

BEING NATURE – A EUROPEAN CITIZENS INITIATIVE FOR RECOGNISING AND RESPECTING THE INHERENT RIGHTS OF NATURE



VISION

A world in which our human laws facilitate a culture that:

- respects the profound inter-existence of all life;
- supports healthy relationships with all life; and
- is aligned with the natural laws that govern all life.

MISSION

To facilitate a European Citizen's Initiative for Recognising and Respecting the Inherent Rights of Nature (the "Initiative"), as described more fully below.

AIM

To:

- research EU law and policy and draft the proposed legislation for the Initiative;
- design, launch and co-ordinate a multi-media and petition campaign across at least 7 EU member states;
- collect 1 million statements of support from EU citizens from at least 7 member states for the Initiative;
- support the Citizens Committee in liaising with and complying with EC requirements and regulations.

- facilitate a cultural shift in the attitudes of the general public about our interdependence with nature through media, educational programmes and advocacy – moving from the illusion of “power over” to “power with”.

WHY THIS INITIATIVE?

Despite the proliferation of environmental laws and treaties, destruction of the natural world still continues apace. One of the key reasons that this occurs is because our environmental laws legitimise it.

The highest protection our law gives is in the form of “rights”. Law regulates human behaviour, but only between “rights” holders. It recognises broadly two groups of “rights” holder – human beings and human-made organisational structures such as corporations. Everything else is treated as “property”. This means that environmental issues are treated as planning issues and are dealt with exclusively by the planning and administrative courts, ignoring the wide ranging issues that are really at stake when interfering with ecosystems in an interdependent world. At best all that can be achieved in court is the reversal of a planning decision – only for a new revised application to be submitted and the development usually goes ahead.

Modern environmental law in most countries operates still within the following paradigms:

- mechanistic (ie. viewing the world as deterministic and made up of separate unconnected objects);
- anthropocentric (ie. viewing the world as existing solely for the use and enjoyment of human beings – this is where ideas about “natural resources” and “natural capital” derive basing nature’s value on its utility to humanity); and
- adversarial (competitive/retributive model where one party wins at the expense of another)

None of these paradigms reflect the full scientific reality of natural systems. This gives rise to the illusion of a “power-over” relationship with nature which has led to our current predicament. As we are a part of nature, composed of the 5 elements, it is impossible for us to overpower nature. Science has long recognised a fluid and complexly interconnected world (eg. quantum physics, living systems theory and complexity science which explains synergy and non-linear cause and effect). However, our laws and general cultural attitudes fail to act on this knowledge, to our detriment. We talk about “sustainability” – yet our legal framework’s fundamental alignment is inconsistent with the very idea. It’s time for a change.

If law governs human relationships, it must recognise all of the relationships that we have – including our most fundamental relationship – the relationship from which our very existence in human form derives - our inter-existence with the natural world. Until relatively recently our law didn’t even recognise relationships with women or children – like nature, they too were classed as property - until the civil rights movement widened the ambit of rights so that the law reflected reality.

It’s important to note that Nature is governed by her own laws – which bind us too. Our laws don’t bind nature. Either we evolve our laws to align with the laws of nature

by living in ways that enhance the balance, harmony and resilience of the whole - or nature takes us out of the equation, which is what we are already experiencing in many parts of the world.

WHY NOW?

The world of environmental law is rapidly changing to embrace a more wholistic approach, acknowledging the sacredness and inter-existence of all life – ie. recognising that together we comprise one earth community, the wellbeing of which is critical to our own survival and thrival. Evidence of this can be seen in the adoption of laws recognising the inherent rights of nature in:

- Ecuador (constitutional law);
- Bolivia (national laws and formation of a Ministry for Mother Earth and an an Ombudsman for Mother Earth);
- USA (over 3 dozen (and counting) municipalities and a county have adopted rights of nature by-laws the largest of which is Pittsburgh, PA. Santa Monica, CA has included Rights of Nature in its City of Santa Monica Sustainable City Plan Spain recognises the rights of Apes;
- Switzerland's constitution recognizes the dignity of all living beings;
- Various court decisions eg. Costa Rica (ruling that the 2nd largest reef in the world cannot be commercially exploited because it's a living being); New Zealand (recognising that the sacred Whanganui River is a living being with the same rights as a natural person); Israel recognising the dignity of alligators
- Various government statements (eg. UK government publicly stating that animals are sentient beings and not merely commodities; Indian government stating that dolphins should be given the same rights as a person etc).

