



INTERNATIONAL CONVENTION ON TREE RIGHTS

PREAMBLE

The Parties,

Recalling the Universal Declaration of Tree Rights, adopted in Paris on May 19, 2019, and recognizing that this Convention constitutes one of the means of furthering its principles in international law;

Considering that the survival of humankind depends both on maintaining tree and shrub cover at its current level and on substantially increasing it;

Recognizing further the irreplaceable role of trees in providing ecosystem services; their importance in the water and carbon cycles and in preventing erosion; their crucial role in biodiversity; their capacity to capture dust and pollutants, regulate ground-level temperature and humidity, and reduce noise; and their cultural, landscape, aesthetic, and historical functions;

Considering the urgent and vital need to act;

Considering that the effective implementation of the principles of this Convention may, in accordance with domestic law and territorial contexts, be supported by consultative, scientific, civic, and territorial mechanisms that facilitate dialogue, expert input, participation, and the development of proposals;

Considering that planting and caring for trees are activities that foster solidarity and engagement and may also be entrusted to security forces in peacetime, as well as to citizens, particularly unemployed persons, thereby supporting their social inclusion, and to young people through civic service programs;

Considering the importance of hedgerows for landscapes and biodiversity and the need to conserve dense thickets and bushes;

Noting also the decisive importance of fungi in their symbiotic relationship with trees;

Considering, finally, from a philosophical perspective, that the tree is a living being that cannot be reduced to a mere object or solely to its economic utility;

Considering that certain trees, by reason of their age, size, rarity, or ecological, climatic, historical, cultural, scientific, landscape, or symbolic value, may warrant particular attention from the human communities of which they form part;

Considering that designation as a Guardian Tree does not confer a legal status distinct from that arising under this Convention, but is intended to recognize, within a framework of responsibility, preservation, and transmission to future generations, the special relationship that a community may choose to establish with certain trees of particular significance;

Considering the particular characteristics of forestry operations, plantations, nurseries, and professional arboriculture;

Have agreed as follows:

Principles and Definitions

Article 1

The tree is a living being deserving of respect, essential to humankind and to the balance of the planet that humankind shares with the rest of the living world.

It has the right, in principle, to develop its root system and above-ground structure so as to attain its optimal size, develop all of its vegetative organs, reproduce successfully, and ultimately provide the full range of benefits it contributes to the common good.

When a tree is damaged by natural forces or begins to decline, it remains deserving of respect and continues to provide essential support for numerous species, particularly cavity-dwelling and epiphytic species.

Whenever a State Party must balance the rights of the tree proclaimed herein against other rights, including, where appropriate, in judicial proceedings, priority shall be given to, or at a minimum due consideration shall be accorded to, the common good provided by the tree,

bearing in mind that the cumulative effects of an unduly permissive interpretation of this paragraph could have grave consequences.

Article 2

§ 1

For the purposes of this Convention, and without prejudice to any broader or more protective definitions adopted by the Parties, the following terms shall have the meanings set forth below:

1° forest: land covering an area of more than 5,000 m², with trees of diverse species reaching a height of more than 5 meters and a canopy cover exceeding 10%;

2° primary forest: a naturally regenerated forest of native species in which there are no clearly visible indications of human activity and whose ecological processes have therefore not been significantly disturbed, provided that it covers more than 5 hectares in a single contiguous area;

3° forestry operation: the use of a forest for the extraction of woody or humic material;

4° forest management: the use of forest resources other than through forestry operations;

5° tree: any tree, whether planted or naturally occurring, excluding invasive species and trees grown on land used for professional arboriculture, in professional nurseries, or in commercial plantations comprising no more than two tree species;

6° native tree: a tree that has been present in the territory concerned for at least two centuries.

§ 2

Articles 5 through 10 shall not apply in forestry-operation zones designated pursuant to Article 11, paragraph 2.

