Legal Rights to Nature as a Fundamental Step towards a Planet in Harmony

Exemplified by the process that led up to Ecuador’s Constitution of 2008

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Abstract

The Rights of Nature is an emerging concept within sustainable development, it states that the current environmental laws are not enough to protect nature from human harm. The movement emphasize the need to acknowledge other living entities in our law systems, regardless of their use or benefit for humans. It requires a paradigm shift in the way that modern societies relate to nature, moving from an anthropocentric to an ecocentric age. The first and only nation that has enacted the Rights of Nature in its constitution is Ecuador in 2008. On a global scale this is an historic event challenging the human norm of acting superior to nature. Due to the magnitude of this event, this inductive study investigates the causal mechanisms of the process leading up to this change. The paper proposes a chain of historic events all interlinked to the indigenous values of the Andes, Sumak Kawsay. Throughout the research, the findings created a hypothesis arguing that the Rights of Nature in the Ecuadorian constitution was a collective effort of indigenous movements and political agendas by influential scholars.

Keywords: Rights of Nature (RoN), Sumak Kawsay, Political Ecology, Sustainable Development
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1. Introduction

“A human being is part of a whole, called by us the ‘Universe’—a part limited in time and space. He experiences himself, his thoughts, and feelings, as something separated from the rest—a kind of optical delusion of his consciousness. This delusion is a kind of prison for us, restricting us to our personal desires and to affection for a few persons nearest us. Our task must be to free ourselves from this prison by widening our circles of compassion to embrace all living creatures and the whole of nature in its beauty.”

- Albert Einstein1

The world as we know it in the 21st Century is a constant discourse about climate change. The accelerating speed of humankind’s demand for food, fresh water and fuel has during the past 50 years caused a devastating impact on the environment greater than at any other time in human history (Cullinan 2011, p 37). Scientists and scholars are warning our civilizations that this anthropocentric2 attitude towards nature is the cause of the sixth mass extinction on planet earth (Cullinan 2011; Margil 2019). More so, researchers such as Thomas Berry claim that our environmental laws are constructed in a matter that facilitate actions that destroy nature, prioritising the economic profit from the extraction of natural resources (Berry 1978; Cullinan 2011).

Generally speaking, the average citizen of a modern western society appears to be disconnected from nature, absorbed in a culture that emphasises individualistic and capitalistic values (Ibid). More so, according to Cullinan (2011, p 37), what our western civilisations characterise as progress3, has proven to be the very cause of our environmental collapse. In other words; what has been categorized as development, is to researchers like Berry and Cullinan, better defined as development destruction (Ibid). This raises the question whether there might be something missing in the overall human understanding of - and relation to - nature.

The emerging global movement of the Rights of Nature (RoN) provides an alternative to the dominating western approach to nature (Thiel 2019). It moves towards a world where all living

1 Albert Einstein 1950, quoted in Boyd 2017, p 1.
2 “Anthropocentrism – literally human-centredness – is one of the most contentious concepts in ecological ethics” (Curry 2011, p 54).
3 The goal of constant economic growth is believed to have led to an unsustainable development (Adams 2009, p 10).
entities have legal rights in societal institutions, aiming at a holistic respect towards the ecosystems that together shape the earth (Agebjörn et al. 2016; Cullinan 2011). Kauffman and Martin (2016) argue that this alternative concept has taken a prominent part in the discussion regarding sustainable development. This has led to a UN initiative called Harmony with Nature and a Declaration of the Rights of Mother Earth, brought forward by actors such as Evo Morales and Cormac Cullinan (The Rights of Nature 2010; United Nations 2013).

In 2008 RoN became a part of the ground-breaking constitution of Ecuador (Agebjörn et al. 2016). In order to understand which historic events lead to such a revolutionary change, this research investigates the contributing mechanisms of the phenomena. More so, this paper aspires to provide the western world, specifically Sweden, an inspiration for a more sustainable relationship between its population and the nature that surrounds them.

1.1 Aim and Research Question

The aim of this paper investigate the causal steps that lead to the enactment of RoN in the Ecuadorian constitution of 2008. This is based on the idea that indigenous nature values, more specifically the philosophy Sumak Kawsay, are a crucial part of the phenomena (Ibid). Furthermore, this paper argues how this concept has the potential to be revolutionary in not only the global south but also, and perhaps more called for, the global north. When investigating the historic events that lead to the enacting of RoN in Ecuador, there appears to be a discussion regarding which events were crucial for the enacting of RoN in Ecuador’s fundamental laws (Espinosa 2015). Some scholars argue that the successful enacting of RoN can be traced back to the top-down approach of the politician Rafael Correa and his Citizen’s revolution in 2006 (Tanasescu 2013). This is important since it is an approach that diminishes the indigenous values behind the Ecuadorian constitution. Other scholars claim that the fundamental reason of the new constitution were the bottom-up indigenous movements and their values such as Sumak Kawsay, that came forward and grew stronger in the Ecuadorian society in the decades before this fundamental shift (Margil 2019; Akchurin 2015). It is a

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4 “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (The Brundtland Report 1987).
5 Evo Morales is the leftist and current president of Bolivia who enacted RoN laws in Bolivia’s legislative (Lalander 2014).
6 Cormac Cullinan is an environmental lawyer from South Africa (The Rights of Nature 2018).
7 See section 4.1.
8 The president of Ecuador in 2008 that ordered the drafting of a new constitution (Becker 2011).
philosophy that acknowledges the need of a reciprocal and balanced relationship between humans and nature (Agebjörn et al. 2016). In her article Espinosa (2015) states that the inclusion of RoN in the fundamental laws of Ecuador was an intertwined process between the two understandings mentioned above. I believe that this thesis can offer an innovative contribution to the historical chain leading up to the enacting of RoN in Ecuador, by a further investigation of the causal mechanisms. Therefore, the aim of this study developed into the following research question:

Which factors lead to the enacting of the Rights of Nature in the 2008 constitution of Ecuador?

This question aims to create a deeper understanding of the factors that lead to the Rights of Nature in Ecuador’s constitution. After the analyse, in order to gain a more holistic perspective, the paper offers a brief note on the possibilities of similar enactments in nations such as Sweden. This places the research in the field of political ecology.

1.2 Disposition

Following the introduction and aim of this research paper, a background section will present the concept and history of RoN, focused primarily on the academic contributions of the western society. This history also plays a part in the analysis that investigates the mechanisms leading up to RoN in Ecuador. Later the research design and process tracing method is presented, including a section about the limitations encountered. After this follows the result of the research regarding the events leading up to RoN in Ecuador’s constitution, then follows a discussion of the findings. The paper ends with a propose of the historical events that enabled RoN to be included in Ecuador’s constitution and final remarks, suggesting branches for future research.

9 Political ecology is the understanding of “environmental or ecological conditions as the product of political and social processes [...] the field of political ecology explicitly addresses the relation between the social and the natural” (Adams 2009, p 197).
2. Background

The aim of this section is to introduce the emerging field of the Rights of Nature (RoN). First, through a definition of the concept, second, through a history of academic and scientific contributions that have shaped the movement. Lastly follows a brief introduction to the RoN movement in Sweden in order for the readers to relate to the current presence of the concept.

2.1 Definition of the Rights of Nature

Considering that the movement of RoN is a relatively new phenomenon, the concept will be understood through the following definition:

“[…] it means recognizing that ecosystems and natural communities are not merely property that can be owned, but are entities that have an independent right to exist and flourish. Laws recognizing the rights of nature thus change the status of natural communities and ecosystems to being recognized as rights-bearing entities with rights that can be enforced by people, governments and communities” (The Rights of Nature 2018, p 1).

Furthermore, on the Rights of Nature’s homepage, the following statement is found: “And we – the people – have the legal authority and responsibility to enforce these rights on behalf of ecosystems. The ecosystem itself can be named as the injured party, with its own legal standing rights, in cases alleging rights violations” (Ibid).