Some key features of these laws that allow for true sustainability-enabling frameworks are:

- recognition of the natural rights of all life comprising nature (eg animals, plants, ecosystems, mountains, rivers etc);
- granting human communities and individuals the right to defend those rights on behalf of the natural world; and
- the subordination of corporate rights where they conflict with the long term common interests of the whole to that of people and nature/ecosystems (ie. natural communities).

This approach moves away from a model that only values nature for its utility to humanity to a model that also recognises the intrinsic value of nature – moving beyond the Green Economy towards the Blue Economy and beyond. This recognition is a shift in the approach towards environmental issues. It signals the emergence of a new environmental paradigm which leads to taking nature's rights seriously.

The timing is right to bring this initiative in Europe, with the parliamentary elections coming up in June 2014, this could become an electoral issue. A recent survey commissioned by the EU Directorate General for the Environment found that 95% of Europeans consider environmental issues to be important, with 81% believing that European environmental legislation is necessary for protecting the environment in their countries. EU popularity has declined in recent years with voting levels dropping since 2007. If framed skillfully, this initiative could provide the EC with an opportunity to revive its popularity by leading the world in a much needed revamp of environmental legislation to create the legal frameworks for true sustainability to happen.

WHAT WILL THIS ACHIEVE?

The Initiative will serve to increase awareness in the general public about our legal and economic framework and the shifts that are necessary in order to successfully meet the challenges of our time.

The Initiative will call on the EU Parliament to make a legislative proposal in the form of the draft Directive submitted. If a proposal is made and the Directive adopted, all the EU member states would be required to implement it in national legislation. This would significantly evolve the environmental legal paradigm in Europe and set a positive example for the rest of the world. Adopting these laws would create the proper legal frameworks to enable the environmental sustainability that all our citizens seek for the benefit of present and future generations of all species, in a way that enhances the resilience of the whole.

WHAT ARE THE STEPS?

The Process

The formal steps for launching the ECI are set out in the official ECI Guide and summarised briefly as follows:

1. Formation of a Citizens Committee comprising of at least 7 EU citizens residing in 7 different member states (the names of 7 members of this committee will go on the application to the European Commission as being responsible for the Initiative. From this group one will be appointed as the “representative” who will act as the point of contact for the European Commission).
2. Verification of the proposed on-line collection and storage system for statements of support by the competent authority.
3. Submission of the application to the European Commission with the proposed draft legislation.
4. Collection of statements of support after European Commission confirms acceptance of the initiative as complying with the rules (1million statements in the prescribed format across the EU which must include 0.01% of the populations of 7 member states).

5. Verification of the validity of the statements of support by the competent authorities in each member state.
6. If successful, Citizens Committee presents the initiative to the European Commission and a hearing is conducted with the EU Parliament to consider the proposal.
7. European Commission responds within 3 months as to what action it proposes to take.
8. If a legislative proposal is made it is presented to the EU Parliament to go through the usual legislative process.

NB - There is no limit to the number of times the same initiative can be brought. There are also national, regional and local initiatives that can be brought simultaneously in 18 member states to increase awareness and support. This way even if the EC decides not to make a legislative proposal, if it gets in at the national or regional level in some states it adds momentum for next time round.

Campaign Strategy

Once the European Commission approves our application we have 12 months to gather the signatures. It is therefore imperative that all of our preparatory work is completed before the application is submitted. We envisage this campaign being run as collaboration between all interested environmental NGOs, educational establishments, sympathetic politicians and other interested parties across Europe.

