

September 29, 2008, 8:34 am

Ecuador Constitution Grants Rights to Nature

By [Andrew C. Revkin](#)

News accounts of Ecuador's vote on Sunday approving a new Constitution mainly focused on how its terms could help the country's leftist leader, Rafael Correa, an American-educated economist, gain and hold more power. Details are in Simon Romero's [article on the Ecuador vote and its implications](#).

But as I mentioned last week, the Constitution includes a novel set of articles that appear to be the first in any Constitution [granting inalienable rights to nature](#). Cyril Mychalejko of UpsideDownWorld.org wrote an interesting [column exploring the political subtext](#) and explaining how realities on the ground in that turbulent country may limit the significance of the language. Still, the wording alone is fascinating, as is the simple fact that the provisions were included.

One passage says nature "has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution."

[UPDATED:] The language in these provisions was written by Ecuador's Constitutional Assembly with input from the [Community Environmental Legal Defense Fund](#), a Pennsylvania-based group providing legal assistance to governments and community groups trying to mesh human affairs and the environment. The group says it has helped more than a dozen communities in New Hampshire, Pennsylvania and Virginia draft and pass laws "that change the status of ecosystems from being regarded as property under the law to being recognized as rights-bearing entities."

My guess is that [Edward O. Wilson](#) would love to see this language adopted everywhere.

Simon Romero, my colleague covering the news, told me in e-mail Sunday night that this particular provision "has been derided within Ecuador" given the history of pollution from state-run and private oil companies in the Amazon and the government's need to keep oil flowing to sustain the economy.

Earlier this year, Nick Kristof, our peripatetic Op-Ed columnist, filed a column and [nice video](#) from the Ecuadorian Amazon showing one approach to [economic development shaped around the living forest](#).

What's your take on the Ecuadorian Constitution?

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Blog commentary

First of all, thank you very much for covering this transcendental step that Ecuador has given in favor of the planet.

I belong to Fundación Pachamama, the Ecuadorian NGO that together with other environmental organizations and the indigenous movement presented the proposal of recognizing Rights for Nature to the Ecuadorian Constitutional Assembly. This initiative is not new, many academics and environmentalists around the world have stated the need of recognizing nature as a subject of rights. However, it was incorporated in Ecuador because it is one of the most biodiverse countries in the world, it is home of native indigenous peoples who defend the environment and culturally treat nature as a person to respect and not as a resource to exploit. Plus, Ecuador is an example of a country in which the exploitation of natural resources, like oil, has produced a huge impact on its environment, and hence it leads the most important environmental trial against a huge corporation, Texaco.

The proposal of recognizing rights for nature fitted perfectly within the demand for change that lead the country to rewrite its Constitution which states a new model of development in harmony with nature and non dependant on the exploitation of non renewable resources.

The Community Environmental Legal Defense Fund, mentioned in this article, was indeed in Ecuador and two of their delegates went to Montecristi with us, where the Assembly was meeting, where they shared their experience of helping American communities recognize rights for nature in their local legislations. We had a formal breakfast with the Assembly members and spoke with the interested assembly members; however, neither we nor the CELDF wrote the text that was approved yesterday with the New Constitution. Articles: 10, 71-74, of the New Ecuadorian Constitution are a product of intense and controversial debate, changes, proposals and votes in at least four formal plenary sessions and many other sessions that lasted several months. This recognition would not have been possible without the support of the former president of the Constitutional Assembly, Alberto Acosta, who even wrote an article before the visit of the CELDF and his team who always believed that this recognition was needed to protect our amazing country.

After the preliminary approval of these five articles, Fundación Pachamama begun a national campaign to socialize this amazing recognition with the people of Ecuador who now have the right to represent nature and defend it. The response to this and many other basic social rights that are included in this new Constitution was the major support shown in yesterday's referendum.

Therefore I invite a respected newspaper as the New York Times and its readers to find out more about Ecuador's pioneer step towards the protection of its unique ecosystems and hence, the defense of our planet. You can find this information and more at: <http://derechosnaturaleza.blogspot.com/>