2.2 Background of the Rights of Nature

It is highly difficult to distinguish a starting point in the history of RoN. The concepts evolution has evolved simultaneously in a network of philosophies and actors during the 20th century (The Rights of Nature 2018). The mobilisation has occurred in both the global south and the global north. Though the most ground-breaking progress has occurred in the global south through the force of indigenous movements (Kauffmann & Martin 2016). This section focuses on the evolution of RoN to illustrate that the efforts for the concept appear in more places than Ecuador. The history of humankind’s relation to nature goes beyond the scope of this thesis, however, an important scientific milestone in the western society was the discovery of the

10 Global activist network The Rights of Nature is the largest online site addressing the movement of RoN (The Rights of Nature 2019).
revolutionary *Gaia Theory* in the 1970s by NASA scientist and independent researcher James Lovelock (Curry 2011; Lovelock 2003). In short, the Gaia theory hypothesises that the earth is a self-regulating system, and therefore should be approached as a living organism\(^\text{11}\) (Cullinan 2011; Curry 2011). More so, Curry\(^\text{12}\) (2011) argues that the Gaia theory challenged the outcome of the scientific revolution\(^\text{13}\): understanding the earth as a machine and thereby distancing oneself from it. According to Cullinan (2011) this became an understanding that evolved to be a common mindset of westerners.

The world of academia was introduced to the idea of giving legal rights to more than humans in 1972, through an article by the law professor Christopher Stone (Agebjörn et al. 2016). Stone (1972) argued for RoN through a description of the evolution of human morals, stressing how humankind’s sympathy for others with different physics, culture or/and religion has expanded with time. He then continued by drawing a parallel to the development of the legal systems in the western world, and how these have evolved to integrate previously excluded groups into their law systems, such as indigenous peoples and women (Stone 1972). The next step in the moral development of humankind would be to include all life, meaning all components of the natural world (Ibid). Stone’s article became the foundation for many researchers interested in RoN (Agebjörn et al. 2016; Thiel 2019). The article’s upfront comparation with the history of human slavery and the domination of nature was a provocative thought process, inspiring a discussion that is currently growing on a global scale (Ibid). More so, Stone debated his ideas by approaching arguments such as "[...] streams and forests cannot have standing because streams and forests cannot speak [...]" (Stone 1972, p 464). He compared this issue to other right bearers that cannot speak for themselves, such as infants and disabled people, and diminished the discussion, suggesting a system of guardianship as solution (Ibid).

Agebjörn et al. (2016) explain that the movements of RoN developed in two directions after Stone’s international introduction; one with an anthropocentric standpoint and another with a more radical ecocentric standpoint. The anthropocentric standpoint regards the dilemmas that occur when human- and nature rights collide, highlighting that human life should remain the

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11 In line with this philosophy, a living organism would be treated with respect, perhaps as a rights-bearer instead of a property (Cullinan 2011).

12 Patrick Curry is an Honorary Research Lecturer at the University of Wales, author of *Ecological Ethics* (2011).

13 17th Century scientific revolution with actors such as Galileo Galilei and Descartes created an understanding of nature as a machine instead of the more spiritual approach of a nurturing mother (Cullinan 2011, pp 44-45).
priority (Agebjörn et al. 2016). The ecocentric direction combines RoN with a philosophy that was introduced in western academia around the same time as Stone’s article; deep ecology (Ibid). The philosophy of deep ecology, founded by the Norwegian philosopher Arne Naess\(^{14}\), approaches all lifeforms as equals\(^{15}\) (Curry 2011).

Other influential actors are the scholars Thomas Berry and his apprentice Cormac Cullinan (The Rights of Nature 2018, p 1). In 2001, Thomas Berry released *The Origin, Differentiation and Role of Rights*, arguing for the inherent rights of “[…] all members of the Earth community” (Ibid). Cormac Cullinan, an environmental lawyer, published *Wild Law: A Manifesto for Earth Justice* shortly after, adding on profound and spiritual aspects to the debate (Ibid). For instance, the author states “most of us have not consciously recognized that the jurisprudence of most of our societies is inadequate to meet the critical challenges that now face us” (Ibid, p 13). The writers both argue that the environmental laws of today clearly benefit the industry of natural resources, instead of protecting the environment (Berry 2003; Cullinan 2011).

In 2008, Ecuador became the first country to recognize RoN in its constitution, an historic event that is the core of this thesis and will therefore be elaborated further in the course of this paper (Kauffman & Martin 2016). According to Mari Margil\(^{16}\) (2010), the event “[…] changed thousands of years of history of our relationship with nature”. This since Ecuador became the first country to “base its system of environmental protection on rights, rather than on the idea that nature is property under law” (Margil 2010, p 1). More so in 2010, the contribution of many different actors\(^{17}\) resulted in the *Universal Declaration of the Rights of Mother Earth*, a declaration that has been submitted to the U.N. General Assembly (Cullinan 2011, p 192). For example, article 1 (5) states that “(m)other Earth and all beings are entitled to all the inherent rights recognized in this Declaration without distinction of any kind, such as may be made between organic and inorganic beings, species, origin, use to human beings, or any other status” (Cullinan 2011, p 193).

\(^{14}\) Arne Naess is a Norwegian philosopher that is an important figure in the field of environmental philosophy (Curry 2011, p 4).

\(^{15}\) Meaning humans, animals and nature have the same right to exist and should be valued equally (Curry 2011, p 101).

\(^{16}\) Environmental lawyer and member of the CELDF organization that played the role of advisor to the constitutional assembly in Ecuador in 2008 (Tanasescu 2013).

\(^{17}\) Among them the scholar Cormac Cullinan (Cullinan 2011).
In current time, the mobilisation for RoN is emerging rapidly across the globe (Thiel 2019). For instance, in Sweden, Sametinget\(^{18}\) has acknowledged their support and fundamental agreement\(^{19}\) with the *Universal Declaration of the Rights of Mother Earth* (Green 2019, p 6). Pella Thiel (2019), a Swedish ecologist RoN activist, expresses her view in the following way:

“We look upon the earth as an object, a resource for us to use, our culture doesn’t give rights to other kinds of life. The movements of nature rights state that this is a misunderstanding and that all life should have rights. This can be codified into our modern institutions in a way that the western culture can understand. When humans and companies have rights, but nature does not, the effect will always be a systematic exploitation.”

- Thiel 2019

Despite the fact that Sweden is far from drafting a new constitution, some environmental lawyers in the nation are independently investigating ways to add RoN to the present constitution (Margil 2019). More so, there is a current effort for the acknowledgement of lake Vättern’s\(^{20}\) inherent rights\(^{21}\) (Margil 2019; Thiel 2019). Additionally, the field of RoN is coloured by a discussion surrounding the origin of the movement (Tanasescu 2013). This discussion regards the sensitivity that comes with a philosophy that has its origin in indigenous cultures but finds a voice in western societies as well (Cullinan 2011). Native American Leo Yankton\(^{22}\) (2019) offers the following diplomatic reflection about the dilemma:

“I never realized that Europeans were once indigenous, tribal, I only thought your culture has always been colonising and consuming […] When I met the Sami\(^{23}\) I did a little bit of research and realized, the whole planet started out tribal, the whole planet started out indigenous… and then colonialization wiped out your culture.”

- Leo Yankton

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18 Sametinget is both a governmental authority and a democratically elected parliament that works for the rights of the indigenous people of Sweden, the Sami people (Sametinget 2019).
19 Marie Person Nigita state that “[…] a paradigm shift is needed to an understanding that humans are a part of nature […] The Sami people belong to their land, water and landscapes […]” (End Ecocide 2018).
20 Lake Vättern is the second largest lake in Sweden (Naturens rattigheter 2019).
21 *Inherent rights* – from the Universal Declaration of Mother Earth (Cullinan 2011, p 192).
23 Indigenous people of Scandinavia (Sametinget 2019).
3. Research Design

3.1 Methodology

This paper is a qualitative case study of the enactment of RoN in Ecuador’s constitution, based on conducting various kinds of empirical material (Svensson & Teorell 2007). The research question (*which factors lead to the enacting of the Rights of Nature in the constitution of Ecuador?*), has an aspiration to explain the relationship between cause and effect of Sumak Kawsay and RoN in the constitution of Ecuador (Ibid, p 27). Thereby, the method of choice is *process tracing*, optimally this is a practice that tracks the causal mechanisms of a phenomena that is already well-known in the starting point of the research, as in the case of RoN in Ecuador’s constitution (Esaiasson et al. 2017, pp. 129-130). More so, process tracing is a fundamental tool in qualitative research, providing “*insight into causal mechanisms*” (Collier 2011, pp. 823-824). Additionally, this study is a within-case analysis containing a detailed investigation of the possible causes of effect, the central part being the process, not the outcome (Ibid, p 130).