The campaign will take the form of a multi-media and communications campaign with an educational component that will inform and equip citizens with the knowledge and skill to influence environmental policy at the local, regional and national level in all European member states and also to honour of the rights of nature in their daily lives. The latter part will focus on the role of the individual and of communities in changing behaviour to act consistently with an expanded world-view that aligns with the universal laws that govern all life. This involves eco-literacy; living in harmony with nature; an understanding of the interplay between "personal law" or values of the individual and the laws that find their way into the collective; awareness of "power-with" systems that align with nature such as permaculture, biomimicry, dynamic self governance and restorative circles that can help us meet our needs in ways that enhance the resilience of the whole; and how a personal practice for re-connection increases our resilience and compassion evolving our societies collectively.

Phase 1 (timing TBC)

1. Researching current European environmental law, policy and political trends.
2. Drafting the proposed legislation for the EU and a research report as to how the proposal impacts all of the policy areas of the EU – especially economic policy. Proposing alternatives.
3. Identifying the networks, teams and all strategic partnerships across the EU
4. Creating a budget forecast and fundraising proposal for the Initiative.
5. Strategic country analysis.

Phase 2 (Timing TBC)

1. Translation of draft legislation into major EU languages.
2. Development of the on-line signature platform to collect statements of support across the EU.
3. Development of a website for the Initiative translated into the official EU languages integrated with quick and easy access to the signature platform.
4. Development of multi-language social media strategy.
5. Development of a short promotional video clip about the initiative
6. Development of e-mail mass signature campaign with the assistance of organisations such as AVAAZ, SumOfUs, Change.org etc that interfaces with the on-line signature platform.
7. Verification by competent authority of on-line signature platform
8. Submission of ECI application to the EC (timing may vary due to the planned overhaul of the ECI system in 2015)
9. The making of “Being Nature”, an independent feature documentary film (separate but complimentary project proposed by film Director Raul Alvarez) focussing on the rights of nature – legal, cultural and socio-economic implications including examples and case studies to be launched during the campaign.

Phase 2 (Timing TBC)

1. Official Launch of ECI Signature Campaign
2. Official launch of Being Nature film.
3. Collection of 1million statements of support across the EU with a minimum of 0.01% of the population of 7 countries.
4. Verification of the statements of support by the competent authorities and submission to the European Commission (end of Phase 2)
5. Invitation from the European Commission to the Citizen’s Committee to present the Initiative at an EU Parliamentary hearing in Brussels (end of Phase 2)
6. The European Commission decides whether to make a legislative proposal to implement the draft legislation proposed by the Citizens Committee (end of Phase 2).
7. The legislative proposal goes to the European Parliament and passes through the normal legislative process.

Country Strategy

There are several ways of approaching which countries to target:

- Population - we need to gather a minimum number of signatures in 7 countries as well as 1m signatures in total. The number of signatures for each country is set out in the ECI Guide (attached).The countries with the least signatories are Denmark, Finland, Ireland, Latvia, Lithuania, Slovakia and Slovenia (under 10,000); and Malta, Luxembourg, Estonia and Cyprus (under 5000).
- MEPs - This is the full list of current MEPs <http://www.europarl.europa.eu/meps/en/full-list.html>. In 2014 the total number will be 751 - the numbers of MEPs for each country is set out

here: <http://www.europarl.europa.eu/news/en/news-room/content/20130308STO06280/html/How-many-MEPs-will-each-country-get-after-European-Parliament-elections-in-2014>. Germany, France, UK, Italy, Spain, Poland, Romania and Netherlands have the most MEPs in descending order.

- Ease of getting on-line statements of support in terms of info required for verification: The data requirements of each country are set out here: <https://docs.google.com/viewer?url=http%3A%2F%2Fec.europa.eu%2Fcitizens-initiative%2Ffiles%2Frequirements-en.pdf>. The easiest countries (ie. not requiring passport/other ID with signature) are Belgium, Denmark, Estonia, Finland, Germany, Ireland, Netherlands, Slovakia, UK. All the other countries require some form of ID such as passport number, ID card, driving licence number etc.
- Environmental awareness – In a survey commissioned by the EU Directorate for the Environment: on average across all member states 95% considered protecting the environment to be important with 58% considering it to be "very important". The countries that scored the highest in terms of "importance" were Cyprus and Malta(100%); Bulgaria, Sweden, Greece and Slovenia (98%) - lowest score Austria (90%) - 81% of Europeans believed that European environmental legislation is necessary for protecting the environment in their countries. 79% said that the EU should help non-EU countries in improving their environmental standards. ♦ 89% of respondents agreed that EU funding should be allocated more to support environmentally friendly activities and developments. See full report here: https://docs.google.com/viewer?url=http%3A%2F%2Fec.europa.eu%2Fenvironment%2Fpdf%2FEB_summary_EB752.pdf
- Which countries also have national and regional initiatives that could be run at the same time?
 - a) National Citizens Initiatives: Austria, Hungary, Italy, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, the Netherlands.
 - b) Regional Citizens Initiatives: Austria, Germany, Spain, Sweden, the Netherlands.
 - c) Local Citizens Initiatives: Belgium, Germany, Hungary, Italy, Luxembourg, Slovenia, Spain, Sweden.
- It is advisable to include Belgium (Brussels) as this is where the EC Parliament sits.

