



**UNIVERSIDAD  
DEL AZUAY**

**Faculty of Law  
School of International Studies**

**Graduation work prior to obtaining a Bachelor's Degree in International Studies, bilingual  
mention in Foreign Trade**

**Ayllu in the Andean Philosophy of the Kichwa Peoples of the  
Ecuadorian Amazon: Analysis of alternative ways of  
understanding territory in international relations.**

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**Cuenca-Ecuador**

2022

## **DEDICATION**

To Fátima, my mom and best friend, for accompanying and supporting me in every step I take, for being my greatest example of strength and unconditional love, for always believing in me, and for teaching me that not even the sky is the limit because the Universe is infinite.

To my brothers, Luis Felipe, and Francisco, for being my unconditional support and accompanying me in each step.

To my dad, John, and my grandfather Enrique, whose love transcends the physical and is present in the most beautiful and unexpected ways.

To my grandmother Rosita and to each member of my family for always supporting me in fulfilling my dreams.

To all those who fight every day for their voices to be heard.

**María Gracia Cobo.**

## **DEDICATION**

To my parents, Fernando and Bernarda, for their love and support during every step. To my siblings, Priscila and José, for accompanying me at every moment. To myself for the effort and dedication throughout these years.

To the native peoples and all those whose wisdom cannot be embraced by the western academic system.

**Fernando Delgado.**

## ACKNOWLEDGEMENTS

First, I want to thank God for sustaining me and for his infinite blessings.

To Fernando Delgado, for all the support during this time, the knowledge shared, and the endless conversations so interesting that no one else understands.

To our thesis director, Dr. Ana María Bustos Cordero, an example as a professional and human being, for her support at all times and for sharing her infinite wisdom to make this work possible.

To my mom, Fatima, and my dad, John, for being my unconditional support and walking with me every step of the way; I am everything I am because of you.

To my brothers, Luis Felipe, and Francisco, for their unconditional support.

To my grandparents, Enrique, and Rosita, for loving me so much and being an example of life.

To Alvaro; to my aunts, Lorena, Isabel, Ximena, Marielisa and Daniel; to my cousins, Andres, Ana Maria, Carlos, Daniel and David, for all the love and support.

To the sisters that life allowed me to choose, Anahi and Celine, and to my best friend Paul, for the advice, the laughs, and for always being there, even though time goes by.

To Sofi, Pau, Michelle, Isa, Quirina, Ana Paulina, Estefanía, Tamara, Andrés and Mardou, the best friends and companions that the university has given me. Without you, these years of study would never have been so incredible.

To Kinti Orellana, for teaching me to question everything; for teaching me to deconstruct my beliefs, and deconstructing IR. Thank you for your support, without you this research work would not have been possible.

To Freddy Nugra and the Bosque Medicinal project, for the support provided to carry out our field research Gualaquiza-Ecuador, as well as to the interviewees, for their willingness to share their knowledge and their way of seeing the world with us.

Finally, I would like to thank the Universidad del Azuay, in particular the Faculty of Law, for being my second home during the four years of my career; to my professors for sharing their knowledge and leaving a mark on me, and to all the people who were part of my life during this stage.

**María Gracia Cobo.**

## **ACKNOWLEDGEMENTS**

To our director, Ana María Bustos, who made this dissertation possible. For her advice and availability at all times.

To María Gracia, for accompanying me during this long journey and for the endless conversations about IR.

To Kinti Orellana for inculcating in me a love for IR and for teaching me to always keep the multiple sides of the coin in mind.

To the Universidad del Azuay, for being my second home during these four years.

To Gualaquiza and the Bosque Medicinal for opening their doors to us.

To my friends for their unconditional support and for being my source of joy and motivation throughout these years.

**Fernando Delgado.**

## ABSTRACT

This study seeks to analyze to what extent certain territorial conceptions of Andean Philosophy differ from the traditional territorial precept, and at the same time, to explore the political consequences of their marginalization in the last 10 years. The research uses a qualitative methodology with the purpose of comparing the traditional theoretical approaches to territory in IR with the territorial conception of the Andean *ayllu*. Finally, the case study of the Kichwa People of Sarayaku v. Ecuador is presented in order to illustrate the difference between the cosmovision of indigenous people in the Amazon and the vision established by Western human rights defense mechanisms. In this way, it is expected to contribute to the debates that demonstrate how the traditional construct of territory, in IR, can be rethought by comparing it with other ways of understanding territory.

**Key words:** territory, ontology, ayllu, relational approach, Andean Philosophy, IACHR.

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## INTRODUCTION

In the discipline of IR, certain concepts are usually taken for granted. This is the case of the term territory, generally accepted as an essential element of the State, defined as the geographic space in which a country exercises sovereignty and jurisdiction and where its population is settled. However, this definition reflects mainly a Western construct. In the versatile reality of the world, “there are simultaneously multiple perspectives and visions that overlap in interesting and complex ways” (Ramirez 2017, p.56). In it, different cultures, peoples, or nations understand territory differently from the traditional concept, differing in the rigidity of borders, the multiplicity of elements, and even in the way of conceiving it as a territory where different forms of life cohabit.

It is, therefore, necessary to recognize and make room within the discipline of IR for perspectives that diverge from the traditional categories. Otherwise, the focus of analysis is limited, privileging one dominant social order and silencing others. In particular, focusing the study of territory exclusively on the nation-State and ignoring dissenting conceptions may overshadow the border tensions between the government and indigenous communities. Therefore, it is essential to analyze other ways of understanding the territory present in Ecuador's indigenous peoples and nationalities. For this reason, the general objective of this paper is to analyze to what extent certain territorial conceptions of the Andean cosmovision differ from the traditional territorial precept and to explore the political consequences in international relations as a result of their marginalization in the last ten years.

In order to obtain the results proposed in the general objective, this work is divided into four chapters. The first chapter synthesizes the basic concepts of the main postulates and, in this way, lays the foundations on which the development of this research work is based. In this way, the first chapter begins by defining the term ontology and the existing types of ontologies; it then refers to the discussions of ontology within the discipline of International Relations and to the emergence of the 'Relational Theory' within it as an alternative to traditional theories. Likewise, the fundamentals of Andean Philosophy are presented, and a contrast is made between the latter and Western Philosophy. Likewise, concepts such as the time-space conception and the fundamental principles within the Andean cosmovivencia are analyzed. Finally, we discuss the definition of territory as an element of the State. To this end, it begins with a historical account of

the creation of the modern State and its elements, especially the territory and its definitions, and finally we explain the different existing relationships between the State and the territory.

The second chapter introduces the main theoretical approaches in International Relations and their way of understanding territory. In this way, the postulates of realism, liberalism, constructivism and critical approaches are presented in detail. Subsequently, a multifaceted analysis of power in IR is elaborated, using the taxonomy of power proposed by Barnett and Duvall (2005), with the purpose of understanding how the predominant territorial assumptions of the current international system have been formed and maintained.

The third chapter presents the territorial understanding of the Andean world. As a preamble, the basic foundations of the relational theory in IR are presented, and a contrast is made between the dualist and relational ontologies. In addition, the ayllu in the Andean cosmovivencia is analyzed as an example of a relational ontology. Next, certain limitations of traditional IR theoretical approaches to understanding the indigenous conception of territory in its own terms are raised.

The fourth chapter focuses on the case study analysis: the Kichwa people of Sarayaku vs. Ecuador. First, the context of the Kichwa Indigenous People of Sarayaku and how their conception of the territory is developed. Subsequently, a historical account of the incursions for the exploration and subsequent exploitation of hydrocarbons by companies granted concessions by the Ecuadorian State within the Sarayaku territory is given. In addition, a review is made of the case 'Pueblo Originario Kichwa de Sarayaku vs. Ecuador' of the Inter-American Court of Human Rights (IACHR), in which the facts are detailed, the allegations of the parties and the violated rights are developed, as well as the reparations established in the Court's Judgment. As a final point in the analysis of the case study, a contrast is drawn between what is established in the judgment and the territorial understanding of the Sarayaku People, the State's response to the Inter-American Court's ruling, and the People's perspective on it. Finally, the chapter concludes with an analysis of the National Development Plans and Foreign Policy Agendas, or Plans established in the last ten years, from the date of the IACHR Judgment to the present.

## CHAPTER 1: Basic concepts

### 1.1. Definition of ontology

Postpositivist positions have emerged within the discipline of International Relations to highlight the discordance (disagreement) between the academic study of the discipline and the interactions that take place in the international field, that is, the realm in which people live their everyday lives (Trowsell et al., 2019). Postpositivism in IR refers to the current that emerged in the mid-1980s as a consequence of the questioning about the ontological and epistemological assumptions on which (neo) realism and (neo) liberalism are based (Balzacq & Baele, 2014, p. 4). It rejects the idea that the researcher can objectively observe what happens in the social sciences. That is, it rejects the assumptions made by positive science, in which it is established that social phenomena can be understood through reason, verified only through observation, and measured by quantitative methods. In contrast, postpositivism states that both ideas, and the researcher's identity, influence how knowledge is acquired. Therefore, biased conclusions are obtained (E-International Relations, 2021). Despite the emergence of this current, according to Smith (2020), main IR theories continue to focus on knowledge only in terms of positive science and lack the capacity to include different worldviews and forms of knowledge.

Due to those mentioned above, in an attempt to open a space for new approaches to how knowledge is generated within IR, one which goes beyond positive science, Patrick T. Jackson (2011) has proposed a broader definition of science. One that is based on the field of international relations itself instead of one that mainly poses its focus on what is done in other fields. At the same time, Jackson's (2011) proposal is to delve into the philosophy of science to generate knowledge, taking as a starting point the clarification of our ontological assumptions (p. 28).

To understand the importance of ontological assumptions within the process of knowledge generation in any discipline, we must start by defining the concept of ontology. For Jackson (2011), ontology is defined as “concerning being and what exists in the world” (p. 26). On the other hand, Trowsell et al. (2019) define ontology as those basic assumptions about the nature of existence that operate within any tradition of life and thought, and which reflect how we conceptualize our relationship with the cosmos and our place in it. Namely, ontology expresses the assumptions about the primordial condition of existence (p.1). At the same time, Blaney and Tickner (2017)

refer to ontology as the study of what exists (what is real), including our own conditions of being (p. 4).

Considering these accounts, it is crucial to consider ontology at an early stage before defining a methodology during the empirical process. In this way, the very nature of what it is to be studied will be what defines our cognitive capacities concerning that element (Jackson, 2011, p. 27). Thus, based on this idea, the purpose is to recognize that putting ontology first will make more evident the ontological pluralism that exists within the discipline of IR. However, authors like Trowsell (2021), while recognizing the contribution of this idea to the discipline and the social sciences in general, also consider a limitation within this argument. Trowsell (2021) believes that “ontology is commonly treated in the discipline as dealing with matters of what is in the world. To be in a position to ask ‘what’ questions, one already has to assume that the world is made up of identifiable objects or categories” (p.5). That is, Jackson’s (2011) to “put ontology first” takes the separation of objects for granted.

### **1.1.1. Types of ontology**

According to Jackson (2011), the term ontology, within contemporary philosophical use, can refer to two different but related to each other, components of a way of perceiving the world. These two components are called scientific ontology and philosophical ontology (p. 28).

#### *Scientific ontology*

Scientific ontology is “a catalog of objects, processes, and factors that a given line of scientific research expects to exist or has evidence of existence” (Jackson, 2011, p. 29). In other words, scientific ontology concerns “what exists” or the general principles upon which that existence might be determined. According to this, scientific ontology aims to “explain” what happens in the external world and to contrast it with specific hypotheses or inferences raised about it.

#### *Philosophical ontology*

Philosophical ontology refers to “the conceptual and philosophical bases on which claims about the world are formulated in the first place” (Jackson, 2011, p. 29). That is, ontology is

considered our “hook up” to the world and related to how researchers are capable of creating knowledge.

This distinction is essential to clarify the aspect previously stated about the importance of “putting ontology first”. For Jackson (2011), it is crucial to consider philosophical ontology first before constructing a scientific ontology. This is because statements about “what exists” cannot be generated until the basis of its existence has been clarified (Jackson, 2011, p.29). Thus, philosophical ontology creates logical and conceptual clarity. However, debates within the discipline of IR, and the social sciences, have generally been directed toward the type of knowledge that should and can be produced and how to produce it. In order to solve these questions, philosophical ontology is left aside, so each researcher relies on his or her way of seeing the world, that is, on generating knowledge from the “security” of his or her own scientific ontology (Jackson, 2011, p. 30).

Within scientific ontology have also existed debates about the relation that the researcher has with the world and to what extent he/she is immersed or can “detach” from it and its judgments or biases. To clarify these two points of view within philosophical ontology, Jackson (2011) classifies them into two categories: *mind-world dualism* and *mind-world monism*.

*Mind-world dualism* maintains a separation between the researcher and the world, so such research must be conducted to cross the gap between both. In this way, valid knowledge has to be related to one precise form of correspondence between the empirical and theoretical propositions, on the one hand, and on the other, with the real character of the independence between the mind and the world (Jackson, 2011, p. 36). In other words, the independence stated initially between the researcher and the outside world must be proved.

In *mind-world monism*, as Jackson (2011) puts it, the researcher is immersed in the world under investigation, so it makes no sense to speak of the “world” as separate or independent from the activities carried out to make sense of it. Because of this, the production of knowledge in no sense is a simple description of mundane and stable, already existing objects. At the same time, it is essential to clarify that, for Jackson (2011), *mind-world monism* does not seek to privilege one of the two positions of *mind-world dualism* but to reject the distinction between both since in no instance does this separation between the researcher and the world exist.

### **1.1.2. Ontology in IR**

The discipline of International Relations has traditionally been characterized by overlooking discussions of ontology. This is because, generally, separation has been taken for granted within the discipline and privileged as the primary condition for existence. Ontology has therefore been taken only in terms of “what exists in the world”, i.e., a scientific ontology. According to Trowsell et al. (2019), the discipline, which has traditionally been based on a dualistic ontology, limits understanding different ways of knowing and conceiving the world.

Throughout time, and with the debates generated within the discipline, there are now currents or theories that question how IR seeks to explain what happens in the world. The first approach was made by the constructivist theory, which emphasizes that we create our world according to our ideas and beliefs about it (Blaney & Tickner, 2017, p. 11). On the other hand, Patrick T. Jackson (2011) made a significant contribution to the discipline by proposing a turn in the discussions that were carried out on the production of scientific knowledge. The author considered that new spaces should be opened to different ontological assumptions to achieve pluralism within IR. However, authors such as Trowsell (2019), and Blaney and Tickner (2017), consider this proposal as limited because, although it proposes a pluralism of ontologies, it still reproduces a dynamic of “*mind-world*” separation, the latter being considered as a primordial basis of existence. Moreover, it still considers the existence of a single world in which different cosmologies coexist, leaving no possibility for the existence of multiple realities that coexist in a pluriverse.

### **1.1.3. An alternative proposal: The relational theory in IR**

Nowadays, there is a new current within the discipline that proposes going beyond the ontology of separation and even beyond the concept of mind-world monism, proposed by Patrick T. Jackson. This proposal, called 'relationality', seeks to broaden the spectrum of possible understandings within the discipline of IR. For this reason, it is proposed to explore the different worldviews in the field of international relations through a lens that considers and recognizes the different existing realities. What is sought through relationality within the discipline is recognizing that different ontologies of interconnection must be considered when studying global events.

Since its beginning, IR has put forward different theories to explain different events that occur in the international system. However, these traditional theories from the discipline have emerged within a system that considers a single ontology of separation. According to Trowsell et al. (2019, p. 3), this ontology privileges the study of single units of analysis, such as international actors (States, international organizations, and social movements, among others) and phenomena (wars, political systems, climate change, among others.). Thus, these units are analyzed as independent variables without considering the causal relationships that may exist between them. Based on this ontology of separation, in which only pre-existing, separate, and autonomous entities are predominant, the discipline of IR focuses its study on specific ontological assumptions that have been universalized. However, that does not mean they are universal (Trowsell et al., 2019).

On the other hand, relational ontology within IR considers the interconnection between beings (living or not) as a primordial condition, even prior to existence itself. Based on this idea, entities cannot exist as independent or isolated elements in the same way as objects cannot exist without the observer. At the same time, the observer cannot be separated from the world surrounding him or her, contrary to what scientific ontology proposes (Trowsell, 2013). That is, all the elements that exist are interconnected and interdependent. According to Blaney and Tickner (2017), the ontology of separation within IR is usually treated as dealing with issues of “what is in the world”. However, asking the question “what” automatically assumes that the world is made up of objects or categories that exist independently.

Based on the above-mentioned, Trowsell et al. (2019) consider that ignoring the different ontologies creates a significant gap between the world in which IR claims to produce knowledge and the different worlds that constitute the global sphere. This is why it is crucial to broaden the spectrum of possible understandings within the discipline of IR, to narrow the gap of difference between what is proposed in the discipline and the reality of what happens daily in the field of international relations. Thus, the purpose is to go beyond the reproduction of pre-established and taken-for-granted patterns and, in turn, as Trowsell et al. (2020) argue, go beyond anthropocentric understandings of how the world works, in which human beings and their needs and interests are considered as the main focus of study of the discipline.



## **1.2. Foundations of the Andean Philosophy of the Kichwa peoples**

This subchapter presents an introductory approach to Andean cosmovivencia through a bibliographical review of prominent texts in this area. First, we will define Andean Philosophy from a geographical and ethnic sense. Second, we will analyze the role that the origin stories of the Kichwa people play in shaping their conception of the reality in which they live. In addition, we will present key differences between Andean Philosophy and traditional Western philosophy. Finally, we will explain the fundamental principles that guide the Andean Philosophy. It is necessary to mention that much of the current literature on Andean Philosophy uses the term cosmovision to explain how these peoples represent their reality. Throughout this dissertation, we will use the word ‘cosmovivencia’ to distance ourselves from a Eurocentric notion. We believe this term better reflects how the Andean world understands its reality as something experiential and experimental focused on the here and now.

### **1.2.1. Delimitation of Andean Philosophy**

To begin with, Rengifo (2015) demarcates geographically the members of this cosmovivencia, the peoples belonging to the Andes. Contrary to popular belief, this region not only contains the mountainous area of the highlands but also includes the coast and the Amazon. To this delimitation, Estermann (1998) adds that the Andean region expands from Venezuela to Colombia, Ecuador, Peru, Bolivia, and even northern Chile and Argentina. These countries represent the ‘material’ state for the appearance of diverse groups with a particular way of relating to the world. As for the Andean people as an ethnic consideration, the author explains that people who identify with the Andean social and cultural environment and settle in the previously established geographical area belong to this group. To avoid reducing the unique richness of each group, it should be clear that within this area, there is a multiplicity of people who have their own customs, traditions, and way of connecting with the world. These groups practice the Andean Philosophy by sharing the “set of conceptions, models, ideas and categories lived and experienced by the Andean *runa*, that is to say: the concrete and collective experience of the Andean human being in his physical and symbolic universe” (Estermann 1998, p.78).

### **1.2.2. Origin stories**

The following are common elements found in the origin stories of the Kichwa people. These stories are essential guides to understanding the relationship between the Kichwa people and the rest of the beings that cohabit and coexist in the world. Drawing on a wide range of sources, Reddekop (2021) argues that there are several stories about the *kallari auras* or “early times”, which recount the events that formed the world as it is today and patterns that help to understand their cosmovivencia. Each origin story accompanies a particular species that, at some point in history, was human but eventually ceased to be human due to a breakdown in its environment’s functional and healthy relationships. As a result, the species increased their privacy, and their speech transformed into the distinctive sounds of each species, unintelligible to humans.

These stories reflect the existence of particular, co-emergent, and reciprocal ecologies, where there are no stable or separate entities but changing relationships. Thus, when other species withdrew from human society, their bodies changed to allow for new modes of coadaptation and relationships with the ecological environment. The author draws several lessons from these similarities. To begin with, in the Andean world there are no hierarchies between humans and the rest of the entities in the world; the Kichwa understanding assumes that others have the same complex characteristics that we recognize in ourselves. In this way, there is no utilitarian vision of nature since nature is not a passive entity that only provides resources. On the contrary, every relationship between the entities that inhabit the earth requires reciprocal obligations, constant cultivation, respect, and negotiation. These characteristics are important factors that form the traditional and normative aspects of the Kichwa people. A clear example of what has been discussed is the understanding of the local Kichwa community, which is embodied in multiple trunks formed through relationships of an extensive network of relatives, known as *ayllu*, which includes human and non-human relationships in particular territories (Reddekop, 2021).

### **1.2.3. Differences between Andean Philosophy and Traditional Western Philosophy**

In the following section, we address the question, can Andean Philosophy fit into a culturally western field based on the “art” of thinking such as philosophy? In order to understand this current under its own conditions, it is necessary to separate from the traditional and unique

criteria of philosophy, so we expose divergent points between Andean Philosophy and traditional Western philosophy. It is worth mentioning that although the bases of this cosmovivencia are not ruled by the hegemonic understanding of philosophy, they deserve to be analyzed independently since, in their own way, they constitute a body of traditions and knowledge transmitted for centuries from generation to generation. Doing so contributes to leaving behind the superiority granted to modern reason over non-Western knowledge. Understanding the theoretical differences between these two branches is necessary so that ancestral knowledge, especially the Andean world, can participate in and contribute to current global conversations and, indeed, do so on its own terms. However, the aim is not to position one philosophical approach over another but to show how different conceptions can coexist in the world.

Concerning the question posed above, we will begin by presenting the main arguments that may deny Andean cosmovivencia as philosophy. Estermann (1998) identifies and refutes the most common premises that reject the belonging of certain non-Western approaches to the typical criteria of philosophy. First, it is usually argued that philosophy uses written texts as sources for its development and as a way of storing its common history. Therefore, a culture without writing cannot create philosophy. However, the author argues that different cultures use other means to keep alive the memory of their collective history. For example, in the Andes, this is kept in several ways: in how they live daily, their work organization, social structure, rites, oral traditions, customs, and beliefs. Based on this, it can be inferred that written resources are auxiliary means, but not the principal, for Andean reflection. Second, as a joint criticism of Andean Philosophy, it is said that it “does not meet several of the criteria self-determined by Western philosophy: [...] because it is not thought with a determined methodical and systematic rationality, nor science in the strict sense. It does not know the Enlightenment separation between philosophy and religion, knowledge and salvation, theory and praxis, and does not respond to the demand of an exclusivist logic” (Estermann 1998, p.51). In response, the author asserts that intercultural philosophy denies the idealization of a monocultural understanding of philosophy as the basis for all philosophical claims worldwide. No global judge narrows the philosophical foundations of various human groups into one. Thus, each culture independently determines what “philosophy” is.

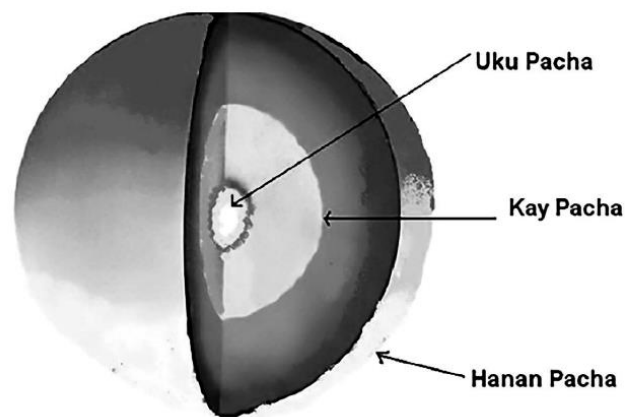
Concerning the main differences between these two approaches, on the one hand, Western philosophy is rooted in the individuality and autonomy of the human being in relation to nature. It

represents reality in a linguistic code using logical texts that must be deciphered; existence is logical, intelligible, linguistic, and legible. On the other hand, in Andean Philosophy, “the runa is neither logo-centric nor graphocentric; its preferred form is rather the rite, the visible order, sensibility, dance, art, worship” (Estermann, 1998, p.78). In the Andean cosmovivencia, the reality is not based on logic and language. On the contrary, the reality is non-dualistic and non-conceptual; it is always present symbolically. The runa does not seek to know the world theoretically but to insert himself in it, feel it and represent it through cults and ceremonies. The sources of Andean Philosophy are the collective experiences and their experiential interpretations of the Andean world. It is necessary to emphasize the importance of collectivity; because it is considered that the individual by himself is a non-entity, he must belong to a network of diverse relationships; otherwise, it is as if he did not exist. For example, if an individual ceases to belong to the *ayllu* by renouncing it or being excluded, he is a socially dead entity (Estermann, 1998). However, Pacari (2014) argues that the emphasis on collectivity does not mean that in the Andes, collective rights are prioritized over individual rights. In reality, due to the principles of harmony and balance the rights of the individual coexist with the collective in equity.

#### **1.2.4. Time-space conception**

First, it must be understood that in the Andes, time is not something that one “has” and that can be invested, spent, or lost. Nor is it quantitative but qualitative. Each time has its specific purpose; there are times to sow, harvest, and elaborate rituals. Humans live in time and at the same time in space; they are not destined to follow a unidirectional path aimed at achieving something “better”, based on development and progress (Estermann, 1998). On the contrary, in native societies, the world is not understood linearly, so there is no notion of progress or developed or underdeveloped communities (Hidalgo et al., 2014). Based on this, we will begin by developing the Andean understanding of space-time by defining the concept of *pacha*. On the one hand, Ling and Pinheiro (2020) indicate that this concept represents “nature” or “reality”, the same that encompasses everything that exists, whether material or spiritual, animate or inanimate. As previously established, the temporal dimension of *pacha* is spherical and non-linear, understanding the latter as the unilateral time model formed by a past, present, and future where one always goes forward without the possibility of returning. The *pacha* is formed by three concentric spheres (Figure 1.) that form a network of Spatio-temporal relationships. Together, they represent time

flowing from the interior past to the exterior future and vice versa, regenerating uninterruptedly. Similarly, Maldonado (2014) argues that although time-space is repetitive, all cycles intermittently renew themselves. There are static and discontinuous periods; each period culminates with a catastrophe known as *Pachakutik*. According to Estermann (1998), the dimensions of the *pacha* “are not distinct ‘worlds’ or layers, but are aspects or ‘spaces’ of the same interrelated reality” (p.158). The three layers of spacetime are summarized, in the words of Lajo (2006), as follows: “the *Kay Pacha* sees or feels with our consciousness the *Uku Pacha* from which it flows or comes, but it also remembers the *Hanan Pacha* or outer sphere of time to which the past flows” (p.151).



**Figure 1:** Andean time-space.

*Adean space-time*. (2020). [Illustration]. In *South–South talk* (International Relations from the Global South: Worlds of Difference ed., p. 328).

***Kay Pacha*:** a dimension that indicates the “here and now”; it is the space of life where all human, physical, spiritual, and psychic events occupy a particular place. It is also the transition layer of cosmic relationality, meaning that the state of the cosmos is determined here, which through rituals and celebrations, is reconstituted to remain in equilibrium, or on the other hand, it becomes unbalanced due to the relationships present in the *kay pacha* (Estermann, 1998). The *kay pacha* unites the other spheres (*hanan pacha* and *uku pacha*). In this connection, humans develop their skills and knowledge to establish harmony (Ling and Pinheiro, 2020).

**Hanan Pacha:** manifests the future or potential world in constant transformation. The *hanan pacha* is “the expansive potential, what already was, what happened, what is outside” (Lajo 2006, p.183).

**Uku Pacha:** represents the past; it is generally accepted as the site of the dead, where the birthplaces of the *runa* and his lineage are located. For these reasons, the *uku pacha* is considered the source of death and life (Estermann, 1998).

Once the Spatio-temporal dimensions of Andean cosmovivencia are understood, it is easy to understand how everything is alive and interconnected, even when it concerns past or future actions.