Beach & Pedersen, two prominent academics in the art of process tracing, differentiate between 3 kinds of process tracing: *theory testing, theory building and outcome explaining* (Beach & Pedersen, 2013 p 3). This thesis is a theory building kind, which is an inductive approach that create a theoretical proposition (Ibid). This is done through the development of a theory or hypothesis about the reasons of a particular outcome, more so this theory is developed *throughout the process* of the empirical analysis of the phenomena (Ibid, p 172). This method is suitable for a puzzling case like the nature rights in Ecuador’s constitution (X), since the outcome of the subject is well known but the actual causes (Y) are not, making it a Y-centric kind of theory building (Trampusch & Palier 2016, p 443).

Trampusch & Palier (2016, p 445) introduces the inductive method in the following matter:

“*inductive analysis of processes does not merely consist of naive observations of empirical events from which theoretical ideas are derived, but rather forms a theoretically informed analysis (= decomposition) of processes that looks for causal chains between the observed events.*”
In other words, this kind of process tracing resembles an historical explanation, however, the more in-depth analyse seek to identify causal mechanisms that can generate an hypothesis or potentially uncover new mechanisms (Trampusch & Palier 2016, p 444).

Previous work from researchers such as Agebjörn et al. (2016) argue that the cause of RoN in Ecuador’s constitution is the presence of indigenous nature values known as Sumak Kawsay24, hence RoN is believed to be a codification of indigenous values into the law systems (Margil 2019). These ideas are strengthened by the environmental lawyer Mari Margil (2019), who expressed that the incorporation of RoN in the specific case of Ecuador’s constitution is due to the indigenous values that exist in the nation. Other causal mechanisms discovered through this theory building process are presented at the end of chapter four.

3.2 Material

The material used in this study is a large collection of academic articles (both Spanish and English), literature from prominent RoN researchers, magazine articles, relevant internet pages, a speech from an environmental activist and three semi-structured interviews with informants25. This extensive selection of sources is well adapted for a process tracing study (Trampusch & Palier 2016, p 450). Finally, the material was profoundly investigated using methods of a qualitative text analysis, providing a more in-depth study (Esaiasson et al. 2017, p 211).

In regards to the semi-structured interviews, these were performed with central actors within the RoN movement (Ibid, p 267). The first interview was with the Swedish ecologist and environmental activist Pella Thiel from Nature Rights Sweden. The second interview was with Carmen Blanco Valer, a political and indigenous activist and coauthor of Money versus Life – About Sumak Kawsay – a different perspective on life26 (Agebjörn et al. 2016, my translation). The third interview was conducted with Mari Margil at the Earth Rights Conference 201927, an environmental lawyer and prominent member of CELDF, present at the writing of Ecuador’s constitution of 2008. The interviews were conducted with the use of audio recordings in order

24 See section 4.1.
25 The persons interviewed had the role of informants, meaning they were contacted to contribute with information regarding a phenomena, in this case RoN (Esaiasson et al. 2017, 236).
27 The third Earth Rights Conference that took place in Sweden (Earth Rights Conference 2019).
to get the accurate meaning and to be able to transcript the material and draw out direct quotes (Esaiasson et al. 2017, p 278). An example of a question used was “(w)hat role do you think that the indigenous people and their values played in the enacting of RoN in the constitution of Ecuador?”. The interviews were initiated to complement the existing body of RoN research, to fill in gaps in the empirical discoveries. For instance, Mari Margil contributed with significant insights from the very process in the constitution assembly, as she remembered how the discussions had played out regarding RoN (Margil 2019). Carmen Blanco (2019) provided an indigenous perspective and expertise of the subject, adding on another dimension of understanding.

The process tracing continued as the material to the study had been collected. In line with previous studies the next step was to isolate formative moments, key events in the historic process that enabled the enacting of RoN in the Ecuadorian constitution (Esaiasson et al. 2017, p 130). A common dilemma within process tracing is when too many of the formative moments overlap (Teorell & Svensson, p 250). This study came across one mechanisms that overlap all the other mechanisms; Sumak Kawsay, the indigenous philosophy of the Andes. However, the other formative moments discovered were possible to integrate into a historical chain characteristic to a process tracing (Esaiasson et al. 2017, p 130). The outcome of the empirical analysis of the material resulted in the mechanisms discussed in chapter four and five. Notably, the presence and work of environmental organisations is an important side-note to these events (Espinosa 2015). However, as the thesis focus is on the indigenous efforts in Ecuador, their presence was briefly integrated in the causal mechanisms suggested instead of in an independent section.

3.3 Limitations

In social science research it is important to acknowledge the insecurities surrounding the process and quality of the data collected (Teorell & Svensson 2007, p 279). For instance, no arguments, other than those of the advocates for nature, have been presented. This provides the

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28 The Constitutional assembly refers to the assembly that gathered to discuss the writing of the new Ecuadorian constitution of 2008.
29 Carmen Blanco identifies herself as an indigenous woman and provided insights that appeared different to mainstream social science, such as an emphasize on the collective efforts behind RoN, instead of individual figures (Blanco 2019).
30 Specifically important moments in an historical chain of events (Esaiasson et al. 2017, p 130).
31 See Sumak Kawsay in paragraph 4.1.
study with a possibly biased and quite leftist perspective, emphasized by the fact that the majority of researchers interested in RoN appear to have a rather anti-western or anti-capitalist approach (Agebjörn et al. 2016; Becker 2010; Blanco 2019; Cullinan 2011; Margil 2019; Thiel 2019).

Another limitation was time, as there was not enough to consult an equal amount of western and oriental sources, or Spanish and English written articles. The research encountered was to a large extent academic work from western societies, thereby leaving a gap of knowledge regarding the indigenous peoples of the Andes and their philosophy Sumak Kawsay (Blanco 2019). More so, as a Scandinavian researcher, the material is approached with a western lens, a limiting quality due to my positionality\footnote{Takacs (2003) defines positionality as: “the multiple, unique experience that situate each of us”}, meaning that my personal perspectives and viewpoints can have an biased effect on the result (Takacs 2003). Additionally, it is important to remember that writing about the subject in the matter that this thesis has done, can (1) be interpreted as an attempt to westernize indigenous knowledge and (2) lack important details of a foreign philosophy that can only be fundamentally understood within a closer setting, such as longterm fieldwork (Esaiasson et al. 2017, s 313). Furthermore, as Blanco (2019) points out in her interview; individualistic western mindsets have a tendency to search for individual leaders or specific events regarding the development of RoN in Ecuador. Hence it can be a challenge for a western mind to understand the core concepts of collective efforts.

### 3.4 Interviews

Before the interviews, the three interviewees were aware of the aim of this study and the interest in Ecuador’s process in relation to the indigenous values within the nation. This starting point could have led to bias regarding the answers, as the interviewees knew my personal positive attitude towards indigenous movements. Within social science this dilemma is known as the interviewer effect (Esaiasson et al. 2017, p 243). This can also affect the questions I composed, however, an awareness about these obstacles minimize the risk of a larger impact (Ibid).

### 3.5 Sources

A dilemma with social science papers is the ability to source ones work from both academic but also non-academic sources, more so to remain sufficiently critical to the non-academic ones
(Esaiasson et al. 2017, p 287-289). This thesis faced the challenge of writing about a relatively new phenomena, thereby having to rely on sources outside of the academic sphere. One of this kind is *The money or life – About Sumak Kawsay – another way to look upon life* (Agebjörn et al. 2016, my translation). This particular source is non-peer-reviewed material, thereby creating a credibility and reliability doubt (Ibid). It is important to acknowledge that this particular source, and other sources of a non-academic nature, could have had a misleading impact on the hypothesis that was created throughout the process tracing, thereby also affecting the analysis and the final conclusion.
4. The process of the Rights of Nature in Ecuador

Sumak Kawsay, a philosophy that strives for harmony between humans and nature, became the foundation of Ecuador’s new constitution in 2008 (Agebjörn et al. 2016). The ideas that built this philosophy are found amongst many indigenous groups around the globe. Uniquely to Ecuador, social movements appear to have pushed for these values to become a part of the political sphere (Ibid). The country’s long history of colonial domination that then developed into phases of military dictatorships, appears to have played a significant role in the political instability that created space for the indigenous movements to rise (Becker 2010). The environmental lawyer Margil (2019, p 8), states “[…] for centuries, the people and landscapes of Ecuador have been exploited by outsiders[…]”. The mobilisations that occurred enabled grassroots movements to be taken seriously, leading to the successful Citizen’s revolution in 2006 (Ibid). This political development contributed to the decision to change the constitution in 2007, creating a constitutional assembly to draft new fundamental laws. The final constitution included RoN and Sumak Kawsay (Ibid). This chapter will present the historical factors mentioned above to create an hypothesis on how RoN became a part of Ecuador’s constitution, thereby investigating the political ecology of Ecuador.

