



## The Declaration of the Alliance of Guardians and Children of Mother Earth

### A global call to the States and humanity for the preservation of life on the planet and future generations.

*Having met as the Constituent Assembly of the Alliance of Mother Nature's Guardians on November 28<sup>th</sup>, 2015, in Paris, representatives of indigenous peoples, personalities and non-governmental organizations from around the globe reminded:*

- *That the indigenous peoples represent over 370 million individuals in more than 70 countries on five continents;*
- *That they form more than 5000 different groups and speak more than 4000 languages.*

*At the end of the foregoing Constituent Assembly, the Alliance approved seventeen proposals, which are contained in Annex 1.*

*On the invitation of indigenous leaders from Brazil, indigenous representatives and their allies to meet again in Brasilia, from October 11 to 16, 2017, to strengthen the principles covered in the seventeen proposals.*

*This Second Assembly is meant to carry the voice of indigenous peoples and their allies, urging humanity to take the necessary measures to protect the sacred character of water, air, soil, earth, fire and lifecycle.*

*Considering that the change necessarily involves the respect for the Rights of Nature, and the Rights of Mother Earth, as well as the adoption of rules that recognize the equality of rights for ecosystems to exist, thrive and regenerate;*

*that it is necessary to transform our way of addressing nature i.e., treating it not as a property, but as a subject of law;*

*that the recognition of such rights can only take place if there is a paradigm shift, particularly if the world's anthropocentric and pyramidal approach is challenged;*

*they have therefore adopted the following declaration to alert States and humanity:*

We, Guardians and Children of Mother Earth's, indigenous peoples and allied partners, held our 2nd Assembly, and our prophecies, our wisdom, our insights have allowed us to see that life on Mother Earth is in danger and is coming to a time of great transformation.

Indigenous peoples have continually taken care of Mother Earth and humanity. We wish that this can continue with the support of the people of the world. The indigenous prophecies place in us the responsibility to tell the world that we must live in peace with each other and Mother Earth to ensure harmony with her natural laws and with the Creation. We are calling for effective solutions that recognize the rights of Indigenous Peoples. We are calling to the world leaders, the States, the United Nations and civil society to start thinking about phasing out those juridical systems inherited from the colonial times and replacing them with others that take up Nature, Mother Earth as an entity which has fundamental rights. We must evolve towards a paradigm based on Indigenous thought and philosophy, which grants equal rights to Nature and which honors the interrelationships between all life forms and the preservation of Mother Earth. There is no separation between the rights of Indigenous peoples and the rights of Mother Earth.

As a consequence, we call upon all States and humanity to:

