *Secretariat* and formal procedures for ongoing International Rights of Nature Tribunals. In *Paris*, the GARN has established a partnership with *End Ecocide on Earth* for some cases of Ecocides, and with *NatureRights* and *Attac France*. The cases will be presented by presenters, experts and witnesses or victims; and judged at the end of each day. The cases will be accompanied by multimedia supports. The program is actually being developed, some stakeholders are to be confirmed or invited. However, the foundations are laid in the following order:

PRESIDENT: **Cormac Cullinan** (*Lawyer and author Wild Law, EnAct International, Cape Town, South Africa*)

PROSECUTORS: **Ramiro Ávila** (*Université Andina Simón Bolívar*) ; **Linda Sheehan** (*Earth Law Center*)

JUGES: **Cormac Cullinan** (*EnAct International, Cape Town, South Africa*)

Tom Goldtooth (*Indigenous Environmental Network*),

Alberto Acosta, (*economist and former president of the Constituent Assembly from Ecuador*),

Osprey Orielle Lake (*Women's Earth and Climate Action Network*),

Terisa Turner (*professor, former UN Energy Specialist, Canada*)

Felicio Pontes (*Prosecutor Brazil*),

Damien Short (*Dir. Ecocide Project within the School of Advanced Studies, University of London.*),

Attosa Soltani (*Amazon Watch founder*)

Nnimmo Bassey (*Friends of the Earth / Oilwatch*),

Ruth Nyambura (*African Biodiversity Network*),

Christophe Bonneuil (*Attac, CNRS, Publication director of the Anthropocene collection- Seuil Editions, Sciences historian*)

Philippe Desbrosses (*Doctor in Environmental Sciences, Farmer, Intelligence Verte*) - *Honorary Judge on the 4th*

Dominique Bourg (*University of Lausanne, Philosopher, author*) - *Honorary Judge on the 5th*

SECRETARIAT: **Natalia Greene** (*Global Alliance for the Rights of Nature*)

FRIDAY 4 DEC. 9H00-13H

9H00 - INDIGENOUS OPENING CEREMONY

Patricia Gualingua & Nina Gualingua (*Sarayeku*) / **Ta'kaiya Blaney** (*Tla'Amin First Nation, Canada*) / **Cassey Camp Horinek** (*Ponca Oklahoma, USA*) / **Ninawa HuniKui** (*Brazil, Acre*)

9H20 - INTRODUCTORY REMARKS ON THE INTERNATIONAL TRIBUNAL OF THE RIGHTS OF NATURE

Natalia Greene (*GARN*), **Esperanza Martinez** (*Acción Ecológica*)

9H40 -CLIMATE CRIMES AGAINST NATURE

Presenter **Pablo Solón** (*Fundacion Solon*)

Judge **Osprey Orielle Lake** (*WECAN*)

Topic	Expert	Witness/ victim
Fossil Fuels	Maxime Combes (<i>Attac</i>)	<i>Desmond D'sa</i>
Agriculture	Mary Lou Malig (<i>Global Forest Coalition, Philippines</i>)	
Trade Economy	<i>Tony Clark</i> (<i>Polaris Institute, Canada</i>)	
Water & climate	Maude Barlow (<i>Council of Canadians</i>)	<i>Michal Kravcik</i> (<i>Slovaquie</i>)
11H00-11h30 - Break		
Geo-engineering	Silvia Ribeiro (<i>ETC Group Mexico</i>)	<i>Godwin Ojo</i> (<i>Nigeria, FoE</i>)
Bio fuels	<i>Pat Mooney</i> (<i>ETC Group</i>)	<i>Valdelice Veron Guarani Kaiowa</i> (<i>Br</i>)
Nuclear	<i>Kumi Naidoo</i> (<i>Greenpeace</i>) Roland Desbordes (<i>CRIIRAD</i>)	Alexei Nesterenko (<i>Biélorussie</i>)
13H00-14h00 - Lunch		

FRIDAY 4 DEC. 14H-18H

14H00 - FINANCIALIZATION OF NATURE / REDD+

Presenter **Ivonne Yanez** (*Acción Ecológica*)

Judge **Tom Goldtooth** (*IEN*)

Compensation mechanisms linked to biodiversity conservation	Genevieve Azam (<i>Attac France</i>), <i>Tamra Gilberston</i> (<i>Carbon Trade Watch</i>),	Gloria Ushigua (<i>Sapara Ecuador</i>), <i>Ninawa</i> (<i>Acre Brasil</i>), <i>Sengwer Indigenous TBA</i> (<i>Kenya, Africa</i>),
EU biodiversity offsets	Jutta Kill (<i>WRM Report on REDD+, economic valuation of nature</i>)	

