

# GLOBAL EXCHANGE

*Rather than treating nature as property under the law, rights of nature acknowledges that nature in all its life forms has the right to exist, persist, maintain and regenerate its vital cycles.*

## **SUMMARY: RIGHTS OF NATURE ACTIVIST STRATEGY SUMMIT**

**July 29-July 30, 2011 — San Francisco, CA**

### **PARTICIPANTS** (\* Indicates individuals/orgs currently working directly on Rights of Nature)

1. Anne Petermann, *Global Justice Ecology Project (GJEP)*
2. Atossa Soltani, *Amazon Watch*
3. \*Ben Price, *Community Environmental Legal Defense Fund (CELDF)*
4. \*Carleen Pickard, *Global Exchange*
5. Christie Keith, *Global Alliance for Incinerator Alternatives (GAIA)*
6. Daphne Wysham, *Institute for Policy Studies (IPS)*
7. Darcey O'Callaghan, *Food and Water Watch*
8. Janet Redman, *Sustainable Energy and Economy Network, IPS*
9. \*Kylie Nealis, *Global Exchange*
10. Leila Salazar-Lopez, *Amazon Watch*
11. \*Linda Sheehan, *California Coastkeeper Alliance*
12. Mark Levitan, *Attorney working with Native tribes/communities*
13. \*Meera Karunanathan, *Council of Canadians (Canada)*
14. Michael Leon- Guerrero, *Global Justice Alliance*
15. \*Natalia Greene, *Fundación Pachamama (Ecuador)*
16. \*Osprey Orielle Lake, *Women's Earth and Climate Caucus (WECC)*
17. \*Robin Milam. *The Global Alliance for the Rights of Nature (GARN)*
18. Rajasvini Bhansali, *International Development Exchange (IDEX)*
19. \*Shannon Biggs, *Global Exchange*
20. *Absent but part of this group:* Annie Leonard, Gopal Dayeni, Rachel Smolker

### **BROAD GOALS**

The conference was attended by a handful of activists actively engaged in Rights of Nature (RON) work at the local, national and international levels, and a larger number of experts and leaders from a broad spectrum across the climate justice movement, representing key issues and strategies including policy, Indigenous rights, REDD and market-mechanisms, water, economics, and more. Through a rigorous and rich discussion of the RON framework, the overall goals of the summit were to explore:

- Existing RON strategies from local-international levels;
- Development of a common language of what rights of nature is (and what it is not);
- RON in the context of critical work happening in the climate justice movement;
- Challenges of this framework to/from our current activism;
- New opportunities and methods for expanding this rights-based framework within the movement for climate justice.

### **FRIDAY NIGHT AGENDA**

The evening focused on the origins and conceptual framework of rights of nature work, as it currently exists. This discussion was led by Shannon Biggs and included presentations by Natalia Greene, Ben Price, Osprey Orielle Lake and Robin Milam.

- **FRAMING** *Shannon Biggs, Ben Price and Natalia Greene* each presented for 5-7 minutes answering the question: "what is rights of nature?" followed by whole group dialogue.
- **LOCAL WORK** *Ben Price* discussed the history behind CELDF's work and the first US communities to pass laws that place community and nature's rights above corporate interests. CELDF has

assisted over 125 communities to pass rights-based laws, including over 20 that recognize nature's rights. He detailed two communities in particular Tamaqua Borough PA (the first US community to pass a law recognizing RON) and Pittsburgh PA (the largest US city to pass a rights-based ordinance banning gas fracking. This included an examination of the ordinances as not just a legal strategy but an organizing strategy, and the ordinance components including the assertion of local self-determination, the stripping of federal and state corporate legal protections within municipal boundaries, and the recognition of nature's rights. He also shared his experiences as this work has begun to move toward state-level action for rights. Global Exchange also works in partnership with CELDF to assist communities with rights-based ordinances primarily in California.

