

# Recognizing Rights for Nature in the Ecuadorian Constitution

Fundación Pachamama

## 1. Introduction

The experience on the territorial defense of the national origins and the amazonian peoples of Ecuador has been greatly rich in the last decade. Thanks to a set of legal and political strategies based on human rights, the Shuar, Achuar nationalities and the Kichwa People from Sarayaku in the south-central part of the Ecuadorian Amazon Region have accomplished to stop the eagerness of different governments and transnational companies from turning the extraordinarily biodiverse forests, which constitute their ancestral territory, into oil fields. At the north of the Amazon Region, the communities affected by Texaco oil company have withstood a legal struggle for nearly twenty years searching for the redemption of their rights against an irrational and abusive exploitation of the natural resources.

These experiences have left important lessons to their leading characters and the supportive organizations, showing that the legal tools, used with political criteria are efficient for the defense of the territories and life.

However, in the past few years, the environmental crisis caused by the climate change has severely gotten worse and the debate concerning the required decision-making at global and national levels has become compelling in order to adapt it to the changes and mitigate their impacts.

Within that context, Fundación Pachamama, an organization that has supported the territorial defense and the rights of the amazonian peoples, has felt the need to explore new alternatives of incidence in the public policy, based on new paradigms which may provide more effective nature-oriented defense tools against activities that bring about contamination and climate change.

In early 2007, the juncture in Ecuador was favourable; the constituent process broke off and the society showed the yearning for deep changes in all the stages of the national life. In order to identify a set of proposals that, once they are submitted to the Constituent Assembly, may unleash essential debates towards a broader and deeper protection of our common home, a search for consensus began amongst several sectors of the society which throughout the years had accumulated knowledge and experiences with respect to the defense of the nature.

It was understood that the pursued goal concurred with the other social sectors; amongst them, the indigenous movement (as the logic of acknowledging the rights of the nature is intrinsic to their worldvision), and specially, the environmental movement. A dialogue process was started up with these sectors seeking joint objectives of political incidence, achieving thus, the outline of an agenda of incidence to be submitted to the Constituent Assembly of which final goal was the constitutional recognition of the rights of the nature.

## 2. Conceptual-theoretical framework that guided the experience

The opening of a constituent process gives rise to an opportunity for the society to stress on the adoption of a higher regulatory framework reflecting its major collective aspirations so as to face the challenges that the historical moment puts forward.

The Constitution of 1998 expressed the country vision proposed by the different political and social sectors that participated and had an effect on its creation process, a country that was recognized as pluricultural and which in the framework of a socially-oriented market

economy, guaranteed an important set of rights to the different sectors of the society: the women, the vulnerable groups, the indigenous people and the consumers. With respect to the environmental aspect, it was a Constitution that sought to concrete the paradigm of the environmentally sustainable development through a decentralized environmental management system, which would make possible the conciliation between conservation and development, recognizing thus, the right to a healthy environment. As for the political aspect, the rule of law was sustained on the division of powers and a regime of parties that provided continuity to the provisions set forth in the Constitution of 1979.

Upon a troubled decade of validity, the ideological and institutional model that the Constitution proposed fell into a deep crisis. The regime of parties had shown an incompetence to guarantee the democratic participation and to uphold the rule of law. The paradigm of the sustainable development was pointed out worldwide as inefficient to orientate a rational management of the natural resources, and therefore, to stop the environmental deterioration caused by the climate change. The citizens' rights, in addition to being insufficient for the full guarantee of the human dignity, were being fulfilled deficiently.

The National Government assumed the proposal of a new constituent process, emerged from different social sectors, that would enable a broad participation of the citizens who had shown with their mobilization in 2005, the need of deep institutional changes in the elaboration of an actually cutting-edge constitutional text.

Several social sectors joined the constituent process with agenda created during the construction years. Hence, for instance, the indigenous movement bore the proposal of plurinationality and the deepening of the collective rights, as their flag of fight. The environmental movement had prepared important constitutional proposals of environmental kind in the heart of organizations such as the Ecuadorian Coordinator of Organizations for the Advocacy of the Nature and the Environment (CEDENMA) and within an Environmental National Assembly convened collectively, and this is how it reached Montecristi, with a constitutional proposal for all the environmental edges and sectors. Notwithstanding its advanced proposals, these did not mean a transformation of paradigms nor a qualitative change in the relationship between the human beings and the nature.

