



# Susquehanna

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## Year in Review: 2010

Along with our new nationally syndicated radio show, our role as co-convenor of the new Global Alliance for the Rights of Nature, our work in Ireland and Ecuador, and the formation of our Pennsylvania Community Rights Network and its call for a new State Constitution, the Legal Defense Fund continues to blaze the path towards community sustainability through local democracy. Here's our year in review:

### Democracy Matters

In March, the Legal Defense Fund launched its new radio show, Democracy Matters. With a 45 minute format, the weekly show features roundtable discussions on political issues and newsmaker interviews – focused on reframing current affairs and spotlighting communities working with the Legal Defense Fund. Guests on the show have included author Derrick Jensen, Sara van Gelder (the co-founder of YES! Magazine), and Bill Twist, the founder of the Pachamama Alliance. Broadcast from Spokane's KYRS Radio every Thursday

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## Pittsburgh Bans Natural Gas Drilling

*by Mari Margil and Ben Price*

In a historic vote on November 16, 2010, the City of Pittsburgh adopted a first-in-the-nation ordinance banning corporations from natural gas drilling in the city.

Faced with the potential for drilling and the controversial new practice known as "fracking" within city limits, the Pittsburgh City Council unanimously said "no." Fracking involves injecting water laced with sand and toxic chemicals underground to create deep ground explosions that release the gas. This technique was first tried in Texas and is now being used in Pennsylvania, where the Marcellus Shale geological formation, a source of natural gas, is buried over a mile underground. The Marcellus Shale stretches from New York, through Pennsylvania, into Ohio and West Virginia.

*(Pittsburgh - pg. 3)*

Building sustainable communities by assisting people to assert their right to local self-government and the rights of nature.

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morning, and syndicated by stations in Grand Rapids, Michigan and Boise, Idaho, the show is also available by podcast through KYRS at [kyrs.org/podcasts.cfm](http://kyrs.org/podcasts.cfm).

## The Global Alliance for the Rights of Nature

In August of this year, the Legal Defense Fund co-convened an event hosted by Fundacion Pachamama in rural Ecuador. Its purpose was to formalize an international organization which will advocate for legal frameworks that recognize legally enforceable rights for natural communities. The Legal Defense Fund was then selected as the organization which would provide drafting and campaign assistance to communities and nations following the lead of the over two dozen communities in the United States which have recognized rights for nature, and the country of Ecuador, which has become the first country in the world to recognize natural rights within its constitution. The Legal Defense Fund has already fielded calls for assistance from groups in Nepal, Mexico, Canada, and Australia.

## Ireland and Ecuador

In early 2010, the Legal Defense Fund traveled to Ireland to teach one of our Democracy Schools to Belfast-based organizations drafting a new bill of rights for Northern Ireland and driving rights-based participatory governance frameworks. As a result of those gatherings, the Legal Defense Fund has teamed up with PPR (the Participation and Practice of Rights Project), to begin planning for the introduction and adoption of local ordinances that would elevate the rights of neighborhoods and communities in Northern Ireland and Ireland. Our work in Ecuador continues, and the Legal Defense Fund recently completed the draft of a local ordinance that would implement the rights of nature within municipalities within Ecuador.

## Pennsylvania Community Rights Network

As a natural outgrowth of the work of the Legal Defense Fund with over a hundred Pennsylvania communities, we created the Community Rights Network as a statewide advocate for those communities. Earlier this year that Network hosted a statewide gathering which authored the "Chambersburg Declaration" which calls for a new State Constitution

*(Year - pg. 3)*

*(Year - from pg. 2)*

which recognizes the “inherent and inalienable right” to local self-government, and which removes the legal obstacles that currently interfere with that right. It is the goal of the network to work with other communities to build a Pennsylvania constitutional convention, which will convene to draft a new constitutional framework and then work to adopt it.

It’s been a busy year for the Legal Defense Fund – our dream of building a movement of self-governing communities driving sustainability is getting a little closer. We couldn’t do it without you – our sponsors, allies, partners, and supporters. If you aren’t a supporter of the Legal Defense Fund, please donate what you can – as you can see, next year promises to be even busier! If you’re already a supporter, consider making a special end-of-the-year gift to sustain our continued growth.

*(Pittsburgh - from pg. 1)*

Fracking has been demonstrated to be a threat to surface and groundwater, and has been blamed for fatal explosions, the contamination of drinking water, rivers, and streams. The danger increases when the drilling disturbs rock that is laced not only with methane, but carcinogens like benzene and radioactive ores like uranium, forcing the mix to the surface.