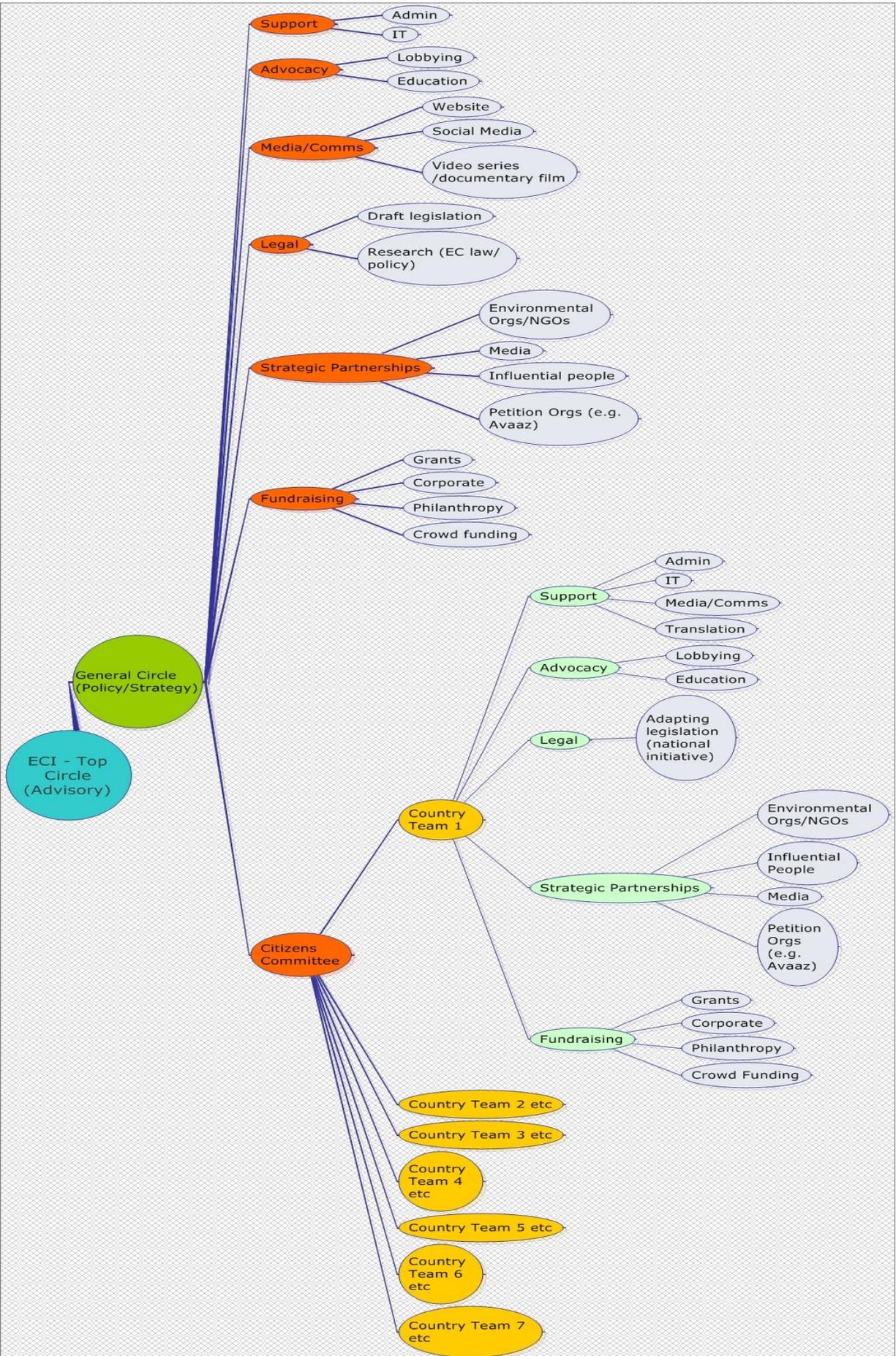
Organisational/Governance Structure

We have chosen to implement an organisational structure based on dynamic self governance which is a "power-with" form of governance based on self organisation of natural systems – see <http://www.governancealive.com/>

The diagram below outlines the group structure. Each circle will have one representative that sits on the circle adjacent and vice versa ensuring a two-way flow of information. Policy decisions are made by "consent" (ie. no paramount objection to

the proposal by all members of that circle); operations decisions can be made autonomously by the person responsible for the job concerned.

(see next page for chart and roles/responsibilities)



Roles and Responsibilities

Circle	Job Description	Who
Top Circle (Advisory)	– to advise the organisation on key issues that affect the campaign in the wider world (members typically from outside the organisation)	TBD
General Circle (Strategy/Operations Management)	Overall Project Focaliser – produces the strategic plan in consultation with the General Circle; Oversees and co-ordinates the whole project. Liaises closely with the EC and representatives from the Top Circle; Support, Advocacy, Media/Comms, Legal, Strategic Partnerships; Fundraising circles and Citizen’s Committee	TBD
General Circle (Strategy/Operations Management)	Media/Communications Focaliser – puts together the team for, oversees and co-ordinates the media and communications aspects of the project. Developing the strategy for and implementing the website, social media and video communications for the whole campaign which will be translated into the various languages by the Country Teams. Liases with the Media/Comms representative of each country team. Ensures that all petition partner orgs are delivering the same	TBD

	<p>central message.</p> <p>Liases with IT team to ensure that all platforms interface smoothly with our website, social media and the ECI platform in all relevant languages. Keeps track of statistics throughout the campaign.</p>	
