



**Report of the Commission of the International Rights of Nature Tribunal
on the case of the Isiboro Sécure Indigenous Territory and National Park
(TIPNIS - Bolivia)**

January 16th, 2019

1. The Rights of Mother Earth

*"To guarantee Human Rights,
it is necessary to recognize and effectively apply
the Rights of Mother Earth."*

President Evo Morales, inaugural speech

World Peoples' Conference

Tiquipaya, Cochabamba, 2010

This approach assumes that humans are not only separate from Nature, but are the owners of Nature. This vision and practice explain domination and manipulation, including the profound divorce of the economy from Nature. All this generates growing global problems, among which, neither more nor less, is the catastrophic climate change.

Overcoming this aberrant contradiction is the monumental task facing humankind as we face the extinction of life as we know it. The task seems simple, but it is extremely complex. Instead of maintaining the dichotomy between Nature and humans, we must encourage their reunion. This civilizational transformation requires overcoming anthropocentrism. One of the initial steps lies in understanding Nature as a subject of rights, which implies, among other transcendental steps, and adding the right for ecosystems to be restored when human activity has destroyed them.

Despite the understanding that for those who already hold rights, they exist by virtue of being born, throughout the history of law, each extension of rights was previously unthinkable. Throughout America, the emancipation of slaves extended rights to African-Americans who were previously considered private property in the law. Equally, for a very long time, the rights of women, children and Indigenous peoples around the world lacked rights. These are ideas that are now considered absurd and even barbaric. It has been required to recognize "the right to have rights" and this has always been achieved with an intense political and social struggle to change those laws that denied those rights.

Current law "sees" nature as human-owned property. Prevailing law and world-views express and confirm human authority over all of nature and do not provide the natural world with any legal standing in a court of law. We cannot separate ourselves from the water we drink, the food we eat or the air we breathe any more than we can care for just a single leaf on a tree. And yet, human law almost everywhere defines "nature" as property to be owned, commodified and destroyed at will for

human profit. Most of the destruction of the Earth is sanctioned by law—from blowing the tops of mountains for coal; to fracturing the earth for oil and natural gas; to clear cutting the Amazon and displacing Indigenous communities. In so doing we are defying Natural Law that governs the planet's life systems. In these respects, we recognize that ancient and living Indigenous cultures that live in connection with land, and have knowledge of its care, have much to teach us about this world.

Certainly at this point we must rescue and enhance all contributions and struggles from the Indigenous world, where Mother Earth is recognized as sacred and intrinsic to their culture and life.

Science also understands and reaffirms that the Earth is a living system of complex relationships, and that Humanity cannot exist apart from this scientific reality. From gravity to the circle of life, Natural Law governs all life on Earth and creates a balance of natural forces.

Climate change is the Earth's response to the disharmony and imbalance of natural law. To maintain the complex balance of Nature requires care and its life cycles must be respected and even strengthened. Unquestionably, Nature is worthy of respect and dignity, and a subject of rights. Everything that lives has an intrinsic value, whether or not it has human use. There are even cosmological reasons that assume the Earth and life as moments of the vast process of evolution of the Universe. Human life is, then, a moment of life. And for that life to exist and reproduce, it needs all the preconditions that allow it to survive and to thrive.

It is urgent to understand that the Universal Declaration of the Rights of Mother Earth (UNDROME), issued in Tiquipaya, Bolivia is a starting point to begin to reconstruct harmonious relations of human beings with Nature, in a democratic exercise in which ecological justice demands equal social justice.

In the words of Pope Francis in the *Encyclical Laudato Si*:

"A true ecological approach always becomes a social approach, which must integrate justice in discussions about the environment, to listen to both the clamor of the Earth and the clamor of the poor.

We are not talking about an optional attitude, but a basic question of justice, since the land we receive also belongs to those who will come."

Rights of Nature seeks a cultural shift that redefines "wealth" away from financial accumulation towards well-being. This will require a new body of human law to codify and enforce these values. Informed by indigenous wisdom, the Rights of Nature is a legal approach that provides legal standing to nature by recognizing the rights of holistic ecosystems (including human inhabitants) to exist, thrive and evolve. In the last decade, seven countries have recognized legal rights for nature, including Bolivia.

2. International Rights of Nature Tribunal

The International Rights of Nature Tribunal (the Tribunal) is established to promote universal respect and the guarantee of the rights established in the Universal Declaration of the Rights of Mother Earth, in order to promote a harmonious coexistence among human beings and the rest of Nature's beings.

The Tribunal is an ethical body that aims to investigate and rule on violations of the Rights of Nature, or breach of responsibilities committed by international organizations, states, private or public legal entities or individuals, in application of the provisions of the UNDROME, adopted in 2010 at the World People's Conference on Climate Change and the Rights of Mother Earth held in Tiquipaya, Cochabamba, Bolivia. Equally, in the case of universal rights, additional legal bodies will be incorporated, such as those that derive from the Constitution of the Republic of Ecuador, approved in a plebiscite by the Ecuadorian people in 2008.

The Tribunal is shaped by judges of recognized ethical authority and commitment to Mother Earth, appointed by defenders of Mother Earth from different parts of the world.

This Tribunal was first held on January 17th, 2014 in Quito, Ecuador, chaired by Dr. Vandana Shiva, an globally renowned physicist and ecofeminist from India. On December 5th of the same year, the Tribunal met for the second time in the city of Lima, Peru, this time chaired by the Ecuadorian economist Alberto Acosta, who was president of the Constituent Assembly of his country in the years 2007 and 2008. On November 4th, 2015, South African lawyer and specialist in the Rights of Nature, Cormac Cullinan presided over the third session of the Tribunal in Paris, France. In Bonn, Germany on November 7th, 2017, the Tribunal was held with the Native American leader Tom Goldtooth (Dine' and Dakota) as chair. During this period, several national and subnational sessions were also held in Ecuador, Australia, India and the United States.

3. The TIPNIS case

3.1 DENUNCIATION AND BACKGROUND TO THE COMMISSION'S VISIT

On November 7th and 8th of 2017, the International Tribunal for the Rights of Nature - chaired by Tom Goldtooth - held its fourth session in Bonn, Germany. There, we heard testimony from Marquesa Teco, the president of the Women's Association, the president of the Subcentral TIPNIS; Fabián Gil, and other experts. They denounced that the Villa Tunari - San Ignacio de Moxos highway intends to cross the heart of the Isiboro Sécuré Indigenous Territory and National Park.

They explained that this road would cause permanent and structural damage to their communities, forests and rivers, causing the displacement and extinction of animals. All this would also lead to the loss of traditional ways of life in balance with Mother Earth for thousands of indigenous TIPNIS peoples, which would entail a serious risk to their lives.