4.1 Sumak Kawsay

“I understand sumak kawsay as a life in harmony. Sumak means humankinds harmony with nature and the sacred spirits. Kawsay is the everyday life for all of us who are part of mother earth.”

- Patricia Gualinga

In order to understand which values underlie RoN, this section will start with an elaboration on the philosophy in focus. Sumak Kawsay is an expression in the Quechua language from the Quechua people of the Andes in Latin America (Ibid). It is a cosmovision commonly referred to as buen vivir, which is Spanish for living well, but it can also be understood as to live in harmony (Ibid, p 7). To understand the concept, it is important to distinguish between living well and living better, the philosophy is easily misunderstood as something that suggests a

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33 Prominent leader for a tribe in the Amazonas, Ecuador, quoted in Agebjörn et al. 2016, p 10, my translation.
34 Within American indigenous culture, a cosmovision is a type of philosophy, including not only the earth but the whole cosmos (Blanco 2019).
35 With respect to its origin Sumak Kawsay will be the primary term of choice throughout the paper.
continuous strive for more (living better), instead of its goal of an existence in balance (living well) (Acosta 2011, p 52). Agebjörn et al. (2016) argue that this balanced approach to life is what makes Sumak Kawsay an alternative to western mindsets and a society run by capitalism. The authors suggest that the continuous strive for more is what keep the western world in a permanent dissatisfied state, a state highly unsustainable for the earth (Agebjörn et al. 2016, pp 12-13).

The principles of Sumak Kawsay are found amongst many indigenous peoples from all over the world (Ibid). To live in harmony with nature is a practise and understanding that has been the foundation for most indigenous peoples, although these beliefs are so fundamental that they are rarely expressed in writing (Blanco 2019; Cullinan 2011). However, in 2008 Latin America, the worldview emerged on the political arena while creating something new; a meeting between western structures and indigenous values (Agebjörn et al. 2016). The scholar Carmen Blanco (2019) explain that many of these values were previously supressed, because of the lack of understanding between the western influence originating in colonial domination and the indigenous culture of the Americas. More so, many indigenous groups in the Americas could not perceive the need for a piece of paper to mark their right to use the land, as they lived in a natural coexistence with it (Blanco 2019).

To continue, Acosta (2011), the politician who led the integration of Sumak Kawsay in Ecuador’s constitution from 2008, argues for the importance of understanding the complexity of the philosophy. “The Buen Vivir, means a chance to collectively construct a new form of organisation of life itself, far beyond a constitutional declaration” (Acosta 2011, p 52, my translation). Acosta (2011, p 52) states that Sumak Kawsay requires a new understanding of what development is at its core, questioning the mechanic\(^\text{36}\) attachment that “developed” countries have towards economic growth. He continues to explain that the philosophy is oppose to the anthropocentric qualities of capitalism and the dominant features of modern civilizations, however, highlighting that it is not to be confused with traditional socialist worldviews (Acosta 2011, p 52). More so, Sumak Kawsay aims at constructing a society that is built on both solidarity and sustainability (Ibid).

\(^\text{36}\) The use of mechanic is here related to the “mechanic worldview” following the scientific revolution (Curry 2011).
Agebjörn et al. (2016) explain that the philosophy is based on a holistic understanding of harmony, achieved by relations in a *give and take* cooperation. The attitude towards other living beings is based on a collective good, one that strives for sharing not competition (Ibid). Another important detail is how the people who live through this philosophy relate to time, questioning the linear vision of phenomena and referring to a time that moves in cycles, synchronised with nature (Ibid). Furthermore, with the previously mentioned qualities of Sumak Kawsay in mind and as the philosophy grows wide known on a global scale, scholars warn of a mainstream version of it and stress how easily it can be wrongly interpreted (Acosta 2011; Agebjörn et al. 2016). Lastly, this philosophy became the foundation of the constitution of 2008 in Ecuador, creating a bridge between RoN scholars and indigenous peoples (Agebjörn et al. 2016).

### 4.2 Political Instability & Neo-liberal Policies

Ecuador is a grand country made up of many peoples and cultures reaching from the Andes to the Pacific ocean and the biodiverse Galapagos islands, the Sierra and the Amazon region (Gómez et. al 2018, p 105; Kauffman & Martin 2016). The rich and diverse nature has called for environmental protection from both national and foreign environmental organisations (Espinosa 2015). The nation has a long turbulent history, from being a region in the Inca empire to the arrival of the colonial power of Spain in the 1500s (Ibid). With the colonialization, a distinction was created between westerners and indigenous people, creating social classes that marginalised the native peoples and their beliefs (Ibid, p 107). Becker37 (2010, p 12) state that as the 20th century came, these attitudes had been transferred into the political systems of Ecuador, hence the country had a “white elite power base”.

The indigenous people of Ecuador, consisting of a great number of diverse cultural groups, started to politically mobilize their actions as early as 1944, when the Ecuadorian indigenous people’s federation (FEI) was founded (Agebjörn et al. 2016, p 24). This meant that many cultures that previously had their own nations, law systems and other types of societal organs, began the attempt to integrate their old systems and values into the western frames of society (introduced through the colonial powers) (Ibid). More so, FEI’s main demand was a fair distribution of land; a return and acknowledgment of land that used to be a common ground to different indigenous peoples, ground that now belonged to the state or private (many times foreign) actors (Agebjörn et al. 2016; Becker 2011).

37 Author and professor in Latin American Studies in the US (Becker 2011).
The 1960s and 1970s were periods of military-led governments attempting to “modernize” Ecuador, amplifying an already unstable country with a violent history (Beck 2001). 1979 came with a transition to electoral democracy, however Ecuador’s size and the diversity and inequality amongst its peoples, kept creating instability and maintained a chronic crisis in the society (Agebjörn et al. 2016; Conaghan 2007). Additionally, a majority of the indigenous population was kept outside of politics up until 1979, as there had been a literacy requirement for voting up until then38 (Chriboga 2004, p 52).

The 1980s and 1990s came with a neo-liberal wave of free market capitalism, proceeding an economical marginalisation of the country’s already struggling citizens (Agebjörn et al. 2016, p 24). By some scholars, such as Chriboga (2004) this neo-liberal wave has been referred to as neo-colonialism, continuing the implementation of traditions on peoples that have not been a part of creating them. More so, the capitalist development left little to no concern for the Ecuadorian environment, as an unsustainable extraction of natural resources dominated the society (Becker 2010; Espinoza 2013). For instance, parts of the rich and diverse Amazon regions in Ecuador contain oil, sparking a business interest ignoring the local and indigenous communities in the areas (Espinoza 2013). The Ecuadorian government promised the citizens national benefits as a result of neo-liberal policies, such as a decrease in poverty, promises that had a continuous tendency to be broken (Ibid). Instead, the largest profits of the country’s natural resources disappeared to foreign investors or the elite of Ecuador (Ibid).

The political instability and elitist politics of Ecuador, created ground for the emerge of indigenous and social movements (Becker 2010). These movements organised themselves against the social and environmental injustice dominating the nation, arguing for a more inclusive and sharing governance (Agebjörn et al. 2016; Becker 2010). An important umbrella organisation that took root was the Confederation of Indigenous Nationalities of Ecuador, Conaie, founded in 1986 (Ibid). It formed a collaboration of Ecuador’s 14 Indigenous nationalities, more so between three already existing confederations; Conaice from the coast, Ecuarunari from the mountains and Confenaie from the Amazon (Agebjörn et al. 2016, p 24; Becker 2010). Hence the political instability and neo-liberal policies in Ecuador, enabled the values of indigenous people, Sumak Kawsay, to become a part of the political field of the...
nation. Therefore political instability and neo-liberal policies are presented as the first mechanism in this process tracing.