### **1.2.5. Fundamental principles of Andean cosmovivencia**

Life in the Andean world is based on a group of principles that are the foundation of their daily life. We will begin by analyzing the principles present in the Andean cross (*chakana*) “reciprocity (*ranti-ranti*; which guides community social relations of mutual assistance), integrality (*pura*; which guides the holistic thinking of the indigenous people), complementarity (*yananti*; which identifies opposites, not as conflicting elements, but as complementary elements) and relationality (*tinkuy*; which guides decisions towards consensus)” (Hidalgo et al., 2014, p. 37).

### **1.2.6. Principle of complementarity, correspondence, and reciprocity**

The principle of complementarity states that “no entity and no action exist monadically, but always in coexistence with its specific complement” (Estermann, 1998, p.139). This principle highlights the integration of complementary opposites that, when united, form a whole and balanced entity. When an entity is separated from its complement, it becomes a “non-entity” or a “nothing”.

On the other hand, the correspondence principle holds, as previously discussed, that the different dimensions of reality (*pacha*) harmoniously complement each other. This precept is pragmatically reflected in the principle of reciprocity (*ayni*), and these are mutually constituted; to each action belongs, as a complementary contribution, a reciprocal action of the same magnitude. These fundamentals are present in all fields of life and interactions in the world, be they human, divine, natural, or spiritual relationships. Thus, relationships with other entities cannot be

organized hierarchically because reciprocity requires exchanges between subjects of the same value (Estermann, 1998).

### **1.2.7. Harmonization: approach based on parity balancing**

Ling and Pinheiro (2020) argue that in the world of the Andes, the purpose of life is “living well”, also known as “good living”, by seeking and producing the material and spiritual conditions to sustain a harmonious life. To fulfill this objective, it is necessary to harmonize with the *pachamama* or Mother Earth, an entity in which everything lives and transforms in an interconnected and interdependent way. That is why all life cycles must be respected since the damage to one species unbalances the whole system. In situations where the balance with the world has been lost, when the complementarity is interrupted, a rebalancing or *pachakutik* is necessary, caused by a catastrophe or change. It should be stressed that just as imbalance produces anomalies, too much balance immobilizes the world. In the same way, it should be detailed that to ensure balance, the dialogue between the different members of the community must be carried out horizontally, and to avoid communication errors, the balance should not only be oriented in the community but there should also be emotional balance in each person of the community (Kowii, 2014).

Harmony is achieved by following three principles: we must “think well” (*allin yachay*) for the external future; we must “do well” (*allin ruay*) in the here and now; and we must “love well” (*allin munay*) in the internal past” (Ling and Pinheiro 2020, p.329).

Concerning the principle of parity, it should be emphasized that this represents a primordial foundation of the Andean cosmivivencia. Equal and reciprocal relationships shape the interactions between the community and the beings of nature. Thus, unitary archetypes are not contemplated. For example, in the Andean world, it is considered that there is not a single God. On the contrary, a multiplicity of deities in constant conversation coexist to reach an agreement and thus conceive the beings of the cosmos, considered fundamental for the cosmic balance. In other words, it is a subject/subject relationship, not subject/object, as in Western cosmivision. In addition, the cosmos is conceived as a pariverse or multiverse where humans are just a thread of the cosmic canvas (Maldonado, 2014).

### **1.2.8. Relationality principle**

Regarding relationality or *tinkuy*, it states that all beings are intertwined in many relationships that, in turn, constitute the tremendous cosmic fabric. Thus, all elements of reality are articulated in a network of links, and none can be separated from the other (Macas, 2014). Similarly, Pacari (2014), in explaining this holistic principle, states that all beings have energy (*samai*) and are living subjects that are part of a whole. Two entities can be distinct and, at the same time, not be mutually exclusive since we all need each other. For example, rivers, mountains, and plants relate equally with human beings and are present in all their cultural, territorial, economic, and philosophical (Pacari, 2014).

### **1.2.9. Sumak Kawsay**

After analyzing the fundamentals of the Andean Philosophy, we can discuss the vision of *Sumak Kawsay*, which includes these principles, as we can appreciate in the following definition. According to Maldonado (2014), *Sumak Kawsay* is “a form of full, balanced, harmonious, modest existence, which is achieved collectively based on the cultivation of reciprocal relationships with all living beings and where the human being builds himself in relation to others, with his social and natural environment” (p.209). The author emphasizes that the *Sumak Kawsay*, or Good Living, present in the Constitutions of Ecuador and Bolivia, has manifested itself as a new alternative to capitalism and an unprecedented paradigm for the plurinational States. For the native peoples in the Andes, this philosophy of life has always been present in their social practice, so it is not a newly invented approach or a utopia.

Furthermore, it establishes that due to the principles of complementarity and equity, *Sumak Kawsay* is a project under continuous construction and is not closed to adopting different contributions (Maldonado, 2014). For example, in terms of international relations, whether commercial, cooperative, or migratory, these can be beneficial to *Sumak Kawsay* as long as the values of indigenous communities are respected, as well as their food sovereignty and the environment is not degraded (Hidalgo et al., 2014). Thus, this way of life is not anchored in the past or opposed to modernity. For *Sumak Kawsay*, abandoning the utilitarian perspective of economic growth and markets is essential. Namely, it is necessary to stop calculating well-being



solely in terms of economic growth and replace them with more humane parameters and ecological well-being (Chuji, 2014).

### **1.3. Traditional definition of territory as an element of the State**

#### **1.3.1. The Peace of Westphalia as the basis of the modern State**

According to traditional IR currents, the foundation of the current global order, which is based on territorial sovereignty and the legal equality of States, originates in the Peace of Westphalia of 1648 (Smith, 2020). As stated by Casanovas and Rodrigo (2016, p. 30), with the treaties of Osnabrück and Münster in 1643 and 1648, respectively, the Peace of Westphalia is given rise, thus ending the Thirty Years' War, and creating a new system of European states. Within these treaties, fundamental principles of modern States, and in turn of the international system, were recognized for the first time, such as the obligation to respect the territorial limits of States, the principle of territorial jurisdiction of States, the principle of sovereign equality, and the principle of non-intervention in internal affairs (Casanovas & Rodrigo, 2016, p. 31). Thus, the disintegration of the Holy Roman Empire gave way to the creation of sovereign and independent political units.

The Peace of Westphalia of 1648 resulted in a series of milestones of great significance for that time and modern history. As an immediate consequence, the Peace of Westphalia ended one of the longest conflicts of the 17th century within Europe and significantly changed the role of the Church and the Papacy. On the other hand, a new European structure was created, comprised of national, secular, and sovereign states, thus giving rise to the secularization of international politics (Galán Martín, 2015, pp. 25-16). From this fact, the State emerged as a “continuous unit of power, and reluctantly organized on a given territory, with a single legal order (...).” (Borja Cevallos, 1971, pp. 40-4).

Furthermore, the Peace of Westphalia gave rise to the concept of the modern State and the elements that constitute it. Borja Cevallos (1971) defines the State as the first political form of social organization in which power is institutionalized and becomes impersonal (p.35). On the other hand, García (1978) conceives the State as “the politically and legally organized society, within the limits of a given territory and under the rule of a supreme and independent authority”

(p. 76). From these definitions of the modern State, four essential elements of its structure can be deduced: *people, sovereignty, political power, and territory*.

### *People*

The term ‘people’ as a structural element of the State, refers to the group of human beings that live in the same geographical space and together constitute a social unit with common spirit and ideals, and to whom political duties, as well as rights, are granted (Borja Cevallos, 1971, p. 44). However, according to García (1978), it is crucial to establish and clarify the difference between the terms ‘people’ and ‘population’. For the author, ‘population’ refers to the social conglomerate. At the same time, the definition of ‘people’ also encompasses a spiritual sense that orients the population in a determinate direction and provides a sense of cohesion and belonging (p. 109).

### *Sovereignty*

*Sovereignty* as an element of the State is defined as “the power of the State to be self-obliging and self-determining, without obeying other powers or authorities outside its own” (Borja Cevallos, 1971, pp. 54-55). That is, the State has a supreme power whose source is within the State itself, which, at the same time, can determine the use of its power within its territory.

### *Political Power*

As stated by Jellinek (1954), political power is essential because, within an organization of people, there must exist a power that directs that group toward achieving its common purposes. Thus, within the discipline of Political Science, political power is defined as the dominant will, which is simultaneously invested with authority, that operates within a State. It also coordinates individual efforts and directs social activities, at the same time as being able to make itself be obeyed (Borja Cevallos, 1971, p. 90).

## **1.3.2. Definitions of territory as an element of the modern State**

Traditional political theory considers territory a fundamental structural element of the modern State. As Borja Cevallos (1971) states, without territory or a physical base, it is not even possible to conceive the existence of the State (p. 47). On the other hand, the author affirms that the concept of territory is complex in that within the territory, there can be identified: the land as

an objective element and the legal relationship between the land and the State as a subjective element. Different authors and doctrinaires have developed their own concepts of territory based on these elements.

On the one hand, Jellinek (1954) affirms that territory is the land on which the State's community is built, the latter being considered, from a juridical point of view, as the space in which public power (the power of the State), can be developed. Similarly, Kelsen points out that territory is the space in which the validity of the State's legal order is circumscribed. On the other hand, Duguit defines *territory* as the material limit of the effective actions taken by the rulers within a State (quoted in Borja Cevallos, 1972, p. 47). Based on the definitions mentioned above, Borja Cevallos (1971) concludes that territory, traditionally conceived within the discipline of Political Science, is a juridical concept whose geographical basis is only a part of it. This is because its concept is directly related to the definition of the State. Therefore, neither of them can exist without the other.

#### **1.4. Relations between State and territory**

##### **1.4.1. The objective and subjective element of territory**

On the one hand, according to Borja (1991), the territory comprises two components: an objective part, the soil, and a subjective part, the legal connection between the State and the soil. As for the objective component, the territory has a three-dimensional coniform shape that extends from the earth's core to the atmosphere. Thus, the jurisdictional space of a State is made up of: aerial territory, constituted by the atmospheric layer over the State's terrestrial space, which ends at the border with the interplanetary space; superficial territory, formed by the terrestrial surface and the maritime area belonging to the State; subterranean territory, integrated by the terrestrial and maritime strata belonging to the subsoil.

On the other hand, the subjective component delimits the area in which a State can exercise public power and perform its functions. The author emphasizes that territory is a profoundly juridical term and delimits it to the area where a State can exercise public power and perform its functions. Borja also mentions that there is no territory without a State nor a State without territory; these two notions mutually consolidate each other.

#### **1.4.2. Space and territory – Territorialization of the State**

To understand a State's dominance over these two elements, the concept of territoriality must first be understood. According to Certucha (2017), "the notion of territoriality refers to the mechanisms by which a given entity (the State) is circumscribed to space (the territory of the State)" (p.250). It is necessary to analyze this definition in parts. On the one hand, space is understood as an idealization where the components found in the physical world are delimited. It is a white canvas where individuals and things meet and develop. On the other hand, regarding territory, it is first emphasized that it is not only a surface of land determined by limits. Instead, the territory is where space is contained as a place of relationships. It is imperative that the individuals who take hold of space and turn it into a territory are able to understand and reproduce it (Certucha, 2017).

Two main characteristics are found in the territorialization of a State. First, the territory is considered a fixed element that aims to remain static and differentiated in relation to other States. Second, the physiognomy of a State's territory is smooth and homogeneous to be codified to be legible. An essential difference with communities that are politically organized differently from a state entity is that the territory of a state always seeks to avoid any displacement of its boundaries, so the initial step for territorialization is the creation of borders. In this way, a country demonstrates to other states how far its territory and sovereignty extend (Certucha, 2017).

#### **1.4.3. Borders**

According to Casanovas and Rodrigo (2015), "a border is the line that delimits the land territory subject to one State from the territory of another" (p.250). It is necessary to differentiate between borders as a frontier zone between two States and as an area where social and legal ties are maintained between the State's inhabitants. There are several methods for delimiting borders. First, the natural border method involves recognizing geographical features to determine the boundary lines. For example, mountain ranges can be used, joining the highest peaks with a line, or rivers, following the center line of the water. Second, when there are no natural geographic features or in territories that are little explored, adjoining States can establish artificial boundaries using astronomical or geometric limits. Also, legal criteria have been used to demarcate borders, such as the principle of *uti possidetis iuris*, used during the decolonization process in the African

and American continents where borders were established using the limitations previously used by the colonial States (Casanovas & Rodrigo, 2015).

#### **1.4.4. Ways of acquiring territories**

Traditionally, the acquisition of territory in international law has been carried out in two ways. On the one hand, there are the original forms of acquisition which, as a starting point, considered that there are certain territories that had no owner. As a result, European countries could occupy them and integrate them into their State. Likewise, it was possible to obtain territorial portions by being the first to find and occupy territories unknown to the European States. It is necessary to mention that these places were inhabited by societies that, from a Eurocentric perspective, had a lower level of development. On this basis, territorial expropriation was justified. On the other hand, derivative forms of acquisition held that every territory had a sovereign and that through conquest and subjugation, it was possible to seize a territorial portion. Today, international law prohibits the acquisition of territory through the use of force. Finally, cession was another widely used way, at the time of the great wars, in which the losers of a conflict ceded territories to the victors of the conflict, an agreement usually embodied in a peace treaty (Casanovas & Rodrigo, 2015).

## **CHAPTER 2: Traditional theoretical approaches of territory in International Relations**

### **2.1. Territorial conception in the leading theories of IR**

First of all, it should be mentioned that in IR, spatial-territorial assumptions have been essential for the elaboration of theories in the academic field. However, at the same time, they have remained hidden and limited by a theoretical framework in which the conception of space is taken as an implicit concept that is never questioned (Strandsbjerg, 2010). Similarly, while theories from the academic field have developed useful literature to understand the behavior of States concerning cooperation and conflict at the international level, their application in the investigation of territorial boundary conflicts and ways to resolve them is underdeveloped (Choi & Eun, 2017).

As noted by Agnew (1994), in International Relations, ways of understanding space are taken for granted and not openly discussed. Mainly space is considered to be understood as a group of blocks determined by the territorial boundaries of a State. Moreover, the author considers that “the merging of the State with a clearly delimited territory is the geographical essence of the field of international relations” (Agnew 1994, p.5).

#### **2.1.1. Realism**

We believe it is necessary to begin the analysis of the leading IR theories by dissecting the basic assumptions of realism because this approach is generally considered the dominant theory in the field. Consequently, many theories are born in response to it. To begin with, realism argues to analyze the world as it is in reality and not as it ‘should’ be in an ideal scenario (Sotomayor, 2021). It would be a mistake to argue that realism is a single theoretical and static school of thought, which is why authors such as Dunne and Schmidt (2014) divide this approach into three historical periods: First, classical realism, which has its origins in the work of Thucydides on the Peloponnesian War and ends in the twentieth century and reflects traditional Western political thought; second, modern realism (1939-1979) whose beginning is found in the “First Great Debate” among IR scholars during and after World War II; third, neorealism, which emerged in 1979 after the publication of Kenneth Waltz’s Theory of International Politics. Although these are different branches of realism, they all fall under a similar theoretical framework. Hence, Dunne

and Schmidt (2014) consider that these subdivisions share three key elements in their theorizing: statism, survival, and self-help.

To understand these elements, we can analyze what Waltz proposed in Ruggie (1983), who considers that the most important structural characteristic of the international system is anarchy, referring to the absence of a legitimate central entity to establish order. First, with regard to statism, the author assumes that States, being the existing entities in the system and having the ability to legitimately use force, are the central units of the international system. Second, the survival postulate appears from the assumption that all units have a minimum desire to endure in time. However, due to the absence of a central entity, each State must ensure its longevity on its own; thus, the self-help postulate is born.

Several authors draw a parallel between the international system's functioning and the market's activity. In particular, both have an individualistic starting point: they are the result of the actions of the constituent units whose aim is to satisfy their needs by whatever means possible and do not necessarily seek to create order. Because of these characteristics, once the international system has been configured, it can no longer be controlled. As a result, the behavior and interactions between units are constrained (Ruggie, 1983).

On the other hand, Agnew (1994) adds that realism postulates that IR should be studied at the systemic level, meaning that the internal structure of each State should not be taken into account. The author takes this stance because, when acting, all States are equivalent units, perform the same functions and share the same interests. However, he emphasizes that the system's capabilities and resources are unevenly distributed. Finally, the author considers that the balance of power, determined by the number of superpowers, is the main gear of the international system.

#### **2.1.1.1. Realism and territory**

With this established framework, we can elaborate on the territorial conception of realism in IR. On the one hand, it can be inferred that authors such as Waltz, by limiting the study of IR solely to a systemic level, rely on a firm understanding of the territorial-State. According to realism, "no spatial unit other than the territory of the State is involved in international relations. Processes involving sub-state units (e.g., localities, regions) or larger units (e.g., world regions, the world globe) are necessarily excluded" (Agnew, 1994, p.57).

Next, we will dive into the field of geopolitics. It is pertinent to do so because this field of study is directly related to the realist theory. Authors such as Mamadouh and Dijkink (2006) point out that, in IR academia, geopolitics is commonly understood as belonging to a realist approach because, to explain the behavior of States and to explain their interests and capabilities, special attention is paid to their geographical conditions. As a rule, in foreign policy research, geopolitics is mostly used by traditional IR approaches, such as realism. The authors note that realist diplomats have used the branch of geopolitics to overshadow views based on liberal idealism and maintain a foreign policy based on the pursuit of national interests.

However, they point out that different geopolitical approaches vary according to how they approach the link between geography and politics, space and power. In geopolitics, those that “use geographical knowledge and representation to naturalize power belong to the realm of realist approaches” (Mamadouh & Dijkink, 2006, p. 353). Similarly, Toal (2019) explains that classical geopolitics tends to understand a State’s territory from a geo-deterministic position and as a natural or already given process. Furthermore, it has emphasized the primary role of geography in the quest for security and peace. The author defines geopolitics as “the aggressive practice of the great powers. Political realism holds that all great powers practice geopolitics and are sensitive to security challenges that are geographically close to their borders” (Toal, 2019, p. 21).

Geopolitics emerged to study the link between geography and the actions of States as living organisms. The field was based on the fact that States, as living entities, needed to constantly increase their space to satisfy the needs of their population. The more developed a State is the greater its need to acquire land since the territory is the manifestation of the power of a State and its political force (Strandsbjerg, 2010). From a realist perspective, it can be inferred that land acquisition is directly related to increasing the hard power of a State. Power is defined as “the sum of tangible capabilities that include factors such as gross domestic product (GDP), territory, population, natural resources, and total armed forces” (Sotomayor, 2021, p. 16).

Similarly, Toft (2005) postulates that geopolitics has been part of realist approaches for centuries. Moreover, in contemporary realist contributions, geography continues to be an important factor. For example, prominent authors such as Mearsheimer propose geographic variables useful for understanding territorial problems. In particular, the author proposes that when the States involved in a conflict share the same border, the defending State will prefer to ‘balance’



to preserve the existing distribution of power by joining forces with another State that is threatened by the aggressor State. On the other hand, if the States involved in a conflict are not contiguous, especially if a body of water separates them, such as an ocean, they will be inclined to buck-passing the conflict to another power because large bodies of water limit an actor's military capability. As a result, defending States will feel more secure and able to defend themselves (Snyder, 2002).

### **2.1.2. Liberalism**

Nowadays, we live within an international system structured after the Second World War and based on the principles of Liberalism. This is especially evident in the existence of international institutions, organizations, and norms built on the foundations of institutions and norms applied within States that are considered 'liberal'. However, it is important to begin by clarifying the basic principles of this theory and then analyze how they have been applied within IR. According to Doyle (1997), four key characteristics define Liberalism. First, all citizens are legally equal and possess certain fundamental rights. Second, the Legislative Assembly of the State possesses only the authority vested in it by the people, whose fundamental rights it is not allowed to abuse. Third, a key element of the freedom of individuals is the right to private property. Finally, the most effective system of economic exchange is considered to be largely market-driven rather than one subordinated to bureaucratic regulation and control. To ensure that these principles are met, a fundamental aspect of liberal theory is the creation of institutions that limit and control political power (Meiser, 2017).

For the liberal current, the field of international relations is essential since the foreign policy that a State carries out could have significant repercussions in the domestic sphere of that State (Meiser, 2017). One of the most important postulates within the liberal theory of IR is the theory of democratic peace, which posits that democratic states are less likely to be involved in a conflict or cause a war with another democratic State. Two main reasons cause this phenomenon. In the first place, because of the internal restrictions of political power that characterize liberal or democratic States. Also, democratic States tend to recognize each other as legitimate and harmless and are, therefore, more willing to cooperate (Dunne, 2017).

In addition, Daniel Deudney and John Ikenberry (1999) outlined three factors that characterize the liberal world order. First, international law and agreements are accompanied by

international organizations to create a world order in which States work together to achieve common goals, maintain diplomatic relations among all members, and ensure that each of them has a voice within the international community. The second factor is the expansion of free trade and capitalism through the most powerful liberal states and international organizations. It will create an open, market-based international economic system in which there are high levels of trade between States, thereby reducing the possibility of conflict. A final factor in the international liberal order is the existing international norms, whose importance lies in their ability to promote international cooperation, respect for human rights, democracy, and the rule of law.

#### **2.1.2.1. Liberalism and territory**

The geographical division of the world into independent territorial units, known as States, has been a fundamental object of study within International Relations. According to Choi & Eun (2018), the territory is an essential element when studying conflicts between countries because it is usually the reason why conflicts are created in the first place. Based on this, traditional IR theories, realism, and liberalism consider the space of the State as the basis of their study. However, only in its territorial dimension and not in its other dimensions. As Agnew (1994) stated, realism and liberalism consider States as fixed entities with fixed territorial limits. This aspect leaves no room within IR to study any spatial unit other than the territory of the State. However, although both theories coincide in this aspect, the focus, and relevance given to the element of territory and borders vary.

In the case of Liberalism, as discussed above, principles such as the importance of institutions and international cooperation are proposed. Contrary to what is proposed in realist theory, the State is no longer seen as an entity only in charge of maximizing its power within the international system. Based on its more optimistic vision of the world order, territorial conflicts and power struggles are no longer its main object of study. On the contrary, what this theory proposes is that, through international cooperation and free trade regulated by the market, conflicts between states tend to diminish because there is the possibility that all parties involved will benefit (Agnew, 1994). However, it is essential to emphasize that the territorial State is still considered the central actor in this approach.

According to Badie (2020), the territory is less seen as a significant source of conflict and competition between States. However, this same element adopts a new role, no less significant, as a crucial factor in the global market. Based on this idea, a new phenomenon is emerging within States, one that has been able to profoundly transform the traditional rules of dynamics at the international level. This phenomenon is known as the privatization of territories within the State. That is to say, as part of this new dynamic, the importance of territory is transformed from a piece of land conquered through war to an element of great importance that is integrated into the global market (Badie, 2020).

Consequently, territorial domination is no longer exclusive to States but has been transformed and reoriented towards a complex competition involving different actors in the global market (Badie, 2020). The territorial concept is gradually being reconstructed: from a public good and a source of political power, it has become an important economic source for international economic actors. The territory has thus changed its political nature, and its domination is being transformed into a more systemic process, which deviates from the main geopolitical postulates of classical IR theories (Badie, 2020).

### **2.1.3. Constructivism**

Constructivism is a social theory focused on the role of human consciousness in international life; it explains that as a product of social interaction and not independent of it, constructs formed by collective ideas such as knowledge, symbols, language, and rules are created (Barnett, 2014). For this reason, this is a post-positivist approach since it considers that the study of society cannot be carried out under the same conditions as the natural sciences because researchers cannot separate themselves from their ideas about the social world to analyze it as if it were an external reality (Jackson & Sørensen, 2012).

Unlike conventional theories, constructivism is not a substantive theory of IR; it does not develop concrete statements and hypotheses about patterns or trends in international politics; rather, it suggests how to study the relationships between agents and structures, for example, between States and the international system (Barnett, 2014). In this way, this theory maintains a structural approach. However, unlike Neorealism and Neoliberalism, which consider that the international structure appears spontaneously and naturally, constructivism argues that structures

are social and are mutually constituted by the actors through their agency (Santa Cruz, 2021). According to Wendt (1992), social structures appear from the repetition of processes of reciprocal interaction between actors where some are rewarded for having specific ideas and, at the same time, are discouraged from having others. In this process, as a society, we build our intersubjective understanding by defining shared interpretations, expectations, or knowledge.

Constructivism is deeply interested in studying norms, defined as the standard of appropriate behavior for actors with a given identity; compliance with these norms changes according to their level of institutionalization (Barnett, 2014). Wendt (1992) defines institutions as a group of partially stable identities and interests. Institutions are usually codified in rules and norms, but the motivation to follow them depends on socialization among actors and their collective knowledge. In other words, institutions are cognitive entities that do not exist independently of the actors' thinking (Wendt, 1992).

This theory presents a less rigid understanding than anarchy in International Relations by establishing that the structures, in a certain way, limit the actors' actions. However, the latter can modify the structures by acting and thinking about them differently (Jackson & Sørensen, 2012). Concerning this point, Wendt (1992) states that the postulate of self-help and competitive power politics present in neorealism are socially constructed institutions but not essential characteristics of anarchy. Anarchy is what States make of it.

Finally, regarding the behavior of countries in the international system, constructivism argues that, as a product of the interaction between States, several identities are formed, defined as the understanding that a State has about itself in relation to others, which gives rise to its interests and actions. It should be mentioned that these identities are not fixed but changeable; States follow a "logic of appropriateness" to determine what behavior is most appropriate for each situation (Theys, 2017).

### **2.1.3.1. Constructivism and territory**

Constructivism is inclined to understand the territory as a historical edification of shared knowledge resulting from social and textual discourse. Nevertheless, focusing on the role of ideas does not mean rejecting material reality as geography, but rather that the meaning of geography depends on the interpretation humans give it (Barnett, 2014). Emulating Wendt's famous phrase,

Toal (2019) argues that “geography as earthly location and resource endowment is what a state makes of it” (p.40).

As mentioned above, the different geopolitical positions differ in their relationship between geography, politics, space, and power. On the one hand, constructivist approaches, also known as critical geopolitics, question the link between geographical knowledge and power. Their studies focus on how security identities and strategic culture are formed at the international level (Mamadouh & Dijkink, 2006).

Similarly, Toal (2019) explains that critical geopolitics opposes geo-determinism and the reification of the postulates presented by traditional approaches. On the contrary, it proposes a broader geographical framework for studying the arena subject to governance. It proposes to consider the socio-spatial context and the specific dynamics. In addition, this approach studies how power structures, such as States, have produced spaces, territories, environments, and social agents.

On the other hand, a constructivist lens highlights the role of identities in social structures. In particular, it asserts that every territorial entity has a predominant identity, known as geopolitical culture, which delimits its place in the world. Geographic imaginations form such identity about oneself and about other actors in the world; in this field, it defines the States that are recognized as friends and those that are not. It determines the civilizational position in which the territorial entity considers itself to be, as well as the maneuvers it must carry out to ensure its identity and existence (Toal, 2019).

An example that shows how the behavior of one State towards another will depend on the identity of the actors is the relationship between the United States and two countries located in the Caucasus region. On the one hand, the U.S. considers Georgia a friendly country, a country that has a relationship of loyalty and a moral debt, as one of the world’s largest recipients of U.S. aid. On the other hand, Russia’s character, regime, and actions have made the U.S. perceive it as a great power competitor seeking to maximize its power (Toal, 2019).