On that occasion, the indigenous representatives warned about the economic interests that underlie the construction of a highway, which to date does not have an integral environmental impact study despite the great ecological fragility of this Amazonian area. The highway, additionally, would facilitate the expansion of the agricultural frontier by cultivating coca leaves destined for drug trafficking, from the southern zone to the core zone of the TIPNIS; a crop that every year increases the levels of deforestation of one of the most biodiverse places on the planet. They also warned of the prospective hydrocarbon mining that threatens TIPNIS. Oil and gas concessions have been identified in four areas covering 30% of the TIPNIS area; this is complicated since Supreme Decree 2366 of the Bolivian government opens national parks to the extraction of oil and gas.

They also denounced that the Plurinational State of Bolivia never took into account the decisions adopted by the indigenous peoples Mojeño Trinitario, Yuracaré and Tsimane who live within the territory, who systematically rejected the work since the National Government, unilaterally and without consultation, defined its construction in the year of 2006. In addition, the complainants exposed the aggressions and violations of their collective rights of which they were victims, mainly in 2011 while marching to the Government Headquarters to demand the cancellation of the highway project and were harshly repressed in the town of Chaparina by the State's police forces. As a result of that struggle, they achieved the approval of Law No. 180 that recognizes TIPNIS as a cultural and social heritage, declares intangibility as a security measure and *"states that the Villa Tunari - San Ignacio de Moxos highway, like any other, will not cross the Isiboro Sécuré Indigenous Territory and National Park"*. Shortly after, this law, as will be seen below, based on the complaint made, would have been arbitrarily repealed to resume the project of the aforementioned highway.

During their testimony to the Tribunal a request was made to the judges that a commission form to come to Bolivia to investigate their claims, and see firsthand the violation of the rights of nature the road presents. Between August 15th and 22nd 2018, a commission of three Rights of Nature experts and a Tribunal secretariat was sent to Bolivia, coming from four countries.

The commission visited Santa Cruz, Cochabamba, Trinidad, Trinidadcito, Villa Tunari - Isinuta in Polígono Siete and La Paz. During that time, the commission met with dozens of people from various non-governmental organizations, heard 12 hours of formal testimony from over 200+ of Indigenous peoples of the TIPNIS region, met with government officials, and participated in several meetings with University students, the general public and the media.

The commission, accepting an invitation made by CONISUR, also tried to meet with the residents of Polígono Siete. Unfortunately, upon entering the region, on the Isinuta bridge, they encountered hostile conditions that prevented the crystallization of this objective.

In addition to the information gathered in the quickly described meetings, the commission received and reviewed thousands of pages of documentation, official reports, environmental studies and legal historical records in effort to ensure the Commission's report of findings reflects deep and careful study from a variety of perspectives.

3.2 TIPNIS: Its location and main characteristics

The proposed highway project through the Bolivian South Amazon promoted by the Plurinational State aims to cross and affect the living spaces of the Mojeño, Tsimane and Yuracaré peoples of the Isiboro Sécure Indigenous Territory and National Park.

TIPNIS is considered the most biodiverse region in Bolivia, and it houses an ecosystemic diversity and incalculable value in species. From the sub-Andean foothills - which form one of the largest pristine forest complexes in the country - to the Floodplain, it represents a vital importance for regional and national water regulation and grants environmental services.

TIPNIS is located in a transition zone between the Andes Mountain Range and the Amazon, which explains its high degree of endemism, but also makes it an area of very high fragility and of necessary strict protection.

TIPNIS was declared a National Park in 1965 under the following considerations:

"[...] That in the provinces of Chapare and Moxos of the Departments of Cochabamba and Beni respectively, the State has areas that due to their particular beauty, location, topography, richness in flora and fauna, deserve to be maintained as virgin reserves."

Also, in 1990, as a result of the historic March for Dignity and Life that the indigenous towns carried out from the Amazon to the highland city of La Paz, the president at the time, Jaime Paz Zamora, recognized the area as an Indigenous Territory of Mojeños, Yuracaré and Tsimane, thereby acquiring a double category of protection.

In 2001, as part of a concerted action between indigenous organizations and Servicio Nacional de Áreas Protegidas (SERNAP), the National Park and Indigenous Territory was categorized into three zones:

- 1) Core zone characterized by its extreme protection because it is constituted in the most conserved region of TIPNIS and therefore of greater biodiversity in regard to the ecosystems that are part of the territory,
- 2) Zone of traditional use destined to the activities of hunting, fishing, collection and domestic use of the resources by the indigenous families.
- 3) Zone of sustainable use of land that allows a projection of the plans of community development based on plans of sound long term management that ensures the vitality of the territory.

3.3 Villa Tunari-San Ignacio de Moxos road project

In the Bolivian South Amazon, there is a road project - partly already built - driven by the Plurinational State that intends to cross and affect the living spaces of the Mojeño, Tsimane and Yuracaré peoples of the Isiboro Sécuré Indigenous Territory and National Park.

We have taken note of the official documents and declarations which show that the government's intention to build a road that connects the departments of Cochabamba and Beni, through TIPNIS, is not new. Despite knowing the negative effects that the road would bring and the resistance to it, this initiative remains.

The same Decree Law that created the National Park (1965) in its recitals states that its integrity could be seriously endangered *"by the construction of a path following the edge of the piedmont and by colonization"*.

Likewise, the 2002 TIPNIS Management Plan states that:

"The existing proposals on the road do not have any technical basis to define the feasibility or size that the impacts and environmental and socio-cultural effects would have. The proposed route has as its main criterion the joining of the two extreme points of the road penetration in TIPNIS (colona zone and Santo Domingo), a fact that makes it technically infeasible."

"The creation of the protected area, even without management, arose as a response to the colonization plans accompanied by the road opening of the Amazon foothills, now preserved in TIPNIS".

Despite these warnings, in 2006, the project was resumed in the first administration of President Morales with the approval of Law No. 3477, declaring its construction a national and departmental priority. In August 2008, the project "Villa Tunari - San Ignacio de Moxosa" was awarded to the Brazilian company OAS Ltda. with a majority financing coming from the Government of the Republic of Brazil through the National Bank for Economic and Social Development of Brazil (BNDES), until the year 2011.

The construction company OAS Ltda. subcontracted the Bolivian company Constructora Nacional CONNAL to carry out the design and studies for the construction of the Villa Tunari-San Ignacio de Moxos highway, which divided the feasibility studies, environmental impact assessment and final design into three sections:

- I) Villa Tunari-Isinuta,
- II) Isinuta-Monte Grande and;
- III) Monte Grande - San Ignacio de Moxos.