General Provisions Promoting Planting and Replanting

Article 3

No later than six months after this Convention enters into force for it, each State Party shall establish or update a register of native tree species adapted to the various biogeographical and pedological zones within its territory. The register shall be revised, as necessary, in response to changes in bioclimatic conditions.

Article 4

No later than two years after this Convention enters into force for it, each State Party shall make available free of charge to its nationals saplings or seeds, selected for their genetic qualities, of the species and varieties referred to in Article 3, for planting within its territory in accordance with the criteria set forth in that Article.

A State Party may delegate this task to local, national, or international nonprofit bodies.

The distribution referred to above shall ensure that the widest possible diversity of species is made available to the public and planted under conditions best suited to successful establishment, including appropriate timing, site selection, and rainfall conditions.

Protection Regime

Article 5

§ 1

States Parties shall require prior notification or, without prejudice to Article 6, prior authorization before one or more trees may be felled or prematurely killed.

Any felling or premature killing of a tree shall give rise to an obligation to replant a number of trees commensurate with the ecosystem services provided by the tree felled or killed. Such replanting shall comply with the register referred to in Article 3, and the species or varieties selected shall be as diverse as possible. Replanting shall take place as near as possible to the site of the offense.

These obligations shall apply equally to States Parties.

§ 2

Where a tree dies from natural causes, the landowner shall replace it within one year in accordance with the register of species.

§ 3

The regulation of groundwater and surface-water abstraction shall ensure that groundwater levels remain sufficient to sustain existing forests and, more generally, wooded areas.

Article 6

Trees that have reached 50 years of age or have a circumference exceeding 1 meter, measured 1 meter above ground level, shall not be felled or subjected to conduct likely to cause their premature death without prior administrative authorization.

For the purposes of this Article and Article 5, paragraph 1, acts likely to cause the premature death of a tree include, in particular, whether intentional or not: placing heavy loads, lighting fires, digging trenches, or applying pesticides or other harmful substances beneath its crown; allowing livestock to strip its bark or climb into its crown; stripping or otherwise damaging its bark, including by driving nails into it; cutting major scaffold branches or structural roots; or exposing structural roots.

Violations of the first two paragraphs of this Article shall be subject, in particular, to confiscation of the tools and vehicles used to commit the offense, the tree or trees unlawfully felled or killed, or their financial equivalent. The penalty shall primarily include an obligation to undertake compensatory ecological restoration or to compensate for the loss of the ecosystem services provided by the trees unlawfully felled or killed.

Article 7

Each State Party shall also establish protection regimes for hedgerows, thickets, and macrofungi.

It shall prescribe requirements for watering young trees or shrubs, any necessary staking, and the care required when pruning, all of which shall be the responsibility of the owner. It shall also regulate the establishment of cisterns or bodies of water needed for such watering.

Without prejudice to Article 6, paragraph 3, each State Party shall establish a system of penalties sufficient to ensure the effective enforcement of Articles 5, 6, and 7.

Article 8

In private-law disputes concerning the survival of a tree, a claim seeking the removal or impairment of the tree shall be deemed abusive where the tree causes neither a nuisance nor a proven and serious risk. The court shall give preference to monetary compensation.

Article 8 bis - Guardian Trees

1. States Parties recognize that trees may be designated as Guardian Trees where a community chooses, in accordance with the principles of this Convention, to establish with them a special relationship of responsibility, preservation, and transmission to future generations.
2. The designation of a Guardian Tree may take into account, in particular, its age, size, rarity, and ecological, climatic, historical, cultural, scientific, landscape, or heritage value.
3. States Parties shall encourage the identification, inventorying, preservation, and transmission to future generations of Guardian Trees in the interest of present and future generations.
4. Guardian Trees shall receive special attention designed to safeguard their root systems, the environmental conditions necessary for their development, and their integrity.

