AMAZON RIGHTS DECLARATION

XI Pan-Amazonian Social Forum, Rurrenabaque and San Buenaventura, Bolivia, June 12 to 15, 2024.

PREAMBLE

1. *Considering* the existence of a global movement for the recognition of the Rights of Nature, and the “Universal Declaration of the Rights of Mother Earth” (Cochabamba, 2010) which declares that “in a community of interdependent life it is not possible recognize only the rights of human beings without causing an imbalance on Mother Earth”;

2. *Considering also* that the Amazon is a rainforest that spans nine countries and that has been occupied by indigenous peoples, local and tribal communities since ancient times, that it is the region with the greatest biological diversity in the world, and is home to the largest contiguous rainforest largest on the planet, which functions as a global climate stabilizer, which entails obligations for the States of the region;

3. *Recognizing* that 20% of freshwater reserves are found in the Amazon and perform essential climatic functions; that more than 162,000 cubic kilometers of water make up the Great Amazon Aquifer System, the largest known on the planet;

4. *Also recognizing* that the water/climatic functions of the Amazon allow maintaining air humidity, promoting rains away from the oceans; have clean air, thanks to the copious rains; maintain a hydrological cycle beneficial to the continent; provide fresh water to a large part of the South American continent, preventing desertification; avoid extreme weather events due to the thickness of the forests; and recognizing that these functions have been completely altered due to climate change;

5. *Affirming* the importance of the complex Amazonian ecosystems for the economy, health and food sovereignty of local populations and for the global

economy and health. That the knowledge and techniques of the peoples who inhabit it have made the Amazon an incomparable place, based on a complex process of co-evolution between the natural world and indigenous cultures, developing regional systems with the highest figures of wild and cultivated diversity. ;

6. *Considering* that the waters and biodiversity of the Andes and the Cerrado nourish the Amazon, and this in turn nourishes the Atlantic Forest and the Ocean, thus interconnecting the rights of various biomes;

7. *Also affirming* that water and its cycle exist legally as common goods and not as mere resources to be used or subject to concessions or privatization, given that they promote and sustain life, constituting the basis of existential rights and being rights holders ;

8. *Considering* the need to respect the integrity of the Amazon ecosystems and other integrated ecosystems, essential to conserve biodiversity, contribute to food security, regulate hydrographic cycles and climate, and avoid disasters associated with climate change;

9. *Considering also* that the destruction of the Amazon forests, the pollution of its rivers, as well as the acculturation and disappearance of the peoples who inhabited it for centuries, are causing irreparable damage to its ecological functions, putting life in the region at risk and the planet;

10. *Convinced* that rivers bring together territories, communities and countries, demonstrating that in Nature there are no borders and that the recognition of the rights of one affects the cosmocentric perspective of the rights of all others, with which they connect;

11. *Highlighting* the declarations and efforts of civil society to promote the Rights of Nature, such as the Siena Declaration (2022), the Universal Declaration of the Rights of Rivers (2017) and the Declaration of the Alliance of Guardians and Children of Mother Earth (2017);

12. *Also highlighting* that Latin America leads the global movement for the Rights of Nature, with recognition in national Constitutions in Ecuador and soon in Aruba; with national laws in Bolivia and Panama; through Constitutions of cities in Mexico or municipal ordinances in Brazil [1]; as well as with the recognition of ecosystems and rivers as subjects of law, in Colombia, Brazil and Peru; and projects, as in Argentina [2]; making the most biodiverse region in the world [3]the ideal place for a forceful proposal towards the recognition and defense of the rights of the Amazon and Mother Earth;

13. *Considering* that the Supreme Court of Justice of Colombia recognized the Amazon as a subject of rights in 2018 (STC 4360-2018), as a "vital ecosystem for global evolution", protecting it in its integrity;

14. *Considering also* the pre-approval of the recognition of the Brazilian Amazon as a subject of rights in the Public Hearing of June 4, 2024 on the Proposed Constitutional Amendment of the Rights of Nature in the Chamber of Deputies of Brazil [4];

15. *Taking note* of the judicial recognitions in Colombia and Peru that declare specific rivers as subjects of rights (ruling T-622-2016 of the Río Atrato in Colombia; ruling 00010-2022-0-1901-JM-CI-01 of the Río Marañón in Peru), as well as the law approved in the municipality of Guajará-Mirim, State of Rondonia, Brazil, which recognizes the Laje River (Komin-memem in the native language) as a subject of rights;

16. *Considering* that the Inter-American Court of Human Rights in its Advisory Opinion 23/17 establishes that the right to a healthy environment protects the components of the environment as legal interests in themselves and that, therefore, Nature must be protected "by its importance for the other living