4.3 Indigenous Mobilisation

The influential union of Conaie, that eventually grew into the largest indigenous organisation in the country, signified a collective identity for many diverse cultures previously rather distant to one another (Becker 2011; Chriboga 2004). More so, Conaie defined its struggles as an objection to the neo-liberal wave that had hit the country in the previous decades, thereby stating to be anti-colonial and anti-capitalist (Ibid). The foundation strove to mobilize all citizens that were against social injustice, the destruction of nature and the contamination of the environment (Becker 2010, p 20). They suggested the philosophy of Sumak Kawsay as an option to this (Agebjörn et al. 2016). Furthermore, the organisation was eager to create a plurinational\textsuperscript{39} state that respected and acknowledged the various cultures within the Ecuadorian society (Chriboga 2014).

In 1990, Conaie organised a movement known as \textit{Leventamiento National Indígena} (the national uprising of indigenous people) mobilising a gigantic uprising across the country (Becker 2010; Akchurin 2015). The movement was the first of its scale and is known as a starting point in Conaie’s accumulated strength, presenting a serious grassroot voice to the Ecuadorian government (Akchurin 2015). Following the riots was the Continental Conference of Indigenous Peoples in Quito\textsuperscript{40}, uniting leaders from twenty nations in the Americas (Ibid). The declaration that came out of the meeting explicitly stated Conaie’s understanding of nature; “\textit{The land and indigenous peoples are inseparable. Land is life; it cannot be bought or sold. It is our responsibility to care for it according to tradition, to guarantee our future}” (CCPOI 2007).

In 1992, a branch within Conaie organised a famous protest known as the \textit{caminata} (the hike), of 15 000 people marching from the Pastaza province in the Amazon to the capital Quito (Becker 2010, p 35). Their goal was to regain rights to land that had been taken away from them (Ibid). The successful result of this action was the protection of 1 million acres of land

\textsuperscript{39} “Rafael Correa defines plurinatural as the coexistence of several different nationalities within a larger state where different peoples, cultures and worldviews exist and are recognized” (SHID 2019).

\textsuperscript{40} Capital city of Ecuador (Agebjörn et al. 2016).
As expressed by Becker (2010, p 12) “a powerful movement for social change emerged out of a people whom the dominant classes traditionally viewed as backward and docile”. In 1994, the organisation released Conaie’s political project, Proyecto Político de Conaie[^41], a manifesto collecting their goals and values (Altman 2017). Here once again, the right for the territories (nature) was mentioned;

“[…] The control of territories by the indigenous people and nationalities has permitted a harmonic and balanced management of the natural resources. These politics have permitted a natural conservation that has guaranteed the development of all the lifeforms”

- Proyecto Político de Conaie[^42]

Furthermore, the scholar Espinosa (2015, p 7) argues that Conaie was an organisation that criticised how the republic of Ecuador was based on “[…] outdated colonial structures reproducing the exclusion and the domination of non-Europeans”[^43]. The organisation aimed at decolonising the nation, a goal that later on evolved to include the decolonisation of nature (Espinosa 2015; Blanco 2019). In the spirit of social and indigenous mobilisations, environmental organisations took root as well, one prominent actor being Fundación Pachamama - the Pachamama foundation (Espinosa 2015). This organisation was established in the 1990s and was to play a significant role in the chain of events that followed the force of social mobilisation (Ibid).

In 1995 Conaie mobilized their movements further as they entered politics, helping to found Pachakutik (Agebjörn et al. 2016; Beck 2001). The political movement Pachakutik was the product of a movement called the Pachakutik Movement for Plurinational Unity, MUPP (Becker 2010). The name is from the Quechua[^44] language and is constructed by two words; pacha and kutik, pacha commonly refers to land and kutik can be translated into a return (Ibid, p 12). However, the term has a deeper meaning in Latin American history, symbolising a revolution initiated by previously suppressed voices rising up to the surface, a shift in power (Ibid).

[^41]: This manifesto was then updated in 1997, 2001, 2007 and 2013 with political agendas (Altman 2017).
[^42]: 1994, p 21, my translation.
[^43]: Referencing to the influence of the United States of America (Becker 2010).
Pachakutik was, much like Conaie, an explicit protest to the neo-liberal economic policies that had dominated Ecuador, but also an answer to an impression that many citizens had in the nation; the lack of representation in the government (Ibid, p 50). In 1996, Pachakutik participated in Ecuador’s election for the first time, earning a congressional post for one of the leaders of Conaie, Luis Macas (Ibid). More than that, six more candidates from the movement won office in national or provincial deputies, making the young movement the fourth largest block Ecuador’s congress (Beck 2011, p 5). The development shed light on the social injustice of the country, more so on the indigenous population and their values and believes, pushing others (usually left-wing parties) to integrate similar policies and demands into their politics (Ibid).

The decade that followed the election of 1996, kept Ecuador in a similar political instability as the past (Becker 2010). The people were tired of the market driven politics making life harder for the already marginalised majority, more so the presence of corruption and the remaining power of the elite (Gomez et al. 2018, p 105). Protests against elected governments that did not comply to their promises, but instead kept the interest of foreign investors a priority, resulted in riots that lead to the resigning of many presidents (Becker 2010). Conaie and the Pachakutik were front actors in these social movements that forced the country to openly debate its community and values (Ibid). However, the effect from decades of dysfunctional politics, left the Ecuadorian citizens with a fundamental lack of trust in their national government and political figures (Kauffman & Martin 2016). Finally, the entrance of Pachakutik in the government of Ecuador played a significant ally for RoN scholars in the process of writing a new constitution in 2008, this role is elaborated in the following sections (Akchurin 2015). *The political voicing of indigenous values*, in this case Sumak Kawsay, that occurred in this period, is here presented as another mechanism that contributed to the final outcome of RoN in Ecuador.

### 4.4 The Citizen’s Revolution

The elections of 2006 played a significant role for the Sumak Kawsay and the Rights of Nature in Ecuador’s constitution of 2008 (Agebjörn et al. 2016). Despite of the despair surrounding the nations politics, a belief in the possibilities of change still remained and was strong enough to create what became known as the Citizen’s revolution (Becker 2010). Rafael Correa, an already famous figure in Ecuadorian politics due to his previous position as a finance minister,
ran for president with his leftist party Alianza Pais (Kauffman & Martin 2016). In the starting point of his campaign an alliance between the politician and the Pachakutik was being discussed, however due to different ideas, Correa was left without their official support (Becker 2010).

Although Correa integrated many of the policies that Pachakutik stood for in his campaign, he was not considered to represent the indigenous people. He was a white Catholic man with an education in both the US and Europe, privileged in matters that most Ecuadorians could not relate to (Agebjörn et al. 2016; Becker 2010). More so, his politics got an opportunist approach as many of the core issues displayed by Conaie and Pachakutik appeared on his political agenda, something that created tension between the actors (Becker 2010, p 91). For instance, the social movements were arguing for a whole new constitution; Correa included this in his campaign and made it a promise to summon a new constitutional assembly to establish new fundamental principles for the nation (Becker 2010; Conaghan 2007, p 827). To add on to the criticism that opponents used against him, the politician had little to no background in social movements, yet still leading a leftist campaign aiming to find support amongst them (Ibid).

During the election of 2006, Conaie highlighted the importance of Sumak Kawsay and suggested that it should be the framework of the new constitution (Agebjörn et al. 2016; Tanasescu 2013). Similarly, Alianza Pais and Correa emphasised that the goal of the Ecuadorian economy needed to focus on welfare, Sumak Kawsay, not profit (Becker 2010). Correa specifically stated the need of *rethinking* the unsustainable relationship between their society and their environment (Akchurin 2015). Thereby, he openly criticised the economic system of the nation, the neo-liberal policies (and their free market), and more so portrayed his agendas as a revolutionary alternative to the past governments (Kennemore & Weeks 2011). Furthermore, Correa’s approach had an anti-elitist and anti-system sentiment, characterised by framing his politics as a *Citizens revolution*, taking into consideration the previously mentioned lack of trust in the earlier authorities (Conaghan 2007).