"The aforementioned division was approved by the ABC, ignoring the recommendations of the National Service of Protected Areas and the Vice Ministry of Transportation as a Competent Sectoral Body, in the sense that the integrality of the entire project should be considered."

In spite of the fact that both the Hiring Base Document on which the road construction contract is awarded, and the loan contract for its financing, consider the project as a single section from Villa Tunari to San Ignacio de Moxos; Environmental Licenses and Environmental Impact Studies were issued by sections according to the following design. So, in 2010, the environmental licenses of sections I and III were issued, based on their respective Environmental Impact Studies, thus initiating the construction of the highway at both ends.

According to the testimonies heard, all the government actions described above did not take into account the repeated and systematic decisions of the legitimate representatives of the Subcentral of

the Isiboro Sécure Indigenous Territory and National Park who rejected the construction of the highway crossing through its "Casa Grande".

In May 2012, the Bolivian government rescinded the contract with the company OAS, arguing that it was not complying with the deadlines established for the construction of sections I and III of the highway.

In 2016, section I was completed with an extension of 47.30 km. They range from Villa Tunari to Isinuta at the southern end of the Isiboro Sécure National Park, in the colonization zone. The route was made under direct contracting modality by the Bolivian Construction Company (EBC) and the Road Maintenance Association (AMVI).

In meeting with the Ministers, the commission was told that "consent" does not mean the ability to say "no", but rather the conditions required to proceed. From the government's perspective, only those who have "consented" can be considered as legitimate representatives, and therefore the government contends that consent has been given.

Currently section III in the North of TIPNIS is under construction by the Binational Force of Social Engineering Bolivia Venezuela. According to a recently conducted inspection, there is a consolidated road up to Monte Grande and from there to Santo Domingo - in the interior of the Indigenous Territory and National Park - a road that is continuously worked on.

The Environmental Impact Assessment Study - carried out in 2010 by the Connal SRL Consultancy for the OAS company in Brazil - established that the stretch would only be extended outside TIPNIS: Monte Grande - San Ignacio de Moxos. However, on June 27th, 2015, the Vice President Álvaro García Linera inspected the construction work and stated that the highway would have the following design: San Ignacio de Moxos - Monte Grande (81.42 km), Monte Grande - Rio Sécure - Santo Domingo (48.3 km), with a total extension of almost 130 km. These 48.3 km subjugate the Indigenous Territory and National Park, without knowing the existence of an Environmental Impact Assessment Study that has incorporated this segment.

To date, having reviewed the official public documents and having asked the Government of the Plurinational State of Bolivia without receiving any answers, it is concluded that section II that intends to cross TIPNIS - from Isinuta to Monte Grande - does not have an Environmental Impact Study (EIA) and respective Environmental License.

During 2016, the Bolivian Road Administration (ABC) and the companies AMVI and SERGUT signed the contracts for the construction of three bridges within the National Park, in the so-called Section II. This work was carried out while Law 180 was in force, which will be detailed later in the

report and which expressly prohibited its construction. According to media that denounced the progress of this work, the bridges would have the following extension and cost: The 250 meters long Isiboro bridge at a cost of 4.9 million dollars, the 120 meters Ibuelo bridge at a cost of 2.3 million dollars and the 150 meters long Sazama bridge at a cost of 2.7 million dollars.

Consequently, to date, having reviewed the official public documents and asked the Government of the Plurinational State of Bolivia without receiving specific answers, it is concluded that the section II that intends to cross the TIPNIS -from Isinuta to Monte Grande - does not have the Environmental Impact Study (EIA) and respective Environmental License.

3.4 Impacts of the highway

There are diverse people and organizations that have warned about the negative impacts that the development of the road project Villa Tunari - San Ignacio de Moxos would have on the biodiversity of TIPNIS and the very life of the indigenous peoples living there.

In 2002, the National Service of Protected Areas of Bolivia and the indigenous organizations determined that the national road development plans should not impose a link in opposition to the categorization and zoning of the Protected Area. They determined that such actions would directly and negatively impact this vital ecosystem conservation as well as the viability of TIPNIS as a National Park and indigenous life space. In that sense, it was concluded:

Aware that the construction of the road would have clear negative impacts on the conservation objectives of TIPNIS, on its own viability as a TCO (Tierras Comunitaria de Origen) and as an indigenous living space (expansion of the colonization front to the entire piedmont area, the increase in illegal exploitation of wood and other resources present in TIPNIS, possible reactivation of the exploitation of the Sécure oil block) and the very limitation of their territorial control capabilities, the owners of the TCO and SERNAP have opposed the construction of the road (TIPNIS Management Plan, 2002, p. 42, 4th paragraph).

In view of the implications of the possible construction of the highway, the alternative of not connecting the two departments through a road that crosses the core area of the Protected Area (planned section) was favored. The negative consequences were considered in relation to environmental, sociocultural and economic impacts in the medium and long term, which were considered more relevant than possible economic benefits that could be generated in the short term. Also, in general, it would not reach the Indigenous population (TIPNIS Management Plan, 2002, Page 82, 4th paragraph Construction point of the Cochabamba - Beni road section).

In 2011, the Strategic Environmental Assessment for Sustainable Integral Development of TIPNIS (not to be confused with the Environmental Impact Assessment Study which has not been done), prepared by SERNAP under the Ministry of Environment, stated that this road integration policy would mean *the loss of biodiversity, integrated environmental functions and the loss of appropriate ecosystems and habitats which will hurt both indigenous peoples and the Bolivian people in general*. Likewise, it will activate and significantly accelerate other policies: increase in colonization plans; exploration/exploitation of hydrocarbons; and as well as the expansion of the use of the natural resources (Strategic environmental assessment for sustainable integral development of TIPNIS, Ministry of Environment and Water, 2011, p. 266, 3rd paragraph).

3.5 Increased colonization and deforestation

In the south of TIPNIS, there is an area called "colonization area" that provokes a wave of migration and spontaneous occupation that emerged in the second half of the 20th century by Andean settlers - Quechuas and Aymaras - whose life unfolds on the basis of to the production economy of the coca leaf.

The presence of the colonizers implied from the start a generation of conflicts with the indigenous peoples for the way to live with the land without compromising the integrity of the ecosystem's natural processes and ability to regenerate its vital cycles, and the way to to relate to Mother Earth.

The Supreme Decree of 1990 established the need to create a "red line" in order to stop the advance of colonization of the Indigenous Territory and National Park. A first delimitation took place in 1994, agreed between the Subcentral TIPNIS - as a legitimate representative organization of the three towns that inhabit the Indigenous Territory - and the coca-growing federations of the Tropics of Cochabamba. The final delimitation concluded in 2009 after the process of land sanitation; since then the area is known as "Polígono Siete".