General Circle (Strategy/Operations Management)	<p>Support Focaliser – oversees and co-ordinates financial, administrative and IT operations of the whole organisation. Liases closely with the Administration and IT team representatives.</p>	TBD
General Circle (Strategy/Operations Management)	<p>Legal Focaliser – Oversees and co-ordinates the legislative drafting for submission to EC and research into how the rights of nature will impact the different social and economic policy areas that the EC legislates on.</p>	TBD
General Circle (Strategy/Operations Management)	<p>Advocacy Focaliser – Responsible for researching, formulating the strategy and creating the teams and networks for effective advocacy and education across the EU. Liases closely with Strategic Partnerships and Media and Comms Directors and co-ordinates Advocacy representatives on Country teams.</p>	TBD
General Circle (Strategy/Operations Management)	<p>Strategic Partnerships Director - Responsible for formulating the strategy for creating and maintaining the strategic partnerships that would</p>	TBD

	<p>enable the campaign to reach a wider audience. Liaises closely with the Strategic Partnership representative in each Country Team. Coordinates and liaises with the relevant representative from each country team to produce a central database of all environmental orgs/NGOs; media partners; influential people supporting our cause (eg. famous people; politicians; legislators; companies; change agents etc). Approaches various petition companies with a view to forming a coalition to promote our petition on-line.</p>	
<p>General Circle (Strategy/Operations Management)</p>	<p>Fundraising Director - Responsible for creating and implementing the fundraising strategy for the campaign. Liaises closely with the fundraising representatives from each Country Team – Grants, Corporate, Philanthropy, and Crowd Funding.</p>	TBD
<p>General Circle (Strategy/Operations Management)</p>	<p>Citizens Committee Representative- 7 members from this team are responsible for submitting the ECI application to the EC and signing documents taking responsibility for the initiative. One of these people will be chosen to liaise with the EC on all matters relating to the ECI. All members are</p>	TBD

