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Rights & Wrongs

by Jan Edwards



Nature's Rights

"Nature...has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution." —From Ecuador's proposed Constitution

As President Bush calls for offshore oil drilling, and the oil industry wreaks environmental havoc squeezing the last ounces of oil out of the planet, Ecuador makes a bold move to protect the Amazon rainforest from complete devastation by the oil corporations. Three times as much oil has been spilled in the Ecuadorian Amazon since production began in the 1970s than the Exxon Valdez spread across Prince Williams Sound. Volatile pools of oily detritus leach into the jungle ecology spreading cancer and disease amongst the inhabitants. Originally, production was limited by the single pipeline that carried the oil over the Andes to ports on the Pacific

Ocean. Now a second pipeline has been opened up and new oil extraction threatens to spread into totally pristine areas of the Amazon jungle.

On July 7, 2008, the Ecuador Constitutional Assembly—composed of 130 delegates elected countrywide to rewrite the country's Constitution—voted to approve articles for the new constitution recognizing rights for nature and ecosystems. The new constitution will be put to a popular vote and, if passed, Ecuador will become the first country in the world to shift to Rights-Based Environmental Protection. Under these provisions, if a project or development threatens the ability of ecosystems to exist and flourish, it would violate the rights of nature.

Ecuador faces enormous pressure to develop its oil and other resources. As South America's fifth largest oil producer, Ecuador is dependent on its petroleum resources, which account for more than half of the country's export earnings and one-fourth of public sector revenues.

The people and government of Ecuador have been engaged for years in finding ways to protect their environment. The rise of a powerful indigenous movement closely connected with nature has been an important part of this phenomenon. They have even sought to have the international community pay the country to keep the oil in the ground to protect the fragile rainforest ecosystem from the rampages of the drilling industry. The idea of establishing ecosystem rights resonated with the Constitutional Assembly Delegates, including Assembly President Alberto Acosta, former Energy Minister for Ecuador.

They invited the Pennsylvania-based Community Environmental Legal Defense Fund (CELDF) to brief the Constitutional Assembly on CELDF's work assisting local

communities to draft and adopt laws recognizing legally enforceable "rights of nature". CELDF associates presented their work to delegates one-on-one and at their committee meetings. The delegates then asked CELDF to draft provisions for the new constitution based on the local ordinances developed for municipalities in the United States.

"We received many questions from delegates about how to protect an area in the Ecuadorian Amazon, which is part of the Yasuni National Park. There are significant oil resources there in the Ishpingo-Tiputini-Tambococho oil fields, known as the ITT," explained Mari Margil, Associate Director of CELDF. "The ITT and the rights of nature are integrally linked. Drilling in the ITT will decimate ecosystems there. If rights of nature are approved in the final constitution, citizens will be able to go to court to uphold the rights of the rainforest against the efforts to drill the ITT."

The Ecuadorian people are deeply connected with the land, and understand that protecting their environment makes long-term sense ecologically and economically. "As Ecuador is writing a new constitution, there is a strong interest in moving beyond the environmental laws that they have in place now that do little to actually protect ecosystems in the Amazon or elsewhere in the country," said Margil. "Ecuador is now leading the way for countries around the world to make this necessary and fundamental change in how we protect nature."

Find out more about *Rights for Nature and Ecuador's Constitution* at www.celdf.org

Jan Edwards is the creator of the "Tapestry of the Commons" which is online at www.thealliancefordemocracy.org. She is a member of the Redwood Coast Chapter of the AFD.