According to data from the Management Plan (2002), the space occupied by the colonist population covered some 92,000 hectares. According to data from the INRA (2011), after sanitation, 96,376 were consolidated within the National Park under the modality of individual property and therefore ceased to form part of the Indigenous Territory. According to recent data (Colque, 2018), the "Polígono Siete" covers about 123,000 hectares of land occupied by more than fifty communities or unions of coca farmers. This information suggests an evident expansion of colonization into the interior of TIPNIS.

In turn, regarding the demographic behavior within the colonized area, the 2001 Census recorded 741 indigenous inhabitants compared to 7,578 coca farmers. The relation for that year was 10 peasants for each indigenous. The 2012 Census recorded a total of 13,040 coca growers or settlers (72% growth)

and a reduction to 385 people of indigenous origin. The population correlation changed to 34 coca grower for every indigenous person in the area.

The documents show that the extensive use of land by settlers in the southern zone of TIPNIS has caused the destruction of ecosystems:

"The settler model has the agricultural activity as its epicenter, more specifically, the annual extension of the agricultural frontier for the cultivation of coca leaf impacting on the piedmont, [...] permanently intensifying the use of the soil from the use of agrochemical inputs. This economic model will continue to put pressure on the already scarce natural resources in the Colona area, and with it, the loss of biodiversity, greater disturbances in the ecological functions that the piedmont meets; greater processes of pollution of the waters" (EIA, SERNAP).

"In this subregion, the main negative effects on flora and fauna have to do with the destruction and reduction of natural habitats, [...] where wildlife has been reduced in both its diversity and its populations. The additional impacts of the colonization are the chemical contamination of the water by the liquid waste from the coca processing factories and the abrupt changes in the hydrological dynamics as a consequence of the clearing processes. Fishing with dynamite and selective extraction of wood are other practices that have had a negative effect on species and ecosystems in this sector" (TIPNIS Management Plan, 2002, p. 46, 6th and 7th paragraph).

The annual expansion of the agricultural frontier advances on the forest areas and produces an annual growth of the cleared areas. Recent studies indicate that TIPNIS lost 46,000 hectares of forest between 2000 and 2014, which represents 3.6% of the total National Park (Current Biology, 2018). 58% of this forest loss has occurred within a radius of 5 kilometers around the pre-existing road in the so-called Polígono Siete, connected to the trunk road of Villa Tunari since 2016.

Data from 2018 show that the rate of forest loss in Polígono Siete is eight times higher than in the rest of TIPNIS and double that in the entire Bolivian Amazon (Current Biology, 2018). At this rate, deforestation of 64% (610,848 ha) of the park was predicted in 18 years if the road is built and a forest loss of 43% if the colonizing expansion of the "Polígono Siete" is not controlled, even if the road is not built (PIEB, 2012). The deforestation spot in this area threatens to go to the TIPNIS Core Zone, where the highest biodiversity values biodiversity and many indigenous communities are concentrated.

It is important to mention that the northern area of TIPNIS, in the Sécure Alto River, is also seriously threatened by colonization and deforestation. This area, adjacent to the so-called Bosque de

Chimanes, where the Tsimane, Mojeño and Yuracaré peoples also exercise their territoriality, shows a worrying pressure on the part of illegal loggers and illegal settlements.

One aspect worth mentioning is the increase in the production of coca leaf, according to the report of the United Nations Office on Drugs and Crime (UNODC) which indicates that, between 2015 and 2016, there was an increase of 43% in the plantations of coca within “Polígono Siete”.

The assertions that link this production with the illicit production of cocaine are worrisome:

"TIPNIS is a region that was occupied under the dynamics of coca leaf production, and this production has strong links with the illicit production of cocaine. Already in the 1990s, the coca leaf collection center in Isinuta became the most important focus of concentration of coca leaf in the Chapare."

"Most of the production within TIPNIS would be destined to manufacture drugs destined for foreign markets."

"The occupation and consolidation of the settlements in the Tropics of Cochabamba has the particularity that it is gestated by the hand of the coca leaf crops and under the influence of the drug trafficking economy that seeks to seize this area and other territories to exploit them for its own benefit."

"This is a region that produces coca leaf and was identified as a Red Zone because of its links to drug trafficking."

"The coca leaf producers of TIPNIS can no longer be read as they did 30 years ago because the economic transformations of which they are part of have changed their place of disadvantage in the Bolivian social structure. They are farmers who are part of a global economic enclave; the drug trafficking economy. Having become mono producers of the coca leaf in the 80s has put them in an economic trading circuit that is beyond national borders. Already in the early years of the 90s, the colonized area of TIPNIS was declared by the force to fight against drug trafficking as a Red Zone because its mono product had a marketing destiny linked to the drug trafficking routes."

According to the Strategic Environmental Assessment, the highway crossing TIPNIS, in the short and medium term, will consolidate and establish the conditions for the expansion of the settler model because:

- a) The highway crosses through all the productive zones of this model;
- b) Opens the possibility of expanding similar production areas, on the piedmont;
- c) It will articulate the colonization area of "Polígono Siete" with the colonization areas that are being established north of the TIPNIS territory.

3.6 Impact on the way of life of the people

In TIPNIS, three forest and river towns converge: Tsimane, Mojeño Trinitario and Yuracaré, each with its own history and territoriality. These people have found a space of "refuge" there, in front of the national society that has historically tried to deconstruct their life forms.

The indigenous communities of TIPNIS have their productive and reproductive base in the traditional activities of hunting, fishing, gathering and agriculture with minimal negative impacts on the ecosystems. The ethnic economy that characterizes these communities shows a very close link to the biovegetative rhythms of the three existing ecosystems in TIPNIS.

The growing colonization in the southern area of TIPNIS has caused radical changes in the traditional ways of life of indigenous families, their patterns of occupation of space and integral use of the forest and river. These forms of indigenous life can not coexist with the development model imposed by the settlers that is based on the parcelling of the land and the disappearance of norms and cultural rules of reciprocity of indigenous communities.

In this regard:

"The greatest weakness of the indigenous model is what has been called the "border zone", the area where communities are strongly exposed to the settler model. There, the way of life of the indigenous families is changing radically until practically disappearing and being absorbed, as it happened with several communities that were originally within the area of colonization". (Strategic environmental assessment for the sustainable integral development of TIPNIS, Ministry of Environment and Water, 2011, Page 3-4, last paragraph of page 3)

"Thus, the Yuracaré of the Chapare area are the ones who have greater cultural changes because of their relationship with the movements of settlers, for example. In this area, the pattern of gathering and hunting has been modified by the practical absence of animals, due to the presence of settler communities. That same closeness has led these groups of Yuracaré today to carry out more extensive agriculture, a more intense livestock activity, and to develop an economy more related to the market". (Strategic environmental assessment for sustainable integral development of TIPNIS, Ministry of Environment and Water, 2011, Pg. 25, 2nd paragraph, second sentence and 3rd paragraph)

This has generated an extremely critical situation of cultural survival that goes through the imitation of the indigenous peoples in the production dynamics of the coca leaf and their union membership on the one hand, and the sale of labor under unequal working conditions or the migration of indigenous families to other areas where they can fully reproduce their ways of life.