15H00 - AGRO-FOOD INDUSTRY / GMO'S THREATS

Presenter: **Vandana Shiva** (Navdanya)

Judge : **Philippe Desbrosses** (Intelligence Verte)

Marie-Monique Robin (Journalist), **Dr.Seralini** (CRIIGEN),
Ronnie Cummins (Organic Consumers Association OCA),
José Bové (Via Campesina, Green European Deputee)

Patrick de Kochko (Peasant Seeds)

16h00 - 16h30 - Break

16H30 - DEFENDERS OF MOTHER EARTH

Criminalization of DoME in Ecuador - Women in manifestations - **Blanca Chancoso**, **Fundación Pachamama**, **Belén Pérez**
BP Deepwater Horizon disaster - **Yudith Nieto**, **Juan and Byron Parras** (USA-Houston TX, T.E.J.A.S)

Judge : **Ruth Nyambura** (ABN), **Alberto Acosta** (Ecuador)

17H30 - JUDGES' STATEMENTS FROM DAY 1

SAT 5 DEC. 2015 - 9H-13H

09H15 - HYDRAULIC FRACKING

Presenter **Shannon Biggs** (Movement Rights)

Judge **Damien Short** (University of London)

Enrique Viales (Argentine), **Geert de Cock** (Food and Water Europe)

Kandi Mosset (Fort Berthold, ND, USA) **Casey Camp Horinek** (IEN, Ponca, USA) **Khaoula Chikahoui** (Tunisia) **Maria Montinaro** (Scotland)

10H30 - MEGA DAMS IN THE AMAZON FOREST - BELO MONTE & TAPAJOS

Presenter **Gert-Peter Bruch** (Planète Amazone),

Judge **Felicio Pontes** (UDRME - Ecocide, Brazil) & **Atossa Soltani** (Amazon Watch)

Belo Monte	Bianca Jagger (Bianca Jagger Foundation)	Cacique Raoni Kayapo , Antonia Mello (Xingu Vivo)
Tapajos	Christian Poirier/Leila Salazar (Amazon Watch)	Munduruku Chief

11H00-11h30 - Break

12H00 - JUDGEMENT STATEMENT DAY 2 - TRIBUNAL'S RECOMMENDATIONS : RIGHTS OF NATURE SOLUTIONS SESSION

13h00 - 14h00 - Lunch

SAT 5 DEC. 2015 - 14H-18H30

14H00 - ECOCIDE CRIME AT THE INTERNATIONAL CRIMINAL COURT

Valerie Cabanes (EEE) Recognizing ecocide in international criminal law, reopening of cases related to oil exploitation as ecocides

15H00 - OIL EXPLOITATION ECOCIDES - ECUADOR

Judge : **Dominique Bourg** (Lausanne)

Yasuni-ITT preventive Case	Carlos Larrea (Andina Simón Bolívar University)	Antonella Calle (Yasunidos)
Presentation of Commitments Oilwatch	Patricia Gualinga Sarayaku (Keeping fossil fuels underground)	
Texaco Chevron Ecocides cases	Pablo Fajardo (Victims' Lawyer)	Umberto Piaguae (UDAPT- Union de afectados por Texaco)

16H00 - TRIBUNAL RECOMMENDATIONS : ECOCIDE SOLUTIONS' SESSION

17H00 - PRESENTATION OF NEW CASES TO THE RON TRIBUNAL'S SECRETARIAT

Andrea Padilla (AnimaNaturalis, Corralejas Colombia); **Stefanian Simion** (Rosia Montana Mines, Romania); **Lisa Mead**, Earth Laws Alliance (570 hydroelectric dams in Eastern Europ); **Godwin Ojo**, (ERA/FoE Nigeria, Niger Delta Shell), **Eriel Deranger**, Athabaskan Chippewyan (Oil Sands Canada), Peruan Victims (Ashaninka Delegation)

Judges : **Christophe Bonneuil** (CNRS, France), **Terisa Turner** (Canada)

17H40 - SENTENCE'S PRESENTATION: Conclusion statements on Yasuni-ITT, Ecuador and Barrier Reef Australia)

18H00 - JUDGES' FINAL STATEMENTS FOLLOWED BY THE PRESIDENT'S SUMMARY STATEMENT FOR THE COP21

CLOSING INDIGENOUS SONG: Ta'kaiya Blaney



RIGHTS FOR THE EARTH
TOWARDS NEW INTERNATIONAL NORMS



PROGRAM COP21

INTERNATIONAL TRIBUNAL OF RIGHTS OF NATURE

OBJECTIVES OF THE TRIBUNAL

Assuming that the objective of the 2015 UNFCCC COP21, conference is to achieve, for the first time in over 20 years of UN negotiations, **a binding and universal climate agreement by all the nations of the world**. To date the UNFCCC has been unable to propose a viable agreement to correct the conditions of climate change and the heating of our planet. While the Tribunal does not have enforceable legal authority, **the adjudication process provides a catalyst for informed legal analysis of diverse cases, recommended mitigation based on Rights of Nature and Human rights**, and expanded international authority as the process matures. After the judgment, the Tribunal will recommend **remedial action / preventive measures against damage or subsequent damage**. It will encourage the parties to use mediation or other dialogue mechanism it deems appropriate.