Taking a constructivist stance allows us to problematize and denaturalize notions and structures, usually taken for granted, by recognizing their limitations and considering other alternatives. Next, we will examine the field of cartography and the concept of territorial

sovereignty. First, with respect to cartography, Strandsbjerg (2010) considers that people usually understand maps as neutral, non-conflicting representations of natural scientific processes. As a result, maps are rarely thought of as embodying a single hegemonic reality, and it is generally forgotten that maps could be drawn differently as they are the result of a social process. Therefore, he proposes to study cartography as a social practice that institutes space as an element of a 'social reality' and simultaneously as a social experience that includes the relationship between people and their environment. The author affirms that cartography delimits constructivism by recognizing that maps present a reality determined by human construction processes and, at the same time, expands constructivism by transporting it to the field of natural sciences (Strandsbjerg, 2010).

Secondly, sovereignty is a concept resulting from a historical process (Barnett 2014). Indeed, Strandsbjerg (2010) highlights the sovereign state's particularity by analyzing the configuration of territorial space during the transition from medieval times to the modern political system. The author argues that the imaginary of political space ceased to be related to a notion of a universal God and was transformed into a single perspective of a political community linked to a fixed territory. According to Lefebvre (1991), cited by Strandsbjerg (2010, p.56), the understanding of space is relative to the production model of each social group, so the change in political space in this period can be explained because the production connection with the land has lost importance as a consequence of great technological development.

Wendt (1992) emphasizes that sovereignty is an institution formed by concrete intersubjective interpretations that position States as a specific form of social grouping and, at the same time, recognize the right to exercise its political authority within its territorial limits. These two principles are thus mutually constitutive "since a State cannot exist without territory and sovereignty can only be exercised within the fixed territorial boundaries of a State" (Chadha Behera, 2020, p. 140). The presence of different norms, such as State sovereignty and territorial integrity, may explain why the State is usually represented as a fixed and static structure (Toal, 2019). Hence, the division of space by territorial boundaries belonging to sovereign States is the normative basis of the current international system (Wendt, 1992).

#### **2.1.4. Critical approaches**

Critical approaches arise within IR to question the main postulates of the discipline's traditional theories (realism and liberalism). It occurred in the 1980s and early 1990, with the end of the Cold War. At that moment, the need to seek different ways of thinking arose within the discipline of IR (Zehfuss, 2013). In this way, questions about the nature of the world became more significant within a discipline that had previously focused mainly on matters of the practical aspects of the relationships between States. Thus, authors such as Robert Cox, Jürgen Habermas, and Andrew Linklater, among others, intend to highlight the idea that the ways of thinking about the world are not divorced from our own position and the power relations that exist within that world (Zehfuss, 2013), in this way, they seek to challenge the idea that there exists one single, possible, and absolute truth. Therefore, to make this evident, Robert Cox (1981) claims that a theory is always for someone and for some purpose.

Cox (1981) also identifies two types of theories that are distinguished by the purposes they pursue. On one side, a “problem-solving theory” takes a particular perspective as given and seeks to solve the problems that emerge within it. On the other side, a “critical theory” reflects on the process of creating a theory and, in this way, makes it possible to choose a different perspective and create a different world (Zehfuss, 2013). According to Cox (1981), critical approaches seek to make it possible to stand apart from the prevailing order of the world and to question the different social and power relations that make the existence of that order possible in the first place.

This section will briefly analyze three approaches within critical approaches in the International Relations category. First, it will analyze the Critical Theory of International Relations, with particular emphasis on the ideas and contributions of Robert Cox and Andrew Linklater. Second, it will be analyzed the critical points of Post-structuralism. Finally, the section concludes with an analysis of the existing conception of territory within the different critical approaches analyzed.

#### *Critical Theory*

To begin with, it is important to distinguish between a critical theory (proposed by Cox in his types of theories' classification according to the purpose they pursue) and the Critical Theory of International Relations. According to Zehfuss (2013), the first refers to any theory that reflects

on its own assumptions and postulates and therefore considers that there is a possibility for change. On the other hand, the Critical Theory is more specific because it analyzes mainly a variety of ideas focused on the principle of liberating people from the economic system and the modern State, which refers to a concept known within this theory as ‘emancipation’ (Farias Ferreira, 2017).

Based on Immanuel Kant and Karl Marx’s postulates about change and transformation in the international system, Critical Theory emerged within the IR discipline. This theory was established to criticize the social dynamics and repressive institutions that exist in the world and move towards emancipation by supporting ideas and practices that comply with universalist principles of justice (Farias Ferreira, 2017). It means that this theory proposes a transformation both in national societies and in the relations between States. In that way, it seeks to create a global society based on searching for alternative practices and ideas from the existing ones.

According to Andrew Linklater’s claims, Critical Theory has been developed in the discipline of IR mainly due to the influence of Antonio Gramsci’s ideas on Robert Cox, as well as the ideas of Jürgen Habermas of the Frankfurt School. On the one hand, Robert Cox takes Antonio Gramsci’s ideas and raises a production paradigm, i.e., the economic patterns involved in producing goods and the political and social relations they imply (Farias Ferreira, 2017). Based on these facts, Cox highlights that hegemony and power hierarchies constituted within the economic sphere are, in fact, the factors that create the world political system (Farias Ferreira, 2017). On the other hand, Cox challenges the postulates of the realist theory of IR, which base the study of relations between states isolated from other social forces. It is why, as Zehfuss (2013) states, what is proposed in this theory is to analyze international relations in an interdisciplinary manner to identify the different aspects that influence global politics and that need to be modified in order to generate real change at all levels.

On the other hand, Andrew Linklater presents a communication paradigm, i.e., the patterns of rationality involved in human communication and the ethical principles they imply. Within IR theory, these postulates challenge traditional approaches (realism and liberalism mainly) and highlight how these approaches reinforce imbalances in an unjust global order by not questioning and being critical regarding their own main assertions (Farias Ferreira, 2017). Another important aspect of Linklater’s approach is the idea of emancipation. This idea is based on open discussion about who can be legitimately excluded from political processes and the kinds of particularities,



such as gender, race, and language, that grant certain people a particular set of rights. Moreover, the emancipation raised by Linklater is not conceived as an abstract and universal idea but as a principle that must be achieved through global interactions based on an open, inclusive and non-coercive dialogue that unites communities (Farias Ferreira, 2017). Consequently, this would transform the international system from a competitive one composed of separate States to a cohesive global community.

Although Robert Cox and Andrew Linklater's postulates are based on different ideas, both approaches converge on a key point: emancipation. According to Farias Ferreira (2017), both authors aim to uncover the existing potential to create a fairer system of global relations. Furthermore, as Hutchings (2001) states, what Linklater and Cox propose is to expose the hegemonic interests behind the existing world order to overcome a global system based on exclusion and inequality.

### *Post-structuralism*

Poststructuralism within the discipline of IR seeks to challenge what is considered "true" and how traditional theories claim to create objective knowledge that, subsequently, creates premises that appear to be common sense. It is why poststructuralism seeks to question and be skeptical of universal narratives that pretend to offer a supposedly "objective" view of the world (McMorrow, 2017). According to this theory, such narratives are generally influenced by pre-existing claims of what is true and are usually emphasized by those with power.

One of the most important aspects covered by Post-structuralist approaches is knowledge creation. For scholars within this current, what is accepted as "knowledge" is the result of certain actors' power dynamics within society, who are the ones who impose this knowledge on others (McMorrow, 2017). These power dynamics are manifested through the domination of discourse. As stated by Hansen (2017), discourses are mechanisms of power that facilitate the process in which certain information is accepted as an unquestionable truth. On the other hand, for this to happen, a discourse must be considered dominant and have the ability to silence other options or opinions.

Post-structuralism examines and questions assertions and assumptions that can be taken for granted. According to McMorrow (2017), post-structuralists consider language crucial for

creating and perpetuating a dominant discourse because certain actors, events, and concepts are positioned as hierarchical pairs through language. In this way, one of the elements is more favored than the other, thus perpetuating its meaning. Consequently, a power relationship is created that serves to reinforce the most favored definition within the discourse (McMorrow, 2017).

One of the leading scholars of this approach is Michael Foucault. Foucault poses a model called the “regime of truth”, which encompasses the main elements of power dynamics: elites, discourses, language, and hierarchical oppositions of concepts (McMorrow, 2017). All these elements combined are used to create the meanings and what is considered “true” that serve the interests of the favored actors and that, in addition, can operate within society without question. Thus, the importance of poststructuralism within IR is to underline the existence of these “regimes of truth” posed by Foucault. In turn, its importance lies in showing how conventional forms of thought and analysis within the discipline have yet to be able to open a space in which to reveal how discourses operate and prevent the possibility of alternative discourses from emerging.

### *Post-colonialism*

The postcolonialist approach examines how societies, governments, and peoples in formerly colonized regions of the world experience international relations. It seeks to highlight the impact that colonial histories or pasts still have, which is evident today in how the construct of the West marginalizes the rest of the non-Western world (Sylvester, 2017). It is mainly due to the construction of discourses whereby non-Western peoples were considered the “others”, usually in a way that made them appear inferior. In this way, such discourses helped European powers justify their domination over these peoples in the name of bringing “civilization” or “progress” to them (Nair, 2017).

In the same way, the postcolonialist approach seeks to criticize conventional IR theories that claim that the international system is anarchic since, within this theory, it is considered rather as hierarchical (Nair, 2017). Furthermore, it considers that imperialism and colonialism are responsible for promoting a long process of continuous domination of the West over the rest of the world. This cultural, economic, and political domination still exists and broadly characterizes global politics (Nair, 2017). Consequently, this theory seeks to highlight that the effects of colonialism are still visible and continue to have great weight in the existing power dynamics in the international system.

#### **2.1.4.1. Critical approaches and territory**

As part of the critical approaches within the discipline of International Relations, there is a specific approach that refers to how territorial space is conceived within the different theories of IR. This approach, known as Critical Geography, has emerged within the academy to challenge the dominant ideologies that characterize international politics and, therefore, questions the traditional categories and units of analysis in IR, such as anarchy and the concept of the State itself. According to Ceridwen Connon and Simpson (2017), critical geography is based on a principle that states that questions about spatial relations are important because political behavior is directly linked to political structures grounded in ideas about space. In this sense, spatial relations refer to how an object located within a particular space relates to another object. Based on this, this approach poses the existence of alternative ways of conceiving space and how they have the potential to change fundamental ideas, theories, and approaches that generally dominate the study of international politics.

As mentioned above, different concepts are proposed within the critical geography approach that offer an alternative view of international relations. One of its most important postulates is the notion of “territorial space” proposed by the philosopher Henry Lefebvre (Ceridwen Connon & Simpson, 2017). The author states that the notion of territorial space can be analyzed in three different ways: in absolute, relative, and relational terms.

First, from an absolute perspective, space is considered fixed and measurable, reinforcing assumptions about relationships within and between particular territories. This idea of territory underpins traditional IR theories (Lefebvre, 1991). An example of this absolute conception is the representation of the world through a political map, in which the world is divided into individual States separated by territorial borders. This aspect implies that the way of representing the global space is fixed; consequently, the possibility of alternative ways of representing it in the geographical sphere is left aside. Furthermore, it ignores the change in international politics throughout history with new States and international institutions that have emerged and consequently transformed the global space (Ceridwen Connon & Simpson, 2017).

Second, Lefebvre (1991) poses a concept of relative space, which, contrary to the absolute, implies thinking of space in a way that sees territorial space not as something fixed but as a place

in which there is an interconnection of objects and relations. Additionally, a relative vision of space is posed, which seeks to look at the existence of space as a result of the relationships between the objects within it. Thus, this approach argues that the ways in which space is understood are the product of a particular set of relationships existing within it. For example, if we consider particular spaces in terms of how they relate to others, we can find the “Global South” concept. This concept refers to certain States in the international system in relation to another set of States belonging to the so-called “Global North” (Ceridwen Connon & Simpson, 2017).

Finally, Lefebvre (1991) defines the relational view as a space that cannot exist without the perspective of an observer. It is based on the idea that objects exist solely in terms of their relations to other objects. For example, as Ceridwen Connon and Simpson (2017) state, when thinking about a place, one can only think about it based on what one knows about it. What is known leads to the creation of opinions, which influence the space’s form, and the development of arguments that support or reject pre-existing ideas about political development. Consequently, these opinions influence the decisions made by the international actors that shape international space.

Beyond what has been previously posed, developments within the critical theory and particularly critical geography have examined global change processes and the growth of alternative political organizations, such as indigenous governance institutions. Also, they examine how these organizations have contributed to the formation of the modern international system (Ceridwen Connon & Simpson, 2017). It has had great relevance within international relations because the emergence of new political organizations with forms of representation and governance that transcend the boundaries of the nation-state are managing to break with traditional ways of thinking about the international political space. In this way, the aim is to highlight the power dynamics in the dominant political structures within the international system and the possibility of generating a change in them.

## **2.2. Taxonomy of power in IR, according to Barnett and Duvall, and its role in shaping the different ways of understanding the territory**

The objective of this subchapter is to understand, through a multifaceted analysis of power in IR, how the prevailing territorial assumptions of the current international system have been

formed and maintained. To this end, we will begin by briefly explaining the fundamentals of the taxonomy of power proposed by Barnett and Duvall. We will then analyze the relationship between each type of power and territory. We have chosen the work of these authors because it provides useful tools to broaden the notion of power usually present in our field of study. For instance, Barnett and Duvall (2005) argue that power has been a central, yet contested, concept in IR. Studies within the field usually focus on the most visible form of power, where one actor manipulates another to act. Consequently, the academy ignores other forms of power and fails to understand how actors can control their destiny in global outcomes.

### **2.2.1. Coercive power**

To begin with, as proposed by Barnett and Duvall (2005), coercive power refers to the control, whether intentional or unintentional, of one actor over the actions or circumstances of another actor. It is the ability of A to use its resources to promote its interests at the expense of the interests of B. Coercive power is not limited to material resources such as an actor's capital, military capability, or the imposition of sanctions. An actor can shape the behavior of another through normative resources, for example, by using its expertise, and moral authority, or by leveraging public opinion, such as the practice of naming and shaming, in condemning the actions of another actor for not following essential norms.

Coercive power is related to the traditional understanding of power, generally present in the realist school of International Relations. This is clear when understanding that from a "realist perspective, international politics is summarized in a constant game of military balances among the most powerful, in which weak states have few options (follow the leader or suffer the consequences)" (Sotomayor, 2021, p. 14).

On the one hand, Sotomayor (2021) indicates that the material power of a State not only serves to guarantee its victory in the event of a direct confrontation with another State but, even more importantly, having accumulated hard power deters other actors from attacking in the first place. The author presents the example of Brazil, a large State that shares a border with ten other States and that, to this day, has not had to confront any of them militarily. Brazil's border stability can be explained by the presence of armed forces in large part of the Amazon. As a result, the asymmetry of military power forces its neighbors not to consider using force.

On the other hand, Casier (2013) analyzes the relations between the European Union and Russia before the invasion of Ukraine in 2014<sup>1</sup> and concludes that Russia's actions illustrate how one State can use its material resources to advance its interests against the interests of another. During this conflict, Russia used military and economic threats to impose its wishes on States close to its region. Specifically, Russia exercised coercive power over the European Union by threatening to shut down gas pipelines destined for this region if sanctions were imposed over the annexation of Crimea. Moreover, once the Crimean Peninsula was annexed to the Russian Federation, Russia used its power by mobilizing military troops over the territory and thus strengthening its position against the West and securing control of the peninsula. Similarly, the European Union and the United States exercised coercive power by imposing sanctions against Russia and mobilizing troops on the eastern borders of the North Atlantic Treaty Organization (Casier, 2013).

Similarly, another example of how material resources can be used to influence neighboring lands is the case of China and Mongolia. For years China has exercised coercive power over Mongolia, directly impacting Mongolia's economic and foreign policy. In terms of economic impact, the country controls Mongolia to trade certain products only with China and not with other countries. To achieve this, China allows Mongolia to use the port of Tianjin, however, it imposes high tariffs on its products, reducing their value to almost half the international price, making it unprofitable to export goods to any destination other than China. On the other hand, China's control of Mongolia's relations with the Dalai Lama is a clear example of the impact on foreign policy. Thus, China has repeatedly pressured Mongolian politicians to refuse to meet with the Dalai Lama and cancel official events. Also, in response to the Dalai Lama's visits in 2002 and 2006, China suspended air services between the two countries (Reeves & Pacheco Pardo, 2013).

Finally, coercive power is not only used between States, but it can also be used against other actors in the international system in order to regain control over a region. For example, the terrorist organization known as the Islamic State maintained extensive power over Iraq and Syria;

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<sup>1</sup> The Russian Federation had militarily occupied the Crimean Peninsula between February and March 2014. After the occupation Crimea held a referendum, questioned by the international community, to determine whether the peninsula belonged to Ukraine or Russia. As a result, 97% of the voters stated to belong to Russia, thus on March 22, 2014 the Crimean Peninsula was incorporated into the Russian Federation through a reunification treaty (Salmon & Rosales, 2014).

much of the efforts made by the United States, Russia, and France to liberate territory in the region focused on air strikes and other military strategies. Thus, coercion through the use of force is still considered the best method to neutralize insurgent groups in the Middle East (Antunes & Camisão, 2017).

### **2.2.2. Institutional power**

Institutional power exists when an actor uses the rules or mechanisms of an institution to persuade another actor to perform an action. This power is exercised indirectly and diffusely. First, it is exercised indirectly because the actors relate to each other through an institution that does not belong to them, “A does not ‘own’ the resources of power, but because A is in a particular relationship with the relevant institutional arrangements, his actions exert power over B” (Barnett & Duvall, 2005, p. 51). In addition, the scope of action of each actor will be determined by the powers granted to him by the institution, such as the creation or elimination of rules, imposition of sanctions, and deciding the order of the day. On the other hand, institutional power may also be diffuse or temporary because institutions established in the past may reflect the power held by certain actors at the time of their creation. Even institutions created for a mutually beneficial purpose may have unequal material and normative resource distribution. Furthermore, the actions of an actor in a given period may have effects in the distant future (Barnett & Duvall, 2005).

To demonstrate the aforementioned, we will present some examples. To begin with, Strandsbjerg (2010) explains that international law institutions anchored to a specific cartographic vision play an important role in explaining why state territoriality still has a predominant position in global politics. For example, the United Nations Convention on the Law of the Sea (UNCLOS) establishes clear geomorphological requirements for claiming maritime sovereignty rights beyond the coast and into the ocean; the continental shelf is established according to the distance from the coast and the land relief of the area. The author highlights the epistemic power of maps, explaining that institutions that manage boundaries require that space be understood in a specific way in order to have a clear basis for drawing boundaries.

The following case shows how actors can exercise institutional power to protect their role in nearby territories. According to Casier (2017), the juncture at which Ukraine found itself in 2013, when it had to choose between two regional projects focused on Eastern Europe, was marked

by the presence of institutional power. Ukraine had to choose to sign an agreement with the Eastern Partnership program of the European Neighborhood Policy (ENP); belonging to the European Union (EU); or join the Eurasian Economic Union (EAEU), a Russian-driven association. The two options were mutually exclusive in the tariff sphere because, on the one hand; the Association Agreement would mean that Ukraine would have to liberalize trade with the EU; or similarly, it would have to accept the EAEU's Common External Tariff.

Ukraine could not belong to both institutions at the same time because of how these institutions are constituted; inevitably, Ukraine's decision would control the future circumstances of the other actors by affecting their trade, financial, and investment opportunities from Russia and the EU. In addition, the transfer of institutional norms would impact the region's legal, political, and administrative system, thus changing the conditions under which the two countries operate in this region. As for the other parties' perspective, Russia feared that the signing of an Association Agreement between the EU and Ukraine would jeopardize its sphere of influence in the post-Soviet territory, so it offered an alternative integration project. Similarly, the EU was concerned that the customs conditions of the EEU would affect its position in Eastern Europe (Casier, 2017).

On the other hand, an example that reflects how actors, and not only States, can exercise institutional power to achieve their objectives is the presence of the Inuit<sup>2</sup> community in various international platforms. On the one hand, the Arctic Council is an international governmental organization that links indigenous peoples and various governments on issues related to climate change. The action of the Inuit peoples in this institution is a positive case of institutional representation, because the communities have an active role in this model of collective governance; Inuit resolutions are taken to ensure a shared benefit and are based on their sense of community (Casier, 2017).

Furthermore, the Inuit Circumpolar Council (ICC) recognizes the Inuit population. However, it considers its members as belonging to the population, depending on their location, of Alaska, Greenland, Canada, or Russia. As it is based on a State system of representation, the Inuit

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<sup>2</sup> The Inuit peoples, formerly known as Eskimos, settled in the Arctic 4,500 years ago after crossing the Bering Strait from Asia. Today the Inuit are divided into twenty-one tribal groups throughout the Arctic regions. They are the most geographically widespread ethnic group in the world, being present in Russia (Chukotka), Greenland, Alaska and Canada (National Geographic History, 2020).



communities, not meeting these conditions, only act as observers. Consequently, indigenous people's voices are restricted, and decision-making power based on former colonial governments is reinforced. Moreover, forms of political organization that transcend nation State boundaries are excluded from the system of political representation in organizations focused on climate change (Ceridwen Connon & Simpson, 2017).

However, there are also institutions whose operating mechanisms are less bound by State borders. Such is the case of international financial institutions, which must deal with the movement of capital, labor, and technology in transnational spaces. Due to globalization, States must adapt to the regulations of these institutions; most countries have adapted their legislation to open up to trade and allow the opening of foreign businesses in their territory. Nevertheless, they also actively participate in platforms, such as the World Trade Organization, to define trade agreements, reduce tariffs, and demand trade advantages (Strandsbjerg, 2010).

### **2.2.3. Structural power**

According to Barnett and Duvall (2005, p.51), structural power refers to the co-constitutive internal relations of structural positions, which define what kind of social beings the actors are. Unlike institutional power, in which the terms "institutions" and "structures" are used synonymously to refer to the set of rules, procedures, and norms that restrict the actions of already constituted actors with fixed preferences, in structural power, the term "structures" takes on a different meaning. They are conceived as an internal relation, that is, a direct constitutive relation in which the structural position of subject "A" exists only by its relation to the structural position of subject "B" (Barnett & Duvall, 2005). From this perspective, the mutually constitutive types of social beings are, directly or indirectly related.

As the authors state, structural power shapes the destiny and conditions of the existence of actors in two ways. First, structural positions do not necessarily generate equal social privileges. Instead, structures assign differential capabilities and advantages to different positions (Barnett & Duvall, 2005). This means that social structures constitute social privileges and capabilities under conditions of inequality for the actors. On the other hand, social structures constitute the actors and their capabilities and shape their self-understanding and subjective interests. Consequently,

the structures that distribute these asymmetrical privileges also affect the actors' interests, usually leaving them willing to accept their role in the existing order of things (Barnett & Duvall, 2005).

Thus, structural power works in terms of limiting some actors to recognize their domination. Consequently, the actors' self-understanding and disposition to act serve to reproduce, rather than resist, the differential capabilities and privileges within the structure. In this way, structural power operates even when there is no evidence that actor A exercises control over actor B. This type of power stems from structures, thus being more profound than a visible act performed. In the realm of world politics, in this type of power, it is posited that states assume positions within the international system that generate proportional sets of identity and interests. Conversely, states already in subordinate positions vis-à-vis each other adopt these (ideologically generated) conceptions of interest and thus support and reproduce their domination and subordinate position within the international system (Ceridwen Connon & Simpson, 2017).

#### **2.2.4. Productive power**

In order to define productive power, according to Barnett and Duvall (2005), it is essential to analyze the overlaps between it and structural power. First, both types of power are concerned with constitutive social processes that are not controlled by specific actors but are effected only through meaningful actor practices. Moreover, both are interested in how actors' social capabilities are socially produced and how these processes shape, in turn, actors' self-understanding and perceived interests. As a final common feature, neither concept of power depends on a conflict occurring visibly (Barnett & Duvall, 2005). However, while there are three critical points of convergence between the two types of power, structural and productive, it is important to emphasize that productive power encompasses much more generalized and diffuse social processes.

As Barnett and Duvall (2005) define it, productive power is the constitution of all social subjects with various social powers through systems of knowledge and discursive practices of a social and general scope. This type of power starts from structures towards systems of meanings (which, although structured, are not structures in themselves) and also towards networks of social forces that constantly shape each other. It is how structural power goes beyond or even is post-structural. This difference between structural and productive power has two important implications

when defining productive power. On the one hand, productive power refers to the discourse, social processes, and knowledge systems through which meaning is produced, fixed, lived, experienced, and transformed. In turn, discursive processes and practices produce identities and social capacities as they give meaning to them. Thus, productive power differs from structural power regarding the meaning given to the “subject” (Barnett & Duvall, 2005). In this case, productive power encompasses the limits of all social identity and capacity, the inclination towards action, both of the socially privileged and those in a disadvantaged position, and all intervening subjects who are not in a binary hierarchical relationship.

On the other hand, the bases and functioning of productive power are the understandings, definitions, norms, traditions, and social identities that make possible, limit, and are used for the action (Barnett & Duvall, 2005). As an example of this, within the sphere of world politics, there are basic categories of classification that generate asymmetries in social practices, such as the terms “civilized state”, “unstable”, “West”, and “democratic state”, among others. In addition, productive power expresses socially contested efforts to establish and fix determined meanings (Barnett & Duvall, 2005). An example of this could be the definition of “development”, and how such meaning can orient one direction or in the opposite direction to another. Because of these dynamics, paying attention to the analysis of productive power means focusing on how diffuse social processes produce particular types of subjects while fixing meanings and categories and ultimately creating what is taken for granted within world politics.

Through productive power and discourses, it has been possible to create realities considered objective and therefore legitimized, as is the case of territory and its relationship with the State. As stated by Cabrera (2018), in the 1990s, critical authors concluded the existence of geopolitical discourses capable of creating social and geographical realities to determine a place’s identity or even a State. Considering that geopolitics is a field of study that emerged in the middle of the twentieth century, initially intending to analyze the link between the State and its potential development with the geographical context in which it is situated. Therefore, the author argues that this field of study came to be used to justify specific plans for ideological and racial purposes through discourses.

Likewise, Cabrera (2018) claims that these discourses generated from the discipline of the study of geopolitics have managed to be reproduced by different actors based on their interests

and, therefore, have highlighted how imperialist, racist, and even classist discourses are reproduced. It, in turn, has had a significant impact on the international system because such representation of territory through discourse can create an identity for the State, which in relation to others can be considered an ally or a threat. In other words, the representation of a given territory and the discourse established about it are directly related, resulting in a geopolitical representation of that territory in the international system.

## **CHAPTER 3: Territorial Approaches from the Indigenous Cosmovivencia**

### **3.1. Ontological lens of interconnection**

#### **3.1.1. Relational Theory of International Relations**

Traditional International Relations approaches take rationalism and individualism as the starting point of their main postulates. Since the discipline's origins, it has been founded based on Western thinking and, in many cases, Eurocentric, based on an ontology of separation (Kulki, 2021). In turn, Western thinking is based on a dualistic logic in which there are independent and structured categories in the form of a dichotomy. It follows the construction of the binary conflict between the "self-Other", in which the "other" is usually considered as a negative and hostile stereotype (Qin, 2016, p. 7). It is why theorists of the discipline of IR have seen the necessity of questioning the discipline's ontological foundations. Consequently, to make evident the reductionism implied in an ontology of separation and to generate new spaces in which it is possible to propose new postulates that include the different existing ontologies.

Thus, a new theory is introduced into the field of international relations, one based on a relational ontology, which is the foundation of several non-Western worldviews. Contrary to traditional IR theories, which share a rationalist approach underpinned by an ontological individualism, within the Relational Theory of IR, 'relationality' is used as its core since it represents a way of thinking or a perspective that differs from what is usually claimed in the discipline (Qin, 2016). Thus, the relational theory is composed of three main premises, which clarify the very essence of a relational ontology and, therefore, the contribution of relationality to the discipline of IR.