In the community of Trinidadcito, community members and community members expressed that the colonization would take place in case of the construction of the highway crossing its territory. Here we expose some of his affirmations that we consider allow us to have an idea of what his perception of the situation is:

"[...] What exists in this soil, we do not waste it, we take care of it; If he (President Evo Morales) wants to force the construction of the highway through the heart of our territory, I tell you that other people will be coming. These people are also our brothers, they are also created by God, but they have another way of work, different from what we have. They cultivate coca; we know how to care for the Earth. We also know how to use it honestly and with respect."

Francisco Temo, Trinidadcito

"We do not want it (the highway) because it destroys us, we will not have wild animals. Now the coca growers are already entering our territory. Pure coca is what the colonizers are sowing."

Teodocia Yubánure, Trinidadcito

"[...] we are used to living in this nature that you are seeing. We do not want to be workers of the cocaleros tomorrow. They keep working on that road, but that road will not benefit the indigenous peoples. That road is for the coca producers. They are going to overwhelm us; Where are we going to live? Where will our children live? Where are our grandchildren going to live?"

Matilde Noza, Trinidadcito

"Once they make the road, they will take advantage of taking out the resources we have in the territory [...]. We do not want to be slaves of the colonizers, we want to be free."

Darío Noza, Trinidadcito

Unfortunately we could not obtain the information that they offered to give us in "Polígono Siete", since we, during our visit, were prevented from entering this colonization area and were detained for six hours at the height of the Isinuta bridge at the entrance of the Isiboro National Park Sécure.

The refusal of entry was surprising, after having received the invitation of the Coordinator of Indigenous Peoples of the Tropics of Cochabamba, the parent organization of CONISUR representing the inhabitants of the area colonized south of TIPNIS.

In this way, the warning they gave us in Trinidadcito was fulfilled:

"... if you have the opportunity to get there ("Polígono Siete"), you will see it, because it is no man's land. The indigenous who have invited you, they have no power within the colonization. If the coca producers say that you enter, you will enter. If they say you will not enter, you will not enter."

Fernando Vargas, Trinidadcito

It should be added that we heard, in Cochabamba, the denunciations of the leaders of the Territorio Indígena Multiétnico of Bosque de Chimanes about the threats of colonization by coca growers in the area that links that territory with the north of TIPNIS. We have taken note of the recent evidence on the deplorable situation and violation of the human rights of Tsimanes families living there, facing the pressure exerted by illegal settlers and loggers linked to the opening of the Monte Grande-Santo Domingo road stretch.

3.7 Actions to reject the construction of the road

In addition to the mobilization of the year 2000, the most conclusive action was the so-called VIII Indigenous March that began on August 15, 2011 which began in the city of Trinidad, department of Beni in the direction of La Paz, seat of Government of the Plurinational State. The March demanded respect for life, the territory and to the decisions of the indigenous peoples of TIPNIS that the road is not to be built through it. This sizable march was heavily covered by the national media, and their issues became well understood and largely supported by the general public throughout Bolivia.

We listened to the testimonies of those who were protagonists of this peaceful protest action, the same ones that were violently repressed by the Bolivian Police in the town of Chaparina on September 25, 2011, leaving dozens of wounded; men, women and children detained without the guarantees of due process and several other Human Rights violations confirmed by the report of the Ombudsman.

On October 24th, before the great popular pressure that supported the marchers who were stationed in a tent in Plaza Murillo, Law No. 180 was passed, which established that *"the Villa Tunari highway - San Ignacio de Mojos, and no other, will cross TIPNIS"*, also declaring the inviolability of the National Park and Indigenous Territory as the main protection measure.

Shortly after when the political situation had changed, the Government of President Morales invested in building the road. So, on February 9th, 2012, the Plurinational Legislative Assembly approved Law No. 222 to consult the indigenous peoples of TIPNIS, in contradiction to Law No. 180, insofar as it calls for the process of prior consultation, free and informed to the indigenous peoples of TIPNIS in order to define if this region *"should be an intangible zone or not, to make [...] the construction of the Villa Tunari Highway - San Ignacio de Moxos viable"*.

This state action was again rejected and the indigenous peoples of TIPNIS returned to march to the city of La Paz in April, 2012, in rejection of Law No. 222 that established a so-called "prior" consultation, despite the fact that the project had already several years of regulatory development and execution in the entry sections through the north and south of the TIPNIS.

3.8 A controversial consultation process

We have noted that the consultation process, despite the rejection of the TIPNIS communities, began on July 27th and was concluded on December 7th, 2012. According to the Report prepared by the Inter-Institutional Federation of Human Rights and the Assembly Permanent Human Rights of La Paz, as guarantors of the procedure, there are numerous irregularities and violations of the national and international principles and standards of the right to prior, free, informed and of good faith consultation.

Here we collect a summary about this complex consultation process plagued by irregularities:

- The consultation either did not occur, or was not prior, to having already been carried out "two years after the approval of the financing protocol for the construction of the highway between Brazil and Bolivia";
- The Government's limited and selective consultation was preceded and accompanied by gifts, perks and promises of development and services that conditioned the criteria of "free" and "good faith";
- The norms and procedures of the communities and indigenous peoples of TIPNIS were not respected, since it excluded the participation of their representative bodies.
- The consultation revolved around the dilemma of "intangibility or development", presenting intangibility as the impossibility of using land of TIPNIS for the subsistence of indigenous families;
- The condition of "informed" was not met, because no studies were presented on the environmental, social, economic and cultural impacts of the construction of a highway through TIPNIS;

The above would explain why most visited communities rejected the construction of the Villa Tunari - San Ignacio de Moxos highway, through TIPNIS, which they have historically opposed since the 1990s, and stated in the 8th and 9th Indigenous March.

It is important to highlight that the TIPNIS community members insistently reported that the state agencies came to the communities with benefits and without information, excusing the lack of basic services as the "obstacle" of intangibility and claiming that if they accepted the road, they would have progress.