The campaign of Alianza Pais lead to the election of Rafael Correa as Ecuador’s new president in 2006 (Ibid). As previously mentioned, one of the main promises that Correa had made in his campaign, was the rewriting of Ecuador’s constitution (Ibid). Thereby, the citizens of Ecuador expected the newly elected president and his leftist party to live up to the campaign promises (Ibid). This crucial event appears to have opened up for the drafting of a new constitution,
enabling RoN to enter the legislative. Therefore political candidates internalising the public demand of new nature values is believed to be another mechanism for the outcome of interest.

4.5 The Constitutional Assembly

“What was done in Montecristi [the city that hosted the assembly] was not the act of a group of enlightened people, but the continuation of a process of building alternatives”

- Alberto Acosta

Correa summoned a constitutional assembly in Montecristi in 2007, choosing the economist and environmental activist Alberto Acosta as president of the assembly, notably the politician had also been a founding member of Pachakutik\(^{45}\) (Tanasescu 2013; Espinosa 2015). Becker (2011, p 48) described that the assembly was “opening up a historic moment to decolonize the country’s political structures”. Perhaps this statement was slightly exaggerated do to the researchers tendency of anti-western approaches, still, it was a historic moment (Becker 2011). Embracing the opportunities of a new constitution, Acosta, together with actors from environmental and indigenous organisations, saw the chance of turning the values of a harmony with nature, into a fundamental law (Becker 2011; Espinosa 2015). The researchers Espinosa (2015) and Tanasescu (2013) state that the national discussion about the Rights of Nature started around this time, gaining popularity due to its origin in indigenous traditions brought forward by Conaie and Pachakutik.

The constitutional assembly welcomed civil societal organisations and civilians to bring suggestions regarding the new constitution, to be presented to the various working groups (roundtables) that were established in the start of 2007 (Tanasescu 2013). The idea was that different themes were to be democratically discussed in different sections, such as for instance roundtable five concerning natural resources and biodiversity or roundtable one concerning the fundamental rights (Ibid). The months of discussion at the roundtables are what manifested as a new constitutional suggestion, finally enacted in 2008 (Ibid).

In regards to the Rights of Nature, Acosta highlighted this concept with similar arguments that had been expressed by Einstein in the 1950s and used by Stone in 1972\(^{46}\) (Stone 1972; Boyd 2017, p 1). The president of the constitution was highly sympathetic to environmental

\(^{45}\) The indigenous movement in the government of Ecuador (Becker 2010).

\(^{46}\) See Introduction and Background at the start of this thesis.
legislation, releasing the essay *Nature as a Subject of Rights* in the start of the discussions, rapidly embracing the opportunity to argue for RoN within the constitutional assembly (Tanasescu 2013, p 848). Acosta and other politicians positive to RoN in the assembly, referred to the expansion of humankinds moral and how it evolves with time, arguing that Ecuador could be a progressive and leading state by enacting RoN in their fundamental laws (Ibid). This was seen as a chance to create progressive history and therefore appealed to different actors of the assembly (Ibid). The mobilisation to gain support from the citizens was led by the Pachamama foundation, through its cooperation with the non-profit organisation the Community Environmental Legal Defence Fund, CELDF (Espinosa 2015). CELDF was an organisation working with the legal aspects of the Rights of Nature in the US (Ibid). More so, Pachamama’s close ties to the indigenous peoples eased the process of getting the official support of Conaie for the legal Rights of Nature (Ibid).

The lawyers from CELDF grew to have the important role of advisors to the constitutional assembly (Espinosa 2015; Margil 2019). Margil\(^\text{47}\) (2019) explained that the Pachamama foundation got in contact with them after they learnt about their progress in regard to RoN in the United States. Thereby, as the Pachamama foundation was ready to argue for environmental protection in the window of drafting a new constitution, CELDF had an important role of bringing previous experience regarding the legislative work of transitioning from “*a property-based to a rights-based framework for protecting nature*” (Margil 2010). More so, the previously mentioned figures in the history of the RoN movement, such as Stone (1972) and Cullinan (2011), and even concepts such as deep ecology, became central points of historic references to the advocates of RoN in the constitutional assembly (Espinosa 2015).

CELDFF and other environmental advocates, managed to mobilize spokespersons for RoN at the roundtables of the constitutional assembly (Espinosa 2015). The relation between Conaie and the environmental advocates was investigated by Akchurin in 2015 (Akchurin 2015). The researcher collected interviews with the environmental advocates that captured the understanding of RoN from different actors, for example:

“The Rights of Nature is fundamentally a contribution from Andean civilization to Ecuador’s constitution, but a contribution that is, of course, mediated by various other sources. This notion […] arise in the US during the 1970s and that in a way coincides with the ancestral

\(^{47}\) One of the significant lawyers involved with CELDF’s role in Ecuador (Cullinan 2011, p 185).
vision of the indigenous peoples to view nature not as “something” but rather as “someone”… to respect her dignity. Of course, for us it is new; it is novel for western civilization… but for them, no. It was interesting when we brought up this idea to Conaie – the difficult part was pointing out to [indigenous groups] that this was not already recognized in the juridical system. That didn’t make sense to them... “but of course, nature is our mother, she has rights”... [we explained that] no, for the majority of people, it is a “thing”.

- Anonymous environmental activist

In an interview with Mari Margil, one of the lawyers representing the CELDF, she explained that the organisation met with many of the delegates during the writing of the constitution in Montecristi (Margil 2019):

“One of the interesting parts of that process was, in particularly in conversation with indigenous delegates, their questioning of why [...] as they had already talked about their relationship with nature, with mother earth, with the place where they live... it’s something that is central to their culture, to their perspective and to their understanding. [...] and really questioned putting that into written law.”

- Mari Margil

She continued by explaining that the written law was, in the eyes of the indigenous organisations present at the assembly, a western structure that had been used to “legitimise the oppression of them with colonialism” (Ibid). Thereby, in the talks between CELDF and organisations such as Conaie and Pachakutik, they firmly questioned if they wanted to put their relationship with nature into the written legal systems (Ibid).

When Conaie and Pachakutik introduced their suggestions regarding the new constitution to the constitutional assembly, they highlighted Sumak Kawsay as an alternative to the neo-liberal policies driving the nations market (Espinosa 2015, p 13). To the organisations, the new constitution signified an opportunity to decolonize Ecuador (Ibid). In their suggestions there was no explicit statement mentioning the importance of RoN in the constitution (Espinosa 2015). However they did emphasise Sumak Kawsay (and all that the concept incorporates) and

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48 Quoted in Akchurin 2015, pp 954-955.
49 This quote is from an interview with Mari Margil at the Earth Rights Conference in Sweden, Sigtuna, 2019.
the need to protect nature, *pachamama*\textsuperscript{50}, the mother of all (Akchurin 2015). Finally, on the day that the assembly voted about the new constitution, the organisation fully supported the likeminded suggestion of the Rights of Nature with its four delegates of Pachakutik (Ibid).

The researcher Tanasescu (2013, p 855) points out two different narratives to the enacting of RoN in the constitution of 2008. One story emphasizes the significance of indigenous movements, the second story emphasizes a more top-down\textsuperscript{51} approach, stressing the importance of political strategies brought forward by actors such as Alberto Acosta (Tanasescu 2015). Tanasescu (2015) does not neglect the important role of the indigenous communities, but highlights the fact that the enacting would not have occurred without the influential actors already in charge. Thereby, the researcher argues that the primary force came from the politicians elected after the Citizen’s revolution (Ibid, p 855).

The process of drafting a new constitution lasted between November 2007 to July 2008, resulting in the ratifying of the constitution by vote in September of 2008 (Ibid). Researchers, such as Tanasescu and Espinosa, disagree on the fundamental reasons for the enacting of RoN (Tanasescu 2013; Espinosa 2015). Mari Margil stated that “many people say that the Rights of Nature is a codification into law of indigenous values and I really think it proved to be that in Ecuador” (Margil 2019). Interestingly, Tanasescu (2013, p 855) quote that Margil in 2013, slightly contradictory, stated that the “development of these rights in Ecuador did not start from the grassroots”. This mild contradiction makes the source slightly doubtful, but could be an effect of the lack of simultaneity\textsuperscript{52}. More so, Margil (2019) continued to point out that the answer to the research question of this thesis, can only come from the people who were making the ultimate decisions. The lawyer further mentioned that Alberto Acosta played a prominent part in the efforts to discuss RoN in the assembly (Margil 2019). Perhaps Espinosa (2015, p 16) finds a middle ground by arguing that RoN was manifested through the meeting between indigenous beliefs, environmental activism and western academia.