5. States Parties shall promote the establishment of public registers enabling the identification, monitoring, and public recognition of Guardian Trees.
6. Local and regional authorities, public institutions, educational institutions, civil society organizations, and public or private owners shall be encouraged to participate in the identification, preservation, and transmission to future generations of Guardian Trees.
7. States Parties shall encourage educational, scientific, cultural, and civic initiatives that enhance knowledge, preservation, and appreciation of Guardian Trees.

Replanting Program

Article 9

§ 1

Within one year after this Convention enters into force for it, each State Party shall develop a replanting program using a diverse range of native tree species.

The program shall, where appropriate, address the following non-exhaustive components:

1. the creation of mangroves, the enhancement of tree and shrub cover, or the extension of existing mangroves;
2. the expansion or enhancement of tree and shrub cover in existing oases and the creation or strengthening of vegetative barriers against desertification;
3. plantings designed to counter erosion along seashores, riverbanks, and slopes, while maintaining in their natural state a minimum number of biologically representative dune sites;
4. the creation of buffer zones around industrial areas and around industrial facilities and buildings that are poorly integrated into the landscape;
5. the progressive reforestation of fills and excavated areas associated with waste storage, mines, mining sites, and quarries, vacant lots, brownfields, or heathlands not protected on account of their natural value;
6. the reforestation of surplus grazing land;
7. the creation of urban or peri-urban parks, woodlands, or orchards;
8. the planting of windbreaks or tall hedgerows to reduce prevailing winds, particularly in agricultural areas;
9. planting along roads and in parking areas;
10. planting, including on a temporary basis, on all surplus public land.

§ 2

The draft program shall be submitted to the Standing Committee and to neighboring States likely to be directly affected, following an environmental impact assessment and a public inquiry, so that the State Party may adopt the replanting program within two years after publication of the draft.

§ 3

The State Party shall mobilize all available human, institutional, and material resources to implement the program. It shall monitor the care provided to the new plantings so that they are not harmed by drought, grazing, or unauthorized felling.

§ 4

As an interim protective measure, the State Party may carry out plantings before the plan referred to in paragraph 2 enters into force.

Agroforestry

Article 10

Where the land is suitable, agroforestry shall either be required of professional farmers within five years after this Convention enters into force in the territory concerned or be promoted through subsidies or tax incentives.

Protection, Management, and Exploitation of Forests

Article 11

§ 1

No later than three years after this Convention enters into force for it, each State Party shall subject its forestry legislation to an environmental impact assessment. Following a public inquiry, the findings of the assessment shall be used to improve that legislation in light of the criterion of forest sustainability.

§ 2

Each State Party shall identify, in a cartographic document, all contiguous forests exceeding one hectare that are designated for forestry operations. Forestry operations shall be prohibited outside those areas.

§ 3

A State Party shall not sell forests or grant rights to exploit them to foreign public or private legal persons:

1. without a call for tenders; or
2. without consultation of the population and local authorities.

Such a sale or concession shall be prohibited where the State under whose law the public or private legal person seeking the purchase or concession is constituted has not ratified this Convention.

§ 4

Where a concession grants the right to exploit a forest for forestry, mining, petroleum, or other purposes, the State Party shall require the selected concessionaire to provide adequate financial security sufficient to cover any failure to comply with the operating specifications. Those specifications shall be established following an environmental impact assessment.

Compensation shall be paid in advance to Indigenous peoples where the concession referred to in the preceding paragraph is likely to adversely affect their rights, environment, or way of life.

Article 12

§ 1

Each State Party shall, without delay, impose a moratorium of at least thirty years on forestry operations in primary forests. The moratorium shall also apply to the hunting or capture of native wild animals associated with those forests and to the construction of roads open to motor vehicles.

During this period, two independent university institutions shall carry out, over a period of at least fifteen years, a biological inventory of any primary forest areas in which the State Party might contemplate resuming forestry operations after the moratorium.

Because this measure serves an overriding global interest, no compensation shall be payable to operators unless the State Party enacts legislation after signing the Convention that provides otherwise.