EXPECTED RESULTS:

- Rulings of the Tribunal with respect to cases involving alleged violations of the Rights of Nature laws and/or the Universal Declaration of the Rights of Mother Earth;
- Definition of proposed solutions for (1) mitigating issues and harmful impacts related to specifics cases heard, (2) preventing further harm and restoring the systemic health of the impacted communities.
- Broader international acceptance of the concept of the Rights of Nature and of all beings and the universal observance of the rights and duties contained in the Declaration; and
- Demonstration of how the application of the rights and duties contained in Rights of Nature laws and the Universal Declaration for Rights of Mother Earth promotes the harmonious co-existence of humans and other beings in a manner that enhances the integrity, health and functioning of the Earth community.
- Include Ecocide as an international crime before the International Criminal Court

PARTNERS :

Special thanks to :



Networking partners



CROWD FUNDING:

<http://paristribunal2015.causevox.com/>



RIGHTS FOR THE EARTH
TOWARDS NEW INTERNATIONAL NORMS





CIVIL SOCIETY MOBILISATION

CITIZEN CAMPAIGN “RIGHTS FOR THE EARTH”

Starting September, will be initiated a public campaign to urge states in endorsing new international norms to safeguard te planet and paticularly to endorse the draft amendments EEE. The campaign will be deployed on many events supported by the civil society around which will be organized public communication and promotion of the campaign.

SCHEDULE

26 TO 28 NOVEMBER, 2015 / COY - CONFERENCE OF YOUTH / VILLEPINTE

29 NOVEMBER / MARCH FOR THE CLIMATE / PARIS

5 - 6 DECEMBER 2015 ALTERNATIBA FORUM / MONTREUIL

5 - 6 DECEMBER 2015 / CLIMATE FORUM IN MONTREUIL

12 DECEMBER / CLOSING MARCH

++ INDIGENOUS PEOPLE MOBILISATIONS

++ KEEP FOSSIL FUELS UNDERGROUND

STAGES OF CITIZEN ENGAGEMENT



...



RIGHTS FOR THE EARTH
TOWARDS NEW INTERNATIONAL NORMS



NATURE RIGHTS

IS NATURE A SUBJECT OF RIGHTS?

The idea to consider Nature as subject of law raises a number of questions and challenges our conception of the place of human vis a vis Nature. Over time, the domination of exploitative and predatory economy on all spheres of the existence, the progress of human technical knowledge on nature, or the development of a thought closely rationalist, participated in the development of a **strictly utilitarian conception of the relationship between societies and their environment**. The idea of “Nature-object,” became philosophical and ethical foundation our present system, determines **an instrumentalist perception of nature built on the idea that it only exists through useful and beneficial resources to human development**. Being only a stock of resources, the single connection envisaged is management.

This super separation human/nature has highly contributed to a development model based on the frenzied exploitation and short-termist of natural resources for profit, to the deterioration of our natural habitat, and the emergence of a world in which profit is above human and where the future of Humanity is mortgaged to the benefit of a few. It led human societies to exercise such pressure on ecosystems, whence a planetary biosphere imbalance today threatens the survival of the human species.

At the Anthropocene age, when limits of human footprint on Earth are outdated, **isn't it necessary to question the values, beliefs and paradigms from which modern civilization was deployed?** The term “rights of nature”, inspired by the **polytheistic and anthropomorphic beliefs of indigenous people**, is based on the **holistic concept of deep interdependence that connect each human to the “Mother Earth”** and nurturing. Respect owe to the Earth prohibits any form of ownership or domination. In this view, everything is interconnected and interdependent, and human is part of nature and not erected in its absolute master. This meaning defines an operating functional mode based on **maintaining a vital balance between the needs of communities and their natural environment**, same within human communities themselves, where individualism prevails. It follows a set of values that define social patterns, political and economic **that persisted for thousands of years because they work and they are durable**.

This conception provides a relevant **philosophical and spiritual answer**. While the public debate is dominated by the **tyranny of a narrow vision which is limited to mere technical adjustments of the remainder**, avoiding any deep and comprehensive challenge of the system. The necessary civilizational paradigm shift requires the courage to reconsider our most elementary cultural narratives, and explore the psychological resources that are the source of the crisis. Because “we do not solve a problem with the same set of thoughts that give it rise”, only a profound redefinition of the fundamental and the **human place in nature**, will be a substitute to propose in a philosophical ground in the **collective imagination, to re-enchant the world**.