In the first place, the relational theory starts from the premise that the international relations sphere is a universe of interrelationships. That is, according to Qin (2016), the world is conceived as composed of ongoing relationships and continuous events rather than concrete objects and entities. These relationships, in turn, flow and are in constant motion. Moreover, the world is composed of multiple overlapping relational circles linked to each other through social relations that are differentially categorized. Similarly, actors are related to each other and the context surrounding them or to the totality of relational circles. It indicates the existence of a

context-oriented society, i.e., that things, people, and events coexist in the same context in which they are related and without which none could exist. According to Hall and Ames (1987), this condition is defined as an ‘immanent cosmos’ in that everything is in everything else, and all are related to each other and their context.

The second fundamental premise of the relational theory is that actors are, and can only be, ‘actors in relationships’. According to Qin (2016), there are no independent or absolute entities since they are constructed and reconstructed only in relation to others and to the totality of relationships that integrate a “whole”. To exemplify this principle, Ramiro Ávila (2019) does so in two ways. First, he relates it to the Kichwa term *tinkuy*, which expresses the link between everything that conforms reality as a web or a network in which nothing can be disarticulated from the other elements that conform it (Ávila Santamaría, 2019, p. 298). In turn, referring to this point, he poses an analogy to establish that each element maintains its individuality. However, belonging to a community, an environment, or a “whole” is simultaneously a conditioning factor for its existence. With the example of a living being’s cell, Ramiro Avila (2019) shows that it maintains its individuality through a biological membrane. Nonetheless, its existence is possible only to the extent that it is related to the whole extracellular space or environment surrounding it and of which it is a part.

This principle suggests that, within social studies, the units of analysis should be primarily relationships rather than actors per se. Within the study of international relations, States are considered actors; therefore, the analysis of world politics should begin with a study of the relationships between these actors, even before taking nation-states as independent entities interacting selfishly and rationally. It is important to emphasize that these actors may have different identities because the same actor is in different circles of relationships, of various types and with different natures, and overlapping with each other (Qin, 2016). Therefore, the same State can change its identity with respect to another, according to the type of relationship between them. For example, an ally or an enemy, and based on this relationship, a State can generate foreign policies that are considered relevant.

The third fundamental assumption of relational theory in IR, posed by Qin (2016), recognizes the importance of processes within relationships. For this, the author begins by defining

the term, stating that processes are relationships in motion. Based on this idea, according to Qin (2016), the relational approach considers that the relationships between units or actors are dynamic in nature since they are continuous processes in constant development and not static links between inert entities. This approach seeks to contrast a fundamental difference between relational ontology and an ontology of separation: the difference between a process and an “entity”. On the one hand, an entity (usually considered within an ontology of separation) is a static being with fixed properties. On the other hand, a constantly changing relationship process is considered a continuous becoming of infinite possibilities (Qin, 2016). Thus, aspects such as international cooperation, the international community, and global governance, among others, are understood as processes in constant change rather than fixed entities considered in traditional IR theories.

Based on the principles previously discussed, relational theory seeks to highlight the importance of the relationships between IR actors rather than the importance of the actors themselves as isolated beings operating rationally and independently. In this way, an actor can take different measures concerning the type of relationship it maintains, thus creating a relational circle, or a network of relationships, that forms part of a community or a totality. It is why, as Qin (2016) poses within the relational theory, the individual actions of each actor are not as important as the collective actions, which maintain harmony within the community. Therefore, from the relational approach, harmony is society’s ideal and optimal order. However, it is about more than converging all members into a homogeneous society. On the contrary, it is intended to manage the relationships between all members so that their differences do not lead to disorder or conflict but are part of and complement each other to create stability. This aspect gives politics a different role, which becomes a matter of knowing how to manage relationships so that diversity and harmony in this diversity can be created and sustained.

To understand the aforementioned, it is essential to allude to the postulates of Niklas Luhmann and Edgar Morin regarding the theory of social systems and complexity in systems. According to Arriaga (2003), based on the postulates proposed in Luhmann’s theory, “(...) a system is a form with properties that distinguish it as a unit of a difference; a form that consists of the distinction of something (the system) with respect to the rest (the environment) as the distinction of something with respect to its context” (pp.280-281). That is to say, a system is a set of elements that are differentiated from their environment and capable of having, as a whole, elements, and

structures of their own. On the other hand, according to Morin (1998), every conceived reality can be considered as a system; “from the atom to the galaxy, passing through the molecule, the cell, the organism, and society” (p.41) can be conceived as a unit in which different elements are combined. Based on this idea, the difference between elements is fundamental for the existence of a system, as well as the relationship between the system and the environment, which, although independent, are interrelated in such a way that the existence of one is inherent to that of the other (Morin, 1998). In addition, this theory emphasizes the importance of considering imbalance and uncertainty. According to Morin (1998), knowledge fulfills the function of giving order, certainty, clarity, or hierarchizing the disorder generated by complexity, for which certain elements are selected and others are left aside. Thus, producing partial blindness. However, within complex systems, there must be an imbalance due to the existing relationships; relationships that, in turn, are constantly changing and finally translate into a “stabilized dynamism” (Morin, 1998, p. 44).

In a discipline such as IR, which seeks to generate knowledge about the world, there should be open spaces for theoretical perspectives generated considering different worldviews. However, as Amaya Querejazu (2016) states, the knowledge produced generally comes from the West and the Global North, where theoretical contributions from other perspectives are usually rejected and considered less valid or unscientific because they are based on different ontologies. It is fundamental for the development of international relations as the author considers that the consequences of the marginalization of different perspectives do not remain only in the theoretical realm. They also affect how reality is represented and create political arrangements that impact everyone’s daily life (Querejazu, 2016).

Lastly, the relational theory seeks to eliminate the paradox in the discipline since there has not existed, until now, a theory that has analyzed in detail the relationships between actors, even though the discipline itself bears the name of *International Relations*. However, according to Querejazu (2016), it is important to emphasize that the purpose of the relational theory is to eliminate any existing ontological hierarchy instead of establishing a new ontological hegemony.

### **3.1.2. Territorial understanding from an ontological lens of interconnection**

Relational ontologies consider territory or communities, as stated by Escobar (2014), as “vital time-spaces of interrelation with the natural world” (p. 59). This definition contrasts directly



with the Western view of territory as an inert entity, which is independent, can be measured and adjudicated in private property, transferred, or even arbitrarily intervened. Taking this into account, within a relational ontology, the term *territory* has a purely material and symbolic connotation. It is a process of socio-cultural appropriation of nature and ecosystems created by each social group from its ontology (Escobar, 2014).

In relational ontologies, territories are time-spaces of interrelation between all beings that are interrelated and that constitute space. Namely, the relationships between all beings that cohabit time-spaces form relational networks that create a space of synergy and complementarity for humans, nature, nonliving entities, and even inanimate beings (Escobar, 2014). An example of this is the relational ontology of the Andean cosmivision, in which anthropocentrism does not exist. Humans do not observe nature as an object of domination but rather as an entity complementary to their existence that, like any other being in the cosmos, must be respected and nurtured (Querejazu, 2016). Another example of the territorial conception in relational ontology is the Andean concept of *ayllu*. According to Querejazu (2016), in the Andean worldview, the territory is not something fixed, so the articulation of daily activities, in its political, economic, and social dimensions, does not depend on the territory, i.e., the physical space itself, but on the community.

### **3.2. The *ayllu* in the Andean Philosophy of Kichwa peoples**

The objective of this subchapter is to analyze the *ayllu* in Andean cosmivivencia. To achieve this, the first section presents an overview of the territorial understanding in the Andes, and through definitions identifies the main characteristics of the *ayllu*. The second section analyzes the *ayllu* in the current indigenous community, and provides a brief glimpse of the evolution of this notion, as well as its current presence in Bolivia and Ecuador and its role in ongoing debates like the *Sumak Kawsay*.

#### **3.2.1. What is the *ayllu*?**

To begin with, as we have mentioned before, the Runa lives in relationship with the earth. In this way, the ‘self’ in the Andes is part of a collective body formed through empathy and relationships with all beings (Reddekop & Swanson, 2017). In this sense, the community is composed by all forms of existence, whether human or non-human. The same integral conception

is present in the understanding and denomination of territory, a space that provides what is necessary for life (Macas, 2014). In the territory is established the conception of community on which the *Sumak Kawsay* is based. However, territory is not related to a limited space, but to the recognition of the existence of a spiritual link between people, nature and territory that together give rise to a good life. This multidimensional community is known as *ayllu* (Carballo, 2015).

The *ayllu*, as will be demonstrated below, has a very deep and broad meaning. This can be understood by remembering that, as mentioned in the first chapter of this dissertation, in Andean Philosophy there are no notions completely equivalent to those existing in the West. Thus, Hidalgo et al. (2014) explain that due to the oral transmission of ancestral knowledge and the local differences of Kichwa, in the Andean world certain concepts are written differently; as is the case of *Sumak Kawsay* and *sumac kausai*, or may encompass several meanings, as is the case with *ayllu*; a term that encompasses both the kinship of a community, as well as its territorial conception. The authors emphasize that these characteristics are not negative, but rather highlight the diversity present in the Andes.

Once the malleability of the *ayllu* has been demonstrated, we will present some definitions. First, we will begin with the traditional interpretation of *ayllu* established by Preiswerk (1994), who considers that “the *ayllu* is the social unit that groups families, often with kinship ties, within a fixed territory” (p.67). On the other hand, Rengifo (1996) expands this definition by incorporating non-human entities, arguing that “the *ayllu* is a community of relatives integrated by human persons, members of nature and members of the community of *wacas* or deities” (p.3). Similarly, de la Cadena (2015) states that “the *ayllu*, is not only a territory where a group of people live [...], it is a dynamic space where the whole community of beings that exist in the world live; this includes human beings, plants, animals, mountains, rivers, rain, etc.” (p.102). It should be emphasized that it is essential not to understand the *ayllu* only from the point of view of human society; to do so would mean misunderstanding the Andean (Rengifo, 1996). In this sense, we can affirm that the *ayllu* is multidimensional and is composed of a community of beings present in the world: people, spirits and nature. Those who reside collectively in a territory with little delimitation, on which the extended family ties and the sense of belonging to the land are reproduced uninterruptedly.

These definitions help us to understand that the *ayllu* community in the Andes is not a fixed institution but a continuous conversation that reflects a form of collective existence, whose organization varies according to the circumstances of life that allow us to continue living and generating (Grillo, 1996). Thus, due to the elasticity of the *ayllu* “it is not surprising to find a family *ayllu* within a community *ayllu*. It is a network within a network, an identity group that fits within a larger identity group” (Trowsell, 2013, p.151).

It is necessary to emphasize that “places alone do not make an *ayllu*; neither does a group of people [...] The essence of the *ayllu* arises from the filial bond between a people and the territory that is our nurturer” (De la Cadena, 2015, p.102). The bond in an *ayllu* demands constant attention and cultivation of relationships. This is achieved by coexisting with the land, absorbing its food and caring for other species. In this process the members of the group are linked to the land, they adapt and learn from it and, in the same way, the land also gets to know them (Reddekop, 2021). Moreover, the interconnection with the territory gives the members of an *ayllu* an adaptive orientation with the land. It allows them to live well by knowing how to move properly in the territory, how to adjust to the weather, and how to use the space (Reddekop, 2021). According to Trowsell (2013), energy is the foundation of interconnectedness in an *ayllu*. All beings are linked and communicate with each other through the energy that circulates in this shared space.

On the other hand, in relation to the cyclical time present in the Andean cosmovivencia, “the members of the *ayllu* live as if their world, their Pacha, as they live it today has always been so, and it is passed in a continuous and renewed regenerative dynamic, a continuous cyclical happening” (Rengifo, 1996, p.10). In this spatio-temporal approach composed in the form of a network, the members of an *ayllu* can never cease to be related (Trowsell, 2013).

Similarly, Rengifo (1996) explores this topic further by examining the *chacras*, a rural agricultural space where reciprocity abounds, and concludes that “the *chacras* of an *ayllu* are also dispersed in contiguous *ayllus*. One way to dialogue with the diversity of life circumstances is to raise *chacras* dispersed in other *ayllus*” (p.20). The author considers that, since this is a different vision of territoriality, *chacras* cannot be understood as belonging to an area of land established within a given territory (Rengifo, 1996). Moreover, the malleability of the *ayllu* is opposed to institutionality, to the notion of a fixed territory with defined physical boundaries. In

certain circumstances the ayllu is the community, in others it is the ayllu of the paternal surname, or the *ayllu* of the sector in which one lives (Rengifo, 1996). Furthermore, Reddekop and Swanson (2017) postulate that the boundaries between these communities rather than representing cartographic lines reflect feelings and understanding between interconnected groups that are in transition. In other words, it is a sense of belonging that would be linked to the importance of self-determination, a term that in traditional international relations, fails to have a real material meaning, but which in relational theory becomes meaningful.

With this established, it is easier to understand the flexibility of this concept and how several *ayllus* can be found overlapping in the same dimension. In situations like this, where malleable borders are present, Trowsell (2013) suggests using the emerging context of each moment-place to know which *ayllu* is being referred to, remembering that one must have an inclusive notion of the ‘other’. However, while speaking of the ‘other’ it should be mentioned that indigenous cosmovivencia stands out for “its capacity to cultivate good relationships ‘in difference and not in spite of it’, this is consistent with the idea of becoming kin through difference [...] linked to a particular cultivation of the self as well as an adaptive orientation to the land” (Reddekop, 2021, p.11). Therefore, it is different from the ‘other’, created by the Spanish conquest and the coloniality of power<sup>3</sup>, which orders difference and produces opposing identities (Ávila Santamaría, 2019).

The present work uses an ontological lens of interconnectedness, so we urge you to take into account definitions of *ayllu* that encompass all types of beings and do not limit it only to humans. Trowsell’s (2013) theoretical work represents a remarkable addition to the understanding of interconnectedness in the *ayllu*. In her doctoral dissertation the author proposes to understand the *ayllu* from a monistic ontological position and highlights that by taking this stance certain principles of Andean Philosophy emerge, such as: interconnectedness, interpretability and incompleteness of components. Moreover, Trowsell (2013) considers that interpreting interconnectedness in the *ayllu* from a lens of ontological individualism is a lost cause. Moreover, to fail to recognize this reasoning would be to reproduce the ontological space-

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<sup>3</sup> According to Mignolo et al. cited by Ávila Santamaría (2019) “The coloniality of power creates, organizes difference and programs coercion, it is the capacity to generate opposing identities, to create the ‘other’ and impose instruments of domination” (p.147).

time orientation predominant in Western academia. In order to illustrate this point, the author refers to the postulates of other authors who consider the definitions of *ayllu* that include non-human entities to be too broad. She explains that these arguments are the result of ontological individualism focused on finding precise categorical limits that do not make it possible to encompass the conceptual flexibility found in a relational posture.

Similarly, those who try to explain the *ayllu* conceptually and with quantitative parameters may misinterpret the Andean experience. For example, de la Cadena (2015) reports that generally leftist politicians, focused on the collective ownership of the territory of an *ayllu*; and anthropology, interested in kinship relations between the people of an *ayllu*, sustain and reproduce the division between society and nature.

### **3.2.2. The *ayllu* in today's indigenous community**

In this section we will briefly present an analysis of the *ayllu* in today's indigenous communities. As a preamble, it is necessary to establish that the idea of the current indigenous community, with its territory and regulations is a colonial creation. The peoples of the Andes had to follow the rules imposed by the colonial administrations, which gave rise to the notion of the legal boundary of communal ownership of a defined territory (Rengifo, 1996). As a result of the European invasion, the spatial-territorial dimension was constrained by reductions<sup>4</sup>, *encomiendas* and the *hacienda* system. These systems disfigured the harmonious function of the Andean space, preventing the *ayllus* from entering the production zones. As a consequence, Andean experiences have since been destructured and eroded in much of the region (Rengifo, 1991).

Furthermore, Trowsell (2013) adds that currently a large number of indigenous communities have been syncretized and have assimilated an ontology of separation. For example, an anthropocentric posture is present in the corruption of indigenous leaders, in the contamination of water sources, the destruction of mountains by mining and the construction of roads in biodiverse areas considered sacred. However, the author points out that in these communities there are still traces of the principles of Andean *cosmovivencia* mentioned above.

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<sup>4</sup> Territorial unit, created during the conquest of America, where the indigenous population was contained for the purpose of carrying out their civil conversion (González Díaz, 2018).

Moreover, some communities still live their daily lives guided by a collective experience. To this we can add that at present the indigenous communities “can and do make use of the instruments and expressions of modernity without alienating their vision of the world; they know and work with the products of science and technology without leaving their own cosmovision” (Rengifo, 1991, p.116). Therefore, the *ayllu*, as a social institution, although with certain changes, is still present today and is the seed of the Andean political institutions of most of the indigenous groups in the Andes (Carballo, 2015).

This is the case of Bolivia, one of the countries where the *ayllu* has been investigated the most. The *ayllu*, in the words of Soto and Helfrich (2014) “persists in the Bolivian altiplano. It is based on reciprocity rather than on the market; [...] on its de facto autonomy and its relationship with the ‘territory’ which is not the ‘land’ as a factor of production, but the totality of the system of relations” (p.356). Moreover, in Bolivia the *ayllus* have been present in the political space of the country. Specifically, they have special rights at the local level of government and are part of justice administration processes. Finally, in Bolivia the *ayllu* is recognized as a form of land ownership and therefore has played a fundamental role in land titling; allowing the collective ownership of an *ayllu* (Carballo, 2015).

On the other hand, in relation to Ecuador, the website of the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) establishes that the Kichwa Nationality of the Ecuadorian Amazon is made up of 6 provincial federations located from Sucumbíos to Pastaza. These peoples share linguistic and cultural traditions, represented in collective rituals and have the *ayllu* as their main social structure (CONFENIAE, n. d.). In fact, Sawyer (2004) demonstrates the presence of the *ayllu* in the province of Pastaza by mentioning that the indigenous nationalities in Moretecocha consider their territory as a single, indivisible unit. They define it according to traditional alliances and their identity as nationalities. Moreover, extended family networks working in the changing and often dispersed landscapes make the land in Pastaza alive.

On the other hand, Carballo (2015) states that nowadays the role of the *ayllu* is usually the subject of political disputes at the internal level where individual interests have a stronger position than would be expected when following the philosophical principles of the Andean cosmovivencia. This opposition may appear when having an ‘idealized vision’ of how an

indigenous community should be, the author considers that people should not ignore with their individual desires if when acting they keep in mind the principles of interconnection, complementarity and reciprocity that are part of the *Sumak Kawsay*.

Finally, the author explains that these principles have been included in current debates on Earth Rights, sustainability and *Sumak Kawsay*. Certain indigenous peoples may be uncomfortable with the push for individual human rights and sustainability projects that have a narrow notion of the role of nature. Therefore, favoring and assuming an ontology of separation between members of a community limits the understanding of the community spirit and space present in these projects and in *Sumak Kawsay*. In relation to the latter, rescuing the concept of ayllu in *Sumak Kawsay* is useful to face the limitations of conventional development projects and, in the same way, is also helpful to avoid the co-optation of this traditional knowledge in political initiatives that perpetuate the functioning of the same system (Carballo, 2015).

### **3.3. Tensions and contradictions between the indigenous conception of territory and the traditional understanding in International Relations**

#### **3.3.1. Contrast between dualist ontology and relational ontology**

As previously analyzed, there is a clear difference between dualist ontology, which is the basis of Western thought, and relational ontology. For this reason, clarifying the different conceptions and postulates that the two ontologies pose is relevant. On the one hand, P. Jackson (2011) states that dualistic ontology or mind-world dualism is characterized as an ontology of separation between human beings and what is outside. It is an atomistic ontology in that it prioritizes the study of independent units, such as states, and how they act rationally and individually. In turn, this ontology is the foundation on which Western thought is based and, therefore, from the knowledge generated from this perspective. Therefore, it explains why traditional theories initially posited within the discipline of IR, such as realism and liberalism, have been generated from an ontology of division between actors (Qin, 2016) and which also take separation as a primary condition for their existence (Trowsell, 2021).

Moreover, as Trowsell (2021) states, dualistic ontology is usually treated as dealing with issues of what is in the world. However, when the question “what” is asked, it is automatically

assumed that the world is made up of identifiable objects or separate categories. According to dualistic ontology, this means that independent entities can exist separately and that although the essences of both elements can coexist, they do so independently (Querejazu, 2020).

However, as described by Trowsell (2020), this creates a gap between the “self” and the “Other”. As a result, encounters between these two separate entities can merge the elements, in which there is a kind of domination of one over the other, or one of them assumes the power to define the outcome or nature of the encounter. Consequently, a hierarchy is established in which, inevitably, after the encounter, one of the elements will be subjugated or even annulled vis-à-vis the other. This hierarchy establishes imaginary inferior states, such as, for example, the notions of “barbarism” or “underdevelopment”, against imaginary superior states, such as “civilization” and “development” (Trowsell, 2021). Thus, this dynamic of confrontation between the “better” and the “worse” leads us to try to eliminate whatever is different from the imaginary ideal and, therefore, considered inferior (Trowsell, 2021).

Relational ontology, on the other hand, takes as a primordial condition, even before existence itself, the relationships that exist between beings. Furthermore, as Trowsell (2021) states, relational ontology goes further than that posed by Patrick Jackson. It does so by considering not only human beings but also the different beings in the universe and their relationship with the different worlds and ontologies that are part of a whole called “pluriverse”. Similarly, Querejazu (2016) states that taking relational ontology as a starting point not only implies tolerating differences. It also implies understanding the existence of multiple realities, constituted not only by diverse worlds but by many types of worlds, many ontologies, and many ways of being in the world, perceiving reality, and experiencing those worlds. Moreover, consider that all of this is interconnected through relationships that allow their existence and that are dynamic simultaneously.

What relational ontology suggests and seeks to bring to the field and the discipline of IR is to go beyond the reproduction of patterns generated by an ontology of separation that is so embedded in Western knowledge that it is reproduced unchallenged, as it is taken for granted (Trowsell et al., 2020). Moreover, it is to generate new understandings of how the world works, which do not create hierarchies or separations between human beings and the “Other”, but rather



seek to reach an understanding that, through relationships, the existence of the “Other” is necessary for the existence of the rest. Thus, creating an awareness of their complementarity can break the existing gaps that have been reproduced until now. Likewise, according to Ramiro Avila (2019), complementarity is a fundamental principle in *Sumak Kawsay*. It is expressed through the Kichwa term *yananti*, which “accounts for the link of opposites, and that being two contradictory entities, there is unity, a complementary duality” (p. 305). In other words, based on this principle, it is affirmed that each entity or element is naturally incomplete and needs an “Other” that complements it as a fundamental condition for its very existence (Ávila Santamaría, 2019).

### **3.3.2. Differences between the understanding of territory in traditional IR theories and the indigenous conception of territory**

Mainstream IR theories consider territory as the basis of their study, defined as the physical space where the nation-state is located, since it is within this space that conflicts between States are generated, which are the main object of study of international relations. Furthermore, they consider the State as fixed entities, and therefore do not allow the study of any spatial unit other than the territorial one. However, as discussed above, the approach in which a theory understands the notion of territory is based in the postulates on which each theory is based.

#### **3.3.2.1. Realism:**

As previously mentioned, Realism focuses exclusively on the systemic study of the international system based on a firm understanding of the territorial-State. In this sense, the assumptions of this theory are not compatible with the indigenous conception of territory. On the one hand, understanding territory as an element of a State, with firm and well-defined boundaries, does not allow indigenous notions, such as the *ayllu*, to be understood in their own terms. In the words of Smith (2020), traditional IR theories reinforce an absolute view of space by relying on a fixed conception of bounded territory. Consequently, they overlook the contributions of spiritual, cultural and political connections between people and space.

In addition, realist approaches present their territorial understanding as universal and perpetual by understanding the territory as something natural or already given. In this way, they do not consider the diverse social processes and particular geographic circumstances that

conditioned and produced the circumscription of each territory. This is clear when understanding that mainstream theories, such as realism, “lack historical awareness about the adequacy of particular spatialities [...] These understandings have idealized fixed representations of territorial or structural space as appropriate, regardless of historical context” (Agnew, 1994. p.55).

On the other hand, as a consequence of having only States as subjects of study, Realism ignores the role of other units present in the international system. For example, the role and agency of indigenous communities as active subjects in global politics is neglected. In this sense, it is pertinent to refer to the case of the Arctic Council where diverse indigenous peoples are leading conversations on climate change.

Finally, we previously pointed out that Realism considers as a fundamental principle that the main responsibility of all States is to guarantee their security. However, from a traditional position, security is considered to be applicable only to a sovereign spatial unit clearly defined by boundaries (Agnew, 1994). Thus, in IR, security approaches are generally concerned with the protection of a State’s total sovereignty over a territory. However, it is worrying that by taking this stance the defense of human and ecological security is left in the background (Agnew, 1994). Similarly Hama (2017) asserts that realism, by focusing exclusively on external threats from other States, fails to present a complete picture of current security concerns. For example, it ignores the domestic plane, where problems such as terrorism, drug trafficking, climate change, poverty, and disease may exist. In addition, realism holds that the State is the preferred entity to provide security for its citizens, yet it ignores the fact that historically the State has also violated the rights of its people.

#### 3.3.2.2. Liberalism:

The liberal theory of International Relations gives the territory of the State a new role as a factor of great relevance for the global market. The territory is considered a resource that can be exploited and privatized to obtain material wealth. Thus, the role of territory goes from being a public good and a source of political power to an essential source of income. A more complex power dynamic involves other States and different international economic actors (Badie, 2020). On the other hand, according to Escobar (2014), territory is defined from a utilitarian and anthropocentric perspective, in which it is considered a static resource that can be exploited and

from which resources can be obtained for the benefit of human beings, with the capitalist purpose of accumulating wealth.

Likewise, the liberal theory is based on the importance of nation-states as the basis for the organization of the international system. Therefore, the territorial conception is limited to the traditional one, i.e., the territory conceived as the geographic place where the population of the State is based, and which must be delimited by geographic borders in order to differentiate itself from another. However, the division of territory into borders has had repercussions for the identities of States, the people within them, and the people who move within them.

The phenomenon of migration of people from one place to another has existed for centuries. However, it has become more complex and problematic with the creation of the modern State and the delimitation of geographical borders between them (Messari, 2020). Initially, borders were created to delimit the territorial possessions of States, exercise their sovereignty and political power, and protect themselves from external threats. Thus, creating borders was crucial for developing the nation-state and its nationalist agenda (Brunet-Jailly, 2005). Since then, the construction of borders has translated into the creation of spaces that exclude, under the idea of “protection”, and mark a clear difference between the national and the foreign (Brenna, 2011), which in turn has led to the demarcation of much more profound differences.

According to Benedetti (2013), boundaries are established in a given territory with the objective of “defining as precisely as possible the area to be controlled for an ‘us’ as opposed to an ‘other’” (p. 42). Additionally, as stated by Brenna (2011), the nation-state is an imagined community, an ideological construction in which the different cultures outside its borders are hierarchized, classified, hidden, or denied. As a consequence of this, geographical borders have transcended to become, in turn, mental borders, which separate certain human groups from the “others”, being these “others” groups historically discriminated against or minimized, such as indigenous people, immigrants, and women, among others (Brenna, 2011). It is from this idea that the image of immigrants as a threat to national identity and interests has been reinforced. Therefore, States and their people must try to close their borders (whether physical or mental) in order to protect themselves from this “threat” (Messari, 2020).