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[1]https://mapas.org.br/advocacy/
[2]https://ecojurisprudence.org/; www.garn.org
[3] SPA, Amazon Assessment Report 2021, Capítulo 5, https://www.theamazonwewant.org/spa_publication/amazon-assessment-report-2021/
[4] https://www.camara.leg.br/internet/ordemdodia/integras/2432257.htm

organisms with which the planet is shared, also deserving of protection in themselves" (CoIDH, Advisory Opinion 23/17. Para. 62), and highlights the tendency to recognize legal personality of Nature;

17. *Bearing in mind* the Recommendation of the Secretary General of the United Nations to debate the establishment of an Earth Assembly (RESOLUTION Res. A/77/244);

18. *Considering also* that the Global Framework for Biological Diversity of the United Nations Kunming-Montreal Convention on Biological Diversity recognizes various systems and concepts, including the Rights of Nature and Mother Earth, and that this should inform the implementation of the entire Structure (CBD/SBSTTA/25/6);[5]

19. *Reaffirming* the verdict of the Case "Amazon, a threatened living being" of the International Tribunal for the Rights of Nature, declared in Glasgow in November 2021, as well as the verdict of the visit of the Tribunal's judges to the Brazilian Amazon (2022 -2024);

20. *Considering* that the Amazon Cooperation Treaty Organization (ACTO) made up of eight Amazonian countries: Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and Venezuela, works in political-diplomatic, strategic and technical dimensions, and can contribute with the necessary articulations between governments, multilateral organizations, cooperation agencies, organized civil society, social movements, the scientific community and the various sectors of society, in the scope of implementation of this declaration;

21. *Considering* the existence of Indigenous Peoples in Isolation in the Amazon, who maintain a close relationship of interdependence with the environment, which makes the maintenance of their territories vital, and understanding that the degradation of the Amazon would mean its physical and cultural extinction;

[5]https://www.cbd.int/doc/c/505f/f4c6/991e8966edd53e152f460eb8/sbstta-25-06-en.pdf

22. *Recognizing* the importance of the permanence and good living of indigenous and traditional peoples, who are a fundamental part of the regional and global cultural diversity and wealth, and whose knowledge is essential to achieve balance in the Amazon;

23. *Also recognizing* that, in the feelings of the indigenous peoples present at the XI Pan-Amazon Social Forum, from the Andes region to the Amazon, they speak of their interrelation and belonging that they express in their rituals, ways of life, worldviews, coexistence with the apus of the Andes, jichis of the Amazon, maintaining their original languages. They consider that Nature is the owner of itself and that they protect and defend it, and thus the consolidation of their territories and permanence in them is very important;

24. *Affirming* the need to redefine our relationship with Nature in an ecocentric vision to confront the current ecological crisis and ensure full respect for the rights of Indigenous Peoples, recognized by the United Nations as the “best guardians of the forests”;

25. *Affirming also* that the Rights of Nature are based on values of complementarity, interdependence and reciprocity, in connection with the rights of peoples and human rights, as highlighted in the verdicts of the International Tribunal for the Rights of Nature in dialogue with the Permanent People's Court;

26. *Considering* that the Amazon is threatened by flows of financial capital, corporate and extractivist interests that present it as a space of conquest and that endanger the rights of its people, and its own integrity as a subject of rights;

27. *Recognizing* "florestanía" (citizenship of the forest peoples defended by the rubber tappers of the Brazilian Amazon) as a form of active citizenship that seeks the sustainability of the Amazon rainforest to confront the global ecological crisis;

28. *Reaffirming* the crucial role of Indigenous Peoples, local communities and other traditional peoples, and of the social, environmental, peasant,

Afro-descendant, black Raizal and women's movements gathered in the XI FOSPA in the defense of the Amazon as a subject of law and the rights of the people who inhabit it;

WE DECLARE,

Article 1. The Amazon has fundamental rights stated in this Declaration, which are inalienable, inviolable and non-negotiable, as they derive from its own existence, and are applicable to all the beings that make it up.

Article 2. The rights of the Amazon and all the beings that make it up are:

I. Right to life and existence of the Amazon and all beings, human and non-human, that constitute it;
II. Right to be respected;
III. Right to continue their life cycles and processes in harmony;
IV. Right to maintain your identity and integrity as a self-regulated and interrelated being;
V. Right to comprehensive health;
VI. Right to be free of contamination and toxic or radioactive waste;
VII. Right not to have their genetic structure modified in a way that threatens their integrity or vital functioning;
VIII. Right to restoration and comprehensive regeneration;
IX. Right to the permanence of life in harmony through the ancestral wisdom of the people;
X. Right to have their vital functions, natural processes and life systems not be commercialized;
XI. Right to be heard and duly represented;

Article 3. All human beings are responsible for promoting, defending, demanding and guaranteeing the rights of the Amazon. In particular, the human communities that inhabit the Amazon region must:

1. Identify and communicate the crimes of ecocide, genocide and ethnocide that affect the Amazon and indigenous peoples, particularly those in situations of isolation and initial contact.