§ 2

On the recommendation of the Committee of Experts, the Executive Committee or the Standing Committee may refer the matter to the United Nations Security Council, requesting it to exercise its powers to halt forestry operations in all or part of a primary forest or to restrict the manner in which such operations are conducted, whether with respect to non-Parties or to a Party and, in the latter case, without prejudice to the other means of dispute settlement provided for in this Convention.

§ 3

Any violation, whether committed directly or indirectly through passive acquiescence, of paragraph 2 or of a decision of the United Nations Security Council adopted pursuant to paragraph 2 shall constitute a crime against humanity.

§ 4

The intentional destruction of primary forests, protection forests, or parts thereof, or of any other forest over an area exceeding one thousand hectares, as well as intentional damage to such forests in the context of an armed conflict or acts of terrorism, shall constitute a war crime.

Article 13

§ 1

States Parties exposed to forest fires shall expand or modernize their firefighting and fire-prevention capacity within four years after this Convention enters into force for them.

They shall inform the Standing Committee of the measures taken pursuant to the preceding paragraph.

Where a fire has destroyed more than 5 hectares of forest, the landowners shall reforest the affected areas, beginning with the slopes, within two years after the fire has been extinguished.

States Parties shall assist one another in the event of a forest fire. If the State receiving assistance disputes the financial contribution claimed by the assisting State, the Standing Committee may decide the dispute with final and binding effect, after obtaining the opinion of the Committee of Experts, under a procedure established by the Executive Committee that affords both States an opportunity to be heard.

§ 2

Measures concerning the management and protection of primary forests shared by several States Parties and contemplated by or within a State Party shall first be considered through consultations within an ad hoc Transboundary Committee composed of one representative of the Executive Committee and one representative of each State Party concerned.

Each delegate shall have one vote on the ad hoc Transboundary Committee. Representatives of the Indigenous peoples living in the relevant part of the forest and a delegation of the Committee of Experts shall be invited to participate, at a minimum, in an advisory capacity.

The Executive Committee shall convene the first meeting of the ad hoc Transboundary Committee. The Transboundary Committee shall adopt its rules of procedure by an absolute majority of the votes cast.

By a two-thirds majority, the Transboundary Committee may veto the proposed management measure until an environmental impact assessment has been completed. By the same majority, it shall determine the scope of the assessment and the entity responsible for conducting it.

§ 3

Where a State Party contemplates any exploitation, management, or protection measure in another transboundary forest, it shall consult the other States Parties concerned.

The Standing Committee may establish the consultation procedure by an absolute majority of the votes cast.

Inter-State Cooperation

Article 14

The Parties shall cooperate as appropriate and coordinate the exchange of their experience and research related to the purposes of this Convention.

Right of the Parties to Adopt More Stringent Measures

Article 15

§ 1

The Parties may adopt measures for the protection of trees that are more stringent than those provided for in this Convention.

Certain trees considered remarkable by reason of their age, appearance, ecological importance, rarity, or history may, in particular, be subject to stricter protection designed to preserve the integrity of their form and habitat, including the soil within the area beneath the projection of their crown and the landscape heritage to which they contribute.

Threatened, endangered, or vulnerable tree species may be subject to additional measures under nature-conservation law that are more stringent than those provided for in this Convention.

§ 2

This Convention shall not prejudice more stringent provisions contained in other international conventions.

Training and Public Information Measures

Article 16

§ 1

Each State Party shall ensure that the public is informed of the content of this Convention and of the rules adopted to implement it.

§ 2

Each State Party shall ensure that this Convention is addressed in school curricula. General biology courses shall cover the importance of trees and their protection.

§ 3

A sufficient number of public officials shall be trained and assigned to protect trees and monitor the measures implementing this Convention.

Derogations

Article 17

A State Party may adopt regulatory derogations applicable within a clearly defined territory for the purposes of nature conservation. It may likewise do so where absolutely necessary to serve an overriding public interest, for a period not exceeding one year.