On the other hand, considering the liberal view, although states are important within the international system, they are not the only actors that can impact it. For this reason, the liberal theory also has as an object of study the international networks that connect State, non-state, economic and non-political actors (Tapia, 2017). Due to these connection networks' existence, the relationship between borders and territory is increasingly blurred. Globalization and all phenomena, such as the ease of circulation, communication, and interaction of people and their cultures, which are a consequence of it, have caused borders to become not necessarily territorially identifiable or fixed (Tapia, 2017). Despite this, there is also a contradiction regarding the phenomenon of borders. On the one hand, globalization has caused them to become more diffuse and permeable; thus, "others" are no longer outside the borderline but often manage to transcend it and coexist within it. However, this, in turn, has caused borders to become more rigid in their exclusivity in an attempt to limit this permeability caused by globalization (Brenna, 2011). This aspect has become visible in the construction of walls and the creation of laws that translate into a fear of the possible threat that the "other" can cause, created by mental borders often rooted unconsciously in the collective.

#### 3.3.2.3. Constructivism:

To begin with, we reintroduce the interpretation of Barnett (2014), who defines constructivism as a social theory focused on the role of human consciousness in international life; he explains that as a product of social interaction, and not independent of it, constructs formed by collective ideas such as knowledge, symbols, language and rules are created. On the one hand, we consider that traditional constructivism is a limited tool for understanding the relational conceptions of the peoples belonging to the Andes. Because, by focusing only on the role of humans as constructors of reality, this approach marginalizes the diverse ways of relating to the world. In the words of Trowsell et al. (2019) "it is not the same to affirm that reality is socially constructed as to say that relationships constitute reality, or better yet, multiple realities" (p.3).

Similarly, constructivism "privileges certain types of relationships that constitute agents/structures (states, power, tendencies) in a way that leaves the ontological independence of structures intact" (Trowsell et al., 2019, p.3) For such a reason, by not questioning its basic assumptions of existence, this stance favors "the principle of 'separation' over 'relationality' to understand the social world" (Trowsell et al., 2020, p.25).

On the other hand, constructivism, by maintaining a division between territorial space and culture, reproduces the nature/society divide (Strandsbjerg, 2010). This statement is supported by Inoue & Franchini (2020) who point out that “multiple governance experiments conducted in the Amazon underline the need for changes in how we conceive reality and how we conduct social life in such a way that we can overcome the society/nature dichotomy” (p.299). Therefore, it is necessary to advocate for a more plural constructivism that puts an end to this division and, at the same time, allows encompassing other realities that are not limited only to the human realm, as is the case of the ayllu belonging to a relational approach.

#### 3.3.2.4. Critical Theory:

As previously analyzed within the Critical Theory of IR, Critical Geography studies spatial relations. It refers to the importance of analyzing the relations of objects within a particular space due to the inference between political behavior and political structures based on ideas about space. In this regard, critical geography proposes to analyze territorial space from three different approaches: absolute, relative, and relational.

Within the analysis of this section, we are mainly concerned with the discussion of the relational approach in the study of territorial space, which, although based on the postulates of the relational theory of IR, also has some limitations. In the first place, according to Lefebvre (1991), the relational approach of territorial space is based on the idea that objects exist only insofar as they are related to other objects. That is, relationships are taken as the primordial condition for existence, and how these relationships influence the identity that this object acquires, or territorial space acquires.

However, according to Querejazu (2016), one of the main limitations of the critical theory in terms of the conception of the territory is that it only considers territory as the geographical space in which relationships occur in the existence of a single world with different cosmovivences. That is, it does not consider the notion of pluriverse posed by relational ontology. This notion considers the territory as a lived one in which relationships occur far beyond the physical or material plane alone and in which the existence of multiple worlds and ontologies that interrelate and overlap are considered.

*Table 1: Conceptualizing territory in IR*

Theoretical lens	Philosophical Bases/ Methodologies	Key features of territory
<b>Realismo</b>	Positivist Empirical epistemology	<ul style="list-style-type: none"> <li>- It is based on a firm understanding of the territorial-state.</li> <li>- No spatial unit other than the territory of the State is involved in international relations.</li> <li>- To explain the behavior of States, their interests and capabilities, special attention is paid to their geographical conditions (Mamadouh and Dijkink, 2006).</li> <li>- It considers that “all great powers practice geopolitics and, moreover, [...] are sensitive to security challenges that are geographically close to their borders” (Toal, 2019, p. 21).</li> <li>- The more developed a State is, the greater its need for land acquisition, because territory is the manifestation of a State’s power and political strength (Strandsbjerg, 2010).</li> <li>- Land acquisition is directly related to increasing the hard power of a State.</li> </ul>
<b>Liberalism</b>	Positivist Empiricist epistemology	<ul style="list-style-type: none"> <li>- Considers the State as a fixed entity with fixed territorial limits, leaving no place to study any spatial unit other than the territory of the State.</li> <li>- Territory takes on a new role as a crucial factor in the global marketplace.</li> <li>- Reconstruction of the concept of territory: from a public good and a source of political power, it has become an important economic source for international economic actors.</li> </ul>

		<ul style="list-style-type: none"> <li>- The territory is defined from a utilitarian and anthropocentric perspective, with the capitalist goal of accumulating wealth.</li> <li>- The relationship between borders and territory is becoming more diffuse due to globalization and its phenomena.</li> </ul>
<b>Constructivismo</b>	<p>It combines positivist epistemology with interpretive methods, historical and intersubjective analysis (Chadha Behera, 2020).</p>	<ul style="list-style-type: none"> <li>- Territory is a historical edification of shared knowledge resulting from a social and textual discourse.</li> <li>- Its geographical framework includes the socio-spatial context and the specific dynamics of each locality (Toal, 2019).</li> <li>- It studies how power structures, such as States, have produced spaces, territories, environments and social agents (Toal, 2019).</li> <li>- Any territorial entity has a predominant identity formed by geographical imaginations about self and others (Toal, 2019).</li> <li>- Norms present in global discourse, such as State sovereignty and territorial integrity, explain why the State is represented as a fixed and static structure (Toal, 2019).</li> <li>- The division of space by territorial boundaries belonging to sovereign States is the normative basis of the current international system (Wendt, 1992).</li> </ul>
<b>Critical Theory</b>	<p>Post-positivist; It takes ontology into account, i.e., asks questions about the existence and nature of the world; Reflects in the process of creating a theory.</p>	<ul style="list-style-type: none"> <li>- <b>Critical Geography:</b> is a specific approach that studies how territorial space is conceived within the different theories of IR.</li> <li>- Three ways of analyzing territorial space, according to Lefebvre:</li> <li>- <i>Absolute:</i> Space is considered fixed and measurable.</li> <li>- <i>Relative:</i> Space is conceived as a place in which objects and relationships are interconnected.</li> </ul>

		<ul style="list-style-type: none"> <li>- <i>Relational</i>: One can only think of a place based on what is known.</li> <li>- It examines the global change processes and alternative political organizations' growth.</li> <li>- It seeks to highlight the power dynamics in the dominant political structures within the international system.</li> </ul>
<b>Relational Theory</b>	Post-positivist; Has at its core a relational ontology.	<ul style="list-style-type: none"> <li>- It considers the territory or the communities as vital time-spaces of interrelation with the natural world.</li> <li>- The term 'territory' itself has a purely material and symbolic connotation of a process of socio-cultural appropriation of nature.</li> <li>- Territories are time-spaces of interrelation between all the interrelated beings that constitute space (humans, nature, inert beings, and even inanimate beings).</li> </ul>

Elaborated by: authors

**3.4. Analysis of the interviews conducted to political leaders of the Shuar People in Gualaquiza-Ecuador**

To support the results of this work with significance and reliability and to analyze the results of this multidimensional and complex research in its terms, we would like to conclude this chapter with a triangulation of the information. For this matter, we reviewed the literature presented in the previous chapters, the information gathered through interviews made with three political leaders of the Shuar nationality established in Gualaquiza, Ecuador, and our perceptions from the interviews conducted.

**3.4.1. Analysis Interview 1**

We began this interview by asking Interviewee 1 how the territory is conceived within his community. Interviewee 1 started by telling us that the land does not belong to those who inhabit it but rather to a god whom he calls 'Yusam', and he compares this with the concept of God for Christians. At the same time, he commented that because the land does not belong to the human being, to use it, one must ask for permission both from Mother Earth and the 'Great Creator' or



God, as well as the plants that are to be sacrificed. It is done through prayers or music. He also pointed out that if permission was requested, it was possible to obtain what was necessary from the land, understanding that the territory the Supreme Being had given could not be sold. As Interviewee 1 expressed, according to the Shuar cosmovivencia (world experience): “(...) life is not for sale. Our life is sacred and cannot be sold. And Mother Earth is her life (...) who can sell a mother?” (See Appendix 1: Interview 1). Thus, although the term *ayllu* was not explicitly mentioned, its essence is evident in practice and daily life. As mentioned in Chapter 3, De la Cadena (2015) points out that the essence of the *ayllu* arises from the link between the people and the territory that nurtures them.

When asked who are members of his territorial community, the Interviewee responded that all those who belong to the Shuar community are part of his territorial community and that they are also direct members. However, they also consider as indirect or *ad honorem* members the “neighbors”, meaning the people who are not members of the Shuar community but have their land in the surrounding area. According to what was posed by De la Cadena (2015), within the *ayllu*, everything that exists, be it people, living or inert beings, including spiritual beings, are considered members of the community. However, with the response obtained, it became evident that contrary to the literature analyzed, nowadays, the Shuar community only considers people as members of their community.

Furthermore, Interviewee 1 stated that their global territories have boundaries or delimitations when asked about the borders within their territories and their management. Contrary to what Rengifo (1996) affirms, the *chacras* cannot be understood as belonging to a land surface established within a determined territory since it is a different vision of territoriality. However, nowadays, the territories of the indigenous peoples are delimited. On the other hand, Interviewee 1 mentioned that everyone is the owner within the ‘global’ territory; nevertheless, each family has a portion to cultivate. Although this demonstrates how the original notion of *ayllu* has been “westernized” or has changed its original meaning over time, it is interesting to note that elements of its essence are still present. It was evidenced, for example, when Interviewee 1 told us about the existence of the *minga* within the territory, where work on the land is a social activity in which all community members collaborate to generate a common benefit. It means that, to a certain extent, the relationship between the community’s people and nature is still preserved.

However, Interviewee 1 stated that, during colonization, some problems were created because the colonizers arbitrarily appropriated and invaded land with the argument that “(...) this land does not belong to anyone because it does not have a title” (See Appendix 1: Interview 1). In this regard, the Interviewee recognizes the arbitrariness (based on the beliefs of the Shuar people) of the notion of land ownership through a legal instrument, such as a title, granted by “someone”, in this case, the State. It is considered by Interviewee 1 as a creation of human beings that goes against their traditions, in which it is established that their god did not grant titles to the people, nor did he establish boundaries or limits. Furthermore, the notion of property was reinforced by creating an institution, such as the State, that considers itself the owner of everything. Also, as analyzed in Chapter 1, with the creation of the modern State, the notions of limits and boundaries were reinforced as a mechanism to control what was within the territory.

Likewise, Interviewee 1 pointed out the arbitrariness of the laws, which establish that the land belongs to whoever has the property title, and the subsoil belongs to the State. However, the Interviewee posed the following question: “Who is Mr. State (...) why... with what qualification or how does he own the subsoil (...)”. (See Appendix 1: Interview 1). He also points out that the norms have been created based on political interests. Through this thought, it is evident that, in this case, the Shuar community does not recognize as legitimate an institution created, such as the State, due to the contradictions that exist between the State and the traditional cosmovivance of the peoples, which have resulted in conflicts between them in the last years. Interviewee 1 emphasized the conflicts caused by the arbitrary appropriation of territories by the State in order to grant concessions to transnational companies for the exploitation of natural resources. It has led, in most cases, to confrontations between indigenous peoples seeking to defend their territories, with the companies, and in turn, with the Army and the Police. They generally defend the interests of the companies. In response to this, the Interviewee affirms that the State has failed to fulfill its duty to protect its citizens and territorial integrity, as it has opted to defend the interests of the companies or corporations to which concessions have been granted, to the detriment of the rights of the peoples that inhabit these territories.

The facts mentioned above have generated political tensions between indigenous peoples and governments over the years. It became evident with the discontent expressed by Interviewee 1 with the governments of the last ten years, of Rafael Correa, Lenin Moreno, and the current one

of Guillermo Lasso. In his statements, he affirms that the governments have done nothing for the indigenous peoples. As a result, they have chosen to organize themselves so that their voices are heard and taken into account; however, this has not been the case. On the other hand, we asked Interviewee 1 about free, previous, and informed consent regarding the exploitation activities carried out in their territories. Interviewee 1 answered: “No, never... never... never... never. That is why we have fought so hard. They never complied with what the Constitution says, they never consulted for that (...).” (See Appendix 1: Interview 1). It shows that what is established in the 2008 Constitution itself or the National Development Plans, especially in the periods of Rafael Correa and Lenin Moreno, in which the “*Buen Vivir*” for all is promoted, do not reflect the reality of the country. Nevertheless, in terms of foreign policy, Ecuador has positioned itself as one of the international leaders in defending indigenous peoples’ human rights and promoting nature’s rights. However, it does not reflect the reality of indigenous peoples and nationalities or ensure and protects respect for their territory, human rights, and the rights of nature.

#### **3.4.2. Analysis Interview 2**

First, at the beginning of the interview, Interviewee 2 was asked to define the relationship of his community with the territory, he said that his ancestors were nomadic and considered that there were no limits or boundaries marking the territory; moreover, his people maintained a sense of belonging to the territory, the lands and in general to the space of the universe. This way of relating to the territory was reflected in their cultural practices. For example, in funeral rituals, families abandoned their living space and looked for a new place. Since they considered that the deceased was still alive, they left offerings to the corpse and visited him or her from time to time. The reflection of Interviewee 2 thus illustrates some important themes mentioned in this degree work. First, as mentioned in the literature review, Andean Philosophy considers the territory as a non-limited space that reflects the feelings of an interconnected group that shares a sense of belonging to the land. In the same way, the description of the funerary practice exemplifies the spherical and non-linear temporal dimension of the Andes, because, under such a conception, it is easy to understand how someone, even if they belonged to the ‘past’, can still be alive and interconnected with their surroundings. Likewise, such practice shows how the Andean world, through rites and ceremonies, represents its experiential way of understanding the world.

Secondly, Interviewee 2 believes that living with the western culture has transformed their way of life. He tells us that today the Shuar people are organized under an interprovincial federation of Shuar associations. The community's main nucleus of social organization is the family, who make up the Shuar associations. Currently, each association has its own limited territory. However, Interviewee 2 believes that 85% or 90% of the Shuar have their territory under global deeds<sup>5</sup>. He also mentions that these deeds have advantages and disadvantages. On the one hand, they guarantee that all community members have a piece of land. In addition, they allow the Shuar People to conserve their territory by not allowing it to be sold; in this way, they avoid losing the patrimony of future generations in exchange for money. On the other hand, with respect to the disadvantages, some people consider that the global deeds do not allow the Indigenous Peoples to access the "benefits" of modernity. For example, global deeds do not allow them to obtain loans from financial entities since they cannot mortgage the community's land. In relation to this last point, Interviewee 2 believes that there is a lack of awareness among the youth, who try to profit from the global territories because they consider that it belongs to them. They do not realize that the damage produced in one piece of land expands to other areas, contaminating rivers, pastures, and space used for cattle ranching.

He recognizes that money is necessary for survival. However, one should not become a slave to money at any cost. Generally, this criterion is consistent with what is found in the literature. First of all, based on what Interviewee 2 shared, it should be noted that different family networks make up the Shuar associations. In this way, it is evident that today the family is still considered the root and nucleus of the social unit of several native peoples. However, indigenous peoples have also had to adapt to the institutions and territorial imaginaries created by colonialism. Thus, it can be inferred that the global deeds represent an effort of the Shuar People to conserve their territories and to face modernity. On the other hand, the change in the new generations of wanting to benefit economically from the exploitation of the global territories to meet the demands of modernity coincides with what has been observed by other authors. In particular, Trownsell (2013) notes that modernity has caused some people in indigenous communities to assimilate an ontology of separation, by wanting to exploit nature. Despite this, certain principles of Andean

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<sup>5</sup>As a result of the Agrarian Law, in 1964, the Shuar people created the Interprovincial Federation of Central Shuar and demarcated their territorial extension as a global community territory (Gobierno Autónomo Descentralizado Provincial de Sucumbíos, 2013).

cosmovivencia, such as complementarity, relationality, and reciprocity, are present throughout the intervention of Interviewee 2, specifically when referring to the environmental chain of contamination and the management of money.

Interviewee 2 affirmed that mining in Gualaquiza has created political, environmental, and social conflicts, mainly among families. He claims they do not trust the authorities because they publicly speak out against mining activities. However, they obtain economic benefits by negotiating in private and carrying out illegal mining, the latter of which has caused illicit activities such as prostitution to appear around the areas where this activity is carried out. In addition, he mentions that the disagreement over whether or not to allow mining activities have caused separations between the Shuar brothers, mestizos, and families. This assessment is closely related to what will be analyzed in Chapter 4. In particular, social, political, environmental, and intra-family conflicts exist. Likewise, the double discourse regarding extractive activities presented by the people in charge has caused the distrust of local and national authorities to increase.

Finally, interviewee 2 added that the Prior Consultation mechanism is not applied correctly. Government representatives come to Gualaquiza to socialize with the community about the advantages and disadvantages of different projects and assume that the consultation has already taken place; in other words, he believes that due process is not applied during consultations. Without consulting the community, the government has granted concessions to transnational companies, and as a result, entire neighborhoods have been evicted. Finally, he mentions that the economic benefits from mining exploitation are never retributed to the community; he considers that the last three presidents, Correa, Moreno, and Lasso, have forgotten about them.

### **3.4.3. Analysis Interview 3**

In the same way, Interviewee 3 began by sharing the territorial conception of his community. The Shuar people consider the territory as a life entity; a unique source of human life and of all the beings that inhabit nature. This definition is in accordance with what has been developed in this chapter, especially with the Andean conception of territory as a living being that provides what is indispensable for life. The interviewee also highlighted the importance of territory when mentioning that “we do not live with money, without money we have lived for years, but without territory, we cannot live for years, with the territory where we step, walk,

where we favor productive wealth, cultural wealth, the social organization itself... Where the population, humanity and living beings live, without it there is nothing” (See Appendix 1: Interview 3). Such a way of describing the territorial space and its connection with diverse areas of the community is similar to the definition of *ayllu* previously presented by De la Cadena (2015) when expressing that “places alone do not make an *ayllu*; neither does a group of people [...] The essence of the *ayllu* arises from the filial bond between a people and the territory that is our nourisher” (p.102).

On the other hand, when asked if the territorial limits of the community are rigid, Interviewee 3 explained that the territories are global; however, each family has boundaries that delimit their land. He added that lots are given free of charge in the urban zone. Nevertheless, if people neglect the land or do not comply with their duties for more than six months, their right to use the land may be suspended. In this way, if the family complies with all the rules and duties of the community, it cannot be taken away since the land belongs to the family and their heirs. From this paragraph, it is interesting to note that boundaries demarcate the Shuar territories; however, the territory is communal, and its connotation is opposed to private property because, in the global lands, it is not allowed to carry out extractive activities. Moreover, the duties that each family has within the territory, such as taking care of it and working the land, are in line with Reddekop (2021) when he argues that the bond in an *ayllu* requires constant attention and cultivation of relationships. This is achieved by coexisting with the land, absorbing its food, and caring for other species. In this process, the members of the group are linked to the land. They adapt and learn from it, and in the same way, the land also gets to know them.

Interviewee 3 explained that his community is a socially, culturally, and politically defined territory. This way, the Shuar people are organized into a large federation, divided into associations, communities or centers, neighborhoods, sectors, and families. Based on this organization, families can organize themselves to carry out *mingas* or activities. Each community is in charge of its social and traditional management; some communities conserve ancestral practices such as traditional medicine, handicrafts, customs, etc. In the same way, each family is in charge of its own development. In general, having the family as the nucleus of social organization, which expands to communities, associations, and finally to the federation of the Shuar nationality, is an example of the elasticity of the *ayllu* raised by Trowsell (2013), who

mentions that “it is not surprising to find a family ayllu within a community ayllu. It is a network within a network, an identity group that fits within a larger identity group” (Trowsell, 2013, p.151).

Finally, concerning the relationship with the Municipal Government of Gualaquiza, Interviewee 3 believes that cooperation between the communities and the Municipal Government has increased a lot in the last three years, especially in projects aimed at providing basic resources to the community. On the other hand, he could not say the same about the Central Government, as he believes that territorial threats to the Amazon have caused confrontations with the government in the last ten years. He mentions that mistrust has always been present, but it increased during the government of President Correa, a term in which they tried to improve the system of territorial use, but they failed. All the norms presented do not favor the community. They never consult the people; they only say, “here we are going to exploit, here we are going to explore, here we are going to do this” (See Appendix 1: Interview 3). The lack of prior consultation has caused countless internal problems in the community; the disagreement caused by whether or not to allow extractive activities has sown mistrust and caused separations between spouses, children, Shuar and mestizo brothers and sisters, etc.

## CHAPTER 4: Case Study Kichwa Indigenous People of Sarayaku v. Ecuador

### 4.1. Introduction to the Kichwa People of Sarayaku

The native Kichwa people of Sarayaku are located in the province of Pastaza in the Ecuadorian Amazon on the banks of the Bobonaza River. To access Sarayaku, one must travel by air or river transport, because there are no roads in this area of the Amazon. There are approximately 1,400 inhabitants living in seven community centers (Kalikali, Sarayakillu, Chuntayaku, Mawkallakta, Shiwakucha, Kushillu Urku, and Puma) located throughout a territory of approximately 135,000 hectares where a primary forest<sup>6</sup> occupies 95% of the territory's surface (Pueblo Originario Kichwa de Sarayaku, 2022). The Andean rainforest area where Sarayaku is located is one of the ten most biodiverse regions in the world (Chávez et al., 2005).

The union of large families of gatherers and hunters gave rise to the first communities of the Sarayaku people. These families were led by a *tayac*, who were also shamans and warriors; eventually, from this figure, traditional leaders known as *kuraka* or *varayuc* appeared who ruled the congregations located on the edges of the Pastaza River and along the Bobonaza River (Chávez et al., 2005). The communities live from fishing, hunting, agriculture, and gathering; they seek to sustainably use the goods granted by the *Pachamama* to guarantee the continuity of the *Kawsak Sacha* or Living Forest (Pueblo Originario Kichwa de Sarayaku, 2022). Sarayaku distinguishes itself by protecting the collective rights of *Pachamama* in the face of colonizing practices and external aggressions. The Kichwa people are legally recognized by the Ecuadorian State as *Pueblo Originario Kichwa de Sarayaku* or *Tayjasaruta*. They are represented by the Governing Council, with the Congress and Assembly as the highest authority (Pueblo Originario Kichwa de Sarayaku, 2022).

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<sup>6</sup> “Primary forest is considered to be that which has existed without significant human disturbance or other disturbances for periods exceeding the normal lifespan of mature trees” (Wadsworth, 2000, p. 69).



#### **4.1.1. Perspective of the Kichwa People of Sarayaku, with an emphasis on indigenous conceptions of territory**

This section aims to illustrate the territorial vision of the Kichwa people of Sarayaku, their social organization, and their spiritual understanding. To achieve this, the anthropological-legal report on the social and cultural impacts of the presence of the CGC<sup>7</sup> Company in Sarayaku was used. This report was written to provide the magistrates of the Inter-American Human Rights System with the primary cultural data of Sarayaku, to allow them to understand better the legal claim made by the native peoples.

To begin with, the anthropological report by Chávez et al. (2005) highlights that the link of the Kichwas of Sarayaku with the territory should not be understood only as a physical category; on the contrary, it is a relationship with multiple cultural meanings and overlapping logics that complement each other. On the one hand, in the community, there are no divisions between nature, culture, society, and the spiritual world; since they take as a starting point the principle of interrelated life among all beings (Chávez et al., 2005).

Sarayaku cosmovivencia as essential ecological components to consolidate the *Sumak Kawsay*. The community is organized into: populated centers, *purinas*, communal areas for hunting, gathering, or spiritual zones. In addition, the territorial space is separated into two areas: the *chacra*, a feminine area due to the fertility of the soil; and the jungle, with a male predominance, where men hunt and work the products offered by the jungle (Chávez et al., 2005).

Sarayaku currently has a Life Plan for resource management where certain areas have been categorized as reserve zones, taking into account traditional and ecological criteria. Such is the case of lagoons and mountains that are home to spirits that do not allow access to such sites (Chávez et al., 2005).

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<sup>7</sup>Compañía General de Combustibles (CGC), an Argentinean company, received hydrocarbon exploration and crude oil exploitation rights over Block 23 in Sarayaku in 1996 (The amazon conservation team, 2016).

#### **4.1.2. The *ayllu* in Sarayaku**

The *ayllu* is considered the basic unit of territorial-family organization in Sarayaku, where community centers are composed of multiple *ayllus*, or extended families. The *ayllu* is composed of two essential elements: the *huasis* form the social sphere, the smallest territorial unit formed by a couple and their children; and the *llactas*, general territorial subdivisions, which can be residential areas, farms, fallow lands, etc. Land use rights are governed by the kinship relations found in the *ayllu* and, simultaneously, by the benefits earned by working and caring for the land (Chávez et al., 2005).

The *ayllus* of the village are not closed groups because they are interconnected and complement each other. Therefore, their social activities expand and reinforce the relationships between the *ayllus* are expanded and reinforced through their social activities. Specifically, during the work in the *purinas* or *mingas*, the *ayllus* meet and renew the bonds between their members (Chávez et al., 2005). In the same way, millenary practices, such as hunting, regenerate the sense of belonging to the territory. The same occurs with the celebration of traditional rituals that recreate the links with the territory and readjust kinship alliances and territorial alliances. For example, nuptials explain why in Sarayaku, “there is no direct and stable correspondence between kinship and territory, since, through marriage alliances, family territories are simultaneously redefined” (Chávez et al., 2005, p.32).

#### **4.1.3. Brief historical approach to the Kichwa People of Sarayaku**

The Kichwa people of Sarayaku are one of the oldest settlements in the Amazon; however, its belonging to a nation State was not made clear until the nineteenth century; a period in which Ecuador and Peru, in the framework of its establishment as republics, disputed various areas of the Amazon region, including the Bobonaza river valley. During this period, the Sarayaku mission was established, made up of the former *Tayak* settlers and the Canelos-Kichwa together, and gradually formed the Kichwa community. At the end of the 19th century, the Ecuadorian government entrusted the formation and Christianization of the site to the Dominicans. Although the presence of this mission gave rise to communal life established

around settlements, the inhabitants of Sarayaku, through the *purinas*<sup>8</sup> located along the Bobonaza and Rutuno rivers, still conserved the use of space in a traditional way (Chávez et al., 2005).

The relationship between Sarayaku and the Ecuadorian highlands grew due to the decline in trade with Peru caused by the end of the rubber boom. Thus, in 1911, by Executive Decree, Sarayaku was named a Parroquia of the Pastaza Province of Ecuador. The community remained under the administrative control of the Sarayaku mission, which gave the green light to the first oil activities in the early 1920s. Later, in 1930, the government established a military unit in the territory, which caused disagreement with the church regarding how the community leaders should be directed; it should be noted that the Sarayaku inhabitants considered themselves free despite these external actors. In 1947, the first road to Puyo was completed, shortening travel time to other provinces in the country; however, many of the Kichwas adjacent to Puyo lost their territory due to the arrival of outsiders. Later, in 1970, the Western oil company began to carry out activities in the territory without informing the community; despite this, some residents chose to work with the company in exchange for paid labor (Chávez et al., 2005).