Pittsburgh sits atop the Marcellus Shale and corporations have already purchased leases to drill there, including under area parks and cemeteries.

“With this vote we are asserting the right of the city to make critical decisions to protect our health, safety, and welfare.”

-Councilman Doug Shields

Pittsburgh Councilman Doug Shields, the ordinance sponsor, led the charge to ban drilling, and was later joined by five co-sponsors. During the months leading up to the vote, Shields passionately advocated for the ordinance, saying that the city is “not a colony of the state and will not sit quietly by as our city gets drilled.” He sees this fight about far more than drilling, saying “It’s about our authority as a community to decide, not corporations deciding for us.”

Pittsburgh’s ordinance elevates the rights of people, the community, and nature over corporate “rights” and challenges the authority of the state to pre-empt community decision-making.

*(Pittsburgh - pg. 4)*

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As natural gas drilling expands across Pennsylvania, there has been a debate among opponents of fracking over the best course to take. Some argue for “responsible drilling” and severance taxes; others want to “zone out” drilling from residential areas or around schools.

Advocates and communities are finding, however, that calling on corporations to be more accountable, without changing the powers and authorities corporations have been given by state and federal government, means asking them to take voluntary steps. Even communities that adopt zoning restrictions requiring drilling pads to be located away from homes or schools find that because the drilling is horizontal, its impact still reaches into those places they are trying to protect.

Meanwhile, hope that the state legislature or the Pennsylvania Department of Environmental Protection will help have been similarly dashed. The state was recently found to be paying thousands of dollars to a private contractor to investigate citizens advocating against drilling. Meanwhile, hundreds of thousands of industry dollars went to candidates in the recent elections. Those monies helped elect candidates who will ensure that drilling proceeds without interference from citizens across the region.

Corporations have long worked hand-in-hand with elected officials and government agencies at the state and federal level to pave the way for drilling. They’ve been successful in exempting natural gas drilling and fracking from federal regulations and they’ve put in place state laws pre-empting municipalities from taking any steps to reign in the industry.

Provisions in the ordinance eliminate corporate “personhood” rights for corporations seeking to drill within the city, and remove the ability of corporations to override community decision-making.

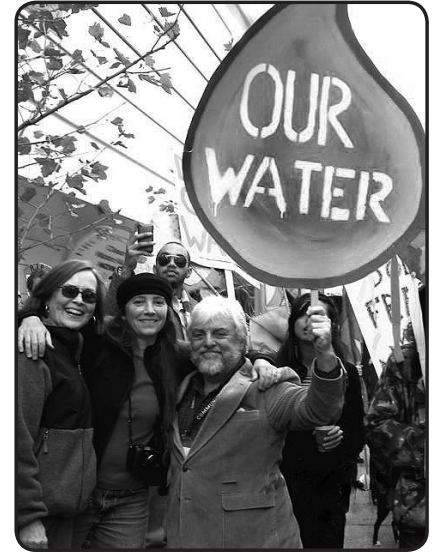
Communities like Pittsburgh are coming to the conclusion that

it’s up to them to stop practices they disagree with. Their efforts are not just about stopping the drilling, but about who gets to make decisions for the community—corporations empowered by the state, or people and their communities.

With adoption of the ordinance, Pittsburgh became the first city in the United States to recognize legally binding rights of nature. Residents of Pittsburgh are empowered by the ordinance to enforce those rights on behalf of threatened ecosystems.

The ordinance now goes to Mayor Luke Ravenstahl for signature. Representatives of drilling companies have indicated they may challenge the ban in court.

The Pittsburgh City Council is now reaching out to other communities facing drilling, encouraging them to take similar steps including adoption of local laws that challenge state and corporate disregard for the consent of the governed, and join in the fight for community rights.



*Ben Price, Cathy Pedler and Mary Belitskus at a protest against Marcellus Shale drilling*

## New Global Alliance

In early September, CELDF’s Ben Price, Thomas Linzey, and Mari Margil traveled to Ecuador for a small international conference focused on forming a global movement on the Rights of Nature.

The Pachamama Foundation, based in Quito, Ecuador, hosted the conference. The conference included representatives from organizations based in Australia, South Africa, the United States as well as Peru, Bolivia, and Ecuador, which work closely with indigenous peoples in the Andean and Amazonian regions.

Following several days of intense discussion on the Rights of Nature, conference participants agreed to form the Global Alliance for the Rights of Nature.