The final mechanism in place is believed to be the political arena that allowed for a constitutional change that internalize indigenous nature values in a constitution.

\textsuperscript{50} Pachamama is a Quechua word (language from the Andes) for nature, referring to *mother earth* (Agebjörn et al. 2016, p 41).

\textsuperscript{51} Simultaneity is a necessary criteria when being critical to sources, Esaiasson et al. (2017, p 294) explain it as the insecurities surrounding a source when there has been a large timespan between the event of interest and the interview.
4.6 Constitution of the Republic of Ecuador

The enacting of RoN and Sumak Kawsay in the constitution of Ecuador was overall seen as a success for nature and the Ecuadorian population (Becker 2011; Espinosa 2015; Tanasescu 2013; Akchurin 2015). The Sumak Kawsay was used as framework for the constitution and is quoted in chapter two, section two, that relates to a healthy environment (PDBA 2011). Article 14 of chapter two state: “The right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and the good way of living (sumak kawsay), is recognized”. Furthermore, four articles in the constitution refer directly to the Rights of Nature.

Article 71 state that nature has the right for an “[…] integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes […]. More so “[…](a)ll persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate […]. Margil (2019) emphasise the importance of this part of the constitution, as it provides a mechanism to empower the citizens, particularly indigenous peoples. She further argues that this article enables the indigenous peoples to have their collective rights recognized in the law (their collective includes nature), hence RoN managed to strengthened the collective rights of the Ecuadorian indigenous peoples (Margil 2019).

Article 72 state that “[…] nature has the right to be restored […]”, thereby this article that obliges the government of Ecuador to reassure the restoration of sectors in nature that have been damaged, such as sites that have been harmed by the exploitation of the nation’s natural resources (PDBA 2011). Article 73 highlight the role that the Ecuadorian state has to prevent the destruction of their ecosystems. The final article 74 concerns the right of Ecuadorians to still enjoy the environment and “[…] the natural wealth enabling them to enjoy the good living”.

Finally, since RoN became a permanent part of the constitution in 2008, the laws have been implemented and supported in a number of court cases (Kauffman & Martin 2018). The scholars Kauffman and Martin (2016, p 134) investigated 13 cases, were 10 efforts succeeded with the implementation of RoN while three failed. An interesting example is found on the

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53 In relation to Sumak Kawsay, see section 4.1.
Galapagos Islands, in the Galapagos Marine Reserve, when actors filed a lawsuit against a fishing vessel that was abusing the shark population in the area (Ibid). The lawsuit was in the name of “crimes against nature” as the court ruled “in favour of the sharks”, sending the criminals to jail (Ibid). As expected, there are national cases were RoN has been unable to win the battle against large foreign companies and the economic profits from the extraction of natural resources (Ibid). Primarily, as in the case of the three failed cases mentioned above, the issue was with the government and the national economy’s dependence on large-scale mining and oil extraction (Ibid).

4.7 Summary

This chapter aimed at investigating the different mechanisms that are believed to have lead up to the enacting of RoN in the constitution of Ecuador in 2008 (Becker 2010). The process tracing first acknowledge the existence of the philosophy Sumak Kawsay, focusing on the effect that the indigenous nature values has had on the Ecuadorian peoples (Agebjörn et al. 2016). Then follows an explanation of the political instability linked with the history of colonial power in the nation, leading to the arrival of neo-liberal policies and capitalism in the 20th century (Blanco 2019). The development cared little of the already poor population and even less for the natural environment (Espinosa 2015). This development illustrate that there is no separation between environmental protection and the socio-political situation of a country, hence framing this study as political ecology. The first mechanism discovered in this inductive study is thereby political instability and neo-liberal policies.

Furthermore, the unstable politics gave space for the birth of many strong social movements, including indigenous movements such as Conaie but also environmental organisations such as the fundación Pachamama in the Amazons (Akchurin 2015; Becker 2010). The second mechanism is thereby the political voicing of indigenous values. This mobilisation and its strength led to political turbulence that let forward actors such as Rafael Correa, that was elected as the president of Ecuador in 2006 after a campaign known as the Citizen’s revolution (Becker 2010). Hence the third mechanism; political candidates internalising the public demand of new nature values. The indigenous movements and the environmental organisations then joined forces to come with suggestions for the constitutional assembly promised by the leftist president, reassuring Sumak Kawsay and the Rights of Nature in the new constitution of 2008 (Espinosa 2015). The final mechanism in place thereby became the political arena that
allowed for a constitutional change that internalized indigenous nature values in a constitution.
5. Discussion

With the research question in mind (which factors lead to the enacting of RoN in the constitution of Ecuador in 2008?), I believe that the following mechanisms might be at play; Sumak Kawsay, political instability and neo-liberal policies, political voicing of indigenous values, political candidates internalize the public demand of new nature values and a political arena that allows for a constitutional change that internalize indigenous nature values in a constitution. The background section about RoN in this thesis, also plays a role in the outcome. This is because actors within the constitutional assembly drew inspiration from the academic work of for instance Stone (1972), as well as Sumak Kawsay.

The chapter about Ecuador starts with an elaboration on the philosophy Sumak Kawsay\textsuperscript{54}, aiming to explain how this worldview pierces through the actions of the indigenous people in the nation. More so the concept is fundamentally different to the western worldviews and goals of the economy, offering a contentment through living well instead of living better (hence a continuous strive for more) (Agebjörn et al. 2016). Without this philosophy in the Ecuadorian society, that eventually became the foundation of the whole constitution in 2008, it is likely to assume that RoN would not have become a part of the constitution (at least not at such an early stage in time). This is because the understanding that RoN offers in regards to the environment is profoundly similar to Sumak Kawsay (Blanco 2019). If it was not for the prominent role of Sumak Kawsay in the Ecuadorian society, it is hard to imagine that the government of Ecuador would have integrated laws such as RoN. Notably, one is left wondering if the academic history of RoN and actors such as Stone (1972) might have drawn inspiration from the Sumak Kawsay’s interrelated relation and emotional bond to nature. This is interesting because it would mean that the original inspiration to CELDFs environmental lawyers (involved with the constitution assembly), was in fact Sumak Kawsay or similar indigenous nature values. Hence the complexity of RoN in the Ecuadorian constitution of 2008.

The first causal step in the history leading up to RoN in the constitution of Ecuador 2008, is the political instability dominating the country in the 20\textsuperscript{th} century\textsuperscript{55}. This, in a combination with neo-liberal policies that strengthened the elitist society of the nation, has proven to be a

\textsuperscript{54} See chapter 4 “The process of the Rights of Nature in Ecuador”.

\textsuperscript{55} See section 4.2.
contributing factor to the indigenous mobilisations that put Sumak Kawsay on the national agenda. The colonial history of Ecuador lead to the presence of elitist rule that finally enabled neo-liberal policies to rule in the nation. Perhaps the indigenous people would not have been as marginalized had it not been for colonial presence, giving the fact that it was an Inca empire before Spain arrived (Becker 2010). My conclusion here is that the suppression of indigenous and thereby their values (Sumak Kawsay), sparked a force to finally fight for their beliefs and manifest them into a laws understood by the western dominance that remained (Ibid). Therefore one can argue that the political instability and neo-liberal policies had an important role to play in the process of RoN entering the constitution. If it would not have been for the elitist society and laws discriminating the struggling population, it is likely that Sumak Kawsay would have remained a philosophy, instead of a fundamental law (Becker 2010).

The political voicing of indigenous values is the second causal step presented, it follows the political instability that finally caused a social and indigenous uprising towards the inequalities of the Ecuadorian society in the 20th century (Becker 2010). The collective work of indigenous people manifested in the umbrella organisation of Conaie and opened up space for the political development that followed. If it would not have been for the strong social and indigenous movement growing out of these inequalities, the constitution would most likely not have included Sumak Kawsay nor RoN. One could argue that this social mobilisation is what opened up space for the leftist candidate Rafael Correa and his Citizen’s revolution (Agebjörn et. al 2016). More so, Blanco (2019) strongly emphasized the collective efforts of these movements while speaking about Ecuador, statements that strengthens this thought. It is also crucial to acknowledge the force of the grass root movements in the nation, and how these managed to gain a loud position on the political arena (Beck 2011). It does appear quite clear, in the empirical evidence gathered, that the constitution would not have been changed, if the politicians in charge of Ecuador in 2005 would have been allowed to keep their power (Becker 2011).