- **NATIONAL WORK** *Natalia Greene* discussed the process of incorporating the rights of nature in the Ecuadorian Constitution, and more recently the first Ecuadorian community to use the RON provisions in their community. She spoke to Fundacion Pachamama's work with indigenous communities, and strategies for moving this work more broadly across Ecuador. Fundacion/Alliance Pachamama also brought a group of international RON activists together in Ecuador in 2009, resulting in the formation of the Global Alliance for the Rights of Nature. Robin Milam and Natalie detailed the broad goals of the Alliance: to support the global movement for RON through its committee structure: international advocacy (co-chaired by Cormac Cullinan and Shannon Biggs); The legislative assistance working group (chaired by CELDF); Ancestral Knowledge, and Communications and Learning.
- **INTERNATIONAL WORK** *Shannon Biggs and Osprey Orielle Lake* (with Natalia Greene, and Robin Milam) presented the international work including the development of the Universal Declaration on the Rights of Mother Earth (UDRME), the role of Bolivia in forwarding RON within the UNFCCC in cooperation with civil society; the book *Rights of Nature: The Case for a Universal Declaration on the Rights of Mother Earth*, (released Earth Week at the United Nations GA in concert with the Bolivian dialogue Harmony With Nature) produced by the Council of Canadians, Global Exchange and Fundacion Pachamama; Global Exchange and GARN's work (with a growing international coalition) toward RON at Durban, including working with Durban civil society and toward the critical 2012 gatherings in Cochabamba and Rio (including GARN's letter campaign); and Osprey's work in partnership with CELDF and GARN assisting other countries to adopt national RON laws.

## **SATURDAY AGENDA**

The morning began with a series of questions resulting from the prior evening's presentations. Key discussions included indentifying the difference between regulatory environmental laws (the regulatory system acting to in fact legalize harms by allowing them to occur while mitigating the worst aspects) and laws of rights of nature (recognizing nature's own rights separate from human property claims or the human right to a clean environment). The group also sought more information on the structure of the local US ordinances, and distinguishing the three "pillars" of these ordinances as community rights (the right of local self determination); corporate "rights" (stripping corporations of the federal and state protections they use to usurp community authority) and rights of nature (as mentioned above) and the clear preference of organizers in this work to pursue passing laws rather than resolutions as an act of asserting the rights, rather than "asking" for them via resolutions that cannot confront harms directly.

Moving away from Friday's format of presentations around existing RON work, Saturday was intended to put RON in context of current climate justice activism. The morning explored three key issue areas led by experts in the topic areas. Each began with a 5-7 minute presentation of the leaders, providing a "lay of the land" around the topic (with the exception of the Green Economy which it was felt everyone had a solid shared understanding to start).

***The Green Economy and Rights of Nature (led by Carleen Pickard)*** Green Economy in a Rights of Nature context – conflicts, etc. and what kind of economy can be viable through the lens of Rights of Nature (RON). The group explored what is meant by the term “green Economy”: What does it mean when corporations are using the same Green Econ language that we began using 10 years ago for purposes of co-opting/greenwashing? Is the Green Economy question starting to become uncomfortable for us? As it is a critical framework for the Rio + 20 UN agenda (as well as Durban), how will we reframe OUR debate? Discussion of what kind of economic model we endorsed, and how we name it included the “traditional economy” “people’s economy,” as a means to describe an economy based on people’s ability to sustain themselves, to have the cash economy taking a limited role, some suggesting that 80-90% of what is consumed is produced by the same. This met with general agreement. Traditional economy vs. cash economy/traditional methods of food production (small-scale) vs. large-scale industrial agriculture was generally agreed that this was our framing versus the corporate co-opting of the Green Economy. Discussion moved to how RON fit with this framework, as a paradigm shift, and how many felt RON can be a vehicle for CJ activists as an articulation of what we’re for/promoting our alternatives that are not utopian but “grounded.” Some work on this has been done, such as explaining RON perspective and small-scale farming (see example: Anuradha Mittal’s piece in the RON book). Ideas suggested for next steps include:

- Privatizing water, nature – need to show it does not work, RON vs. pricing nature schemes for environmental protection
- Quantifying sustainable patterns of production, consumption, & development
- System of environmental accounting – better indicator than GDP
- Separating carbon from market or nature vs. carbon as pollutant (including dam building or nuclear power as clean energy – e.g. govt. dams planned in Brazil)

**REDD/Market mechanisms and RON (led by Anne Petermann)** Key presentation points: REDD is being used on a grand scale to push the idea of commodification of nature into many other arenas – green red, blue red (oceans). Proponents of REDD want to negotiate everything possible to use offsets to allow business as usual to continue. REDD is the poster child for all of these different permutations of this commodification, and despite the promises of financial gain, REDD is overall a lose-lose situation for Indigenous communities. Discussion questions included: RON in the context of REDD e.g. how does RON view market mechanisms like REDD? What about Indigenous communities that are already participating in REDD? On the issue of indigenous sovereignty – examining the real conflict underlying those tribes that fear RON impacts their ability to degrade nature for themselves out of necessity. There was much discussion about indigenous communities already engaging in REDD, and see REDD as a way of getting their land titles back much faster as well money along with it. There were divergent opinions here, some supporting the incorporation of rights into REDD “No rights, no REDD” based on the notion that REDD will not be stopped, and others who felt that REDD is so inherently destructive to RON, that it cannot be incorporated. In this case, how can we work with indigenous communities to meet their financial needs that REDD promises, with alternatives that do not commodify their lands? Other discussion pointed to the demand-side of the equation, and the fact that through REDD, Indigenous communities were not even a party to the conversations around their forests and sacred lands, resulting in a divide and conquer mentality. Indigenous (and indeed all communities) do not have the right to give away traditional sovereignty this way, for future generations. “Having a seat at the table of power does not mean you get to share the power.”