1. Call for the adoption by the United Nations and national and local governments, including Indigenous peoples governance structures, of the Universal Declaration of the Rights of Mother Earth, as proclaimed by 35,000 people, representatives, and delegates at the World People's Conference on Climate Change and the Rights of Mother Earth, in Cochabamba, Bolivia, April 2010. That Declaration is a call stating fundamental and universal principles with the aim to achieve the recognition of the rights of the Mother Earth and all its living beings, to lay the foundations of a culture of respect which is necessary for living well (Buen Vivir) and to unite all inhabitants of the Earth around a common and universal interest: the Mother Earth is alive, she is our common home and we must respect and take care of her and future generations.
2. Implement and affirm the United Nations Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly on September 2007, in response to the recommendation of UN Conference on the Rights of Indigenous Peoples, and ratify and strictly apply the 169<sup>th</sup> Convention of the International Labor organization, adopted in 1989.
3. Encourage governments and companies to obtain the consent of Indigenous peoples according to the principles of Free, Prior, and Informed Consent (FPIC), through collective decision in accordance with their own procedures prior to the approval of any projects affecting their land and territories, recognizing their right to refuse any project that will impact their peoples and life; including toxic polluting industries, agro-business and extractive activities mining such as subsurface and ocean submarine mining development; with assessment of the impacts on sacred areas, on culture and to human and environmental health. Indigenous peoples shall have the right to revoke at any moment the consent that may have been granted.
4. Plan a fair transition – at the State and local levels – taking into account indigenous traditional and sacred knowledge, and ensure that their economies make a just transition away from the fossil fuel economy to 100% renewable clean energy, leaving all the earth elements that release climate changing gasses when burned, under the soil and beneath the ocean floor. We also demand banning all new exploration and exploitation of oil, tar sands, oil/gas shale, fracking, coal, uranium, natural gas, including the transportation infrastructures.
5. Take action to strengthen the Paris Climate Agreement of 2015 to address Indigenous peoples' rights and needs. The primary concern of Indigenous peoples and their allies is that the Agreement is not strong enough and its ambitions need to be raised with real solutions to stop contenting ourselves with the current projections of voluntary emission cuts, which will eventually lead to an average increase of the world's temperature above 3-4 °C. Indigenous peoples will educate their communities and develop strategy to take action addressing the following issues: The Paris Agreement is a trade agreement that does nothing but privatize, commodify and sell carbon offsets for ocean, forest and agricultural lands, allowing those who are the most responsible for greenhouse emissions not only to buy their way out of compliance for emission reduction, but also to make a profit from it; the Agreement proposes a transition that relies on other dirty and destructive energy including hydraulic fracturing, nuclear power, agro-fuels, carbon sequestration and other technological proposals that pose serious ecological risks; as the operating text of the Agreement omits any mention of human rights and the rights of Indigenous peoples, we need to work with States to develop protocols that include traditional knowledge in the United Nations Framework Convention on Climate Change; also, the Agreement does not address the remedial obligations from the Global North to the Global South, and the demand for payments for reparations and restoration of loss and damaged lands, territories and livelihoods to Indigenous peoples of the South and North. We believe that climate change is not simply an environmental issue; it is the result of an unjust economic system that is in the business of pursuing endless growth, concentrating wealth in the hands of a few and over-exploiting Nature to the point of collapse.

6. Adopt, with the full and effective participation of Indigenous peoples, an international treaty establishing binding obligations on transnational corporations and other business enterprises to respect human rights, which must include the rights of indigenous peoples, that would fully recognize all State's obligations applicable to Indigenous peoples by virtue of prevailing international instruments.

7. Put into place mechanisms and legislation to ensure that Free, Prior and Informed Consent (FIPC) must be given in order to protect indigenous intellectual property rights, respecting their spiritual, sacred and secret dimensions of their knowledge. States must prevent unlawful and offensive appropriation of traditional knowledge. The provisions of the FPIC should be applied in the context of accessing such knowledge and sharing of the profits generated.

8. Take action on the illegal trade in: wildlife, timber, forest products and resources, genetic resources, endangered species and other biological resources. Assess the application of the United Nations Convention against Corruption as it applies to Indigenous people's rights.

9. Recognize the actions of corporate and governmental policies that result in the destruction, degradation, contamination and toxic poisoning of the environment, ecosystems and habitat as an eco-crime against the territorial integrity of Mother Earth – also called ecocide. This shall align with the initiative to bring provisions of international crime of ecocide into the International Criminal Court.

10. Support the establishment of local, sub-national, nation-State and international programs and cooperation and partnership initiatives to protect, conserve and restore native forests and other ecosystems of the world within and near Indigenous peoples' lands and territories, other than market-based systems, with the full and effective participation of Indigenous peoples. These programs must include funding for the demarcation and granting of property titles to indigenous forest dependent communities and to include indigenous-approved monitoring and surveillance of all indigenous lands. The self-management and full self-determination of Indigenous peoples in caring for the forests and biodiversity they protect is required. These programs should be evaluated with Indigenous peoples to enable them to be replicated in other forests regions in conjunction with mechanisms to finance the scaling up of implementation.