On August 6th, 2017, using the questioned query as a basis, the Legislative Assembly decided to order the repeal of Law No. 180 of Protection of the Indigenous Territory and Isiboro Sécure National Park by Law No. 969. This new regulation, under the rhetoric of development allows and considers the construction of the road through TIPNIS to be a priority.

3.9 Rights of Defenders of Nature and Peoples

This Commission has been able to verify the difficulties experienced by the people, organizations and indigenous peoples that are defending the Rights of Nature in Bolivia, in particular in the TIPNIS case. Many of these people say they are persecuted because the government accuses them of being against their own development, when, according to them, they are not against anyone, but in favor of their territory.

Also, associating with others in a free and peaceful way to protect Nature and those directly affected by the damage caused to the environment, as well as adopting collective measures in favor of Mother Earth are postulates that are inscribed in the already mentioned Bolivian declaration of Tiquipaya and Bolivian legislation, not only as rights but as duties.

The State has the task of promoting that defense. Can defenders of Human Rights and Nature freely exercise this right in Bolivia? What is the level of security that defenders enjoy for the development of their work?

These questions take us to a central point. From the information gathered in situ and from the documents obtained later, we can verify that the existing rights in the Bolivian legislation - beyond the speeches - cannot be fully exercised.

We consider that the comments made by some government officials, who tried to delegitimize the work of this Commission, are not coherent with the obligations assumed by the Bolivian State regarding the promotion of the rights of Mother Earth.

On the other hand, at the Hearing in Trinidadcito, it was pointed out that the co-optation of indigenous organizations and creation of parallel leaders, who endorse norms and measures contrary to the rights of indigenous peoples and pose serious threats to Mother Earth, have been measures adopted by the current Government to weaken the indigenous movement and create conflict between and within communities This commission witnessed, with grave concern, the division that has been created between the leadership of TIPNIS and considers the role that the national authorities have played in legitimizing some over others toward the advancement of the road rather than the ability of

indigenous peoples to sustain traditional ways of life and the long term environmental health of the TIPNIS area.

4. Conclusions and recommendation for sentence

During our visit, we understood that TIPNIS is not only an administrative space that geographically locates a place with ecological wealth that must be conserved. TIPNIS is life. It is where three indigenous peoples have come together, seeking a place of refuge from the historical pressure that the national society and colonization has exerted on their ways of life, that is, about their own possibility of existing.

For the thousands of Indigenous peoples who have called this place home for millenia, and long before the State designated it a national park, this land is sacred. In caring for this land, they are also protecting a vital part of the Amazonian ecosystem vital to the survival of all of Earth's inhabitants.

Therefore, there is an inseparable relationship between the peoples and the Isiboro Sécure Indigenous Territory and National Park. As one of its inhabitants says, *"if we did not exist what would our forests be, and if Nature did not exist, we would also end"* - this symbiosis is what has allowed the maintenance of ecological cycles. This shows that Nature, that is, Mother Earth, cannot be understood without all its living beings, human and non-human.

The bottom line: Here we are, confronted with the dominant development model, which seeks to be imposed as indisputable, with other options for the organization of life as those proposed from *Buen Vivir* (Good Living): *Sumak Kawsay*, *suma qamañaño ñandareko*, seen from the perspective of the Good Co-living and Kawsak Sacha, or Living Forest initiative, among many others. A life in harmony among human beings, human beings in equilibrium with their equal peers living in community, and of individuals and communities living in harmony and in balance with Mother Earth, is the essence of *Buen Vivir*. This vision - constitutionalized in the Plurinational State of Bolivia - clashes with the vision and practices of broad-scale unbridled development, particularly in an area of ecological sensitivity. This is the background of the conflict.

The imposition of development has undermined and will continue to undermine the very foundations of the way of life of Indigenous peoples because it will significantly alter their environment and expose them/pressure them to assume other economic/cultural patterns. The Tsimanes, in particular, if these pressures are maintained, they can even disappear or be destined to integrate the most marginal link of the market society.

Consequently, we formulate the following real threats that would seriously affect the Rights of Mother Earth issued solemnly in Tiquipaya in 2010:

- **Right to life to exist, to be respected**

With the increasingly deepening extractive policy, the destructive subordination provoked by Western visions of organizing the economy and society, crystallized in a system that feeds on suffocating life and all its manifestations, is permanently deepened. The road through TIPNIS, colonization and extractivism - in that region where life abounds - constitutes a serious threat to the existence of humans and non-humans.

In the current legislation, the Bolivian State is obliged to prevent human activities from leading to the destruction of life systems, including the cultural systems that are part of Mother Earth (Law No 71 of the Rights of Mother Earth, Article 8.1).

- **Right to Water as a source of Life**

With the expansion of the colonization in “Polígono Siete”, serious impacts to the ecosystems are being observed, especially to the water sources and their capacity of regeneration. This situation expects to get even more serious if the construction of the aforementioned highway is given way, which would surely expand the predatory logics of the coca plantations and other extractive activities.

- **Right of water to regenerate her (Pachamama) biocapacity and continue her cycles and vital processes free of human alterations; to maintain her identity and integrity as differentiated, self-regulated and interrelated beings**

Likewise, as we have seen over and over again in the previous explanations, which are duly documented, the alterations caused by the predatory lifestyles of Nature and its communities of human and non-human beings, driven above all by the various types of extractivism, will cause a tremendous impact on the rights of Mother Earth. There where life is reproduced and carried out, with this type of actions that would affect the natural balance, its existence would be limited, as well as the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.

- **Rights of indigenous peoples: Each being has the right to a place and to play its role with Mother Earth for its harmonious functioning**

The exercise of the right to free and informed prior consultation crystallizes one of the pillars of indigenous rights, such as participation. This right was seriously affected since all the international standards that guarantee that such participation is effective and have the possibility of influencing the decisions made by the process were breached.

The State, not having consulted prior to the planning of the project, and directly proceeding to define the layout, bid, award and contract with the road construction company; the same State formally considered as plurinational, prevented the indigenous peoples of TIPNIS the full exercise of their right to free, prior and informed consultation.

The Law No. 969 defends a development in which there are implicit hierarchies that involve patterns of segregation and exclusion of indigenous ways of conceiving Nature. The right of indigenous peoples to self-determination and autonomy, and the right to define their own forms of development has been violated.

The threats in TIPNIS do not derive simply from the construction of the highway and the proposed intermodal system, but the progress of colonization, especially from “polígono siete” which is a worrying reality, as in the northern part of the TIPNIS in the Territorio Indígena Multiétnico (TIM).