During the 1980s, the Ecuadorian government established oil blocks 10, 23, and 24 in Pastaza and Morona Santiago (The amazon conservation team, 2016). Later, in 1992, in order to demand political autonomy and legal recognition of their land ownership rights, the Sarayaku people marched from Puyo to Quito. The government of Rodrigo Borja denied the demands for political and administrative autonomy but granted Sarayaku collective property titles over an area of 135,000 hectares (Chavez et al., 2005). However, the people “only obtained titles for 58% of the land they demanded, as a large area of 40 km along the border with Peru was declared a military security zone, and another large area north of the Curaray River acquired national park status” (Chávez et al., 2005, p.30). In 1996, Ecuador granted the Argentinean company Compañía General de Combustibles (CGC) oil exploration and exploitation rights over Block 23. Because of this, in 2003, the Sarayaku People presented their case to international human rights bodies; it was presented to the Inter-American Commission from 2003 to 2010 and then to the Inter-American Court from 2010 to 2012 (Indigenous Territory and Governance, 2012).

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<sup>8</sup> “Areas in the jungle far from settlements and residential places, where people do not normally live permanently, but travel to them two or three times a year. Hunting, gathering, and fishing activities are carried out in these areas.” (Chávez et al., 2005, pp.30-31).

On June 27, 2012, the IACHR Court issued a judgment in favor of the Kichwa People of Sarayaku. However, due to the failure of the Ecuadorian State to comply with the obligations acquired by the judgment, Sarayaku filed in 2019 an action for non-compliance at the Constitutional Court of Ecuador. The Court admitted the same in 2020 (Chejín, 2020).

## **4.2. Oil exploitation in Sarayaku's territory**

Since the first oil incursions in the 1930s, the Amazon region of Ecuador has become a scenario of territorial, political, environmental, and social conflicts. Oil exploration began mainly in the central Amazon, where the State granted concessions to the Leonard Exploration Company and Anglo-Saxon Petroleum Company Limited, the first companies to carry out exploration activities in the region (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). However, a key event in the region occurred in 1964, when the State granted a concession of approximately half a million hectares for the exploration and subsequent exploitation of hydrocarbons in the northern part of the Amazon for 58 years to the Texaco-Gulf consortium.

### **4.2.1. The oil 'boom'**

In 1971 a period of significant economic growth began in the country, generated by the income from the exploitation and subsequent export of oil, known as the "oil boom" (el boom petrolero) in the country's economic history. However, although it was a time of accelerated economic development at a national level, the environmental consequences within the exploitation zones were catastrophic. From 1964 to 1990, the period during which Texaco's operations were carried out, the areas affected by toxic waste spills, burning of natural gases, and crude oil spills extended over approximately two and a half million hectares, which in turn resulted in an unprecedented social and environmental catastrophe (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009).

### **4.2.2. Indigenous peoples and oil exploitation**

With oil exploitation in the northern Amazon, indigenous peoples such as the Kichwa, Sionas, Secoyas, and Cofanes were the main affected; their way of life changed drastically with the arrival of oil companies in their territories. Despite suffering significant damage, the indigenous population of this area was divided and weakened. As a result, they put up little

resistance to the entry of machinery and settlers that moved into their territories (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). On the other hand, in the central Amazon region, specifically in the provinces of Pastaza and Morona Santiago, oil exploitation led to a greater political organization to address this problem. Thus, the Organization of Indigenous Peoples of Pastaza (OPIP, by its Spanish acronym) and the Interprovincial Federation of Shuar Achuar Centers (FICSHA, by its Spanish acronym) were created. The creation of these organizations subsequently gave rise to two of the most important indigenous organizations in the country to this day: the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE, by its Spanish acronym) and the Confederation of Indigenous Nations of Ecuador (CONAIE, by its Spanish acronym) (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). In turn, it generated greater resistance to oil activities in the central and southern zones of the region, with a stronger and more politically organized indigenous presence that actively opposed the invasion of their territories.

#### **4.2.3. Oil exploitation in central Amazonia**

From the 1980s onwards, a process of expansion of the extractive borders began, especially in the central and southern Amazon. It was particularly evident in the provinces of Pastaza and Morona Santiago, where an extractive corridor formed by three main blocks: *Block 10*, *Block 23*, and *Block 24*, was granted by the Ecuadorian State to foreign oil companies (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). However, these Blocks are made up of territories of great relevance for the different indigenous nationalities such as the Kichwa, Waorani, Shuar, Achuar, and Zápara (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). These are also the territories with the most outstanding resistance due to the environmental and social impacts that oil activities have caused. This resistance has transcended into a national and international struggle, intending to stop the expansion of the extractive border in the Amazon region and achieve respect for the rights of indigenous nationalities and nature.

#### **4.2.4. Oil exploitation in Sarayaku**

When focusing on oil extraction within the Kichwa people of Sarayaku in the province of Pastaza, it is important to mention the conflicts that occurred in Block 10 and Block 23. In both

cases, a large part of the Sarayaku territory was established within them; therefore, the activities carried out had consequences for their inhabitants and territory.

### *Bloque 10*

The so-called “Block 10” is an area in the Pastaza province, located to the north of Sarayaku, and covers an area of 200,000 ha. Within this area are territories of the Kichwa, Waorani, and Zápara nationalities. This block was adjudicated by the Ecuadorian State to the ARCO Oriente consortium in July 1988, when its activities began (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). A year later, in 1989, conflicts began in the area due to the invasion of an ancestral territory considered sacred by the Kichwa people of Sarayaku. The company attempted to develop seismic activities within this zone. However, the Sarayaku people reacted by preventing the continuation of the activities.

In 1989, a report was submitted regarding the impact of exploration activities carried out in the territory. This report was submitted by a commission made up of representatives from the Ecuadorian State Oil Corporation (CEPE, by its Spanish acronym), currently known as ‘Petroecuador’, the National Hydrocarbons Department of Ecuador, CONFENIAE and OPIP, as well as the Sarayaku Association (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). The report contained evidence of the environmental impact caused by activities such as deforestation, contamination of water and soil by toxic waste, and noise pollution caused by dynamite explosions, among others. In addition, there were reports of skin and gastric diseases among the area’s inhabitants caused by the contamination of their environment (Fontaine, 2004). As a result, OPIP requested a 15-year moratorium to halt oil activities in the Pastaza province until there is a reform in the country’s environmental policies.

In May 1989, these demands were ratified with the ‘Sarayaku Agreements’, signed by ARCO Oriente, Petroecuador, representatives of the Ecuadorian government, and indigenous organizations, mainly CONAIE, CONFENAIE, OPIP, FCUNAE, and FOIN (Fontaine, 2004). These agreements mainly pose the end of agrarian colonization in the Amazon region and the end of oil activities until the indigenous territories are legalized. In addition, the suspension of new bids for oil exploitation blocks in indigenous territories and compensation for environmental damages, among others, were proposed (Fontaine, 2004). However, the points agreed upon were

not complied with by the Ecuadorian State as it continued to support the exploration activities carried out by the oil company in the territories of the indigenous communities.

As a result, OPIP members decided to participate in the indigenous mobilization that paralyzed the country in 1990. On the other hand, in this same context, CONFENIAE, as part of the dialogues and negotiations between the indigenous organizations and the National Government, presented a proposal for the legalization of indigenous territories. However, the proposal presented to President Rodrigo Borja did not receive a response (Melo, Pueblo Originario Kichwa de Sarayaku, CEJIL, 2009). Subsequently, in 1992, the indigenous communities of Pastaza, supported by international NGOs, carried out the so-called “march for territory”, which resulted in the State agreeing to the legalization of approximately 1.15 million hectares of territory in favor of the communities (Fontaine, 2004). In this way, OPIP consolidated itself as an organization of great political importance within the country and strengthened its position vis-à-vis ARCO Oriente. Nonetheless, the company continued with its activities in the area, adopted a strategy that generated division within OPIP, and supported the creation of independent organizations, thus generating conflicts among the indigenous communities within the so-called Block 10.

### **4.3. Political consequences of ignoring other ways to conceive the territory**

#### **4.3.1. Review of the case of the Kichwa Indigenous People of Sarayaku v. Ecuador at the Inter-American Court of Human Rights**

Block 23 is the territorial space granted in the participation contract for the exploration of hydrocarbons and exploitation of crude oil between the State Oil Company of Ecuador (Petroecuador) and the consortium formed by Compañía General de Combustibles (from now on CGC by its Spanish acronym) and the Argentinean oil company ‘Petrolera San Jorge’ (Inter-American Court of Human Rights, 2012). This area comprised an area of 200,000 ha in which the associations and communities of *Sarayaku*, *Jatún Molino*, *Pacayaku*, *Canelos*, *Shaimi*, and *Uyuimi* are located. Among them, Sarayaku is the largest association in terms of territory and population; its territory covers approximately 65 percent of the total extension of

Block 23. However, all these associations and communities have legitimate, ancestral, legal possession, use, and dominion of their territories (Melo, 2016).

It is important to note that in 1998, the new Political Constitution of Ecuador and Convention No. 169 of the International Labor Organization (ILO)<sup>9</sup>, incorporated the right of indigenous peoples to consultation and free and informed consent when their territory is affected by plans and programs for prospection and exploitation of non-renewable resources (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). This aspect is relevant to the case, given that CGC started with the exploratory and seismic prospecting phase in 2002. The new regulations could be applied in this case, even though the Concession Contract between the CGC consortium and Petroecuador established that exploration should begin in 1997. However, it began years later when the regulations were already applicable in the country.

In addition, the contractor's obligations included the preparation of an Environmental Impact Assessment (EIA) to be submitted six months before the start of the exploration phase, as well as an Environmental Management Plan for the period of crude oil exploitation (Inter-American Court of Human Rights, 2012). For this reason, the CGC consortium hired the consulting firm *Walsh Environmental Scientists and Engineers, Inc.* to conduct the Environmental Impact Study. However, this was done without the consent or participation of the indigenous peoples of Block 23 (especially the Kichwa people of Sarayaku, who were to be the main affected). According to Melo (2016), the contractors pretended to be tourists to enter Sarayaku territory, but the people did not allow them to enter. Consequently, the report delivered by the consulting firm was done without them even being able to enter Sarayaku territory.

In the face of strong opposition to the company's presence, in 2000, GCC's representatives visited Sarayaku and offered to contribute money for development projects and workplaces. However, the General Assembly of the Sarayaku People rejected the offer and again expressed opposition to the company's presence in their territory (Melo, 2016). Subsequently, in April 2002, the Sarayaku Association once again made visible its rejection of the entrance of oil companies into its ancestral territory through a formal statement sent to the Ministry of Energy and Mines. In

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<sup>9</sup>The International Labor Organization's Convention No. 169 was ratified by Ecuador on May 15, 1998 (International Labor Organization, n.d.).



June of the same year, they ratified their decision in a meeting with CGC. Despite this, in November 2002, the State actively supported the CGC consortium so that they could finish the exploration stage and begin the exploitation stage within the Sarayaku territory (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009).

In response to the lack of protection by the State, the Sarayaku Association declared a “state of emergency” to protect their territory from illegal incursions by the oil company. The State of emergency implied the paralyzation of all administrative, economic, and daily social activities since community members dedicated their time to guarding their territory in the so-called “Peace and Life Camps” to prevent illegal incursions by the company’s workers (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). Finally, in February 2003, the company alleged “force majeure” and withdrew from the territory. However, it was not until 2010 that Petroecuador signed with CGC the Termination Act by mutual agreement of the oil exploration and exploitation contract in Block 23 (Inter-American Court of Human Rights, 2012). That same year, the Kichwa People of Sarayaku alleged that they had not been informed of the terms of the negotiation reached between the State and the company and the conditions under which the agreement was signed.

It is important to emphasize that the six incursions carried out by CGC in Block 23 were carried out illegally, as they did not have the consent of the Kichwa people of Sarayaku. However, even so, they were actively and openly supported by the Ecuadorian State. In addition, the company used a strategy of division, with which they could gain the support of most of the communities within Block 23, thus isolating those who opposed their presence, in this case, the Sarayaku people and the Achuar Nationality. It generated an escalation of tensions between the different communities and caused confrontations between indigenous groups. On the other hand, according to Melo (2016), the harassment and aggressions against Sarayaku and OPIP leaders were carried out by members of the country’s Military Forces and Police. They also supported the CGC Company so that they could explore the region’s territory.

#### **4.3.2. Rights violated in the case ‘Kichwa Indigenous People of Sarayaku v. Ecuador’**

- **Right to self-determination as a guarantee for the protection of indigenous peoples’ human rights**

The right to self-determination is recognized in the 2007 United Nations Declaration on the Rights of Indigenous Peoples, to which Ecuador is a signatory. The right to self-determination is fundamental to the Declaration because, as stated in Article 3, indigenous peoples have the freedom to determine their political status and pursue their economic, political, and social development (Declaration on the Rights of Indigenous Peoples, 2007). It also points out the right of indigenous peoples worldwide to determine their own destinies on an equal basis and to participate actively in the decision-making process that affects them. Similarly, according to Article 25 of the Declaration, concerning territory, the peoples have the right to maintain and strengthen their spiritual relationship with their territory and other resources which they have traditionally owned, as well as to assume responsibility of these for future generations (Declaration on the Rights of Indigenous Peoples, 2007). Thus, through Ecuador's adherence to it, it acquired an important political commitment that, as established in the 2008 and 1998 Constitution, the State has the duty to guarantee the exercise and compliance with the rights and obligations established in international instruments.

- **Right to Property, Rights to Freedom of Thought and Expression, and Political Rights**

The representatives of the Sarayaku people alleged the violation of Articles 13, 21, and 23 of the American Convention on Human Rights (from now on ACHR) in relation to Article 1.1 of the latter, referring to the rights of the Kichwa People of Sarayaku to Property, Freedom of Thought and Expression, and Political rights. According to the representatives of this case, such a violation of rights meant that the Ecuadorian State had incurred international responsibility.

Article 1.1 of the ACHR establishes that *“The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition”* (ACHR, 1969). However, Sarayaku representatives alleged non-compliance with this right based on the actions taken by the State to support CGC's incursions into their territory in the Amazon. Not only did the State sign a contract without the consent and information of the people, but it also supported CGC's illegal incursions by militarizing a large part of Sarayaku territory.

Article 13, section 1 of the ACHR establishes that *“Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice”* (ACHR, 1969). However, the Ecuadorian State failed to comply because it did not present clear, sufficient, and timely information regarding the activities and the impact they would have on the territory. The Inter-American Commission argued that in activities such as the exploration and exploitation of natural resources located in the territories of indigenous communities, access to information and the process of prior consultation are crucial elements in these matters of public interest (Inter-American Court of Human Rights, 2012). However, the Ecuadorian State did not do so in a timely manner.

On the other hand, concerning the violation of the Kichwa Sarayaku People’s right to property, Article 21 of the ACHR establishes that *“1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society. 2. No one shall be deprived of his property except upon payment of just compensation, for reason of public utility or social interest, and in the cases and according to the forms established by law (...).”* (ACHR, 1969). According to the arguments presented by the representatives of the Sarayaku People, the Ecuadorian State did not follow the procedure established in its internal legislation for the formal expropriation of the territories for reasons of social interest, nor was the payment of fair compensation established (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). In addition to it, the Inter-American Commission added that prior to signing the contract with the oil company, the State had an obligation to consult with the members of the communities that would be affected by the activities and to provide the relevant procedural guarantees or judicial remedies (Inter-American Court of Human Rights, 2012).

Lastly, concerning Political Rights, Article 23, paragraph 1, of the ACHR establishes: *“1. Every citizen shall enjoy the following rights and opportunities: a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (...).”* (ACHR, 1969). About this right, the Sarayaku representatives claimed that the Ecuadorian State evaded the obligation to consult with the indigenous peoples on decisions taken concerning their territory and on a matter of social interest and to ensure their participation through their representatives. Given the lack of action by the State, the CGC Company interacted directly with community leaders without

considering the legitimate indigenous authorities, which generated conflicts and divisions among the communities (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). The Inter-American Commission also considered that the Ecuadorian State failed to comply with its obligations because it did not inform the Kichwa People of Sarayaku about the project that would significantly impact their territory (Inter-American Court of Human Rights, 2012). Therefore, the State failed to adopt the necessary measures to guarantee the participation of the Sarayaku people in the decision-making on issues and policies through their own institutions, their representatives, and following their own values and customs.

Regarding the arguments presented by the Ecuadorian State, it was mentioned that at the time of signing the concession contract in 1996, there had not yet been an obligation to initiate a process of prior consultation nor to obtain the free, previous, and informed consent of the Kichwa People of Sarayaku. As mentioned in the Judgment issued by the Inter-American Court (2012), this was because, up to that time, Ecuador had not ratified ILO Convention No. 169, nor was there any provision in the country's Political Constitution. In addition, it was mentioned that the natural resources existing in the subsoil are the property of the State and can be exploited as long as this activity is carried out within the rules of ecological protection.

Similarly, concerning the right to prior consultation, the State argued before the Inter-American Court that the participation of indigenous peoples is fundamental for their social and cultural development. Nonetheless, no norm establishes the right to veto of indigenous peoples and communities concerning a State's decision to exploit natural resources, especially those found in the subsoil. They also pointed out that the constant resistance of the Kichwa people of Sarayaku prevented CGC from carrying out the compensation measures offered. Thus, extracting oil from the territory was impossible in the end, and the contract was rescinded between the State and the Company (Inter-American Court of Human Rights, 2012).

- **Right to Freedom of Movement and Residence**

The right to free movement of the inhabitants of Sarayaku was violated with the limitation of freedom of transit through the Bobonaza River and part of its territory. It occurred due to the presence of the military forces in the territory, sent to protect the workers of the CGC Company. However, it was also the Company's workers, as well as inhabitants of the community of Canelos,

who limited the access to the Sarayaku inhabitants. In this regard, Sarayaku representatives blamed the State for the lack of protection and guarantees of free movement, despite having information about what was happening within Sarayaku territory (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). Likewise, the State was held responsible for violating these rights by not investigating and penalizing the attacks against the inhabitants of the Sarayaku people. In turn, the violation of the right to freedom of movement was aggravated by explosive material buried in large part of Sarayaku territory.

Regarding the Commission's considerations presented in the Judgment issued by the Court (2012), they agreed with the arguments presented by the representatives of the Sarayaku People. The Commission affirmed that the State did not implement the necessary protection measures for the situation despite having knowledge of the facts. However, the State argued that the necessary evidence was not submitted to prove the existence of such a violation.

- **Duty to Adopt Domestic Law Provisions**

The Inter-American Commission alleged non-compliance with Article 2 of the ACHR, which states: *"Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms"* (ACHR, 1969). The Commission agreed with the arguments of the Sarayaku representatives. It expressed that the State failed to comply with Article 2 of the ACHR by not establishing in its internal laws and policies procedures that allow for the right to prior consultation of the members of the Kichwa People of Sarayaku in matters concerning property, political participation, and access to information (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009).

On the other hand, in the country there were guarantees of the right of indigenous peoples to be consulted beforehand. For example, the obligations under the ACHR ratified by Ecuador, as well as ILO Convention No. 169, which entered into force in 1999, and the Hydrocarbons Law of 2000, which in its General Provisions established that before the execution of plans and programs for the exploration and export of hydrocarbons in the territories of indigenous communities, black or Afro-Ecuadorian peoples, and that could affect the environment, the state company

‘Petroecuador’ or the contractors must consult with the ethnic groups or communities. Still, there was no specific legislation with which the Kichwa People of Sarayaku could exercise their right to consultation (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009).

As a result, in 2002, once the exploration phase began in Sarayaku territory, Executive Decree 3401 approved the “Regulations for the Consultation of Hydrocarbon Activities”, which established a procedure for the application of the right to consultation and the participation of the people in the processes related to the exploration and exploitation of hydrocarbons. Subsequently, in 2008, this regulation was revoked, and Decree 1040 established the “Regulations for the Application of Social Participation Mechanisms” stipulated in an Environmental Management Law (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). However, as asserted by the representatives of the Sarayaku People and confirmed by the Court in its Judgment, the Regulation of Decree 1040 of 2008 was not a sufficient guarantee in that it does not regulate prior consultation. It was because it does not refer to the right of access to information or prior consultation of the indigenous peoples in accordance with the applicable international provisions (Inter-American Court of Human Rights, 2012).

- **The right to consultation in relation to the rights to communal property and cultural identity**

#### *The right to indigenous communal property*

In the Judgment issued by the Inter-American Court of Human Rights (2012), the existence of a communal tradition on the collective ownership of the territory was recognized, according to which the ownership of territories is not centered solely on an individual but on his or her community. However, this conception of communal ownership differs significantly from traditional conceptions of property. According to the Court’s decision, this does not exempt the communities from their right to protection under Article 21 of the ACHR, which protects the ties that indigenous peoples establish with their territory, the natural resources, and other elements that arise from their ancestral territories.

For the Court, this aspect was of great importance because ignoring the different forms of use and benefit of goods, in accordance with the different worldviews existing among the

communities, would lead to the perpetuation of a single way of using and disposing of goods. It, in turn, would violate the right to protection for millions whose identity and worldview differ from the traditional one. The Court also emphasized the importance of protecting the natural resources within the territory since the direct connection between nature and indigenous peoples translates into their physical and cultural survival. It also emphasized protecting the development and continuity of their worldview, social and economic structure, customs, traditions, and beliefs.

In the case of the Kichwa People of Sarayaku, there is a deep cultural, non-material and spiritual bond that the communities maintain with their territories. This relationship between the *Kawsak Sacha* or “living forest” and the members of the community, according to the statement of the Sarayaku People leader Patricia Gualinga, is a relationship of harmonious coexistence among all its members. For them, all beings, the cosmovision, culture, and living beings that inhabit the forest, are essential elements that contain vital energy, maintain balance and abundance, and are connected to each other (Inter-American Court of Human Rights, 2012, p. 41). She also stressed the importance of their protection for the Sarayaku People and maintaining the Amazonian balance. In this sense, the territory for the Kichwa people of Sarayaku does not only represent their source of subsistence and is considered a resource for their benefit; the territory for them integrates their own cosmovision, cultural and spiritual identity. It was reflected in the statement of Sabino Gualinga, *Yachak* or spiritual guide of the Sarayaku People: “(...) with the destruction of the forest the soul is erased, we cease to be indigenous people of the forest” (Inter-American Court of Human Rights, 2012, p. 41).

#### *The right to consultation of the indigenous people of Sarayaku*

Based on the abovementioned, the Inter-American Court has highlighted the importance of guaranteeing the right to consultation of indigenous communities and peoples based on their rights to their own culture or cultural identity. The State has an obligation to guarantee these rights by considering itself a pluralistic, multicultural, and democratic society in which all its members enjoy the same rights of participation. This right is protected by ILO Convention No. 169 and other international instruments to which Ecuador is a signatory and has ratified (Inter-American Court of Health and Human Rights, 2012). In addition to this, it was demonstrated in the Court’s Judgment (2012) that there have been declarations by the Ecuadorian State on the importance of

guaranteeing the right to prior consultation in cases in which environmental management decisions by the State may affect the environment and the community.

Accordingly, the Inter-American Court emphasized the State's obligation to carry out unique and differentiated consultations in cases in which the interests of indigenous communities could be affected. This aspect is directly related to compliance with the rights recognized by the ACHR. Finally, the Court affirmed that even though, in this case, the concession contract for oil exploration and exploitation with CGC was signed by the State before the entry into force of ILO Convention No. 169 (in 1999) and the 1998 Constitution, which establishes the right to prior consultation of indigenous communities and peoples, the Ecuadorian State had an obligation to guarantee the right to consultation to the Sarayaku People "at least since May 1999" (Inter-American Court of Human Rights, 2012, p. 54). In this way, it would have been possible to ensure that the consequences of the project to be implemented would not endanger the subsistence and survival of the Sarayaku People, as well as their ancestral territory.

- **Rights to Life, to Personal Integrity, and to Personal Liberty**

The right to life is contemplated in Article 4, paragraph 1 of the ACHR, which establishes that *"Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life."* (ACHR, 1969). States have an obligation to protect and guarantee this right by creating minimum living conditions that ensure the dignity of the human person. In turn, States must adopt the necessary measures, a regulatory framework, and an effective justice system to guarantee the enjoyment of the right to a dignified life, especially in the case of vulnerable people or at risk, who should also receive priority attention (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009). However, in this specific case, the representatives of the Sarayaku People alleged the Ecuadorian State's non-compliance with this right.

The right to life was violated because the planting of explosives was allowed in Sarayaku territory, which meant a permanent situation of risk to the life and survival of the members of the communities. On the other hand, according to reports presented by the Inter-American Commission, the detonation of explosives within the territory caused a severe environmental impact on forests, water sources, rivers, and sacred sites, as well as the migration of animals. In



addition, planting explosives in areas traditionally used for hunting animals prevented the search for food, which in turn affected the subsistence and, therefore, the life cycle of the Sarayaku people (Inter-American Court of Human Rights, 2012). Based on this, the defense of the Kichwa People of Sarayaku pointed out the affectation of the members of the communities in their right to a dignified life. The representatives also affirmed that the State incurred responsibility for supporting the unconsulted incursions into their territory. Also, because of the lack of measures taken to ensure the protection of the Kichwa People of Sarayaku, considering the situation of vulnerability in which they found themselves in the face of the oil incursions that would be carried out.

In contrast, the Ecuadorian State responded to the allegations made by the representatives of the Sarayaku People, stating that the right to life is a priority within the system of conventional guarantees. Therefore, cases of violation of this right, in which the State is responsible for not responding properly, are “exceptional” (Inter-American Court of Human Rights, 2012, p. 73). Likewise, they stated that they do not consider it coherent to allege such violation as a consequence of the affectation of other rights, such as the right to health, food, access to clean water, or means of subsistence. Much less in this case, in which such affectations occurred as a result of an interrupted private activity and that, as they argued, “did not even reach the seismic prospecting phase” (Inter-American Court of Human Rights, 2012, p. 73). For this reason, according to the Ecuadorian State, it is incorrect to speak of an alteration of the indigenous peoples’ way of life or contamination of the territory.

Concerning the violation of the right to life by the State, the Court established that a State could not be held responsible for any situation of risk to the right to life that arises. According to what was established in the Judgment (2012), the Court stated that for this obligation to arise, it must be clear that the authorities knew about the existence of a situation of risk to the life of an individual or a group of individuals, and despite having the information, not taking the necessary measures to prevent or avoid this risk. However, the Court has emphasized that the placement of more than 1400 kilograms of pentolite in the territory of the Sarayaku People, in effect, constitutes a risk factor for the life and integrity of the members of the communities (Inter-American Court of Human Rights, 2012). Due to the aforementioned, the Court ordered the Ecuadorian State to take responsibility and remove the explosive material in the area. Likewise, the violation of the right to communal property by the State translated into a situation of permanent risk and a threat to the life

and personal integrity of the members of the community when it allowed the planting of explosives in their territory.

- **Rights to Judicial Guarantees and Judicial Protection**

The representatives of the Sarayaku People held the Ecuadorian State responsible for violating the right to protection and judicial guarantees contained in Articles 8 and 25 of the ACHR.

Article 8 of the ACHR establishes:

*“Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.”* (ACHR, 1969).

Article 25, paragraph 1 of the ACHR establishes:

*“Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.”* (ACHR, 1969).

Based on this, the Ecuadorian State was blamed for the ineffectiveness of the legal recourse for protection filed to protect the community’s territory, as well as for its failure to investigate and punish the attacks and threats against members of the Kichwa People of Sarayaku (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009).