In that context, the dialogue maintained between the different organizations and the persons linked to the environmental advocacy in Ecuador and several parts of the world allowed to identify the proposal of recognizing rights to the nature. Said proposal entailed enough foundations and audacity so as to promote a debate in the heart of the Assembly and the society in regard to the convenience of changing our vision of the nature and our relationship with it.

Nature is our mother. That is an evident truth in the worldview of many traditional and indigenous peoples around the world, who consider it not as *something* that can be owned and exploited, but as *someone* who procreates, nourishes and embraces us and with whom we establish special relations of spiritual nature.

A proposal was made for the new Constitution to change the prevailing vision about the nature, conceiving it as a subject with legally exigible rights, and not subject to economic interests coming from human beings, but to be conceived as the factor *sine qua non* for the subsistence of all mankind, as we are part of the nature itself and this is the only environment that provides us with everything we need to live.

We believe that making such a radical proposal was not only legitimate provided that the exercise of the right to participate is not limited in this aspect, but also because the severity of the environmental crisis required and still requires ground-breaking responses that may push the debate forward.

The proposal of recognizing the rights to the nature converged with several other proposals emerged from different sectors. One of these was the plurinationality, since the recognition of Ecuador as a diverse State, in which heart coexist several nationalities on an equal footing, opens the door to theoretical and ideological ideas arisen from the indigenous nationalities. The primary idea is watching nature or the Pachamama as part of a relationship of mutual respect in which the earth is part of the human being and viceversa (Pacari, 2009). Another coherent proposal was the general orientation of the development processes toward *Sumak Kawsay's* idea, the right living or the life to the fullest.

These three categories: Plurinationality, Sumak Kawsay and the Rights of the Nature comprise the three pillars put forward by the country project, and proposed by the bio-centered Constitution of 2008.

Upon building-in the rights of the nature in the Ecuadorian Constitution and recognizing them after the approving referendum, its content democratized as it gathers the vision and interest of a very important sector of the national population: the indigenous people, which has been historically ignored. The recognition of these rights is an additional tool to protecting the indigenous communities affected by the imposition of corporate financial interests. Since such interests tend to impose themselves against the collective and the individuals' rights, joining together the human rights with the rights of the nature will serve to protect the interests of these communities more effectively.

### **3. Presentation of the experience**

3.1. Origins of the experience, organizational features of the stakeholders involved in the experience, characteristics of the research used, objectives of the joint work proposed by the stakeholders and the way these emerged.

The determinant factor for the proposal of recognizing the rights to the nature within the Ecuadorian constituent process arose from the concern over the environmental deterioration and the global warming as well as the theoretical and empirical confirmation that the extraction-based economic model implemented in Ecuador since the decade of the seventies had not contributed to the solution of the severe problems concerning poverty and social exclusion that the Ecuadorian society suffers from. On the contrary, this became worse, with the complication of the effects of the environmental contamination and the creation of socio-environmental conflicts.

That understanding led Fundación Pachamama in 2006, at the doors of the constituent process, to contacting people and organizations in Ecuador and several parts of the world so as to brainstorm about the front-line initiatives they could foster within a new constitutional text, a development vision for the country to overcome the extration-driven activities and promote a more harmonic relationship between the human beings and the nature.

Several scholars and professionals have already put forward theoretical approaches in regard to the recognition of the rights of the nature, among them, the Chilean Godofredo Stutzin, through his article "El Imperativo Ecológico" (The Ecological Priority); the North American Christopher Stone, through his article "Should Trees Have Standing?"; the Colombian, Ciro Angarita, through his manuscripts; the North American, Thomas Linzey through his work with the Community Environmental Legal Defense Fund (CLDF); and the South African, Cormac Cullinan, who in his book "Wild Law" accuses the legal system itself for acting in detriment of the nature.