2. Internalize the recognition of the Rights of the Amazon in the regulations of each town or community, considering the principle of self-determination.
3. Support initiatives that recognize the Amazon as a living entity and promote life alternatives. These initiatives must protect territories, promote the transition from fossil fuels and other forms of extractivism, and hold accountable those who cause damage in the Amazon, such as the Amazon Exclusion Campaign, the Fossil Fuel Non-Proliferation Treaty, among others.

Article 4.

1. All States of the Amazon, as well as their administrative units, be they departments, districts, states, municipalities or local governments, must cooperate for the promotion, exercise and applicability of the rights of the Amazon, stated in the preceding article of this Declaration .
2. The governments of the Amazon countries must:

a) Promote the declaration of the Amazon as a subject of rights in their respective national legislation, enshrined in their constitutional texts;
b) Adopt laws, ordinances and regulations that guarantee the applicability of the rights of the Amazon and its effective protection as an ecosystem of universal importance;
c) Demand that, as a subject of rights, the Amazon be represented in national delegations to the United Nations Framework Convention on Climate Change (UNFCCC) through indigenous peoples, local communities, scientists and organizations defending the Amazon;
d) Promote a special differentiated global climate agreement for the Amazon;
e) Take measures so that the Amazon is a region free of mining and possible fuels and moves towards a transition fair, popular, inclusive energy based on alternatives from the territories;
f) Declare a suspension of the expansion of extractivism in the Amazon and establish zoning that allows protecting areas that have not yet been intervened;

g) Establish intangibility zones, especially in river headwaters, water recharge areas and others defined as highly vulnerable, allowing only traditional use or very low impact activities;
h) Create participatory agendas for the dismantling and closure of infrastructure works, with comprehensive restoration and repair processes for affected towns;
i) Adopt measures to reverse the damage caused to Amazonian rivers, forests and ecosystems, guaranteeing their comprehensive restoration as well as the regeneration of their cycles;
j) Comply with consultation processes for the free and informed prior consent of indigenous and other traditional peoples, in accordance with international standards;
k) Guarantee the effective participation of indigenous peoples and local communities in the planning and execution of extractive activities in all protected areas of the Amazon in order to enforce the rights expressed in this declaration;
l) Implement measures in favor of Indigenous Peoples as defenders of the Amazon;
m) Recognize the indigenous peoples of the Amazon as the main actors for their protection, recovery and restoration, dismantling all forms of neocolonial control;
n) Call on the parliaments of the European Union to reject the EU-Mercosur Free Trade Agreement, opposing the commercialization of the Amazon;
o) Create public policies to promote and strengthen the productive practices and activities of the people of the Amazon, especially agroecological and agroforestry systems;
p) Open bridges between conventional scientific knowledge and historical-ancestral knowledge, to care for and reproduce soils, forests, biodiversity and life in general;
q) Recognize and share knowledge, techniques and practices to control floods, protect soil fertility and promote the regeneration of forests;
r) Dismantle dependence on extractivism and guarantee economic, social and cultural rights, as well as the Rights of Nature;

s) adopt measures to protect and conserve the water cycle in the Amazon basin from the glaciers and river sources in the Andes to its mouth in the Atlantic Ocean;

t) Recognize the Amazon as an independent, autonomous entity with a unique international status, and as such, with the right to exercise its legal powers without imposition by the States; *to have equity before the law; and* to maintain its integrity as a self-regulated entity.

Article 5. Regarding decision-making in relation to the Amazon:

1. Human beings, States and public and private institutions must guarantee that the Amazon is represented effectively in the making of any decision that could affect its existence, integrity of its life cycles and its rights in general;
2. Each State in the Amazon basin must take legislative measures and define legal devices to allow the Amazon to be effectively represented in subnational, national, transnational or international decision-making that may have a significant impact on the Amazon.
3. Human beings, States and public and private institutions must guarantee that decision-making in relation to the Amazon is sensible and promotes the harmonious coexistence of all the beings that comprise it.

Article 6. The peoples, social movements, defenders of the Amazon, articulated within the framework of the Pan-Amazon Social Forum, in compliance with the mandate of the XI FOSPA, to promote this Declaration we determine to deliver it to the Colombian State, headquarters of the Conference of the Parties of the United Nations Convention on Biological Diversity (C OP16), to the Brazilian State, headquarters of the United Nations Conference on Climate Change (COP30), as well as to the rest of the representatives of the Amazonian States in order to promote high-level dialogues level on the Amazon as a subject of rights.

ESPAÑOL

PORTUGUÉS

FRANÇAIS
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ITALIANO