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# Between Rights and Services

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Cautionary Notes from Ecuador  
(...and Dow Chemical)







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HUMAN  
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## 3 Main Points:

- Need to pay attention to the *cultural* stakes in these rights (i.e., struggles over indigeneity in Ecuador)
  - Need to watch with closely how they are being implemented, sometimes in ways that continue to further marginalize the already-marginalized
  - Need to be particularly vigilant about corporate appropriation of rights-discourse and the sentiments behind wild law!
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# How did I get here?

- Anti-U.S. military movement in Ecuador between 2006-2008.
  - As part of the same constitution that codified the “rights of nature” >> the abolition of all foreign military bases on national soil.
  - It was for precisely these articles that the NO Bases Movement had been fighting since 2000
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Coacción NO Bases



ECUADOR

Fuera gringos  
de manta

paZ, vida y  
soberanía

COLEGIO  
MECANICA INT  
MECA  
Abraham Galaz







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- But most people who lived around the base, consistently rejected the activist program wholesale.
  - Despite sound evidence that the base was causing the same kinds of environmental damage seen in Vieques, Honduras, and elsewhere, they still fought the central government over the eviction of the base.
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RADA

Nueva

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# Why?

- The politics of indigeneity
  - Powerful regionalism
  - Sense that the indigenous were ‘monopolizing’ the government in Quito (similar splits in Bolivia)
  - Anger that mestizo/cholo fishermen were not allowed as prominent a place in national decision-making
  - Why were the indigenous the “gatekeepers” of national sovereignty?
  - Likewise, why was their “earth-first” agenda given priority over the desperate development needs of the city of Manta?
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# POINT ONE: Culture

It isn't just about devising and implementing a “wilder” rights framework – need to more fully understand the wider *cultural politics* that make such rights seem feasible/desirable/practicable in the first place.

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# HOW HAVE THE RIGHTS OF NATURE BEEN IMPLEMENTED IN ECUADOR?

November 2010: Universal jurisdiction case against British Petroleum for Deep Water Horizon Spill April 2010. Pending.

March 2011: Case against provincial government of Loja on behalf of Vilcabamba River for debris created by the expansion of the Vilcabamba-Quinara highway. Found in favor of the river.

May 2011: Military incursion into Esmeraldas province; destruction of mining equipment of 500+ small scale miners on the grounds that they were “violating the rights of nature.”



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# Going for the ‘Low-Hanging Fruit’ ?

- Esmeraldas is one of the poorest provinces in the country
  - Predominantly Afro-Ecuadorian
  - Nearly impassable roads
  - Troubled northern border with Colombia
  - Historically disenfranchised
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## POINT TWO: Alienating potential allies

- These rights have been used successfully (a) in a provincial court against a provincial government by foreign residents of that province; and (b) by the Ecuadorian military against small-scale miners (who are now in court)

Need to watch closely to ensure that such legislation, when it has any teeth at all, is not used to further alienate the already-marginalized while avoiding the major offenders: multinationals.

Will it be robust enough to prevent drilling in Yasuni?

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# POINT THREE: Corporate Appropriation of Rights-Discourse

...But here's where I'm really worried...

- Activists of all sorts have been calling attention to the artificiality of corporations and corporate personhood (particularly in the U.S.).
  - In response, much like the U.S. military increasingly portrays itself as an humanitarian outreach worker, corporations are increasingly presenting themselves as the *protectors* of something like the personhood of nature.
  - Nature as last exploited proletarian who needs to be paid fair wages
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# ECOSYSTEM SERVICES: Earth Inc.

- “Nature is the largest company on Earth working for the benefit of 100 percent of humankind – and it’s doing it for free.” (International Union for the Conservation of Nature)
- “The Earth is a very efficient, least-cost provider of human life-support services, the entire value of which is between 16 and 54 trillion dollars.”
- “Putting a value on these natural services enables them to be incorporated into policy in the same way that other factors are. We can’t persist in thinking of these things as free.”  
(UK Ecosystem Services Assessment)

Nature is both a corporation that is being insufficiently valued and a laborer that is underpaid. Most importantly, from the corporate perspective, it “provides goods and services that can be quantified, priced, and traded as commodities.”

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# THE 'HUMAN ELEMENT'

- Dissolution of the distance between human/non-human
- Dissolution of the distance between chemical compound and intellectual/emotional quality
- A broader, more interconnected kind of Periodic Table, “where potassium bonds with potential...,” “carbon with creativity...”
- Video clip: *The Human Element*
- <http://www.youtube.com/watch?v=i3byt7xMSCA>