RIGHTS FOR THE EARTH
TOWARDS NEW INTERNATIONAL NORMS





NATURERIGHTS

Since 2009, NatureRights has been committed to promote the “Rights of Nature” by identifying, supporting and connecting initiatives that recognise the Rights of Nature / Earth Jurisprudence / Earth Law principles and establish legal precedents and practices for them to become a philosophic, legal, economic and social reality. NatureRights advocates a multidisciplinary approach to “rights of nature,” understood from the perspective of recognizing and respecting the consubstantial interdependence that binds men to nature in order to redefine the values that govern our perception of life. Our work focuses on three main axis:

- A philosophical axis: advocacy for indigenous peoples

NatureRights is committed alongside with Indigenous peoples to publicize and promote their worldview but also to support their struggle for the preservation and transmission of their cultural heritage, their rights and their territories. (communication campaign and events, conferences, delegations, creation of communication tools and content, publications ...).

- A legal Axis: Nature rights advocacy

Nature Rights collaborates with many organisations involved in the development of an international legal framework to promote legal structures and establish a legal frame for “Earth law” Its action is centered on strengthening cooperation and collaboration between citizens and third organizations (articulation, resource optimization, levers, network coordination ect).

- An economic axis: Strengthening Aboriginal communities

NatureRights works to promote and strengthen local conservation projects and sustainable development for the benefit of indigenous communities by fostering their development capacities (fundraising, project constitution, internal management). Driven by the people, the supported projects reflect a way of life based on maintaining a vital balance between community needs and those of their natural environment.

History of the Partnership NR/ECOCIDE/PACHAMA

NatureRights collaborated with some people of Pachamama team in 2010 to support the creation of the Yasuni ITT Trust Fund. Nature-Rights is committed alongside the End Ecocide Initiative since 2013. The three organizations joined forces today to program a series of actions during the COP21. Naturerights.com French Association Act 1901 / Belgian private foundation under the auspices of the King Baudouin Foundation.



NATURERIGHTS FRANCE . 127, AV. DE FLANDRE 75019 PARIS.
Association loi 1901 à but non lucratif enregistrée à la préfecture le 17/01/2009,
annonce publiée au Journal Officiel N°20090003 - 1151.

NATURERIGHTS BELGIQUE . 40, RUE D'ESPAGNE 1060 BRUXELLES . BELGIQUE
Fondation de Droit Privé créée le 18/06/2009 au Greffe de Bruxelles sous le numéro
0812349462 dont le siège se situe au 40, rue d'Espagne 1060 Bruxelles (c/).
NatureRights a été agréé au programme de “TGE” Trans Giving Europe, sous l'égide de
la Fondation du Roi Baudouin, qui lui permet de percevoir des donations déductibles
d'impôts de treize pays européens et aux Etats-Unis.

www.naturerights.com / contact@naturerights.com



ATTAC FRANCE

The **financialization of nature** is a central aspect of the financialisation of the world and societies. It relies on a purely utilitarian view of nature and is attempting to absorb ecosystems in the great cycle of capital and market valuation.

Instead of considering the economy and society as sub-systems of an ecosystem that surrounds them, it seeks to make nature a sub-system of the economy. Therefore, this financialization is a primary and practical struggle for Attac. It is embodied in the green economy and carbon finance, which is aimed to renew the current growth model in a sustainable way (greening).

Ecosystems are also subject to accelerated competition in **grabbing natural elements (raw materials)**, land grabbing and oceans, accelerating extractivism are the most obvious examples. This is a new movement of enclosure, privatization of common, and this time on a global scale.

Finally, as we did for GMOs, we reject the political instrumentalization and of manufacturing life form and the Earth system on a small-scale with the bioengineering or on a large-scale with the geo-engineering.

Attac is involved/engaged by **publishing analysis and information** (books, brochures, releases) as well as concrete actions of solidarity with communities affected and alternatives construction.

Attac refutes the financialization of nature through **direct action targeting responsible**, transnational corporations: thus, since 2014, was initiated the campaign "Sharks" relayed throughout the country by local committees, campaign which target multinational of financial sectors, agribusiness and energy.

Finally, **supporting and developing local alternatives** is the third pillar essential to move towards a more just society, and relocating production consumptions. Because there are alternatives for a transition to an inclusive society, conscientious of the material boundaries of the ecosystems and renewing a cooperation contact with nature instead of production-war. We are not condemned to suffer ravages of this globalization, nor the cynicism of the elites.

Attac is funded by its members and is led by its militants. Present in the practical and daily struggles against the ravages of neoliberalism, Attac provides necessary analyzes and organizes actions to build credible alternatives.