11. Urgently protect all primary forest spaces of this planet that are traditionally under the guardianship of indigenous peoples, as sanctuaries since the UN has already recognized that their presence is a guaranteed factor of the non-deterioration of those invaluable environments. Indigenous peoples must, once and for all, own and guard these territories and cannot be evicted. The Alliance underlines the need for creating as soon as possible, with the support of States, an international legal status to efficiently protect these vital ecosystems from any form of predation. These ecosystems must not be used as part of a carbon market mechanisms that quantifies and commodifies Mother Earth, branded as payment for ecosystem services, carbon trading, carbon offsets, carbon pricing, mechanisms for Reducing Emissions from Deforestation and Forest Degradation (REDD), Clean Development Mechanisms (CDMs), biodiversity offsets and financialization of Nature; turning nature into "units" to be sold in financial markets.

12. Protect and secure the future of oceans, oceanic biodiversity, marine species and ocean resources. If oceans die, we will die. Indigenous peoples have the right to establish ownership title (*título de propriedade*) to ocean, sea bed, sea areas, coastal seas and sea ice through the law of the sea and the process set up under the UN Convention on the Law of the Sea. Therefore, to ensure the future of the oceans and oceanic biodiversity, we need to implement the following actions:

- Cease all subsidies from governments of the world to industrialized fishing operations;
- Ban all industrialized fishing technologies like super trawlers, longlines, drift nets, purse seiners, all plastic monofilament nets and lines etc;

- Enforce international regulations against illegal fishing operations;
- Ban all whaling activities, with the sole exception of the one practiced by indigenous peoples for food purposes, to ensure their continued existences;
- Ban all offshore drilling, fossil fuel exploration and sub-marine mining;
- Encourage diversity by favoring population growth in the fishes, marine mammals, seabirds and all other marine organisms;
- End the feeding of fish-meal (some 40% of the fish caught) to domestic animals like pigschickens, and salmon;
- Stop the dumping of chemicals into the sea and plastic, agricultural run-off and radioactive materials from entering the sea;
- Put an end to sonic pollution caused by sonar exploration for oil and sonic weapon systems.

13. Ensure, within the UNESCO framework, the protection and respect of sites and sacred spaces with the full and effective participation of indigenous peoples, in accordance with FPIC, and taking into account their biological and cultural diversity, as well as their land and governance rights.

14. Ban the construction of new hydroelectric dams. We call for binding international and national laws to regulate the maintenance of existing, permitted hydroelectric dams in operation. The Alliance also recommends the dismantling of dams built in violation of the right of Free, Prior and Informed Consent of the affected indigenous peoples and other affected populations, and of all other applicable obligations in force.

15. Recognize rights for future generations, in particular through the adoption of a declaration of rights (and duties) of humankind. The text will aim to remind that the present generation has a duty to protect the heritage bequeathed by past generations, but also make choices which engage its responsibility towards future generations. The text will establish four fundamental principles: the principle of responsibility, equity and solidarity between generations, the principle of the human dignity, the principle of continuity of the existence of humankind, and finally the principle of non-discrimination between generations.

This aligns with Indigenous worldviews which express that all decisions must take into consideration their effect on future generations of all peoples, life and nature.

16. Recognize that water is a living being that has rights that must be protected now and for future generations. Water is a living spirit that has a right to be treated as an ecological entity, with its own inherent right to exist, including watersheds and aquatic ecosystems having right to be healthy and clean. Water can be either rain water, rivers, source of rivers, headwaters, glaciers, ice, water caches, springs, lakes, streams, waterfalls, coastlines, subsidiaries, estuaries, underground water tables, aquifers or other water bodies. Water is not a commodity and the States must ban the privatization of water. All of Mother Earth's species have inherent rights to water. In particular, Indigenous peoples have inherent rights to water and waterways for navigation, customary and cultural uses. All Indigenous peoples have a right to access adequate supplies of water that are safe for human consumption, hygiene and cooking.