According to scholars that have focused on the politics in Ecuador during the first decade of the 21th century, the political candidates that internalized the public demand of new nature

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56 See section 4.3.
57 See section 4.2.
58 See section 4.3.
59 See section 4.5.
values, is an accurate mechanism that enabled RoN to become a part of the constitution in 2008 (Agebjörn et al. 2016; Becker 2010). Rafael Correa is said to have taken advantage of the mobilisation surrounding social change, modifying his campaign goals to suit the goals presented by these movements (Ibid). This lead to him gaining support from people involved in the social and indigenous organisations, despite the fact that Conaie and Pachakutik chose not to give him their official support (Ibid). One could rightfully argue that RoN would not have been a part of the constitution of 2008 if Rafael Correa would have lost the election, this since he was the politician who promised to change the constitution (Ibid). I would argue that this fact is crucial to the ground breaking change that RoN signifies for Ecuador and environmentalists around the globe, however without raising Rafael Correa as a leader of this change (Blanco 2019; Becker 2010). Instead, in line with the philosophy Sumak Kawsay, the change in the constitution was a manifestation of decades of collective efforts (Blanco 2019; Margil 2019).

To continue, the mobilisation for chance around the time of the Citizen’s revolution, contained a population that was hungry for the dissolution of the elitist rule that coloured the politics of Ecuador (Becker 2010). The social and indigenous mobilisations on the streets and in the government (Pachakutik60), protesting against neo-liberal policies and the injustice between the peoples, were all ready for a revolutionary change in the Ecuadorian society (Gomez et al. 2018). More so, environmental organisations such as fundación Pachamama and their advisors CELDF, stressed the importance of action for the protection of the Ecuadorian nature, an environment harmed by the market oriented politics of the last decades (Espinosa 2013).

The last causal mechanism this thesis has brought forward is the political arena that allowed for a constitutional change that internalized indigenous nature values in a constitution, more so the period of crucial discussions that finally enacted RoN into the constitution of 2008 (Margil 2019). I would argue that this is a justifiable historical event based on previous research in the subject, by scholars such as Margil (2010) and Espinosa (2015). The president of the constitution assembly, Alberto Acosta, and his interest in RoN enabling him to introduce the concept to his co-workers, was an important piece of the puzzle (Tanasescu 2013). The politician’s ambition for RoN and its significance for progressive change in the nations environmental laws, played a convincing role in the suggested enacting. This argument is

60 See section 4.3.
strengthened by Mari Margil (2019) who pinpointed the politician as a strong force. Other actors were in fact Margil (2019) and the organisation CEDLF, who brought experience from environmental jurisprudence. CEDLF’s advice and discussions with numerous indigenous groups, such as Conaie and Pachakutik, enabled the agreement to RoN by the organisations. These factors were crucial in the constitutional assembly and important interconnected parts of the final result. Furthermore, the contradiction mentioned in regards to Margil (2019) is possibly an effect of the time that has passed since the constitutional assembly in 2007. Another reason could be that the interview took part at the Earth Rights Conference in 2019, surrounded by indigenous environmental activists, possibly affecting the answers.

In regards to the implementations of RoN after the new constitution of 2008, the results show both positive and negative outcomes (Kaufmann & Martin 2017). However, the possible inability to implement RoN and win a battle against big foreign companies, does not signify much, since a legislation acknowledging RoN can be seen as the starting point in many environmental battles. To be able to argue with the law in favour of environmental protection instead of fighting the law system, obviously provides a fundamentally different situation for humans who wish to protect their inhabitant.

With all the causal mechanisms in mind, it appears as impossible to pinpoint one as the strongest force. The argument here is that the chain of events presented, is one of formative moments that all played a significant role in the process. RoN is a part of the philosophy of Sumak Kawsay, much like Sumak Kawsay is a part of RoN. The constitution of Ecuador is a result of the indigenous mobilisations and values within the country, but also enabled through jurisprudence expertise from foreign academics and advisors. The integration of indigenous values in the western structures of the Ecuadorian society, is a result of the exclusion and suppression of the natives that eventually sparked an enormous force of resistance (Becker 2010). This force of resistance created a bridge of knowledge and wisdom from the ancient indigenous philosophy Sumak Kawsay, to the western frames of governance. In other words, the force to enact RoN came from different parts of society and could perhaps be described as both a top-down and bottom-up phenomena. It appears as the constitution of 2008 is close to a

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61 See end of section 4.6.
balance between western values and indigenous wisdom, a balance that both the global south and the global north can be inspired by.

Finally, countries such as Sweden, that already have a strong movement on the rise for RoN\textsuperscript{63}, can draw inspiration from the ground breaking constitutional changes in Ecuador. I would argue that the relationship to nature that Sumak Kawsay and RoN offer the world, is one that strengthens a development that is the very essence of sustainability. This does not signify to stop using natural resources, but instead develop a sustainable equilibrium with nature, the kind of \textit{give and take} relation that Sumak Kawsay stands for.

\textsuperscript{63} See end of section 2.2.
6. Conclusion

The aim of this thesis was to argue for the historic events suggested that enabled the Rights of Nature to become a part of the constitution of Ecuador. The theory was that RoN was a codification of indigenous values (Sumak Kawsay), but also a concept that came to light thanks to political efforts of influential scholars such as Alberto Acosta. Hence, the constitution can be seen as an agreement between bottom-up and top-down forces. The result was a holistic understanding of the interconnected parts in the mechanisms that enabled RoN to enter the legislature of Ecuador. The following paragraph elaborates on the conclusion regarding the importance of each event.

Considering the colonial history of Ecuador, that created a society that discriminated against indigenous peoples, the political instabilities and neo-liberal policies, is one of the mechanisms in the historic chain of RoN in the constitution of Ecuador 2008. This is due to the tension in the Ecuadorian society that pushed for the political voicing of indigenous nature values, enabling indigenous values such as Sumak Kawsay to come up for discussion on a political level. The thesis then argued that the indigenous mobilisations (together with other social movements) created the space that was needed for Rafael Correa’s Citizen’s revolution, hence political candidates internalized the public demand of new nature values. The outcome of this event lead to the decision to change the constitution in 2008. However, the top-down theory that states Rafael Correa as the most important figure in the enacting of RoN is diminished, as the findings point towards the collective efforts of this event. Over all, and manifested in the political arena that allowed for a constitutional change that internalized indigenous nature values in a constitution, the conclusion is that this enacting was a result of both bottom-up and top-down efforts.

The sensitivity surrounding the origin of RoN in Ecuador’s constitution of 2008, referring to the history of violent misunderstandings between indigenous and western values (more so the horrific history that colonial domination caused in the nation), is one that can dismiss westerners when acting as advisors in environmental struggles in the area\textsuperscript{64}. Therefore, this thesis has made sure to mention the role of not only indigenous actors, but western as well. The conclusion of this thesis is that the hypothesis of the mechanisms leading up to RoN in the

\textsuperscript{64} See end of background section 2.2.
Ecuadorian constitution of 2008 appears to be an accurate manifestation of the historical process of this unique and revolutionary constitution. Thereby, the Rights of Nature was enacted in the constitution of Ecuador due to indigenous values (Sumak Kawsay) and a number of political agendas and actors from different backgrounds.

From a larger perspective, the emphasise of RoN could benefit from rising above the need of placing its origin in a certain philosophy or culture. Much like the environment activist Leo Yankton stated at the Earth Rights Conference in Sweden 2019\textsuperscript{65}. After all, the sensation and acknowledgement of the fact that nature has rights, is something that belongs to and can be felt by each human being on this planet, it is a part and fundamental right of being a conscious living being. As this paper comes to an end:

“To harm the Earth is to harm the Human, to ruin the Earth is to destroy Humankind”

- Thomas Berry\textsuperscript{66}

Final Remarks
For future research, more investigations of the implementations of RoN in Ecuador would contribute to the emerging field. More so, one can investigate the prospects of a similar enactment in western countries such as Sweden.

\textsuperscript{65} Find quote in section 2.2 of this thesis.
\textsuperscript{66} Berry 1978, p 87.
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