The search for the redemption of the nature is inspired and fed by the intensive struggles that the indigenous movement undertook for the redemption of their rights. Throughout the past

decade, the indigenous found support in academic areas, non-governmental organizations and social networks. Likewise, reflections from ecological organizations and experts who found in the indigenous worldview an important ideological basis to settle their proposals to conserve nature, accompany them.

Similarly, before the evidences of the terrible ecological impact caused by the operations of the extracting companies of non-renewable resources, certain political sectors who desired a change in the production structures so as to improve the life conditions for the broad majorities, were lobbying so that inside the Assembly the exporting primary development vision may switch to a sustainable development that avails the comparative advantages.

The contribution of experiences from other parts of the world were so relevant at the time of outlining a proposal of political incidence in the Constituent Assembly of which subject matter would be the recognition of the nature as a subject of rights. For the foundation and boost of this growing initiative, an intensive research at theoretical and empirical levels was carried out.

Thomas Linzey was contacted, he is a member of CELDF who had began the legal process for the recognition of the rights of the nature in the local ordinances of a few communities in the United States.

The work carried out by CELDF was based on the work of the South African Cormac Cullinan, who through his book "Wild Law", achieved the recognition of the rights of the marine ecosystems in the South African Constitution. Cullinan coined the term *Wild Law* and he sustains that a Wild Law made by the people, must regulate the human behavior, favoring the maintenance of the integrity and operation of the Community of the Earth as a whole and in the long term, over the interests of any species, including the human species, at a certain time. So, this is about balancing the rights and responsibilities of the human beings before other members of the community in the natural environment, in order to safeguard the rights of all the community members.

Therefore, Fundación Pachamama (since 1997) and several other stakeholders of the environmental movement have supported and accompanied the indigenous organizations of the Amazon region in the defense and redemption of their territories and collective rights as an exercise of their self-determination, providing these organizations with the required experience, legitimacy and positioning to assume an audible and pro-positive voice in the promotion of this initiative.

Throughout December 2006 and January 2007, work meetings were held by and comprised of political stakeholders, indigenous leaders, academics and members of environmental organizations with the purpose of enhancing the proposal. This is due to a special mention, during the opening, displayed by the President of the Assembly at that time and his main advisor, who upon drawing similar conclusions with respect to the imperious need of changing the paradigms, converged in the initiative with great commitment and determination to accomplish this recognition.

The dissemination campaign of the proposal started up with a kickoff meeting held with the Council of Broaden Government of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), gathered on February 25, 2008 in the city of Manta in order to outline their own strategies before the Assembly. The assumption of the proposal made by the CONAIE was prompt and their commitment with it was enormous. Nearly 100 leaders gathered in that occasion, and they found inconceivable that the Pachamama had no rights up to that moment, as this collided with the indigenous worldview based on a harmonic coexistence with the nature.

This worldview, based on the principle of respect to the nature, enhanced and legitimated even more the proposal. It was the main logic upon the theoretical proposals around the issue of the reality of Ecuador. We influenced to convince the Assembly people about the need of incorporating the proposal in order to democratize the Constitution, as the indigenous worldview is shared by a significant percentage of the Ecuadorian population whose thoughts are collected very few times in occidental instruments such as the legal system.

During the outlining period of the proposal, some adverse or at least, skeptical positions arose in regard to it. As for the legal aspect, where the debate was harder due to the difficulty that the rupture of traditional paradigms poses, the discussions focused on theoretical-practical foundations about the viability or functionality to recognize the nature constitutionally as a subject of rights. They also focused on different historical evidence of the evolution of the rights, such as the recognition of the rights for the slaves, political and civil rights for the women and collective rights for the indigenous, standing out its implications for the case. From the economic perspective, a new development model approach was considered.

At least at the beginning, some members of the environmental organizations were reluctant to supporting the proposal. They considered that starting up a debate about such a radical idea could close the doors to other environmental proposals, which although they are more moderate, they could have more possibilities to be incorporated in the Constitution. Nevertheless, they began to give in before this ground-breaking and transforming proposal, appreciating thus, the strengthening of the environmental proposals which accounted for the need of change and which offered a historical opportunity for such a megadiverse and unique country like Ecuador.