17. Recognize – at State and governmental levels – and take action against the targeting of Indigenous women and find new ways to end violence that is linked between the dominant society's treatment and objectification of Mother Earth and women. Humanity must recognize the importance of indigenous women as caretakers of biodiversity. Women have the strength and resilience to confront man-made climate change and environmental injustice. Indigenous women and Mother Earth bear the consequences of these effects; compounded by a patriarchal capitalistic society. With extractive industries, women are victim of domestic and sexual abuse; sex trading and prostitution; alcoholism and drug abuse causing disruption of maintaining healthy indigenous

families and communities. Women are the “First Environment”. Nursing infants are the first victims. Women experience the effects of toxic chemicals and high toxic body burdens in their uterus, causing spontaneous abortions, breast milk contamination, causing harm to future generations. Funding mechanisms must be created to empower Indigenous women and their communities to have a voice in local, national and international levels as decision-makers in climate, energy, environment and health policy. This humanity made invisible is literally killing Indigenous women, children and future generations.

18. Protect the existence and respect the will of Indigenous peoples in situation of voluntary isolation to accept or refuse any contact. States must protect their territories and must recognize Indigenous peoples already contacted by national societies as guardians of the autonomy and the rights of these peoples. Governments and individuals must behold responsible for violations for rights and damage against Indigenous peoples in situation of voluntary isolation.



Annex 1:

## **Proposals and recommendations of the Alliance of Guardians of Mother Nature to the States and to the international community for the preservation of climate and future generations**

Following the Assembly of the Guardians of Mother Nature, which occurred on November 28<sup>th</sup>, 2015 in Paris, indigenous representatives, personalities and organizations, from around the globe, reminded us that indigenous populations represent 370 million people, in more than 70 countries and 5 continents. They form more than 5,000 different groups, and speak more than 4,000 languages, most of which might disappear by the end of the 21<sup>st</sup> century.

As a consequence, they are alerting States and the international community to:

- 1. Adopt at the United Nations General Assembly the Universal Declarations of the Rights of Mother Earth, voiced during the Peoples' World Conference on Climate Change in Cochabamba, April 2010.** That Declaration is a call stating fundamental and universal principles whose mission is to achieve the recognition of the rights of the Earth and all its living beings, such as the foundation of a culture of respect necessary to the sustainable and common development of humankind and the Earth, and to unite all inhabitants of the Earth around a common and universal interest: the Earth is alive, she is our common home and we must respect her for the well-being of all and future generations.
- 2. Acknowledge and apply the United Nations Declaration for the Rights of Indigenous Peoples** confirmed by the General Assembly on September 13, 2007. In its article 3, the right of indigenous peoples to self-determination is raised. "By virtue of that right, they are free to determine their political status and pursue freely their economic, social and cultural development." It is also explained in the following article 4 that "Autochthonous peoples, while exercising their right to self-determination have a right to autonomy and to manage their own internal and local affairs, as well as having the ways and means for financing their autonomous activities."... This Declaration also establishes in unequivocal terms the individual and collective rights of indigenous peoples, and more specifically those relating to spirituality, earth, territory and resources, culture, identity, language, employment, health and education. It insists on the right for indigenous peoples to perpetuate and reinforce their institutions, their culture, and their traditions, as well as to promote their development according to their needs and aspirations. It also forbids any shape of discrimination towards them, and encourages their active participation to all relating to them, particularly regarding their right integrity as a distinct people, and to ensure their economic and social development in a free manner. The recognition of the territorial rights, and the use and protection of natural goods, as well as their spiritual relationship to the earth, occupy a major place in the demands of indigenous peoples. Those issues were at the center of the negotiation in the United Nations Declaration for the Rights of Indigenous Peoples, and are today they are threatened by the growing colonization linked to the development of big infrastructure projects, and disrupted by the intensification of mining and agro-industrial activities.
- 3. Universally ratify and apply strictly the 169<sup>th</sup> ILO.** This Convention is based on the principle of respect for indigenous and tribal peoples' cultures and lifestyles. Not only does it recognize the right to their land and its natural resources, if also demands that their sincere opinion be taken into account before any project, during free and informed consultations. As of now, only 22 states

have ratified it. France, which is hosting the COP 21, still has not ratified it, even though it shelters numerous indigenous communities and one of its “departments”, French Guiana, is in the Amazon