- **NEXT STEPS:** GX seeks to include a deeper discussion with IEN on this in September, toward finding a way forward that meets the needs of nature and indigenous communities. Much more work is needed toward articulating the aspirations of RON with REDD and Indigenous sovereignty issues, some of this discussion was carried to the next agenda item:

**Indigenous Sovereignty and Rights of Nature (led by Atossa Soltani)** Key presentation points: Globally there are 370,000,000 indigenous people from 90 countries. In 1999, the UN adopted ILO-69 treaty (most countries have now adopted into law) Universal Declaration on the Rights of Indigenous People

(UN DRIP) article 32: states shall consult and cooperate in good faith with Indigenous people prior to undertaking any development or project that will affect their right to land/life. Indigenous peoples and the rights of nature are a paradigm fit. The earth is sacred and the land is sacred. In many ways, Indigenous knowledge of nature trumps modern scientific knowledge. The protagonist for the RON concept is Indigenous peoples and so they must be included in this work. The challenge for us in our circle is how do we get indigenous communities to work with us? Defining rights: one person's right to do "X" ends at another people's right to not have to endure "X". Nature is not something that we can separate from the realm of rights. Discussion included:

- Who has the right to destroy nature or bargain away future generations' rights? How do we reconcile this with indigenous sovereignty when these are in conflict?
- The Universal Declaration on the Rights of Mother Earth (UNDRME) – as an aspirational document for indigenous and non-indig communities, and the critical role for indigenous communities in leading this work.
- Looking at the difference between how indigenous vs. non-indigenous communities view land "ownership" (property, stewards of sacred territory, etc.)
- Do Indigenous communities still have the right to hunt under RON? Yes – the balance breaks when you are accumulating more than you need to take from nature. Yes – Indigenous communities do recognize RON but they are not comfortable with the Western language.
- GX and others shared upcoming partnerships/campaigns working with indigenous communities, and pointed to the work of IEN and their conference held simultaneously with this gathering "Protecting Mother Earth". GX will connect with IEN toward a sharing of both summits.

#### **A fourth topic emerged led by Meera Karunanathan, Council of Canadians on "the Commons."**

While we did not explore this fully and there exists a need to have a richer dialogue, discussion included these viewpoints: Some see the vision of the commons has been shifted from one of ownership to one of collective use. "The systems that govern how we use nature – collective management/collective access" e.g. water for all, healthcare for all, education — it's about protecting equal access. Others felt there was conflict or questions regarding the takeover of the commons, "How does it get decided that something is a part of the commons? How does it get decided that some things are part of the commons and some things aren't? Yet, it is clear that the corporate agenda is to privatize as much of the commons as possible." And a more strict interpretation of the commons as seen by some working on RON, which is that the commons (despite how we may see it) actually means and comes from the notion of "common property." Therefore, the treatment of the commons relies on the benevolence of the collective "owner" of nature, which stands in contrast to the notion of nature having its own rights. Other perspectives still included pointing to conflict arising from water laws not advancing because people want to protect the collective management of water – but this does not need to be in conflict with the RON. Common management = stewardship. RON takes the Commons a step further by having people act as stewards of nature's rights, which in turn provide the balance with nature, required for human services included as "the commons".

**Looking Ahead (led by Shannon and Carleen)** The closing session of the summit focused on next steps exploring:

- Opportunities for collaboration and coalition-building
- Envisioning RON differently (beyond the current work) drawing out the perspectives of everyone in the room;
- Sharing plans for the upcoming international climate gatherings in Durban, Cochabamba II, Rio + 20 and others.

**To learn more about key outcomes from this gathering; for information on future activist strategy sessions on rights of nature; interest in the RON climate coalition work developing, please contact Shannon Biggs, Community Rights Director, Global Exchange. [415.575.5540 shannon@globalexchange.org](mailto:shannon@globalexchange.org)**