They tried to establish dialogue and interlocution settings with all the sectors concerned about the proposal and the implications thereof. Many of the doubts were cleared up and as the proposal moved forward in the discussions of the Assembly, many of those sectors kept joining. Of course, several positions openly opposed to the proposal are still there. Before these, the promoters of the proposal have kept a position of respect and opening to the dialogue, acknowledging thus, the validity of disagreement.

### 3.2. Stages of the public policy processes in which Fundación Pachamama had an influence; and results of the interaction.

The campaign within the Assembly and intended for the civil society had as an essential goal the welcoming of the proposal for the constitutional recognition of the rights of the nature by the National Constituent Assembly. The historical days of their achievements were April 10, when article 10 was sanctioned and June 7 when articles 71-74 were sanctioned by majority.

The incidence work within the Assembly was carried out in a set of stages which built up the obtained results. The thorough work developed during the constituent process led to an enormous deployment at all levels. For the commencement of the campaign we established a point of connection with ECOLEX, a non governmental organization that supports their work on the legal defense of the ecosystems. At the time, the CEDENMA was in charge of the the presidency and through it, the Environmental National Assembly.

With the coordination of CEDENMA, and several members from the board of directors, we were able to articulate a minimum team to further the initiative from agreements on common aspects. A technical-political team assisted the process during the discussions and debates of the Assembly, by documenting the meetings, socializing the issue with the press and elaborating audio-visual material for the defense of the initiative. In order to promote the subject on the rights of the nature and to inform the citizens about this matter, a socialization campaign of the rights of the nature took place in the traditional media: television, radio and printed press, as well as by alternative means such as theater, puppets, movies and videos.

This work counted on the invaluable support of the theater group “Las Marujitas”, with whom we set up a play, and advertising spots were developed and delivered for free to all radio stations.

In the first stage, Fundación Pachamama invited Thomas Linzey and Mari Margil, associate director of CELDF, to come to Ecuador to visit the Constituent Assembly in Montecristi and to tell his story. This occurred on February 26, 2007, during a breakfast meeting for all the Assembly people during which, the guests and members of the technical team of the campaign shared their experiences and arguments in defense of the proposal of the rights of the nature. The lobbying in this occasion was complex and it brought about an arduous argument to keep adding more followers. Furthermore, we visited some of the working groups involved with this issue, among them, the working group on rights, on natural resources, development and sovereignty. Formal dialogues have been held with Alberto Acosta and Aminta Buenaño.

Following this series of meetings, an encounter with environmentalist attorneys was set up in the city of Quito with the purpose of discussing the text proposed to the Constituent National Assembly for the recognition of the rights of the nature. Several contributions as well as the doubts and objections about the viability of the proposal were debated in said meeting.

The work on the advocacy of the legal arguments that support the proposal in the discussions with Assembly people and advisors and in the working groups within the Assembly, comprises another moment of great importance in the incidence campaign. Similarly, the lobbying for the opening of spaces to discuss the initiative inside and outside the Constituent National Assembly was carried out, creating a favourable atmosphere for the support of the public opinion, for which purpose, conferences, lectures and explanatory expositions were set up.

Little by little we achieved the support from the Government’s political party as well as other parties and social movements with representation in the Assembly. The Assemblyman Norman Wray, with whom we had the first dialogues over the issue, proposed the discussion of the proposal in the Plenary session of the Assembly where he explained the theoretical and the legal foundation as well as the practical effects that the constitutional incorporation of the rights of the nature entails, both, economically and socially.

Advice was provided for the elaboration of several drafts of the text on the rights of the nature. On April 10, 2007, we accomplished the embracement of the proposal in the Plenary session of the Constituent Assembly, approving it with 91 votes out of 130 votes. On July 7, 2007, all the articles containing the recognition of the rights of the nature and its supports were debated.

Finally, four articles were included in Chapter VII of the Title II of the new Ecuadorian Constitution.

Nevertheless, the results are still incomplete. We are aware that the constitutional recognition of the rights of the nature is only the first step to accomplish an effective consolidation of the perspectives for the environmental protection and the guarantee of the full human rights. It is important to keep working on massive dissemination campaigns about what we intend to do, so as to foster projects for the legal and institutional development of the rights of the nature, constitutionally recognized, and to keep ourselves on alert to report any attempt of contempt of said rights.

