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Ecuador's New Constitution Encounters Cultural Limitations

by LADB Staff

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Ecuadoran President Rafael Correa's "citizens' revolution" seems to have limits regarding diversity as the reforms implemented point toward centralized planning under the guise of equal development, without considering differences among peoples and social groups. This is despite the new Constitution's advances, such as its declaration that Ecuador is a "plurinational state" or its recognition of the "rights of nature."

By incorporating the rights of nature into the constitutional text, along with making nature a "rights-bearing entity," the Asamblea Constituyente (AC) showed signs of moving away from the Western cosmivision that considers nature only a source of resources and gives free rein to their exploitation.

This new vision seemed strengthened by the declaration that water is a human right, also making it a rights-bearing subject, protected from any attempt to consider it a good with commercial value.

Limitations of a progressive Constitution

Despite these advances and initial statements claiming the right to ancestral spirituality and knowledge, it was soon evident that political groups formed in Western, or European, thought were pressuring to limit the move toward an indigenous cosmivision that believes each element has its own life, deserves respect, and is on the same level as human beings.

The first limitation was aimed at eliminating Kichwa as an official language along with Spanish, despite its being the second-most-important language, spoken by more than one-fourth of the population.

Carlos Pilamunga, an indigenous leader from the central highlands and Asamblea Nacional (AN) member for the Movimiento de Unidad Pluricultural Pachakutic (MUPP), rejected the actions of the Movimiento Pais legislators and accused President Correa of betraying the indigenous movement. "He is a mashi [person] who betrayed his own history," said Pilamunga, pointing out that Correa became very familiar with the indigenous world when he worked as a volunteer for a year in the Zumbagua plains.

Zumbagua is where, before being formally sworn in as president, Correa chose to symbolically assume presidential authority before thousands of Indians and accompanied by Presidents Evo Morales of Bolivia and Hugo Chavez of Venezuela. "In Zumbagua, we presented him with the staff of presidential authority thinking that we were companeros, but, with time, he has been influenced by the same enemies the indigenous people have always had, and he has betrayed us," said Pilamunga, recalling the Zumbagua ceremony in which Correa was given the principal symbol of indigenous authority.

When the Asamblea Constituyente ended, the new Constitution was given to a redaction committee, made up of five constitutional experts whose task was to review and check the text, eliminate repetitions, and resolve any contradictions. The committee went beyond its authority and adapted some articles to Western thought, for example, the articles regarding water.

The original text read, "Water is a human right"; the committee changed it to, "Access to water is a human right." "In Western logic, the change was appropriate, since the right is the access, that is, the possibility of accessing. However, in indigenous logic, the right is the water itself, as an entity that is part of Pachamama [Mother Earth]" and, therefore, deserving of respect for its life, its permanence, its purity, its regeneration, among other things," said Monica Chuji, indigenous ex-legislator and member of the group of UN experts on rights of indigenous peoples.

Autonomy of indigenous institutions ends

Not only were limitations placed on the constitutional text, they soon jumped to governmental structures when Correa decided to centralize planning in mestizo governmental institutions such as the Secretaria Nacional de Planificacion para el Desarrollo (SENPLADES) and to eliminate institutions' autonomy and incorporate them into various ministries.

Thus, the Consejo de Desarrollo de las Nacionalidades y Pueblos del Ecuador (CODENPE) and the Direccion Nacional de Educacion Intercultural Bilingue (DINEIB) were eliminated. CODENPE was created in 1992 under Law 150 and recognizes the validity of indigenous law, both for designating authorities and directorates of institutions connected to indigenous development and for planning and executing projects in territories of indigenous nationalities, in accordance with coordinated planning among the different communities.

Although various governments used CODENPE to provoke division within the indigenous movement by prioritizing state investment in those communities that demonstrated their loyalty, it also served to improve infrastructure in indigenous communities and implement development programs using the perspective of the diverse nationalities. "Planning using knowledge of our reality allows us to optimize the money we have, use community resources, and carry out projects taking into account the reality of the areas. Planning from outside results in having school classrooms like we have now that are under water half the year," said Paco Chuji, president of the Federacion de Organizaciones de la Nacionalidad Kichwa de Sucumbios del Ecuador (FONAKISE).

Paco Chuji was referring to classrooms built in indigenous communities along the banks of the Rios Putumayo and San Miguel, on the border with Colombia. Planners built the classrooms at ground level without taking into account that the rivers often rise and inundate the communities, although they had been told to build them on pillars or stilts like all houses in the communities. The planners had designed a single type of classroom to be built for the entire country, assigning a single cost for each, so they could not construct classrooms in the farthest communities on the Rio Putumayo because they had not considered the cost of transporting materials on the river.

On Feb. 15, 2009, a similar government decision, Decree 1585, ended DINEIB's autonomy by incorporating it into the Ministerio de Educacion. "By being part of a ministry, indigenous education

becomes new political spoils. Its directorate will be named based on political accords, now more than ever since the government does not have a majority in the new Asamblea Nacional," said Santiago De la Cruz, leader of the Chachi people and DINEIB director in Esmeraldas province.

De la Cruz was referring to the cliental policies of various Ecuadoran governments, since provincial officials have been appointed based on political agreements, but it was never possible to implement a long-term educational plan. Each new official brings his or her own team and begins everything from scratch, without considering the work of the previous team. Correa could return to such policies to achieve a majority in the AN, since he needs the support of provincial legislators elected by independent movements, both those aligned with the government and those aligned with traditional political parties.

Correa's decisions, says political analyst Pablo Davalos, come out of a nascent post-neoliberal model. "While it has nationalist and social-promotion overtones, this model isn't a fundamental change, because it is based on resource extraction and capitalist accumulation. That is contrary to the indigenous proposal, thus the need to eliminate any institution where indigenous thought can be reproduced," said Davalos.

Colonization revisited

The elimination of indigenous institutions' autonomy was followed by the controversial Decree 1780, signed June 12, which turns over responsibility for indigenous development to Catholic missions in the Amazonian provinces of Sucumbios and Orellana, the coastal province of Esmeraldas, and the island province of Galapagos. "We have returned to the colony, where we Indians need guardians, like minors," said Monica Chuji.

The idea that the Indian peoples need guardians for their development is deeply rooted in the Ecuadoran mestizo society, including among many defenders of indigenous peoples. Recently, former legislator Martha Roldos filed a suit charging the decree's unconstitutionality without coordinating with actions initiated by the Confederacion de Nacionalidades Indigenas de Ecuador (CONAIE).

"It is praiseworthy that leftist political parties, famous progressive lawyers, and human rights activists are concerned about indigenous peoples, but it is important that the processes and the reaction and development times of the peoples be respected. If not, they are falling into the same behavior they reject," said lawyer David Cordero of the Fundacion Regional de Asesoria en Derechos Humanos (INREDH) and a CONAIE advisor.

Decree 1780 grants a series of special benefits to religious missions such as access to radio frequencies to broadcast educational programs, priority in the assignment of state resources and implementation of government programs in their areas of influence, all under the guise of promoting indigenous development. "The citizens' revolution is a Western revolution where there is no space for Indians; even worse, the little space we achieve with our uprisings runs the risk of being lost," says Monica Chuji. In effect, the citizens' revolution seems to be a program for strengthening the mestizo sector's rights to the detriment of the rights of the indigenous communities.

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