

## (Natural) History in the Making:

### Ecuador and U.S. Communities Recognize Nature has Rights

What if the Amazon forest could sue the Chevron corporation for the removal of every oil rig, and the complete restoration of the ecosystem? What if a river had recognizable rights to thrive, flourish and evolve?

On September 28, in adopting their new constitution by a national vote, Ecuador became the first nation in the world to legally define nature not as property, but as a rights bearing entity. Article 1 of the “Rights for Nature” chapter of Ecuador’s constitution reads: “Nature or Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution. Every person, people, community or nationality, will be able to demand the recognitions of rights for nature before the public bodies.”

If a river has a natural right to flow, then the question is, why does people-made law get to determine if it can be forever polluted, overfished or dewatered in order to bend to our short sighted needs? Do we see ourselves as part of nature, or above it?

Our current legal system says nature is human property. Once upon a time the Arkansas legislature passed a law saying the Arkansas River could rise no higher than the Main Street Bridge in Little Rock. In California, animals could not mate publicly within 1,500 feet of a tavern, school, or church. Clearly antiquated and absurd, yet fast-forward to today, where crowds of voters lustily chant, “Drill baby, drill!” as a viable solution to the energy crisis. Is it any more reasonable or logical to suggest that land ownership in Amazonia conveys with it the right to clear-cut the forest, the “lungs” of the western Hemisphere?

Environmental protection has been largely left to a regulatory regime, which determines how much human or corporate harm is legal—not what harms are forbidden. Supposedly this should keep us from ruining the planet. Yet you don’t have to



*Amazonia: No longer a slave to corporations?*

be an expert in toxic parts-per-million to see that despite thousands of hard-fought environmental campaigns—which have thankfully slowed the destruction—by virtually every indicator of planetary health, nature is telling us we’ve exceeded the limits, and the system “regulating” our destructive behavior is failing miserably.

In perhaps the most surprising twist in Ecuador’s environmental transformation, the idea to adopt laws changing the status of ecosystems came from a handful of local communities—here in the United States.

## Seeking a Paradigm Shift?

### Come to Democracy School!

Global Exchange brings the famous Daniel Pennock Democracy School, created by the Community Environmental Legal Defense Fund to California! Now taught in 23 states, this empowering weekend-long training teaches dramatic new ways of confronting the power and rights used by corporations to deny the rights of people and nature. Communities across the country have utilized these lessons to stop working defensively against corporate harms and take courageous action to assert their rights to make governing decisions where they live.

### 2009 Democracy Schools in San Francisco:

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Attend or host a school where you live, or learn more! Contact Shannon Biggs:  
Shannon@globalexchange.org or 415.575.5540

Global Exchange's partner, the Community Environmental Legal Defense Fund (CELDF) has pioneered rights-based work in the U.S. CELDF has assisted over 120 communities to pass cutting-edge local laws that not only assert the rights of residents to make key decisions where they live (like banning unwanted corporate assaults), but deny and invalidate the Constitutional "rights" claimed for corporations by their lawyers. A dozen communities in Pennsylvania, New Hampshire and Virginia have included provisions in local laws that recognize the Rights of Nature.

Tamaqua Borough, PA (population 7,000) was the first. "We were looking to stop sewage sludge and other corporate waste from being dumped on us. Recognizing the rights of nature seemed to make a lot of sense in order to protect our community," says Borough Council Member, Cathy Miorelli. "We weren't really aware at the time that it was a first, or that it was a big deal. I guess I just didn't think something we'd be doing in little Tamaqua would have such global implications."

But what the people of Tamaqua started has indeed now gone global. CELDF was the only delegation from the United States permitted to participate in the Ecuadorian Constitutional Assembly process. As CELDF's Mari Margil stated, "We briefed the Delegates on our work in the U.S., telling them about local communities facing mining, sludging, and other threats, who we worked with to draft



local laws recognizing Rights of Nature. The Delegates asked us to develop draft constitutional provisions based on these local laws."

GX partners with CELDF to assist communities in California (and elsewhere) to assert our undeniable, inalienable rights to make decisions about the place where we live. These communities are boldly challenging policy decisions made by politicians, agencies and corporations who don't have to live with the results, and only see our local ecosystems as "resources."

We are working with Nevada City, CA where residents face destructive large-scale gold mining, resort development, and water withdrawal. Recognizing nature's rights offers new protections,

says resident Debra Weistar: "There is still a "gold rush" mentality here [in the Sierra Nevada Mountains] that implies that there are riches for the taking. Ecuador is leading the way on a national level. I can follow and emulate that model to help my own community." Following the forced aerial spraying of untested pesticides by the State and its corporate partners, Santa Cruz and Monterey CA asked us to assist them to draft and pass rights-based local control ordinances around large-scale pesticide application. These ordinances also include provisions for nature.

For any of us to truly have rights, and to forge a new relationship between people and the world we live in, the community of living things must have inalienable rights.

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*Motivate*

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