A draft of secondary laws for the rights of the nature is already prepared by a joint of environmentalist organizations and indigenous groups. This document is undergoing a socialization stage so as to be submitted to the National Assembly as an ordinary law

proposal of the civil society. There are several cases that strengthen their social and environmental demands with the argument of guaranteeing the rights of the nature, specially through mechanisms such as the green lines, namely, a telephone number where any kind of environmental offense against the communities or the nature can be reported.

#### **4. Assessment of the experience: Lessons Learned**

**a.** The reality of Ecuador in 2006 gave rise to an appropriate environment for the formulation of front-line constitutional proposals that may bring about changes in the conceptualization of the relationships between the human beings and the nature. The elements produced by the public opinion and the constituent political will in favor of a change came from a high percentage of the population living in poverty, a constant disdain of the indigenous rights (manifested in the exclusion and isolation of these sectors), a serious institutional crisis, the environmental degradation due to contamination, deforestation, illegal fishery and other conditions of the same nature within such a unique and biodiverse country as Ecuador.

The lesson that the process leave us is that the viability of a proposal depends on the existence of adequate relevant circumstances and the political will both of the politicians and the key stakeholders of the civil society to break off the paradigms, even when the new ones may seem impossible at first sight, and no previous successful examples may exist to serve as a guide.

Part of the incidence job is to be sensitive to the situations so as to modulate the radical nature of the proposals, making them viable upon discussion, theoretical support, prior experiences, and according to the relevance of the reality of the country or sector.

**b.** Perhaps, the most important lesson of the process has been to appreciate the importance of a persistent and thorough job in order to add favourable voices that may resound in the ears of those responsible for the decision-making (in this case, the assembly people). It was necessary to cause a favourable environment for the proposal through different stakeholders who manifested in favor of the proposal from different standpoints. Furthermore, counting on key allied actors was essential, such as pro-positive leading assembly people, the president of the Constituent Assembly himself, and the leaders of opinion as well as those well-recognized by the civil society. All this influenced positively so that the assembly people can seek gradually, the viability of such a radical proposal, as we emphasized constantly how this proposal suited perfectly to the reality of our country.

**c.** We also appreciate the importance of being able to work with a strong argumentative-theoretical support of the idea, which made possible to support the convenience of adopting the submitted proposal. A proposal that entails significant legal changes gives rise to resistance and debates. We had to turn to a strong argument in order to sustain it throughout the debate and to keep gaining grounds, so, the study on the international experiences played a relevant role in the process.

**d.** The keystone of the field work in the settings of the National Assembly was the set-up of a team of spokespersons who spreaded the ideas as a well-structured proposal. The seriousness of the presentation and the arguments gained the confidence of some key assembly people who did not hesitate to request for advice at the moment of drawing up the different texts that were debated in regard to the rights of the nature.

#### **5. General Conclusions**

The process of recognizing that Nature is a rights-bearing subject was a though one. Many corporative interests did not agree with this great evolution of law. Such opposition was even

raised by using existing legal dogmas. Having achieved our objective, the current challenge is its application, that is, to transform Nature rights into a useful tool through their application. We will need that secondary laws shed light about the hardcore (the minimum requirements) of these rights and about the procedural mechanisms for its most efficient action, including in particular the representation of Nature. The Constitution speaks of a Defensoría del Ambiente y la Naturaleza (“Office of the Environment and Nature Ombudsman”), included in the Sistema Descentralizado de Gestión Ambiental (“Decentralized System of Environmental Management”), but they are not functioning yet.

By recognizing Nature Rights a debate is intended in order to begin a change in the development paradigm that now is based on consumption and unsustainable exponential growth, thus replacing the concept of “vivir bien (right living)” instead of “vivir mejor (better living)” Harmony between human beings and nature is an unavoidable condition for right living, together with Nature’s ability to keep its evolutionary cycles and to completely regenerate itself, provided that human activities are not aggressive enough to irreversibly destroy its ecosystems. This call to respect life also implies to consider the true relationship between human beings and Nature: humans are part of Nature, not its masters. The historical commoditization of Nature, while considering it as an infinite exploitable resource, did not allow us to ponder that any damage done to our environment is a damage done to ourselves.

