



# EUROPEAN TRIBUNAL IN DEFENSE OF AQUATIC ECOSYSTEMS

Starting January 30th, 2021 • to May 29th, 2021



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

Fifth Hearing

Marseille case: Red mud and the Mediterranean Sea

-Saturday, May 29th, 2021-

The fifth and final hearing of the European Tribunal in Defense of Aquatic Ecosystems took place on May 29th, 2021 at 5 pm (Paris time). The [Marseille 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. Marseille is one of five selected areas in Europe where a European Tribunal for Aquatic Ecosystems has been examining and symbolically judging possible Rights of Nature violations.

The factory of Gardanne (Bouches du Rhône) is producing alumina or aluminum oxide, a material used to make electronic components, ceramics, and refractory material. This activity emits toxic waste full of heavy metals and heightened radioactivity, causing the famous "red mud", something which has been happening with state authorization since 1966.

By means of a 55 km long pipe, the red mud is spread at a depth of 320 meters in the Cassidaigne canyon, an oceanic trench that used to be home to extraordinary biodiversity.

In total, 32 million tons of mud have been discharged. The destruction of Nature in this case is so serious, that it seems scientifically impossible to restore the ecosystems.

Tom Goldtooth opened the final tribunal with a water ceremony. "Water gives life, it's sacred, it's essential to the beginning of life, and needs to be respected, honored and protected. It's the very beginning."

Victor David then took the floor: "Toxic waste is dumped into the ocean in terrible quantities. Mining in deep waters also proves to be devastating. Illegal and electric fishing is undermining marine biodiversity. The ocean cannot swallow everything, especially without consequences to its own health. We must never forget our relationship with the ocean - the ocean is a very generous mother to all of us, and we should respect it. Nature needs to be protected from human actions. We are not owners of Nature."

The President of the Tribunal, Cormac Cullinan, assured that "Life is inextricably linked to water. By protecting water, we are protecting this vital force of energy we call life, which



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connects us with the whole. We are facing a great ecological crisis in the world, and our governments haven't shown the necessary leadership to face these challenges."

Case Judge Lisa Mead went on to open the session: "The Rights of Nature movement seeks to repair or heal our relationship with Mother Earth and reminds us of the best we can be as humans is when we're respecting our home. Humans are part of the ecosystem in which they live, and being part of that whole allows for thoughtful decision-making."

It was then the turn of Prosecutor for the Earth Rebecka LeMoine to issue her initial declaration: "Take a deep breath and thank the ocean for the oxygen it gives us every day. Without our breaths, without the water, we wouldn't be able to live. Marseille and the Mediterranean Sea's waters are changing from clear to muddy, from healthy to poisonous, thanks to the Gardanne factory's aluminum oxide activities. The responsible parties turned down the request to be here today."

Case Representative Jean Ronan Le Pen took the word at the Tribunal: "The Mediterranean Sea has a very vast marine biodiversity. Nowadays, sadly, the ocean bed is toxic red mud and is being spread all along this sea due to the toxic waste dumped by the Gardanne aluminum factory. This mud has a great impact on this ecosystem and the French state not only has not taken action against it, or proposed an industry solution to this, but it has also authorized these factories to dump waste on the oceans. Studies have shown the water is now housing two million tons of aluminum, thousands of tons of other toxic waste, and these are all radioactive materials. Specimens living in these ecosystems have seen their health severely damaged, affecting marine life."

"Not only marine life was affected - people living near the area have been affected, too, because they are breathing those toxic substances in the air. The red mud is now the red anger - there are economic interests behind this. These industries want more profit, but they don't realize what they are doing. For them, the sea is a place to dump everything, and they are now seeing Guiana as a place to develop these activities as well," added Le Pen.

Legal Expert Marine Calmet spoke at the Tribunal: "These contaminating activities have been destroying the ecosystems for years and have a great impact on the Earth. The French government is not showing the will to take the necessary actions to stop these activities. French justice needs to recognize this is a serious violation of planetary limits and a case of ecocide. We need action and we need to analyze its impact and avoid privileging the interests of the industries that are not compatible with the protection of Nature. This is a very serious crime that cannot be tolerated. The damage made is irreversible. We need reparation for the human and non-human victims of this contamination and ensure the protection of these ecosystems in the long run."



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Witness and professional fisherman from the area Gérard Carrodano then gave his testimony at the Tribunal: “The red mud phenomenon has been present since I was a kid. They have made us wait for years to revert this situation, and it has never happened. Today, these industries are being paid to pollute, and heavy metals continue to be dumped into the clear water of the sea. The rhythm of pumping is 270 cubic meters per hour, every day of the year, which is over 6,000 tons per day of toxic mud in the water that continues to destroy our lives. These pollutants have been inhaled by the population for years and it has caused them severe sickness and cancer. When Gardanne says they are trying, I also think of the fishermen who have lost their work because of the pollution of the sea. Now, we cannot reverse this pollution and damage, and it’s spreading all over the Mediterranean.” Carrodano stated, “I have the Mediterranean sea flowing in my veins.”

Prosecutor for the Earth Rebecka LeMoine gave her final arguments: “Chemical waste clearly has exceeded the biological limits of the region, causing large scale destruction of marine vital cycles and permanent damage of the biodiversity. I declare this a major case of ecocide. Life and biodiversity have been replaced by death. Independent studies have to be carried out to investigate the situation. The state of France needs to recognize national and international laws to stop pollution and to reinforce protection.”

Case Judge Lisa Mead closed the session: “After considering all of the evidence presented today, the judges will determine if the fundamental rights of this specific ecosystem have been violated - the right of its vital cycles to be respected.”

From January to May 2021, the European Tribunal for the Rights of Aquatic Ecosystems heard five cases of aquatic entities to be protected in Europe: the Mer de Glace France, the rivers of French Guiana, the case of the Lake Vättern in Sweden, the Balkan Rivers case in the Balkans region, and the final hearing with the Marseille red mud case. The 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 use it with impunity. Thus, it is necessary to establish the legal personhood 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 itself. The final verdict will be delivered in Marseille on the 4th and 6th of September, during the IUCN World Conservation Congress.

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

If you’re interested in learning more about the Tribunals, [click here](#).