Each derogation shall identify the authority empowered to activate or implement it and shall specify the measures for monitoring its proper implementation.

The Standing Committee shall be informed of each derogation without delay.

Implementation and Enforcement

Article 18

§ 1

The implementation of this Convention is a matter of common concern. Citizens and environmental nongovernmental organizations shall have access to relevant information held by the authorities of the State Party.

§ 2

Any environmental nongovernmental organization, irrespective of the national law under which it was established, and any national of the State concerned may bring proceedings before the courts of that State in the event of an actual or threatened violation of measures implementing this Convention, noncompliance with or failure to implement this Convention, or a violation of any applicable rule of national or international law protecting trees, without prejudice to the possibility of referring the matter to the Standing Committee.

Article 19

§ 1

For the purposes of this Convention, a Standing Committee is hereby established.

Each Party may be represented on the Standing Committee by one delegate, who shall have one vote and may be accompanied by experts.

The Standing Committee may grant observer status to environmental nongovernmental organizations.

It shall determine the contributions due from each Party for the proper functioning of the Convention.

It shall appoint from among its members a three-member Executive Committee responsible for day-to-day administration.

It shall adopt its rules of procedure by an absolute majority.

It shall establish a Committee of Experts.

§ 2

The Standing Committee shall monitor the implementation of this Convention. It may, in particular:

- consider any amendments to the Convention that may be necessary;
- make recommendations to the Parties;
- make findings of noncompliance by a Party on the basis of a report by the Committee of Experts.

Organizations granted observer status may bring any alleged violation of the Convention to the attention of the Standing Committee. The Standing Committee shall, as appropriate, facilitate the amicable settlement of any difficulty arising from the implementation of the Convention and the amicable resolution of any complaint.

Where disagreements persist, it shall propose the establishment of an arbitral tribunal.

If no agreement is reached on the establishment of such an arbitral tribunal, the International Court of Justice shall have jurisdiction. Proceedings may be instituted by any Party to this Convention or by the Executive Committee.

Article 19 bis - Consultative Mechanisms and Assemblies of the Tree

The Parties recognize the value of consultative, scientific, civic, and territorial mechanisms designed to support the progressive implementation of the principles of this Convention.

To that end, in accordance with their domestic law and territorial contexts, the Parties may promote the establishment or recognition of Assemblies of the Tree at the local or national level as forums for dialogue, reflection, participation, and informed proposals.

Such Assemblies shall not replace either the competent authorities or the Standing Committee established under this Convention, nor shall they constitute a condition for the entry into force or implementation of this Convention. They shall facilitate the exchange and dissemination of knowledge, field experience, observations submitted by citizens, and scientific, legal, cultural, and local or regional contributions, with a view to informing public decision-making concerning the effective protection of trees.

Procedural Provisions

Article 20

Any Party may propose an amendment to this Convention by submitting it to the Standing Committee.

Adoption of the amendment shall require the approval of two thirds of the Parties.

The amendment shall enter into force on the thirtieth day after the date on which the required majority is reached. The Standing Committee shall notify the Parties accordingly.

Article 21

This Convention shall be open for signature by any State recognized by the General Assembly of the United Nations. It may also be signed by any international organization competent in environmental matters.

Article 22

At the time of signature or of deposit of its instrument of ratification, acceptance, approval, or accession, any State may designate one or more territories to which this Convention shall not apply and may formulate reservations with respect to certain provisions of the Convention.

Article 23

Any Party may denounce this Convention at any time by notifying the Standing Committee. The denunciation shall take effect one year after receipt of the notification.

Article 24

This Convention shall enter into force upon the deposit with the Secretary-General of the United Nations of instruments of ratification, acceptance, approval, or accession by ten States.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Convention.

Draft Convention prepared by Maître Alain Lebrun, a Belgian lawyer specializing in environmental law, Guardian of the Law Branch and Honorary Vice-President of La Compagnie des Papillons Bleus.