#### *Remedy of Constitutional ‘amparo’*

On November 28, OPIP filed a constitutional remedy of ‘amparo’ before the First Civil Judge in Pastaza against *Daymi Services* and CGC. The objective of this action was to avoid or remedy the consequences of acts or omissions that violate constitutional rights and international

agreements in force (Melo, Pueblo Originario Kichwa de Sarayaku, & CEJIL, 2009, p. 359). Given this, the First Civil Judge of Pastaza called the parties to a hearing. However, this was never held due to problems in the citation of the parties. Despite this, at the time of admitting the appeal, the Judge issued a precautionary measure to suspend any action that affected or threatened the rights in the claim. Subsequently, it was denounced that the Company continued with its activities inside Sarayaku territory, as it was evident that they were opening trails and planting explosives. However, the State did not take the necessary measures to comply with what was previously ordered by the Pastaza Judge. Consequently, the remedy presented by OPIP was ineffective.

On the contrary, the Ecuadorian State affirmed before the Court that the '*amparo*' remedy requested by the OPIP remained inconclusive due to "lack of procedural activity by the interested party", as well as lack of collaboration on the part of the OPIP representatives (Inter-American Court of Human Rights, 2012, p. 79). Furthermore, regarding the investigation, the representatives of the State alleged that this process could only be carried out by the Prosecutor's Office of the Pastaza Province up until the moment when access to the communities was granted. According to the arguments of the Ecuadorian State, the Sarayaku people did not collaborate with the Prosecutor's Office so that the investigation could be carried out concerning the cases due to the restriction of access to the territory (Inter-American Court of Human Rights, 2012).

The Court expressed itself in this regard by stating, following Article 25.1 of the ACHR, that the State has an obligation to guarantee effective judicial remedies in cases of human rights violations. However, the obligation to provide these remedies "is not reduced simply to the mere existence of the courts or formal procedures or even to the possibility of resorting to the courts" (Inter-American Court of Human Rights, 2012, p. 80). In this case, the State was obliged to adopt measures to ensure that the available remedies were effective in identifying whether or not the alleged human rights violation existed and that they effectively redressed the violation of rights. Furthermore, in the case of indigenous peoples and nationalities, it is essential to emphasize that, in accordance with the protection provided by the State, this, in addition to being effective, must necessarily take into account the particular economic and social characteristics, as well as their situation of vulnerability, their customary law, values, and customs (Inter-American Court of Human Rights, 2012). Only in this way will it be possible to consider both the processes and the reparations in the case of human rights violations against indigenous peoples to be effective.

### **4.3.3. Reparations established by the Inter-American Court of Human Rights**

The Court has ordered reparations for the damages caused based on Article 63, paragraph 1, of the ACHR, which establishes: *“If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.”* (ACHR, 1969).

Reparation of the damage caused requires full restitution (*restitutio in integrum*), which consists of re-establishing the situation prior to violating rights. In most cases, this is not feasible because the damages cannot be reversed, as in the case of the Sarayaku People. Therefore, the Court is in charge of determining the measures that guarantee the violated rights and repair the consequences of their violation (Inter-American Court of Human Rights, 2012). It is also important that various reparation measures are considered, i.e., not only economic compensation but also measures of restitution, satisfaction, and guarantees of non-repetition. On the other hand, to grant the measures of reparation, the Court took into account the arguments of the injured party, in this case, the Kichwa People of Sarayaku, and the arguments of the Inter-American Commission and those of the Ecuadorian State.

About the abovementioned, the Court of the case determined the following measures of reparation:

#### **4.3.3.1. Measures of restitution and satisfaction and guarantees of non-repetition**

First, in the Judgment (2012), the Court established that the Judgment is a form of reparation in itself. However, due to the circumstances of the case in which the violations of the ACHR were not only material but also immaterial, the Court considered it pertinent to establish measures of restitution, satisfaction, and guarantees of non-repetition.

- **Measures of restitution**

*Removal of explosives and reforestation of the affected areas*

There are two situations regarding the explosives (pentolite) buried in the Sarayaku territory. First, there are approximately 150 kilograms of pentolite on the surface, which means that it is found at a depth of up to 5 meters and its total removal is possible. Secondly, there is pentolite buried at a greater depth, approximately 15 to 20 meters. In this case, its removal could cause high-impact environmental damage and even potential risks for those who extract it.

Given these facts, the Court ordered the State to “neutralize, deactivate and, if necessary, remove all pentolite on the surface” (Inter-American Court of Human Rights, 2012, p. 87). For this purpose, a process of previous, free and informed consultation with the Kichwa People of Sarayaku was required to establish the means and methods to be implemented. In addition, it stipulated the obligation for the State to consult with the people regarding the extraction methods that represent the least risk to the ecosystems and are in harmony with the cosmovision of the members of the communities. In this way, it was intended to minimize the possibilities of environmental risk and ensure the safety of the people in charge of carrying out the extraction process. On the other hand, the Court also referred to the pentolite buried at a greater depth. In this case, it was determined that the State should carry out the extraction process following the technical plan presented by the representatives of the Sarayaku People (Inter-American Court of Human Rights, 2012, p. 87).

Finally, the Court determined the obligation of the Ecuadorian State to take measures to “extract machinery, structures and non-biodegradable waste” (Inter-American Court of Human Rights, 2012, p. 88), left as a consequence of the incursions carried out by the oil company. Additionally, it ordered reforestation of the areas that could have been affected by the opening of trails and camps for the seismic prospecting phase. In the same way, a term of no more than three years was established for the State to comply with this measure. To do so, the State and the Kichwa People of Sarayaku had to reach an agreement and create a joint schedule and work plan (Inter-American Court of Human Rights, 2012).

However, until 2015, when the Court established a three-year term for compliance with this measure expired, the Ecuadorian State did not continue removing the explosives. According to a representative of the State, in this case, the actions were not carried out because after ten years had passed, the pentolite loses its useful life (Inter-American Court of Human Rights, 2016). In

response to this argument, the Inter-American Commission affirmed that no technical investigations had been formally carried out to demonstrate that the explosives have fulfilled their useful life and no longer represent a risk. Additionally, according to the Monitoring of Compliance with Judgment (2016), representatives of the Kichwa People of Sarayaku denounced the State's failure to take measures to remove the pentolite, which represents a risk for members of the communities and limits the unrestricted use of their territory. Furthermore, it was reported to the Inter-American Court that the proposals presented for the removal of the explosives did not consider the reality of the Sarayaku people, a specific condition issued by the Court in the 2012 Judgment.

- **Measures of satisfaction**

*Public act of acknowledgment of international responsibility*

In the Judgment issued in 2012, the Court established that “(...) the State must make a public act of recognition of its international responsibility for the violations declared in this Judgment.” (Inter-American Court of Human Rights, 2012). In addition, it was established that the act should be carried out in a public ceremony to be held in Sarayaku territory, with the presence of a commission of high State authorities and members of the Sarayaku People, within one year from the date of the Judgment. The ceremony was to be carried out in both Kichwa and Spanish and was to be broadcasted by the media in Ecuador.

The act was carried out on October 1, 2014, after a series of discussions between the Sarayaku People's representatives and the State's representatives. The main object of controversy was the presence of the President of the Republic, requested by the indigenous representatives. However, the Court pronounced itself before this request alleging that “(...) it is the power of the State to designate the officials who will carry out the act of public recognition of international responsibility” (Inter-American Court of Human Rights, 2016). Finally, the Minister of Justice, Human Rights and Cults attended and offered a public apology, as well as authorities from the Ministry of Environment, Ministry of Non-Renewable Natural Resources, Ministry of the Interior, Ministry of Defense, and the Attorney General's Office (Inter-American Court of Human Rights, 2016). Thus, the Inter-American Court recognized the Ecuadorian State's full compliance with this reparation measure.

### *Publication and broadcasting of the Judgment*

Regarding the measure related to the publication and broadcasting of the Judgment, the Court ordered the State's responsibility to publish, within six months, the following:

- “(...) the official summary of the Judgment prepared by the Court, for a single publication in the Official Registry;
- the official summary of this Judgment prepared by the Court for a single publication in a newspaper of wide national circulation, and
- the present Judgment in its integrity, available for a period of one year, on an official website” (Inter-American Court of Human Rights, 2012, p.90).

At the same time, it was considered appropriate to advertise the official summary of the Judgment in Spanish, Kichwa, and other indigenous languages through a radio station with wide coverage in the southeastern Amazon region within one year (Inter-American Court of Human Rights, 2012).

In the 2016 Judgment Compliance Monitoring Report, the Court determined that within the deadline established in 2012, the State complied with publishing the official summary of the Judgment in the Official Registry. Furthermore, its publication in the national newspaper “El Telégrafo” was corroborated. However, representatives of the Sarayaku People stated that they had not been informed about it. Regarding this fact, the Court highlighted the importance of keeping the victims informed about the publication so they can access it when it is made (Inter-American Court of Human Rights, 2016).

On the other hand, the publication of the Judgment on the web pages of the Ministry of Justice, Human Rights and Cults, the Ministry of Non-Renewable Natural Resources, and the Ministry of the Environment for one year was confirmed. It was also possible to verify compliance with broadcasting the official summary through four radio stations in the province of Pastaza. These broadcasts were made in the Kichwa, Shuar, and Spanish languages. Therefore, it was argued that the State fully complied with this measure of reparation following what was established by the Court in the 2012 Judgment.

- **Guarantees of non-repetition**

*Due prior consultation*

The Judgment of the Inter-American Court held the Ecuadorian State responsible for the violation of the right to communal property of the Kichwa People of Sarayaku. Consequently, the Court ruled as a guarantee of non-repetition that the Kichwa People of Sarayaku should be consulted in a prior, adequate, effective manner and in accordance with applicable international standards (Inter-American Court of Human Rights, 2012, p. 89). This consultation should be carried out before initiating possible activities or projects of exploration or extraction of natural resources or other plans that may affect Sarayaku territory or other essential aspects of their cosmovision, life, and cultural identity.

Additionally, they added that such participation and prior consultation processes must be carried out under the principle of good faith at all stages of any project. Also, the State must guarantee, following applicable international standards, that the plan or project that may affect the environmental territory has a previous environmental and social impact study (Inter-American Court of Human Rights, 2012, p. 89). The Court also highlighted the importance of adopting legislative, administrative, or any other type of measures that may be required to guarantee the right to consultation, as well as notifying those that impede its exercise. To this end, it is essential to ensure the participation of indigenous and tribal peoples and communities.

Regarding compliance with this reparation measure, according to the 2016 Compliance Monitoring of Judgment, Article 57.7 of the 2008 Constitution grants the right to prior, free and informed consultation to indigenous peoples. In addition, Prior Consultation is contemplated in Articles 81 and 82 of the Organic Law on Citizen Participation. It establishes that the right to free, prior, and informed consultation will be guaranteed to Ecuador's indigenous communities, peoples, and nationalities. It must also be carried out in a mandatory and timely manner by the competent authorities. Based on this, in 2012, through Executive Decree No. 1247, it was ordered the expedition of the Regulations for the Execution of the Free, Prior and Informed Consultation in the Bidding and Allocation Processes of Hydrocarbon Areas and Blocks (Inter-American Court of Human Rights, 2016).



Despite this, at the Judgment Compliance Hearing held by the Inter-American Court in 2016, the attorney Mario Melo, representative of the Kichwa People of Sarayaku, expressed the disagreement of the members of the communities with Executive Decree No.1247. It is due to the fact that it was carried out without consulting or taking into account the internal processes of the communities. In addition, he stressed the importance of conducting differentiated consultations according to the diverse situations of the communities involved (Inter-American Court of Human Rights, 2016).

#### *Training of State officials on the rights of indigenous peoples*

As stated in paragraph 332 of the Judgment issued in 2012, the Inter-American Court attributed the violations of the rights to prior consultation and cultural identity to the actions or omissions carried out by state officials and institutions. Based on this, the Court ordered the State to implement mandatory programs or courses on national and international human rights standards for military, police, judicial and other officials who directly relate to indigenous peoples (Inter-American Court of Human Rights, 2012, p. 89).

Following the provisions of the Court, between 2012 and 2014, the Ecuadorian State presented the “Training Modules on Collective Rights of the Peoples and Nationalities of Ecuador”. In them, methods and theories were established to guide public action toward protecting human rights, focused on the country’s indigenous communities (Inter-American Court of Human Rights, 2016). In addition, the Ecuadorian State emphasized the alliance between the Ministry of Justice, Human Rights and Cults, the Coordinating Ministry of Patrimony, and the Office of the United Nations High Commissioner for Human Rights in Ecuador, in order to carry out the training program (Inter-American Court of Human Rights, 2016).

The Court made a pronouncement in this regard in the report on Compliance Monitoring of Judgment (2016), in which it positively evaluated the progress made in terms of compliance with this measure. However, it warned the State about the lack of information provided to demonstrate that the training of state officials carried out is mandatory and also permanent as part of the general and continuous training of officials. Hence, only when the information is provided will the Court be able to assess full compliance with this measure (Inter-American Court of Human Rights, 2016, p. 7).

#### **4.3.3.2. Compensation for pecuniary and non-pecuniary damage**

- **Pecuniary Damage**

The Court defines pecuniary damage as “the loss or detriment to the income of the victims, the expenses incurred as a result of the facts, and the monetary consequences that have a causal nexus with the facts of the case sub judice” (Inter-American Court of Human Rights, 2012, p. 93). Based on this, the Ecuadorian State’s obligation to grant compensation for the material damages to the Kichwa People of Sarayaku was determined, taking into account the following arguments expressed in paragraph 316 of the Judgment (p.93):

“(i) members of the Sarayaku People incurred expenses to carry out internal actions and internal procedures for the protection of their rights;

(ii) its territory and natural resources were damaged, and

(iii) the People would have seen its economic situation affected by the paralysis of productive activities during certain periods”. (Inter-American Court of Human Rights, 2012, p. 93).

Based on this, the Court set the compensation of USD \$90,000.00 for pecuniary damage to the Sarayaku People (Inter-American Court of Human Rights, 2012, p. 93). This compensation was to be paid within one year to the Sarayaku People’s Association to be invested, in accordance with its decision-making mechanisms and institutions, in the implementation of educational, cultural, food security, health, and eco-tourism development projects, as well as other works or projects for community purposes based on the collective interests of the Kichwa People of Sarayaku.

- **Non-pecuniary Damage**

According to previous jurisprudence of the Court, non-pecuniary damage “may include both the suffering and distress caused to the direct victims and their families, the impairment of values that are very significant for individuals, as well as alterations, of a non-pecuniary nature, in the conditions of existence of the victim or his or her family” (Inter-American Court of Human Rights, 2012, pp. 93-94).

In recognizing the existence of violations of the rights to communal property and consultation, the Court also recognized the effects the Sarayaku People suffered in terms of their social and spiritual relationship with their territory and the destruction of the forest and sacred sites. In recognition of the suffering experienced by the Kichwa People of Sarayaku, their cultural identity, the impact on their territories, and the change in their conditions and way of life caused by the violation of human rights, the Court considered setting a compensation of USD\$ 1,250,000.00 for non-pecuniary damage (Inter-American Court of Human Rights, 2012, p. 95). The established amount was to be paid to the Sarayaku People's Association within one year and invested by the People following their decision-making mechanisms and institutions.

#### **4.3.3.3. Costs and Expenses**

According to paragraph 328 of the Judgment (2012), costs and expenses are part of the concept of reparation insofar as the activities carried out by the victims to obtain justice involve spending money. In the event that a condemnatory judgment declares the international responsibility of a State, these costs and expenses must be compensated in accordance with those established by the Court (p.96).

In the present case, the Court determined that the expenses incurred by the Sarayaku People were taken into account in determining compensation for pecuniary damage. However, the Court determined that the Ecuadorian State should pay an amount of USD \$58,000.00 for costs and expenses. Of the amount determined, the Court ordered the payment of USD \$18,000.00 to CEJIL. In addition, it was determined that the remainder of the amount established should be delivered to the Association of the Sarayaku People. Also, to be distributed as they see fit to the individuals and organizations that represented the Kichwa People of Sarayaku before the Inter-American System (Inter-American Court of Human Rights, 2012, p. 97).

The State presented the relevant evidence in the Hearing for Monitoring Compliance with the Judgment held in 2016. In this way, it was possible to verify that the State paid the Sarayaku People the amounts established for pecuniary and non-pecuniary damages and the refund of costs and expenses (Inter-American Court of Human Rights, 2016). Consequently, the Court considered that the Ecuadorian State had fully complied with these reparation measures.

### *Reimbursement of expenses to the Victim's Legal Assistance Fund*

The Legal Assistance Fund of the Inter-American Human Rights System was created in 2008 at the General Assembly of the Organization of American States (OAS). It was established to facilitate access to the Inter-American human rights system for people who do not have the necessary resources to do so (Inter-American Court of Human Rights, 2012, p. 97). In the present case, representatives of the Sarayaku People received financial assistance from the Legal Assistance Fund to attend the public hearing held in San José, Costa Rica. For this reason, paragraph 334 of the Judgment (2012, p. 98) established that the Court ordered the Ecuadorian State to reimburse USD \$6,344.62 to the Legal Assistance Fund within ninety days.

#### **4.3.4. Prior consultation mechanism and indigenous peoples**

This section examines the institution of prior consultation, through which indigenous peoples have actively defended their rights and territories from transnational interests. In particular, it addresses the question: can the mechanism of prior consultation based on liberal principles allow for effective decolonization (Martínez et al., 2021). For this purpose, the ILO (International Labor Organization) Convention on Indigenous and Tribal Peoples, 1989 (No. 169), will be briefly analyzed. In addition, the main criticisms that have been presented in relation to the prior consultation mechanism will be presented.

Before starting, it is pertinent to highlight the positive role that said Convention has had, at the international level, in elaborating constitutional and legislative reforms to improve the conditions of Indigenous Peoples worldwide. Because ILO Convention No. 169 establishes several provisions that defend the land rights of indigenous peoples. Specifically, these are developed in Part II. Land, and are developed from Art. 13 to Art. 19. The section dedicated to land begins with the following text:

*Article 13.1: In applying the provisions of this Part of this Convention, governments shall respect the special importance for the cultures and spiritual values of the peoples involved regarding their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship. (International Labour Organisation, 2009).*

As a result of the above, we can highlight that Convention No. 169 recognizes the collective existence of spiritual ties between indigenous peoples and the territory in which they live. In addition, it recognizes the existence of collective rights of indigenous peoples concerning the territory, its natural resources, and the environment. It also establishes that indigenous peoples have the right to conserve their institutions, actively participate in State policy, and have free and informed consultation on matters that may directly affect them (Drange, 2021). These provisions have been reflected in positive practices, as they have “resulted in new arrangements to ensure indigenous governance and co-determination in fields such as land and resource management” (Broderstad, 2015, p. 84). Also, ILO Convention 169 recognizes that indigenous peoples are culturally and ethnically distinct, not only because of how they conceive of the world or relate to it but also because they have conflict resolution systems specific to their communities (Chávez et al., 2005).

On the contrary, and in relation to the question posed above, several authors agree that the prior consultation established in ILO Convention 169 is one of the most important achievements in protecting indigenous peoples. They also consider that this instrument will play a fundamental role in the future of indigenous peoples. However, at the same time, they present some arguments that point to the need to reconsider this institution.

On the one hand, in the view of (Pirsoul, 2019), prior consultation, in theory, is effective for the territorial preservation of indigenous. However, in practice, it offers very few benefits. Usually, governments see this mechanism as a simple bureaucratic requirement to convince indigenous peoples of a decision already made. A similar conclusion is reached by Acuña (2015) when briefly examining the consultation process carried out in Peru. The author explains that the procedure lasts 120 days and can have up to six stages: identification of the affected group and of the enacted norm; publicity, of the norm; information, by the State towards the native peoples; internal evaluation, assessment by the community; intercultural dialogue, carried out only if the internal evaluation has not been approved; and decision, if no agreement has been reached, the final decision is made by the State. As a result of this last stage, the author considers that “the whole process of prior consultation is designed as a mechanism to inform and convince indigenous peoples of a decision that has already been taken by the State” (Acuña, 2015, p.10).

For this reason, indigenous peoples cannot truly oppose extractive activities in their territory. Although they can present information in dialogues with the State to influence the project, whether in its development, environmental impact, or subsequent remediation, they do not have the authority to make decisions (Yupsanis, 2010). With this established, it can be said that by having the last word on the fate of ancestral lands, the State has a paternalistic position with the native peoples because “the logic of prior consultation assumes that the national authorities representing the Western system know in advance what is best for the ‘others’” (Sierra-Camargo, 2017, p.174).

In this way, nowadays, through the right to participation and consultation, indigenous peoples cannot veto projects contrary to their ancestral visions, such as development policies (Martínez et al., 2021). This is worrisome because not being able to question the development model in dialogues with the government during prior consultation results in the exclusion of the notion of territoriality and self-determination of indigenous peoples (Sierra-Camargo, 2017). Thus, Martínez et al., (2021) believe that indigenous peoples should have the right to control and consent to their territory; only then can they control the use and management of the natural resources established in their territory.

Furthermore, Schulting (2017) also adds that prior consultation is not a major progress in recognition of the rights of indigenous peoples. He points out that Article 8 of Convention 169 establishes that indigenous peoples may retain their own customs and institutions as long as they are not contrary to the fundamental rights established by the national legal system and internationally recognized human rights. Therefore, the recognition of indigenous communities will only be given if they are in accordance with national legislation. As added by Mazariegos, quoted by Sierra-Camargo, “indigenous peoples are recognized as subjects of law as long as they do not go beyond certain limits that are framed within the logic of Western rationality” (Sierra-Camargo, 2017). Similarly, Acuña (2015) argues that according to the liberal current, for native peoples to benefit from ‘development’, they must assimilate into the liberal framework. However, indigenous groups remain disadvantaged even if they adapt to the demands of the liberal model. Such is the case of the prior consultation mechanism, which tends to subordinate confrontations and negotiation within the liberal legal system, which “produces very restricted

effects and possibilities for indigenous peoples, even when the law is formally in their favor” (Sierra-Camargo, 2017, p.178).

Some authors delve deeper into the role of the liberal current in prior consultation and establish that currently, indigenous peoples use “Western institutions and mechanisms, such as prior consultation, to defend their rights, especially their territories, and, paradoxically, are exposed to the implicit limitations introduced in the instruments since their inception by capitalism” (Martínez et al., 2021, p.14). In this way, native peoples “are exposed to the limitations and restrictions of such institutions because of the way these groups relate to their territory according to their way of seeing and understanding the world” (Sierra-Camargo, 2017). Thus, it is impossible “to understand under the Western view these groups as nations with their own development model and with the same rights over the territory claimed by other subjects such as corporations and the State” (Acuña, 2015, p.2).

In conclusion to what has been discussed so far, Martínez et al. (2021) argue that recognizing and taking the traditional knowledge of indigenous peoples seriously can be useful for reforming the predominant conception of territory. Because as a result of understanding the territorial vision of native peoples and the meaning it entails for them, it is easy to recognize the importance of guaranteeing their consent and control over policies that may affect them instead of participation and consultation not well defined. To conclude, the authors consider that “for prior consultation to be a true bridge between worlds, it is necessary to listen to the position and needs of indigenous peoples on the decisive points. For this, it is necessary to reduce the influence of capitalist society on international law and the protection of communities” (Martínez et al., 2021, p.17). On the other hand, Sierra-Camargo (2017) strongly argues that the mechanism of prior consultation functions as a tool of conviction by liberal ideals supported by the discourse of global governance that continues to reproduce colonial ideas such as peaceful domination, where indigenous peoples end up voluntarily accepting the wishes of the State (Sierra-Camargo, 2017).

#### **4.3.5. ‘Sarayaku Kichwa People v. Ecuador’ and the territorial understanding of the native Sarayaku people**

The purpose of the following section is to analyze whether the worldview of the Kichwa Peoples of Sarayaku and their territorial conception is taken into account by the judgment issued by the IACHR in the case of the Kichwa People of Sarayaku v. Ecuador. Thus, in the judgment of June 27, 2012, issued by the Inter-American Court of Human Rights (IACHR) concerning the case of the Kichwa Indigenous People of Sarayaku vs. Ecuador, we can find a subsection in which the special relationship of the Sarayaku People with their territory is developed. To prove the existence of this link between the native peoples and their ancestral lands, the IACHR considers that this link may be expressed in any of the following parameters: “the traditional use or presence, through spiritual or ceremonial ties; sporadic settlements or crops; traditional forms of subsistence, such as hunting, fishing or seasonal or nomadic gathering; use of natural resources linked to their customs or other characteristic elements of their culture” (Inter-American Court of Human Rights, 2012, p.40). The IACHR mentions that in order to prove the existence of these links, it is necessary that the indigenous communities are not impeded from carrying out their activities in ancestral territories. In addition, this relationship may manifest itself in different ways depending on the characteristics of the indigenous people and the circumstances in which they find themselves (Inter-American Court of Human Rights, 2012).

As a result of this, the IACHR determined, in relation to the case of the Kichwa Indigenous People of Sarayaku vs. Ecuador, that “the communal property of the Sarayaku People over its territory, whose possession it exercises ancestrally and immemorially, is not in doubt [...] the Court considers it pertinent to highlight the deep cultural, immaterial and spiritual bond that the community maintains with its territory, to understand more integrally the affectations caused” (Inter-American Court of Human Rights, 2012, p.41). The judgment also explains that “under international law, it is not possible to deny indigenous communities and peoples to enjoy their own culture, which consists of a way of life strongly associated with the territory and the use of its natural resources” (Inter-American Court of Human Rights, 2012, p.49).

In addition, it is important to mention that the IACHR judgment recognizes the impact on the worldview of the Sarayaku people as one of the damages caused to the Sarayaku people. For example, it explains that for the Sarayaku, the destruction of sacred trees by the company,



such as the “Lispungo” tree, meant a violation of their cosmovision and cultural beliefs. In addition, “[...] part of the so-called Wichu kachi Mountain, or ‘saladero de loras’ was destroyed, causing that, in the cosmovision of the People, the spirits owners of that sacred place left the site” (Inter-American Court of Human Rights, 2012, p.55). Therefore, we can conclude that in issuing the judgment in the case of the Kichwa People of Sarayaku vs. Ecuador, the IACHR did take into account the worldview of the original people of Sarayaku, as well as the special bond between the inhabitants and their ancestral territory.

However, although the IACHR did take into consideration the ancestral link between the members of the Sarayaku People and their territory, the reparation measures ordered by the Court do not reflect a solution to the underlying problem, and the damage indeed caused to the Sarayaku People, their territory and all that it encompasses. Nor does it result in a reparation that sets a precedent within the Ecuadorian State because, despite the Court’s Judgment, there is still exploitation of natural resources in the Ecuadorian Amazon. According to Ramiro Avila (2019), the current human rights system, reduced only to the legal sphere, can be an instrument to decontextualize struggles and even perpetuate the reduction of the world from a Western understanding. Within this Western understanding, other cultural and political experiences are ignored. At the same time, it highlights the universal, the individual, and the separation between the human and the “other”, which leads to ignoring other realities perceived from spiritualities, nature, the collective, and the local (p. 213). In other words, human rights, taken into account only within the sphere of hegemonic modernity, could be an instrument that contributes to the universalization and strengthening of this unique hegemonic system that ignores other realities and knowledge.

Therefore, in order to determine measures that genuinely repair the damage, the Judgment issued cannot only take into account the aspects considered as “formal”, which in many cases may even exist or be regulated only by the existing legal norms or instruments. Therefore, it should not only consider economic or material reparations but also one that encompasses other areas of great importance for the native indigenous peoples, in this case, the People of Sarayaku. As Ramiro Avila (2019) states, what must be taken into consideration to generate reparation measures that fulfill the function they should, is, in turn, the ontological value, both of the territory and of all the beings that inhabit it and whose existence and life cycles

were altered and violated (p.277). In the case of the Kichwa People of Sarayaku, the reparation measures, although important, are simultaneously partial. That is, they do not entirely repair the damage generated to all the beings that coexist in the territory since they do not contemplate the ontological value and all that this means for the Sarayaku People.