On the other hand, the recognition of Nature as a rights-bearing subject is caused by an emerging paradigm of the relationship between humanity and its planetary home. Even though the said paradigm is included in old and cherished traditions of ancestral people, now it is a novelty in the political field. That is why it is a constant task to watch over the full compliance by governments of constitutional principles. These principles should not be simply acknowledged. They need to have a follow-up, together with work and pressure from social actors in order to achieve compliance of the Constitution contents, so as to break away from outdated and damaging paradigms.

## **6. Scaling and Replication Capability**

Currently, the community of environmentalist and indigenous organizations<sup>1</sup> created after this experience, in order to guarantee its results, will go on watching over and pressuring in order to achieve the compliance of rights guaranteed by the Constitution and to promote the creation of a secondary law addressed to the feasibility and consolidation of those rights.

By disseminating cases of offenses against human and Nature rights, they are attempting to drive the public opinion and to pressure government agencies in order to enforce the compliance of constitutional guarantees, and to promote its observance. By socializing more the recognition of Nature rights and also the capacity that Ecuadorian citizens now have of demanding its compliance by means of the articles included in the Constitution, we will be able to increase such recognition and to get it rooted countrywide.

Moreover, Fundación Pachamama has been working since 2009, with support from Comunidad Andina de Naciones (Andean Community of Nations - CAN), in order to promote recognition processes of Nature rights in the national legislations of the Andean Community countries, and also promoting institutions to watch over its effective compliance through participation from the civil society.

Within the framework of actions geared to achieve this end, we worked through the project “Acción con la Sociedad Civil para la Integración Andina” (Action with Civil Society for Andean Integration - SOCICAN) in order to get the integration of civil society in the Andean

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<sup>1</sup> Fundación Pachamama, ECOLEX, EcoCiencia, CONAIE, UICN, Frente de Defensa de la Amazonía, Fundación Ambiente y Sociedad, and lawyers and representatives from other organizations.

Region by means of socializing and recognizing Nature rights. Fundación Pachamama also joined Fundación GAIA Amazonas (GAIA Amazonas Foundation) from Colombia, Centro para el Desarrollo del Indígena Amazónico (Center for Development of Amazonian Indians - CEDIA) from Peru, and Fundación Herencia (Herencia Foundation) from Bolivia. We worked together making studies about the legal, political and social feasibility for the recognition of Nature rights in each country, and also in the Agenda Ambiental Andina (Andean Environmental Agenda) and in the CAN. Besides, a campaign has been performed to sensitize the Andean population about the urgency of acting to protect Nature, so that the citizens take an active role as its defenders.

The objective is then, to replicate the Ecuadorian experience in the Andean Region, where we share idiosyncrasy, indigenous conception of the world, and eco-systems such as the Andes, Amazonia and the Pacific coast. We believe that from our region we are able to make a call to the whole world about the urgency of changing the current unsustainable relationship between human beings and Nature. Such relationship is causing us to destroy the planet and the life on it, even threatening the survival of the human race.

As to scaling and international replication, the Ecuadorian Constitution is seen as an exemplary one for the world due to its cutting-edge character by recognizing, guaranteeing, developing and promoting Nature rights, moreover now that the world is more aware of the climate change effects. Even though alternative renewable energy sources are desperately searched to be used as a palliative, a radical change of worldwide policy to address the crisis is also required. The Ecuadorian experience presents, at the legal level, a model for a so much needed transformation of the relationship between humans and Nature. Otherwise, gradual world deterioration is assured. We have made a follow-up of discussions that international bodies such as the United Nations perform with the objective of developing a World Rights Declaration. It is to be based exactly in recognizing Nature rights. We are confident that the actions carried out by Ecuador will inspire these and other similar initiatives worldwide.