# The Nature Conservancy Collaboration



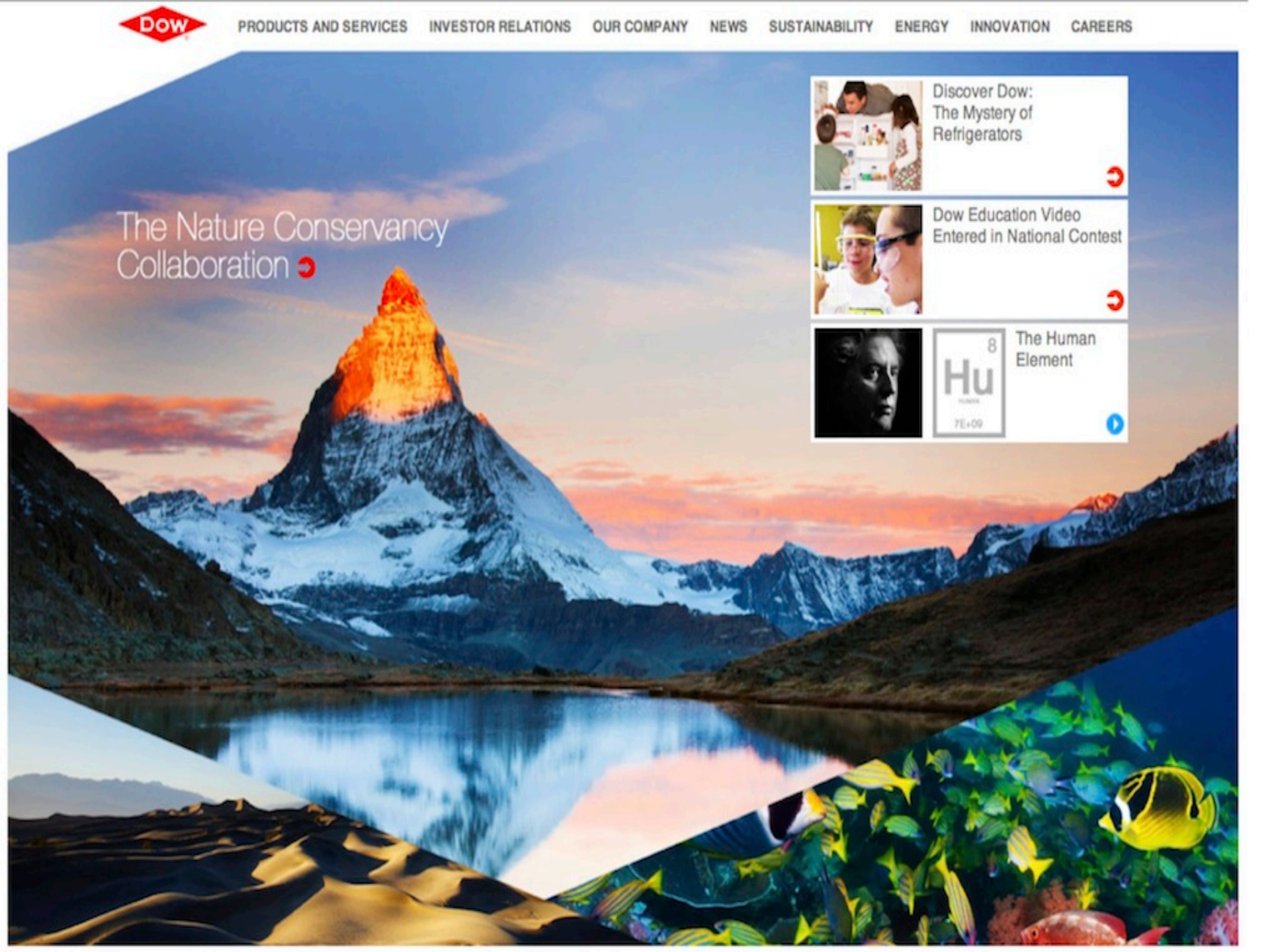
Discover Dow:  
The Mystery of  
Refrigerators



Dow Education Video  
Entered in National Contest



8	The Human Element
<b>Hu</b>	
7E+09	



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# Dow Chemical and the Nature Conservancy

- Partnership announced January 24, 2011
  - The first ever of its kind (5-year)
  - TNC will “provide technical support, strategic counsel, and comprehensive evaluations as Dow incorporates the value of nature and biodiversity into its company-wide goals and plans.” (Liveris 2011)
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- Not a zero-sum game: “That is an old way of thinking – old and wrong...The economy and the environment are part of the same big picture. They often seem at odds, but the truth is they are completely interdependent. The erosion of ecosystems is not just an environmental issue. Volatile markets and resource scarcity are not just economic issues. They are human issues; they are global issues.”

(Andrew Liveris 2011)

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THUS, powerful efforts afoot on the part of major chemical companies and other multinationals to set themselves up as those who best recognize the dense interconnectedness of human/animal/plant.

From their perspective, to best honor the ‘rights of nature,’ we should be paying fair wages for ‘life-support services’ that we formerly treated as ‘free’ (slave labor).

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# IN SUMMARY...

- Culture
  - Context
  - Corporations
  
  - Need to look at cultural stakes in particular rights-frameworks.
  - Need to think carefully about the degree to which such rights may further marginalize (much as many mainstream conservation efforts have done).
  - Need to look at corporate practices, marketing strategies, and legal frameworks around “ecosystem services” trading schemes.
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