- **Rights of defenders of Nature and peoples**

The obvious abuses and violations of human rights in Chaparina, since over seven years back, show that it is not a simple threat, but that the imposition of the road will bring new and more serious violence. The integrity of those who defend Mother Earth, as has been seen in this case, as well as in all the countries where the conquest is a daily expression of extractivism, allows us to anticipate what will happen if the government road plans are enforced, tied to colonization and merciless exploitation of the TIPNIS ecosystem. Violence is - there is no point to be wrong - not a consequence of extractivism, but a necessary condition so that they can expand and deepen.

- **Respect for the legal and institutional framework**

This is not a simple threat either. Unfortunately, we have found that, despite the significant progress made in recent decades in Bolivia in relation to the recognition of the rights of indigenous peoples in the legale language, its practice leaves much to be desired.

Therefore, without denying the social progress achieved in Bolivia, especially in terms of certain rights for indigenous populations, we see, with great concern, the growing disrespect for the country's legal and institutional framework. This is provoking and excerpting violence while the Bolivian society distances itself more and more from the possibility of crystallizing Good Living, foreseen in its Constitution.

Consequently:

This Commission reminds us that Good Living implies the inescapable respect for Mother Earth, and the fact that the satisfaction of the needs of the Bolivian people safeguarding the integrity of both human and ecological vital systems. And, as stated in the Law of the Rights of Mother Earth; *"any conflict between rights must be resolved in a way that does not irreversibly affect the functionality of life systems"* (Article 6).

Thus, speaking of the right to life without endowing human existence with conditions for that life to develop in adequate conditions, and in the case of indigenous peoples respecting their own forms of development, deprives this right of its real dimension. With Buen Vivir proclaimed by the peoples of Bolivia in its Constitution, the idea that we will only achieve well-being through a type of development that means environmental destruction and the imposition of an idea of progress is rejected.

We emphasize that the Plurinational State of Bolivia has been a promoter in the universal recognition of the Rights of Nature, but we regret that this international position is not translated into the effective exercise of those rights within Bolivia. However, Bolivian society has shown its integrity in the defense of the Rights of Mother Earth, while its State, which has a powerful legal framework to make them a reality, has committed to modernizing capitalism and ended up being trapped in a discourse often lacking in concrete achievements with which it tries to camouflage the systematic violations of said rights.

However, Bolivian society has shown its integrity in defending the Rights of Mother Earth, while its State, which has a powerful legal framework to make them a reality, committed to modernizing capitalism has ended up trapped in a discourse lacking many sometimes of concrete achievements with which it tries to camouflage the systematic violations of said rights.

For all this, this commission concludes that the Bolivian State has breached its obligation of respect, protection and conservation of Mother Earth, as established in the Universal Declaration of the Rights of Mother Earth and the national legal framework itself.

Thusly, the Commission urges the Tribunal to sanction the Government of the Plurinational State of Bolivia for the repeated violations of the Rights of Mother Earth and other juridical bodies that recognize it as a subject of rights.

Additionally, the Commission demands the following from the Government:

- The definitive paralysis of the highway project in TIPNIS.
- The repeal of Law No. 969 from August 2017.

- The adoption of measures to stop the advance of colonization towards the core zone of TIPNIS.
- The territorial consolidation and autonomy of the Territorio Indígena Multiétnico (TIM) in the Bosque de Chimanes, which would allow them to manage the control and integral management of TIPNIS.
- The cancellation of oil and mining expansion plans.
- Identification and punishment of those responsible for human rights violations in 2011 in Chaparina.

In addition, the commission recommends the following points:

- Establish and effectively apply - by the Bolivian State - the norms and laws that guarantee the effective defense, protection and conservation of the Rights of Mother Earth, starting by immediately making the Ombudsman's Office of the Mother Earth a reality, as provided by the law on this matter.
- Cease government pressures to discipline and control social movements, especially indigenous organizations, which severely affects their capacity for organization and autonomy, affecting their potential to defend Mother Earth.
- Guarantee the indigenous peoples the fulfillment of their fundamental role as defenders of Mother Earth, especially in the maintenance of the life cycles and integral health in TIPNIS and in the rest of the national territory.

Finally, we record the fundamental and leading role of Bolivian civil society, but especially of the women in the defense of the territory and Nature, as it happens throughout the planet. Likewise, the solidarity of broad sectors of Bolivian society with the defense of TIPNIS is undeniable, which we see with the massive media repercussion following the visit of the mission of the International Tribunal for the Rights of Nature. This statement is also expressed in the reception of much of the valuable information received from the Bolivian civil society, given the refusal of the Bolivian Government to answer our questionnaire, as was agreed in the meeting that the Commission had with government officials at the headquarters of the Ministry of Government, on the 20th of August 2018.

Representing the Commission:



Alberto Acosta



Shannon Biggs



Enrique Viale

January 16th, 2019

5. ANNEXES

1. Applicable Normative Framework

-Universal Declaration of the Rights of Mother Earth

The Declaration recognizes Mother Earth, and all the beings that compose it, the right to life and to exist; to be respected; to the regeneration of its biocapacity and continuation of its cycles and vital processes free of human alterations; to maintain their identity and integrity as differentiated, self-regulated and interrelated beings; to water as a source of life; to clean air; to comprehensive health; to be free of contamination; not to be altered genetically or modified in its structure threatening its integrity or vital and healthy functioning and; to a full and prompt restoration for violations of the rights recognized in Nature.

At the same time, it declares that all human beings, States and institutions must respect and live in harmony with Nature. It establishes the obligation to respect, protect, conserve, and where necessary restore the integrity of the cycles, processes and vital balances of Mother Earth; ensure that the search for human well-being contributes to the well-being of Mother Earth; establish and effectively apply norms and laws for the defense, protection and conservation of the Rights of Mother Earth; establish precautionary and restriction measures to prevent human activities from leading to the extinction of species, the destruction of ecosystems or alteration of ecological cycles; among others.

- Political Constitution of Ecuador

The Constitution of the Republic of Ecuador marks a milestone in defining Nature as a subject of rights and establishing obligations of guarantee and protection thereof to the State and its citizens. The Preamble to the 2008 Constitution is clear:

"A new form of citizen coexistence, in diversity and harmony with Nature, to achieve good living, Sumak Kawsay".

In this Constitution, by recognizing the Rights of Nature - that is, understanding Nature as a subject of rights, and adding the right to be restored in an integral way when it has been destroyed - a milestone was established in Humanity. Equally important was incorporating the term Pacha Mama, seen as synonymous with Nature, as a recognition of plurinationality and interculturality.

The Constitution of Ecuador, particularly in four of its articles: 71, 72, 73 and 74, recognizes that "*Pacha Mama, of which we are a part of*", has the right to 1) full respect for its existence; 2) maintenance and regeneration of their life cycles, structure, functions and evolutionary processes; and, 3) right to restoration, as an autonomous right to which individuals and groups have to be compensated in case of environmental damage; declares water as a vital element of Nature, because only a harmonious way of coexistence with Nature will allow to achieve good living or Sumak Kawsay.