Since 2009, President of Bolivia Evo Morales has taken up a key role in promoting the rights of Mother Earth. Even though Ecuador proposed at the United Nations the idea of defining April 22 as Mother Earth's Day, Evo Morales is promoting the idea worldwide, mostly at the conference on climate change in Copenhagen. By means of the summoning to the World Conference of Peoples on Climate Change and Mother Earth's Rights, April 19 to 22, in Cochabamba – Bolivia, there will be a massive attendance of social groups and governments, mostly from Latin America. The very existence of such forums shows the scalability and replication potential of the Ecuadorian experience, together with an advance towards proposals such as a World Referendum on Climate Change and a Climate Justice Court that will be debated in Bolivia. We think the scaling potential would be even greater if President of Ecuador Rafael Correa assume a protagonist role like the one of his colleague Evo Morales.

In this process, social organizations play the fundamental role of driving their governments towards taking concrete decisions such as recognition at the legal level. The Ecuadorian experience and the Andean socialization were shared with Fundación Herencia. It already has a study to include Nature rights in the Constitution of its country, in agreement with its situation and political context. That study and the proposal will be delivered at the World Conference, in a panel where the organizations involved in the SOCICAN Project will also be involved. Moreover, we will be working on the Project of Universal Declaration of Mother Earth's Rights, as proposed by our partner Cormac Cullinan. This project achieves strength and tangibility that arises from the recognition of Pachamama's (Mother Earth) rights in the Ecuadorian Constitution.

In summary, the climate change and work strength of the worldwide civil society organizations, more and more interconnected through social networks, open the possibility

and create a favorable political situation for the replication of the Ecuadorian experience in recognizing Nature rights in other countries, beginning at the Andean Region and scaling into a worldwide level.

## **7. Possibilities of Political Influence**

As said before, in Ecuador the challenge is now the application and consolidation of Nature rights, thus transforming them in a useful tool that adds to and complements human rights. Citizens now have to exercise and demand the observation of all those rights. The current Constitution makes it possible, but it is necessary to reinforce it with a supporting law submitted to the Asamblea (National Assembly) as an organic law proposed by the civil society. This appears to be the next challenge in political influence.

Moreover, the social organizations have the duty of going ahead in demanding coherence between constitutional declarations, projects of law and national projects. If there is a clear breach of Nature rights, either by an activity threatening Nature, by any destruction or contamination of an ecosystem, or by any law such as Ley Minera (“Mining Law”), then the organizations should confront the government demanding respect for the Constitution. Since there is no Defensoría del Ambiente (“Nature Ombudsman”), then its creation should be demanded. So, organizations and citizens are able to denounce any breach of Nature rights before the Defensoría del Pueblo (“People’s Ombudsman”). There are already breach cases. However, it is necessary to go ahead with the process of constructing these new rights by defending emblematic cases of Nature rights violation, together with the affected communities.

An essential part of political influence is now to develop, in the social imaginary of all social groups and communities in the country, the recognition of Nature rights as a useful instrument for demanding respect for Nature and their vital cycles.

Climate change has already begun to affect those vital cycles of eco-systems. However such phenomenon is a consequence of anthropocentric processes, not a natural process.

It is necessary to identify the activities that create it, perpetuate it and worsen it, to fight off and to find alternatives. Moreover, it is necessary to recognize that the root of the problem is a development model based upon exponential growth, avid and boundless exploitation of natural resources, and the untenable prevailing consumerist model. Based on that, multiple possible activities and alternatives appear that will direct the change.

It is our duty to go ahead with the process of socialization about rights and information. Also, to work collectively with diverse actors of the national and international civil society, to send information to mass media, to influence in the public opinion, and to influence the national government and regional and international institutions, in order to create and promote public policies and alternative projects. Those projects should answer the commanding need of a new relationship between human beings and Nature, while guaranteeing the Pachamama’s rights and the lives of all members of the Earth Community.

### **Listing of interviewed persons**

- María Belén Páez                      Executive Director, Fundación Pachamama
- Natalia Greene                         Political Influence, Fundación Pachamama
- Mario Melo                              Legal Counselor, Fundación Pachamama
- Norman Wray                          Former Assemblyman and Member of Quito Municipal Council

- Dr. Carlos Larrea
- Dr. Manolo Morales

Professor, Universidad Andina Simón Bolívar  
Principal, ECOLEX