Group gathered for Global Alliance meeting in Ecuador

The Alliance intends to launch a four year “minga” to promote the idea of the Rights of Nature. A minga is an indigenous concept which refers to the way in which communities deal with pressing problems. They first meet to discuss an appropriate response and then work collaboratively to deal with the issue at hand.

Although this work will take far longer than four years, it was felt that setting initial four year targets would help to emphasize the necessity for urgent action.

The Alliance will focus on moving the Rights of Nature into law, conduct international advocacy to move forward efforts like the Universal Declaration on the Rights of Mother Earth at the United Nations, and conduct education and outreach to bring the Rights of Nature work to a broader, more global audience.

CELDf is heading up the first area of work through the Alliance’s Legislative Assistance Working Group to assist community, sub-national, and national efforts around the world to move the Rights of Nature into law. This is building on work that we currently have underway assisting people in different countries to codify the Rights of Nature into legal frameworks. We are also sitting on the 5-member Executive Committee for the Alliance, helping to guide and shape the work going forward.

The Alliance will soon be formally launched and will release a public call for people and organizations around the world to join in this work. While in Ecuador, the conference participants drafted this public call, which states:

*...Recognizing that exploitation, abuse, and contamination have caused great destruction, degradation and disruption of Mother Earth, putting all life at risk through phenomena such as climate change;*

*Convinced that in an interdependent living community it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth;*

*(Global Alliance - pg. 7)*

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## Mt. Shasta, CA: Do Residents Have the Right to Decide

*By Shannon Biggs,  
Community Rights Director,  
Global Exchange*

At an emergency meeting of the Mt. Shasta City Council this August, Councilman Ned Boss addressed the standing room only crowd, stating that Measure A “is one of the strongest issues the City has ever had...”



The “issue” addressed by citizen-driven Measure A is whether or not the 3,500 residents have the right to protect local water from corporate water bottlers and to stop weather manipulation (chemical cloud seeding) by energy corporation PG & E. The “issue” is whether important decisions that directly affect the health, safety and welfare of the community belong to citizens—or corporations.

In partnership with Global Exchange and CELDF, residents spent the last eighteen months and hundreds of hours of organizing, signature-gathering and public education campaigning in order to put an ordinance on the November 2010 ballot that bans corporate cloud seeding and bulk water extraction and places community (and nature’s) rights above corporate interests.

Here’s where things got complicated: On August 12, County Clerk Coleen Setzer threw Measure A off the ballot, claiming it had been filed in the wrong office and citing a one sentence difference between the initiative filed with the City and the version petitioners signed. As proponent Ami Marcus said, “After nearly two years of work by dozens of volunteers, gathering the petition signatures of over 700 voters, and more than 200 public statements of support at City Council meetings all spring and summer—Measure A was killed by the stroke of Setzer’s pen.”

Within days, proponents had rallied. On August 20, the Mt. Shasta Community Rights Project filed an elections complaint, contending

*(Mt Shasta - pg.8)*

*(Global Alliance - from pg. 5)*

*Recognizing that ancient native communities have always defended Mother Earth's rights because those rights are innate to their cosmovision;*

*Believe that the universal recognition and effective implementation of the Rights of Nature is essential to avert catastrophic harm to humanity and life as we know it;*

*Recognizing that nature is not an object or commodity, but a subject of inalienable rights to exist, maintain and integrally regenerate its vital cycles, structure, functions and evolutionary processes;*

*Conscious of the urgent need to take decisive, collective action to transform structures and systems that cause climate change and other threats to Mother Earth;*

*Therefore, the Global Alliance of Rights of Nature calls upon all organizations and people of the Earth to join in a Minga Pachamama, a 4 year global project of the earth community, to bring forth the universal adoption and effective implementation of the rights of Nature as an idea whose time has come.*

We look forward to keeping you updated and engaged in our work on the Rights of Nature and with the Global Alliance for the Rights of Nature.

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*Mt. Shasta - from pg. 6)*

that County Clerk Setzer acted improperly and illegally in taking Measure A off the ballot because the city – not the county clerk - was the appropriate elections official.

Surprisingly, the judge did not rule on the merits of the case, but rather said that the County was not at fault: The City failed to properly authorize the County Clerk to be the official for the election. The judge provided no remedy for the proponents who dutifully followed the process to place community rights on the ballot, and denied residents their fundamental right to vote.

While it seems clear that there are some powerful forces moving things behind the scenes to keep Measure A off the ballot, the community is not ready to give up. In fact, the process has illustrated to residents that democracy is in crisis. They are determined, and are planning next steps.



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