



# EUROPEAN TRIBUNAL IN DEFENSE OF AQUATIC ECOSYSTEMS

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## EUROPEAN RIGHTS OF NATURE TRIBUNAL "IN DEFENSE OF AQUATIC ECOSYSTEMS"

Fourth Hearing

Balkan Rivers

-Saturday, April 24th, 2021-

The fourth hearing of the European Tribunal for Aquatic Ecosystems took place on Saturday, April 24th, 2021 at 5 pm (Paris time). The [Balkan Rivers case](#) was brought to international attention through the International Rights of Nature Tribunal, organized by the European Hub of the Global Alliance for the Rights of Nature.

The Balkan rivers are some of the last free flowing and wild rivers of Europe and are a hotspot for biodiversity with unique ecosystems and wildlife. However, those rivers are now highly endangered, with plans to build over 3,500 dams on just about every one of them. If built, ecocide could be the result.

Monti Aguirre, from International Rivers, opened the Rights of Nature Tribunal with an inspirational talk: "Now is the time to learn from past experiences. The Balkan rivers still have a chance."

Tom Goldtooth honored the Tribunal with a water ceremony. "Water is sacred, it's life. It's essential for the beginning and needs to be respected and honored. We are created by water. Water has its own voice."

Later, President Cormac Cullinan opened the session: "This Tribunal is an example of what courts could be if we recognized the laws of Mother Earth. The judgments of this Tribunal are aimed towards restorative justice, they are an agenda for action."

Judge Richard Falk introduced the session with a short speech: "We must become mindful of our place in nature, rather than our dominion over it. It's a matter of adjusting the perspective. Our judgment in this case is addressed to the concrete reality of the rivers of the Balkans, the few remaining, precious treasures from another time. We need a jurisprudence of the future."

After that, Prosecutor of the Earth, Rebecka LeMoine, presented the Tribunal and assured that those responsible for the destruction of the Balkan Rivers declined the invitation to participate in it.

Zoe Lujic, Case Representative of the Tribunal, presented the case. "Small hydropower dams are being constructed all over the Balkan Rivers, destroying biodiversity and choking life out of them. The Balkan region is well-known for its incredible and remarkably rich biodiversity. It's one of the most vital hotspots for water biodiversity, with 69 different fish species that only exist in this ecosystem. That is how it's earned the nickname of 'Blue Heart of Europe'. The Serbian government is the main responsible party in this destruction, as well as the European Union."

Injured Party representative Jelena Drmanac then took the word at the Tribunal. "Both me and my children grew up around the Balkan rivers, and now they are being destroyed by hydropower plant installations. The rivers supply water to the people living there. The water used to be drinkable. The hydropower plants being installed are small, but they are detrimental to biodiversity and communities living around these rivers. I have no right to keep silent when this is happening. My motives are also children and future offspring, as I'm a doctor and have a special look at how to take care of the healthy upbringing of our population."

Scientific expert Predrag Simonović also spoke at the Tribunal: "Precipitation in Serbia is low and the characteristics of the soil are not auspicious for water collection. That is why mountains are so affected by these dams. The Balkans as a biodiversity hotspot is ancestral. But at each of the streams under investigation, in the section along the water diversion of the dams, the biomass of brown trout suffered a tremendous decrease. There is no effective way to mitigate the strong harmful effects of dam construction on these mountain stream ecosystems, and this is a clear violation of the rights of nature. Biodiversity has no possibility to sustain itself considering the current impact these activities have on it."

Biology expert Ulrich Eichelmann then took the word: "I have spent the last 11 years of my professional life protecting the Balkan Rivers, and I can say there is ecocide happening right now," he stated. "The Balkan rivers are a global fish hotspot. Experts found there are 113 endangered species of fish and 69 endemic species. Almost every river in the Balkans is threatened. There are 3,431 dams planned, 108 under construction, and 1,480 already existing. 45% of all operating and planned hydropower dams are located in protected areas. We try to make the problem visible because there is a lot of corruption going on."

Political expert Marie Toussaint stated: "Only 40% of surface waters are in good status according to the latest reports. By 2030, we would have to ban all of the dams. We have more than 1 million dams in European rivers, so it's difficult. We need to change the existing regulations but also to oversee the application of agreements. Considering we have the European Green Deal, we have to think of changing the regulations: we have to ask for the dams to be removed as sources of renewable energy, and stop the subvention of these. Ecosystems should get legal status, and we need to get this for bodies of water, too."

Jurist Grant Wilson from Earth Law Center stated at the Tribunal that "There are many shortcomings in the Serbian Legal System in regards to protections. Carving out a few protected areas is not effective. There is also great corruption and threats against environmental defenders. Serbia promotes hydropower to achieve renewable energy objectives. However, hydro is not "renewable" from Nature's perspective, as dams generate permanent harm in biodiversity. The cumulative impact of dams means this is ecocide."

"Our recommendation is for Balkan countries to recognize rights of rivers and prohibit small hydro-dams, promoting solar and wind energy, and enforcing ecocide as a crime. The European Union should also adopt the Declaration on Rights of Mother Earth and rivers, amend renewable energy directives, and work to eliminate hydro subsidies," Wilson encouraged.

Prosecutor of the Earth Rebecka LeMoine stated in her final arguments that "It has become clear from many of the testimonies that the renewable energy directive of the EU has failed, and shares the responsibility for creating the destruction of aquatic ecosystems. Harmful activities are being financed by the Serbian government and looked over by the European Commission. No amount of energy would justify ecocide. These rivers are being used as objects in the political scheme when they should be seen as subjects of life and value."

The Tribunal closed with a song from Serbian children to pay homage to these affected rivers.

There is still time to act. From January to April 2021, the European Tribunal for the Rights of Aquatic Ecosystems heard four cases of aquatic entities to be protected in Europe: the Mer de Glace glacier in France case, the rivers of French Guiana case, the Lake Vättern case in Sweden and the Balkan Rivers case. There is one more hearing coming up for this Tribunal: the Mediterranean Sea threatened by red mud in Marseille (May 29th). This Tribunal aims to recognize the rights of Nature, which means recognizing the interdependence between humans and Nature and accepting that States, companies and humans can no longer dispose of it with impunity. Thus, it is a necessity to establish the legal personality of Nature in order to systematically take it into account in our political and societal choices. This legal evolution is necessary for the preservation of life.

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Watch the hearing in [English](#) or [French](#).

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