	responsible for putting together the country team for their respective country which consists of operations people in 5 key areas - Support; Advocacy; Legal; Strategic Partnerships; Fundraising.	
Support Circle	Project PA - General administrative and back office support for the whole project including general secretarial tasks eg. Scheduling calls; filing, maintaining databases and distribution lists, updating project schedules etc	TBD
Support Circle	Project IT Specialist - Responsible for liaising with the EC IT team to ensure compliance of our ECI on-line signature collection platform with EC data protection regulations. Ensures that our website, country websites and that of any other petition organisation partners properly interfaces with the ECI platform. Ensuring the safety of the data when it is taken off the EC server and submitted to the competent authorities for verification at the end of the campaign. Troubleshooting any IT problems that may arise during the campaign.	TBD
Advocacy Circle	Lobbying Co-ordinator - Responsible for creating and	TBD

	implementing a strategy for lobbying MEPs and local politicians. Liases with country teams lobbying representatives	
Advocacy Circle	Education Co-ordinator Co-ordinates and liases with relevant country team representative. Responsible for raising awareness of the cause through: speaking at conferences and other venues media - writing articles; appearing on radio shows etc creating and running workshops	TBD
Media/Comms Circle	Website Co-ordinator - Responsible for creating and maintaining a high quality website for the campaign. Ensure that our website and the websites of any on-line promoters of the signature campaign interface properly with the on-line signature collection platform. Liaises closely with country team relevant representative to ensure that all websites are translated into the local language and interfaces with on-line signature collection platform.	TBD
Media/Comms Circle	Social Media Co-ordinator - Responsible for launching and spreading the campaign through social media. Liaises closely with relevant representatives in country teams to ensure unified message	TBD

	across all local languages. Ensures interface works smoothly with on-line signature collection platform.	
Media/Comms Circle	<p>Video/Film Director/Producer - Responsible for the creation of a series of high quality video communications targetted at different audiences delivering the central message of the campaign. The creation of an award winning documentary film on the rights of nature to be launched during the campaign.</p>	Raul Alvarez/Dan Gainsford
Citizens Committee Circle	<p>Country Focalisers Manages, co-ordinates and implements the ECI campaign in their respective country. Responsible for assembling the country team comprising of Support, Advocacy, Legal, Strategic Partnerships and Fundraising Circles.</p>	<p>[TBD – people who have come forward so far: Paulo Borges (Portugal) Cormack Cullinan/Mary Reynolds (Ireland) Alexandra Postelnicou (Romania) Vivian Dittmar (Germany) Femke Widjekopf (Netherlands) Eva Sanner (Sweden) Thomas Egli (France) Michael Baker (Spain) Mumta Ito (UK)</p>

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Working Group

A working group has formed to take the project forward comprising the following organisations and individuals.

NAME	ORGANISATION	WEBSITE
Mumta Ito	International Centre for Wholistic Law	www.wholistic-law.org
Doris Ragetti	Rights of Mother Earth	www.rightsofmotherearth.com
Paulo Bourges	Party for the Animals and Nature	www.pan.com.pt
Kosha Joubert	Global Ecovillage Network International	www.gen.ecovillage.org
Carine Nadal	Gaia Foundation	www.gaiafoundation.org
Linda Siegel	Wild Law UK	www.wildlawuk.org
Colin Robertson	(legal team – EU)	
Tom West	(legal team – EU)	
Bronwyn Lay	(legal team – EU)	
Ian Mason	(legal team – EU)	
Christian Heitsch	(legal team – EU)	
Robin Millam	Global Alliance for Rights of Nature	www.therightsofnature.org
Dan Gainsford	Windpath Media	www.windpathmedia.com
Raul Alvarez	Land Awakening (film)	www.landawakening.com
Joel Mitchell	Pachamama Alliance	www.pachamama.org
Cormack Cullinan	Wild Law (book)	www.enact-international.com
Margi Margill	CEDLF	www.cedlf.org

If you would like to get involved in the working group or have skills/contacts to offer that would help take the project forward, please contact Mumta at mumtaito@gmail.com

Lokah Samastha Sukhino Bhavantu

(May all beings everywhere be happy!)

Mumta Ito