4. **Consider that a community may accept or refuse any project on its territory** even before the impact assessment phase and that its decisions must be accepted as final and binding. It is also required that environmental and social impact studies be completely independent , thus not financed by sponsoring firms or states. Governments must recognize and accept the protocols written up by indigenous communities by virtue of their right to self-determination.
5. **Consider that the rights of indigenous and tribal peoples are to be applied on the ground and also underground** to protect them from unwanted mining projects.
6. **Preserve fossil fuels in the soil by ending exploration and all forms of extraction to protect Mother Nature, as recommended by indigenous knowledge and scientifically supported climatic constraints.** In order for real everyone's real interests to be protected, we ask that unjustified influence of all fossil fuel industries end in elaborating international and domestic policies, and that the oil industry be kept from participating in global negotiations on climate. The immediate ending to public funding and other subsidies to exploration for fossil fuels, extraction, infrastructures, and investment in resources is necessary to find a path towards a fair transition, based on clean and renewable energy, for all, but more importantly for communities who are on the frontlines. We urge all governments to coordinate their efforts for an immediate transition towards a future where a clean, decentralized and democratic energetic model is 100% fed by renewable and sustainable sources of energy. Extraction, transportation and consumption of fossil fuels have caused great prejudice to the earth, the air, the water, the atmosphere and all forms of life, contributing in a major way to our climatic crisis and to the ongoing mass extinction. These prejudices are disproportionately at the expense of those who do not benefit from the economic and political systems which cause them, and carry no responsibility in this crisis, lacking the sufficient resources to adapt to climate change. This includes communities directly suffering from extraction and the use of fossil fuels, and those who fight on the climatic crisis' frontline.
7. **Follow guiding principles regarding companies and human rights**, adopted by the United Nations Human Rights Council in June of 2011, and quickly adopt an **international treaty establishing binding obligations towards transnational companies and States regarding human rights**, which would include indigenous and tribal peoples' rights, that would respect in more general terms all obligations applicable to indigenous peoples by virtue of international instruments in force.
8. **Strictly apply the United Nations Convention against Corruption by the signatory States**, in order to curb the plague of illegal wood trade (30% of the global market) and endangered species. Steps must be also taken to fight land dispossession or illegal acquisition and biopiracy.
9. **Amend the Convention on biological diversity** to recognize and enhance the protection of ancestral traditional know-how and fight against biopiracy.
10. **Adopt an international Convention defining “eco-crimes”** to reinforce the fight against organized environmental criminality. Profits generated by environmental crimes are very substantial while prosecutions are rare and penalties are light; this is true for endangered species trafficking as well as waste trafficking and other types of deliberate pollution.
11. **Favour the establishment of a new international cooperation program to walk indigenous peoples and local communities through a global project for the restoration and sustainable preservation of the Amazon and other primary forests in the world.** Inspired by the exciting success of the PPG7, a new international cooperation program should finish the work for Brazilian rainforest conservation which has already been done, then later be implemented African and Indonesian rainforests, as well as other primary forests on this planet, while taking local specificities into account. **Traditional indigenous chiefs of the Brazilian Amazon who founded the**

**Alliance wish for this program to include funding for the demarcation and granting of property titles to indigenous communities and to include surveillance of all indigenous lands in Brazil.** That supervision will have to be applied for any project of that type on all indigenous lands worldwide.