It also establishes that "*a dynamic and balanced relationship between society, State and market, in harmony with Nature*" is required to "guarantee the production and reproduction of the material and immaterial conditions that enable good living".

- Current regulations of the Plurinational State of Bolivia

It is important to point out that the Rights of Nature acquire applicability in Bolivia as of the promulgation of Law No. 071 on the Rights of Mother Earth of the year 2010 and Law No. 300 Framework of Mother Earth and Integral Development for Good Living of the year 2012. It should be noted that this law is inspired by the aforementioned Cochabamba Declaration of the same year.

The Bolivian State "*understands Mother Earth as a collective subject of public interest, sacred and holder of rights*", which are precisely those enunciated in the Declaration. In addition, it recognizes the interdependence and complementarity of all the beings that make up Nature, including indigenous peoples.

The obligations of the State are to develop public policies of prevention, protection, precaution to prevent human activities from leading to the extinction of beings, the alteration or destruction of life cycles that include the cultural systems that are part of Mother Earth; develop forms of production and consumption patterns balanced with Mother Earth for Good Living; defend Mother Earth in the plurinational and international sphere and promote the recognition and defense of her rights.

In addition, the State must recognize the integrality of indigenous territories so that they develop according to their cultural criteria and principles of harmonious coexistence with Nature, guaranteeing them the right to live in a healthy environment, with proper management and use of ecosystems.

It emphasizes the right to water, indispensable for the maintenance and functionality of life systems, so the State must develop policies for the care and protection of the headwaters of the basin, water

sources, reservoirs and others, which are affected due to climate change, the expansion of the agricultural frontier or unplanned human settlements and according to their constitutional duties will prevent actions in the springs and intermediate areas of the rivers that cause damage to ecosystems or reduce flows.

For its part, the Bolivian Constitution states that water is a fundamental right for life. Therefore, the State will recognize, respect, and protect indigenous use and customs regarding the right to, and sustainable management of water.

The Political Constitution of the State establishes that its public institutions act *ex officio* in the face of attacks against the environment.

2. How does the Tribunal work?

Functions

The Tribunal will perform the following functions:

- a. To know and investigate threats or violations of the Rights of Nature.
- b. To determine if there was a violation of said rights, the responsibilities in those cases and to suggest the measures for an integral restoration/recomposition to Nature and a reparation to the affected communities.
- c. In cases of threat or continuous violation, the precautionary measures that may be necessary to prevent or stop violations of the Rights of Nature will be suggested.
- d. To mediate when possible to fully restore/recompose the Rights of Nature and the Rights of Peoples.
- e. Issuing, when necessary, advisory opinions to develop the content of the Rights of Nature, the scope of the responsibilities and the forms of restoration/integral recomposition of Nature and the reparation to the affected communities, in order to promote the harmonious coexistence of human beings with other beings of Nature.
- f. To publish its judgments, advisory opinions or precautionary measures.
- g. To disseminate the Rights of Nature and their actions.
- h. other functions that are necessary to guarantee the Rights of Nature established in the Universal Declaration of the Rights of Mother Earth.

Competency

The Tribunal will know the threats or violations to the Rights of the Nature that emanate of the Great Right, of the Right of the Earth and the rights recognized in the Universal Declaration by the Rights of Mother Earth and other national and international instruments that have the objective of recognizing and protecting the Rights of Nature.

Procedure

1. The Tribunal will respect the principles of due process.
2. By written means or at the request of a party, the Tribunal may hear about threats or alleged violations of the Rights of Nature.
3. When the case has been studied, the Tribunal, if it be necessary, will declare the admission of the case and notify the parties involved so that evidence is presented.
4. The Tribunal may investigate to obtain sufficient information to be able to resolve the case. For this purpose, the Tribunal may receive different viewpoints and versions, receive technical tests, make on-site visits, receive documentation in any format, request information from the competent authorities of the States or companies, convene special hearings, and use the other means available at its reach.
5. The Tribunal may hold public hearings of evidence or resolution, in which it will listen to all interested persons and formulate the questions it deems necessary.
6. The Tribunal will transfer the accusations to the defendants, evidence and charges that are imputed to them so that within a period of 30 days they exercise their right of reply and defense.
7. When it considers that there is a threat or violation of the Rights of Nature, the Tribunal will issue a ruling, in which it will declare the violation of rights, establish responsibilities and suggest measures of restoration/integral recomposition to Nature and reparation to the affected communities. The judgments will be published and disseminated internationally.
8. The Tribunal shall order precautionary measures against any act or omission of public authorities or individuals, which currently or imminently injures, restricts, alters or threatens Human Rights and physical integrity of the Defenders and Defenders of Nature in any country.
9. The Tribunal may hold follow-up hearings.
10. When the sentence has been served, the Tribunal will file the case.

3. The members of the Commission

Shannon Biggs (USA) is the co-founder and Executive Director of Movement Rights, advancing legal rights for communities, indigenous peoples and ecosystems. Working in California and with Native American tribes and allies nationally, Shannon assists communities to ban harmful projects by passing binding laws that assert the rights of communities and nature over corporate projects. Internationally, she is a recognized leader of the rights of nature/Mother Earth movement, a co-founder of the Global Alliance for the Rights of Nature, and the co-author/editor of two books including “The Rights of Nature, Making the Case for the Universal Declaration on the Rights of Nature”. Through Movement Rights she also leads trainings on community rights and rights of ecosystems throughout the US.

Alberto Acosta (Ecuador), Ecuadorian Economist. Before being appointed Minister of Energy and Mining, he was a researcher at the Latin American Institute of Social Research (ILDIS). He was also a researcher and professor at FLACSO-Ecuador. Former president of the constitutional Assembly which recognized Rights of Nature in Ecuador. Former candidate for the Presidency of the Republic of Ecuador. He is also a college professor, lecturer and book author.

Enrique Viale (Argentina) is an environmental lawyer. He became a lawyer in 2000, graduating from the University of Buenos Aires (UBA) and then conducting postgraduate studies in the same house of studies, specializing in Environmental Law. In 2004, he founded - together with other young colleagues - the Asociación Argentina de Abogados Ambientalistas (AAdeAA). He is a professor at the Faculty of Law (UBA) and a guest at other universities. He is a critic of the “development” model based on unlimited growth, promoter of the Rights of Nature and has coined the concept of “urban extractivism” to refer to the role of real estate speculation in urban and peri-urban areas. He is also the author of several articles addressing Development, Politics, Law and Environmental Justice published in Argentina and abroad.