12. **Urgently sanctuarize all primary forest spaces of this planet, traditionally under the watch of indigenous peoples, the UN having already recognized that their presence is a guaranteed factor** of the non-deterioration of those invaluable environments. Indigenous populations must once and for all own and guard these territories and cannot be evicted. The Alliance underlines the need for creating as soon as possible, with the support of States, an international legal status to efficiently protect these vital ecosystems from any form of predation. These ecosystems must not be used as part of a carbon market, payment schemes for environmental services (PES), REDD programmes, and clean development mechanisms.
  
13. **Alert states and the international community to protect and ensure a future for the oceanic biodiversity. If oceans die, we will die.** The decrease of marine species, reduction in oxygen production, increase in carbon dioxide, methane, nitrates and water vapor, acidification and coral bleaching, chemical, nuclear, plastic and sonic pollution, unprecedented famine of marine species and numerous other factors are a danger for the oceans. The root cause is escalating human populations, escalating consumption of resources, escalating populations of domestic animals and a complete lack of initiative, courage and passion by political world leaders. The root cause is escalating human populations, escalating consumption of resources, escalating populations of domestic animals and a complete lack of initiative, courage and passion by political world leaders. For hundreds of millions of years the Ocean has been the life support system for the entire planet providing most of the oxygen we breathe, providing food, sequestering carbon and regulating climate through ocean currents, winds, tides and the interdependence of the diversity of species within it. So, to protect and ensure the future of oceanic bio-diversity we need to implement the following actions:
  - Cease all world government subsidies to industrialized fishing operations.
  - Ban all industrialized fishing technologies like super trawlers, longlines, drift nets, purse seiners, all plastic monofilament nets and lines etc.
  - Enforce international regulations against illegal fishing operations.
  - Ban all commercial whaling activities.
  - Encourage diversity by encouraging population growth in the fishes, marine mammals, sea-birds and all other indigenous marine organisms.
  - End the feeding of fish-meal (some 40% of the fish caught) to domestic animals like pigs, chickens, domestic salmons, fur bearing animals and domestic cats.
  - Stop the dumping of chemicals, plastic, agricultural run-off and radioactive materials into the sea.
  - Stop sonic pollution in the form of sonar exploration for oil and sonic weapon systems.
14. **Recognize through the UN and UNESCO the bio-cultural sacred sites of tribal and indigenous peoples and local communities, along with their land and governance rights on these sites.**

- 15. Internationally regulate in binding manner the construction of large hydroelectric dams**, in order to abide by recommendations from the World Commission on Dams' 2000 final report. **The Alliance also recommends the dismantling of large dams built in violation of the right to consent or to preliminary, free and informed consultation of the affected indigenous peoples, and of all applicable obligations in force.**
- 16. Recognize rights for future generations, in particular through the adoption of the declaration of rights (and duties) of humanity.** The text aims to « *remind that the present generation has a duty to protect the heritage bequeathed by past generations, but also make choices which engage its responsibility towards future generations* ». The text establishes four fundamental principles. It establishes the principle of responsibility, equity and solidarity between generations, the principle of the human dignity , the principle of continuity of the existence of humanity, and finally non-discrimination due to the belonging to a generation.
- 17. Recognize the international crime of ecocide** over which the International Criminal Court would have jurisdiction. The crime should be characterized by « **a vast damage or destruction** which would have the effect of gravely and durably altering **global municipals or ecosystemic services** on which a population of a subgroup of a human population depends ». The ecocide incrimination would apply to the damages caused to human beings and would extend to the essential components of life, this to ensure the continuity of life and humanity itself. It enforces on the current generations a duty to protect the environment for future generations. It therefore grants rights to generations to come. Hence, **the ban on ecocide would guarantee the human right to a healthy environment for humanity**, that is to say current and future generations, and would establish **the right for nature to be protected. To claim these rights, autochtonous peoples require the right to litigate in their traditional language.**