Nevertheless, it is also essential to emphasize the progress that has been made, which leads us to believe that this change, although slow, is taking place and is on the right track. One of the most important indicators of this is, according to Ramiro Avila (2019), the recognition of the Sarayaku People's link with their territory, but that goes far beyond a material link. It is the recognition that it is possible the existence of a deeper, cultural, and even spiritual connection between human beings, the territory, and everything that surrounds them (p.83). In addition, what was crucial in this case was the voice and feelings of the Sarayaku people, who, through their representatives, made themselves heard and were able to transmit their ancestral knowledge. It was a key aspect because, to issue its Judgment, the Court did not base its criteria solely on "traditional" instruments of law, such as the American Convention on Human Rights, international instruments, resolutions of United Nations bodies, or the Constitution itself. The source of law used in this case by the Court was also the voice of the native People of Sarayaku (Ávila Santamaría, 2019).

It is due to the previously mentioned that, although the barrier to the conception of a single ontology in which the inter-American human rights system is immersed, or even the concept or the very essence of human rights, has yet to be transcended, a precedent has been already established. The paradigm of considering a "non-scientific" or even non-Western knowledge is broken, and it is introduced as a source of knowledge within a discipline that is considered, to a certain extent, rigid and based on the "traditional". Thus, there is a gradual change toward recognizing new ontologies within international relations.

#### **4.3.6. Response of the Ecuadorian State concerning the IACHR decision**

According to Dr. Mario Melo, the lawyer who represented the Kichwa people of Sarayaku, the Ecuadorian State has failed to comply with two main points of the sentence. First, the IACHR determined that 1,400 kilos of pentolite, used by the CGC oil company at the time of exploration, be removed from Sarayaku territory. So far, this has not been fully complied with.

The lawyer mentions that the non-removal of explosives in Sarayaku has a big impact. On the one hand, the community considers that the presence of pentolite damages the jungle because, according to their worldview, the jungle is a living being, which is why the native people have proclaimed this territory as Living Forest or *Kawsak Sacha*. The impact on the forest is also reflected in its inhabitants, putting more than 1,200 people living in the communities at risk.

Secondly, the Court ordered the Ecuadorian State to adapt the legal norms to guarantee that the processes of prior consultation are under the threshold of rights provided by international human rights instruments and treaties, as well as the Constitution of Ecuador (Territorio Indígena y Gobernanza, 2012). However, “the regulation of the right to prior consultation through an organic law and under the standards of the Inter-American system has also not been executed by the State” (Herrera, 2022).

The Ecuadorian State has covered the compensation, established by the Court, of one million four hundred thousand dollars to Sarayaku for damages caused by oil activity in their territories (Territorio Indígena y Gobernanza, 2012). However, the Sarayaku people consider that there is no guarantee of non-repetition until these essential points in the sentence are fulfilled. As a result of the partial non-compliance with the judgment, Sarayaku filed in November 2019 an action for non-compliance with the IACHR Judgment in the Constitutional Court of Ecuador to comply with what was demanded in the judgment (El Diario, 2022). In June 2020, the Constitutional Court of Ecuador admitted the lawsuit filed by Sarayaku; during the first hearing, held in the high court in June 2022, the Sarayaku People requested that visits be made to the territory to ascertain the damages and gather evidence of the damages. During the hearing, the representative of the Sarayaku People assured that Ecuador had not changed its position regarding reparation of damages in the last six years, and it was noted that the Ecuadorian State has no plan to comply with the ruling or to guarantee participation and consultation in Sarayaku. In addition, the people consider that today the community is still affected by the non-removal of explosives; by not being able to use much of the territory, the food sovereignty of the people is at risk (Pueblo Sarayaku demands Ecuador to comply with the IACHR Court’s ruling of 2012, 2022). Finally, during the celebration of the 10th anniversary of the publication of the ruling, held in Sarayaku on June 27, 2022, it was highlighted that the ruling has not yet been complied

with. However, the Sarayaku People continue their judicial struggle in the Constitutional Court of Ecuador (Agencia Efe, 2022).

#### **4.3.7. Perspective of the Kichwa People of Sarayaku regarding the problematic**

We will now examine how oil exploitation, carried out in Block 23 by the CGC company, has affected the Kichwa people of Sarayaku. In addition, the conflict is linked to the territorial perspective of the people in order to highlight the political consequences of not taking into account their way of coexisting with the world. It is essential to mention that the aforementioned anthropological report highlights that the causes of this conflict are not only the control of natural resources or the protection of the place's biodiversity (Chávez et al., 2005). Therefore, the role of cultural and ontological differences that circumscribe the problem must be considered.

Firstly, “for the Kichwa of Sarayaku, the consequences of oil activity are severe because they undermine their moral and spiritual capacities and threaten the material basis of their existence” (Chávez et al., 2005, p.96). Furthermore, the presence of oil companies has left diverse consequences, beyond the commonly known environmental damages, for the Sarayaku people. Such is the case of the community's spirituality, which is affected because oil exploitation and exploration are carried out in places essential for the cultural reproduction of the community, such as hunting areas, forests, and sacred places for the community. For example, the activity carried out in the subsoil bothers the spirits that inhabit the *uku pacha*. Consequently, the jungle dries up, and relations between the community's inhabitants are damaged, resulting in confrontations and rivalry (Chávez et al., 2005).

With regard to this last point, the anthropological report highlights that the presence of CGC has caused significant damage to the Sarayaku way of life, exacerbating inter-ethnic conflicts and physically and psychologically fencing Sarayaku, which endangers their ethnocultural integrity (Chávez et al., 2005, p.111). Likewise, Sarayaku inhabitants consider that the oil company, through divisive strategies, encouraged the fragmentation of the community, causing quarrels between families and friends. As a result, free circulation in the region's territories was affected, such as the Bobonaza River, a traditional transit route, as well as the supply of food and cultural products. In addition, Sarayaku inhabitants “have had to confront the military and private guards of the CGC company; leaders receive threats and the Sarayaku

people, in general, endure public smear campaigns; they are victims of divisive strategies that encourage shamanic wars” (Chávez et al., 2005, p.111).

In short, it can be concluded that oil activity goes against the cosmovivencia of the Sarayaku inhabitants. The confrontation between the people and the oil companies does not allow the principles of Andean cosmovivencia to be optimally practiced. Not only is harmony with nature broken, but also harmony in social and intra-family relations (Chávez et al., 2005).

#### **4.3.8. Relationship between the Ecuadorian State and the Sarayaku People**

The relationship between the Sarayaku people and the Ecuadorian state during CGC’s oil exploration was marked by “the position of political, social, economic and cultural subordination that the indigenous peoples of Ecuador occupy, as a result of the subjugation established since colonial times and inherited by the Republic” (Chávez et al., 2005, p.09). This relationship is reflected in the interviews conducted with the community’s inhabitants and presented in the anthropological report. Thus, the inhabitants maintain that the government has favored the company on multiple occasions: the prohibition to transit the Bobonaza River, the protection of oil activities by the Ecuadorian army, and the omission of consultation. In addition, they consider that the dialogue with the government is not transparent and misinforms public opinion; on the one hand, their discourse aims to change the opinion of the Sarayaku people in favor of oil activity; and on the other hand, it presents the opposition as belonging only to a small group of families. As a result, there is a feeling of distance, caution, and distrust towards the government’s actions (Chávez et al., 2005).

Similarly, the community acts with caution in its encounters with the government due to “the distance with which it views the Sarayaku conflict with the oil company, the lack of knowledge about the Sarayaku people and the circumstances of their actions” (Chávez et al., 2005, p.90). As a result of these conditions, and the violation of the collective rights of indigenous peoples, as well as the desire for a fair trial, the Sarayaku people decided to present their case in international instances.

#### **4.4. Analysis of the Ecuadorian foreign policy in the last 10 years (National Development Plan and Foreign Policy Plan 2013, 2017, 2021)**

It is important to analyze how Ecuador's foreign policy has been conducted in the last ten years, especially concerning the rights of nature and the rights of indigenous communities. In this way, we seek to show whether there has been a precedent after the Inter-American Court of Human Rights Judgment on the Case of the Kichwa People of Sarayaku v. Ecuador. The rights of nature and the collective rights of indigenous communities and peoples began to acquire relevance in the 21st century, especially with the 2008 Constitution of Ecuador. It made the country a pioneer in recognizing itself as a "plurinational" State and in recognizing the rights of nature.

However, in the field of foreign policy, these issues are still beginning to gain relevance. Because of this, the following section will analyze how the country's foreign policy has been conducted regarding the rights of nature and the collective rights of indigenous nationalities in the last ten years. It will be analyzed the foreign policy contemplated in the National Plan for '*Buen Vivir*' (2013-2017), the period of government of President Rafael Correa; National Development Plan '*Toda Una Vida*' (2017-2021) from the period of government of President Lenin Moreno; and finally the National Development Plan, called '*Plan de Creación de Oportunidades*' (2021-2025) proposed by President Guillermo Lasso, as well as the Foreign Policy Plans of the Ministry of Foreign Affairs and Human Mobility for the timeframe from 2013 to 2021. It is also important to mention that the analysis begins in 2013 because it seeks to analyze the consequences of the 2012 IACHR Judgment on Ecuador's foreign policy.

##### **4.4.1. National Plan of 'Buen Vivir'**

The National Plan of '*Buen Vivir*' is one of the development plans presented by the government of Rafael Correa in 2008; however, in this section, we will analyze this plan from the period of his second administration, i.e., from 2013 to 2017. The main objective of this National Development Plan is to strengthen and consolidate the objectives pursued in the first period under the principles of '*Buen Vivir*' (Good Living) established in the 2008 Constitution.

Regarding aspects of foreign policy, the National Plan for '*Buen Vivir*' is oriented towards regional integration, not only in trade but also in the political, social, and cultural spheres. For this

reason, the country focused on promoting regional organizations such as the Andean Community of Nations (CAN by its Spanish acronym), the Union of South American Nations (UNASUR by its Spanish acronym), and the Bolivarian Alliance for the Peoples of the Americas (ALBA by its Spanish acronym), out of which the last two have lost relevance at the regional level. In this sense, the purpose of regional integration was based on confronting the inequalities of the international system due to the hegemonic interests of certain actors (such as the United States and the European Union). It was mainly intended to pay attention to the region's needs, such as "the priority of diversifying international relations, neutralizing hegemonic pretensions and affirming the legitimate regulatory capacity of States in their territories" (Plan Nacional del Buen Vivir, 2013, p. 45). Due to this, a fundamental principle that was sought to strengthen in the field of foreign policy and regional integration was the respect for the sovereignty and self-determination of each State. Thus, Ecuador's presence at the international level was strengthened through its membership in regional integration organizations.

Regarding the rights of nature and human rights, it is stated that they are a constituent part of this National Development Plan, as they are not only an approach but also its objective, its essence, and its *raison d'être*. In this sense, human rights and the rights of nature, pillars of the 'Buen Vivir' society, are guaranteed by public policies and by the Constitution itself. It is how human rights and the rights of nature become fundamental. However, although these rights are mentioned in the foreign policy plan, they did not obtain the leading role they were originally supposed to have. This aspect is contained within Objective No. 7 of the National Plan for 'Buen Vivir', which refers to the promotion of the rights of nature.

Objective No. 7 proposes to "Guarantee the rights of nature and promote environmental, territorial and global sustainability" (Plan Nacional del Buen Vivir, 2013, p. 221). This objective is based on the conservation of nature as a responsibility to present and future generations. In this sense, the policies posed, although they seek to "protect" and guarantee the rights of nature, still maintain an anthropocentric and utilitarian vision of it since it is seen as an essential resource for the survival of human beings. What was posed at the time was for Ecuador to adopt a leadership role at the international level in terms of the universalization of the rights of nature and innovative environmental proposals. It, however, is based on a principle of "international co-responsibility"

(Plan Nacional del Buen Vivir, 2013, p. 222). Accordingly, the central policies and strategic guidelines posed for this period were the following:

- “To consolidate the positioning of the Universal Declaration of the Rights of Nature, and the sustainable management of the global commons, in international negotiations and regional integration spaces.”
- “To recognize, respect and promote ancestral knowledge and wisdom, innovations and sustainable traditional practices of communities, peoples, and nationalities, to strengthen the conservation and sustainable use of biodiversity, with their full and effective participation.”
- “To promote access to national and international funds for the financing of natural heritage conservation through integral and ambitious programs.” Such as, for example, the *Yasuní ITT* project.
- “To position the Yasuní ITT Initiative at the national and international level for the protection of the area considered the most mega-biodiverse on the planet.” (Plan Nacional del Buen Vivir, 2013, p. 222).

On the other hand, regarding human rights in the international arena, within Objective No. 12, “Guarantee sovereignty and peace, deepen strategic insertion in the world and Latin American integration” (Plan Nacional del Buen Vivir, 2013, p. 333), the need for a change in the current mechanisms for the promotion and protection of human rights was posed. Since these mechanisms “have functioned as a tool of imposition and control of the States” (Plan Nacional del Buen Vivir, 2013, p. 337). Therefore, this plan proposed the democratization of a decision-making process that does not affect the sovereignty of the States and reaffirms the legitimacy of the countries that adhere to the instruments designed to protect them. However, although there is a reference to democratization, there is no mention of the participation of indigenous peoples and nationalities in creating instruments that are fairer for them and better suited to the realities and ontologies they conceive.



#### 4.4.2. National Plan ‘Toda Una Vida’

The National Development Plan ‘*Toda Una Vida*’ was prepared for the period of government of President Lenin Moreno in the years 2017-2021. This National Development Plan has as its main objective to follow the same lines of action of the National Plan for ‘*Buen Vivir*’ of the previous period, but what it sought, in this case, was to orient the policies previously posed towards the long-term future. It is also important to emphasize that this is the first National Development Plan framed within the 2030 Agenda of the United Nations and the Sustainable Development Goals. Likewise, in terms of foreign policy, the emphasis on Latin American integration is maintained by inserting the country on a global scale. It is also maintained the emphasis on respecting the country’s sovereignty above all.

Objective No. 3: “Guarantee the rights of nature for current and future generations” (Plan Nacional Toda Una Vida, 2017, p. 64), refers to the foreign policy strategies posed for that period concerning the rights of nature. Among the most important, it was established to continue with the leadership strategy at the international level, especially regarding the global environmental agenda. It was proposed to be carried out through green diplomacy, with which it was intended to promote the creation of the International Court of Environmental Justice, and the Universal Declaration of the Rights of Nature, among others (Plan Nacional Toda Una Vida, 2017, p. 65). It is through multilateral diplomacy, but more importantly, bilateral diplomacy with the States with which Ecuador shares a border. Thus, to meet these goals, the following policies were posed:

- “To promote good practices that contribute to the reduction of pollution, conservation, mitigation and adaptation to the effects of climate change, and promote them at a global level.”
- “To promote a regional process of protection and care of the Amazon, the largest hydrographical watershed in the world.”
- “To lead a green diplomacy and a proactive voice for environmental justice, in defense of the rights of nature.” (Plan Nacional Toda Una Vida, 2017, p. 65).

On the other hand, concerning Ecuador’s projections for the year 2030, in terms of rights of nature and environmental protection, it was posed to continue protecting and guaranteeing the rights of nature, the responsible management of natural resources for the collective benefit of

society, the protection of biodiversity, as well as the implementation of an adequate response to climate change that promotes the resilience of communities (Plan Nacional Toda Una Vida, 2017, p. 33). Nonetheless, these efforts are still framed within an anthropocentric and utilitarian vision of nature, even though implementing the principles of *'Buen Vivir'* is mentioned as the foundation of the policies to be implemented. In practice, there is no evidence of the insertion of different ontologies and worldviews on the relationship with nature.

In terms of human rights, within Objective No. 9: “Guarantee sovereignty and peace, and strategically position the country in the region and the world” (Plan Nacional Toda Una Vida, 2017, p. 104), the importance of promoting and strengthening international human rights institutional systems was established, as well as guaranteeing compliance with international instruments, agreements, and conventions (Plan Nacional Toda Una Vida, 2017). In contrast to the previous government’s National Development Plan, this one emphasized the importance of permanent collaboration with the Inter-American Human Rights System.

#### **4.4.3. National Plan ‘Plan de Creación de Oportunidades’**

The National Development Plan, ‘*Plan de Creación de Oportunidades*’ (Plan for the Creation of Opportunities), was prepared for President Guillermo Lasso’s term in office from 2021 to 2025. Like the National Development Plan of the previous government period, this one is projected for the long term to comply with the 2030 Agenda. However, it is important to emphasize that this plan was developed in the context of the COVID-19 pandemic, which is why its objectives are posed to overcome the crisis the country is going through as a consequence of it.

The foreign policy designed for this period focuses on promoting tourism, maintaining sovereignty and peace, and mainly signing trade agreements to create new market opportunities for the country (Plan de Creación de Oportunidades, 2021, p. 94). Based on this, it was established Objective No. 16: “Promote regional integration, strategic insertion in the world and guarantee the rights of people in a situation of human mobility” (Plan de Creación de Oportunidades, 2021, p. 99). Within this objective it is posed a single policy concerning natural rights:

- “To promote the integrated management of transboundary natural resources in coordination with the countries involved, with special emphasis on Amazonian areas and marine-coastal ecosystems.” (Plan de Creación de Oportunidades, 2021, p. 99).

#### **4.4.4. National Plan for Foreign Policy 2006-2020 (PLANEX 2020)**

The 2006 National Foreign Policy Plan was an initiative promoted by the Ministry of Foreign Affairs. It aimed to create a foreign policy plan for the country with the participation of different population sectors. The idea was also to be projected for fifteen years to ensure the continuity of Ecuador’s foreign policy, regardless of the political alignments or positions of the governments in office during that period (MRE, 2006). In other words, through the orientation of this long-term plan, the aim was to make foreign policy transcend into a State policy rather than a government policy and thus consolidate the country’s credibility at the international level.

This plan established ten priority objectives for foreign policy in the specified period. Out of these, four objectives are related to issues of territory, environment, cultural diversity, and human rights:

*“1). To defend the sovereignty, independence, and territorial integrity of the State.*

*4). To promote the strategic insertion of Ecuador in the international community in such a way that external action contributes to consolidating the social rule of law, strengthening democratic institutions and respect for human rights, and promoting sustainable development.*

*5). To support an equitable, just, and democratic world economic order that guarantees peace, development, and the preservation of the environment.*

*6). To develop and implement foreign policy as an instrument for the sustainable development of Ecuador, promoting an equitable distribution of wealth, respecting cultural diversity, preserving the environment, and prioritizing eradicating poverty.*

*8). To promote Ecuadorian cultures in their diverse manifestations.” (MRE, 2006, pp. 25-26).*

- **Transversal axes of PLANEX 2006-2020**

The National Foreign Policy Plan established six transversal axes, i.e., issues considered a priority for the development of foreign policy in that period. The following section will analyze

the axes that posed objectives concerning the subject of analysis corresponding to the present study, including issues related to territory, extractive activities, human rights, and collective rights, among others.

### ***Sovereignty and territorial integrity of the State***

According to the so-called ‘PLANEX 2020’, one of Ecuador’s foreign policy’s fundamental objectives for 2006-2020 would be to preserve the sovereignty of Ecuadorian territory. This objective contemplated aspects such as defending the territorial integrity and natural resources and improving the population’s life and sustainable development. In this regard, the following strategic guidelines were posed:

- “To preserve the sovereign rights of the State over its territory, maritime space, airspace, and its natural resources.”
- “To safeguard territorial integrity.”
- “To strengthen relations with neighboring countries, through bilateral cooperation in areas of common interest, especially the joint development of border regions, including respect for the cultures and improvement of the living conditions of cross-border indigenous peoples.” (MRE, 2006, p. 29).

This objective includes the defense of the territory and its natural resources. However, the State itself allowed, protected, and supported extractive activities in the Amazon to the detriment of the rights of nature. Although these rights were not contemplated in the Constitution at the time (Constitution of 1998), they had already been ratified by the ILO Convention 169 and the American Convention on Human Rights that protect the rights of indigenous peoples and nationalities.

### ***Promotion and protection of human rights***

Respect for human rights guides Ecuador’s foreign policy. According to the 2006 PLANEX, Ecuador gives equal importance to civil and political, economic, social, and cultural rights, as well as collective rights, which include the rights of indigenous and Afro-Ecuadorian peoples, the right to a healthy and protected environment, the right to peace, self-determination, and development. In turn, according to this Foreign Policy Plan, the Ecuadorian State established as a priority to guarantee to its inhabitants, without discrimination, “the free and effective exercise

and enjoyment of the human rights recognized in the Constitution and international instruments (...)” (MRE, 2006, p. 34).

Consequently, the objective of Ecuador’s foreign policy focused on maintaining and strengthening its role as a promoter and defender of human rights in different forums at the international level. To this end, the following specific objectives were posed regarding the promotion of human rights and especially regarding the respect for collective rights:

- *“To promote the harmonization of national legislation with the international instruments on human rights and international humanitarian law signed by Ecuador (...).”*
- *“To comply with international commitments in this area and to submit reports to the competent universal and regional bodies, as a tool to evaluate progress in each field and to propose actions both to national entities and to the bodies created by international human rights instruments (...).”*
- *“To comply in an unrestricted and timely manner with international commitments, both in the inter-American and international framework. Abide by judgments and implement advisory opinions and recommendations of tribunals, commissions, and thematic mechanisms.”*
- *“To promote the internal recognition and universal protection of ethnic and cultural diversity and the human rights linked to it, in compliance with the constitutional provisions related to collective rights and ILO Convention 169.” (MRE, 2006, pp. 34-35).*

### ***International economic relations***

Foreign policy during this period proposed to pay special attention to the country’s international economic relations to achieve sustainable development. To this end, according to PLANEX 2020, new market opportunities were pursued, and greater foreign investment was required for economic sectors of national interest, technology, science, preservation of biodiversity, and the environment, among others (MRE, 2006).

To meet this objective, strategic guidelines were posed, oriented towards seeking new trade partners and investors and protecting and respecting the environment and indigenous peoples. These include the following:

- *“To diversify the destination and composition of Ecuadorian exports, as well as the sources of foreign direct investment, paying preferential attention to the countries of the Pacific Region (especially China, Japan, and India); without neglecting the opportunities that may arise with Arab and African countries, such as South Africa, among others.”*
- *“To promote foreign direct investment in areas lacking domestic capital, under the condition that it contributes to sustainable, productive processes, respectful of the rights of indigenous peoples and local communities. Special incentives will be given to investments with a high technological transfer and an employment generation component.”*
- *“To strengthen the legal system, within its competence, through the promulgation and application of national norms and bilateral agreements of interest to the country, in order to have adequate rules to avoid disputes related to foreign capital investment.”*
- *“Subjection to international environmental norms and standards in developing productive and infrastructure projects, so as not to affect nature seriously and irreversibly.”*
- *“To promote the adoption of international agreements that consolidate the principles of precaution and co-responsibility in environmental matters and care of natural resources, particularly non-renewable resources, to achieve a greater commitment of the countries that generate pollution in the preservation of the environment.” (MRE, 2006, pp. 37-40).*

### ***Culture***

Concerning the different manifestations of culture, PLANEX 2020 established that the country’s multicultural reality should be reflected in a foreign policy that posed to be oriented towards the recognition of multiple identities and respect for the different cultural interactions manifested within the Ecuadorian State (MRE, 2006). It is why, through this plan, the foreign policy was intended to promote cultural values and project the country’s cultural diversity into the international community. At the same time, it intended to promote the development of international law to protect such cultural diversity (MRE, 2006).

The objectives to protect the different indigenous peoples and nationalities and their cultural manifestations were the following:

- *“To promote the pluricultural values and ethnic diversity of Ecuador abroad.”*

- *“To prepare in a timely manner, in coordination with the Ministry of Labor, the periodic reports of Convention 169 and other related agreements. Support in the various international organizations the proposals for the protection of the rights of indigenous peoples.”*
- *“To supervise the compliance with international agreements on the preservation of tangible and intangible cultural heritage. Special attention will be given to compliance with and development of international standards aimed at protecting ancestral knowledge and intellectual property of indigenous and Afro-Ecuadorian peoples.”*
- *“To promote and preserve ancestral knowledge and practices, especially in the field of medicine, to protect the intellectual property of indigenous and Afro-Ecuadorian peoples in the pertinent international forums on the knowledge that enable important scientific developments.” (MRE, 2006, pp. 45-46).*

Although this objective attempted to promote respect for and the diffusion of the country’s cultural expressions, it should be emphasized that in the context of the formulation of this Foreign Policy Plan (2006), while mentioning a diversity of cultures, the State had not yet adopted a plurinational model by which the nationalities were granted various powers related to their identity. In addition, as reflected in the policies formulated under this objective, they were oriented towards disseminating and promoting Ecuadorian culture at the international level through diplomatic missions, especially in countries with the largest number of Ecuadorian migrants. However, the policies do not focus on protecting the culture itself.

### ***International cooperation for development***

Ecuador’s foreign policy proposed international cooperation as a transversal axis mainly due to its importance in addressing specific issues, such as natural disasters, and implementing development plans (MRE, 2006). Nonetheless, concerning the objectives of international cooperation for the benefit of indigenous peoples and nationalities and environmental preservation, only two were established:

- *“Adopt sustainable, productive programs, especially those that favor technology transfer, employment generation, and attention to the needs of historically excluded social groups or those most vulnerable.”*

- “To consider international co-responsibility in environmental and sustainable development issues.” (MRE, 2006, p. 50).

#### **4.4.5. Foreign Policy Agenda 2017-2021**

The Foreign Policy Agenda, 2017-2021, was based on the principles of International Relations established in Article 416 of the 2008 Constitution. Therefore, it demanded the defense of human rights and nature and promoted their full exercise (MREMH, 2018). This foreign policy agenda was framed in direct relation to the National Development Plan “*Toda Una Vida*” 2017-2021, of Lenin Moreno’s term in office, and specifically with Objective 9 of the same, called “Guarantee sovereignty and peace, and strategically position the country in the region and the world” (Plan Nacional *Toda Una Vida*, 2017, p. 104). Similarly, for its elaboration, working tables were held in which different organizations and collectives of indigenous peoples and nationalities, Afro-descendants, and Montubios were included so that, in this way, the foreign policy would reflect the interests of all citizens of the country (MREMH, 2018).

Before starting to analyze the policies established within this agenda, it is important to emphasize, as already mentioned in the section on the National Development Plan, that its main objective was to continue with the foreign policies posed in the National Plan for “*Buen Vivir*” of 2009-2013 and 2013-2017, periods of Rafael Correa’s government. In virtue of this, it was aimed to maintain the same line in terms of a foreign policy oriented towards aspects such as the protection of human rights, respect for sovereignties, respect for the rights of nature, and free human mobility, among others, and which also remain in harmony with national interests (MREMH, 2018). Nevertheless, as established in the National Development Plan “*Toda Una Vida*” 2017-2021, the foreign policy plan during this period focused its results on the long term in order to achieve the Sustainable Development Goals (SDGs).

The 2017-2021 Foreign Policy Agenda established ‘Transversal Axes’ issues related to Human Mobility, Gender Equality, Culture of Peace, Equality Approach, Interculturality, Human Rights, and the Rights of Nature. These axes, in turn, were translated into the seven main objectives to be carried out in the country’s foreign policy in the period of Lenin Moreno’s government from 2017-2021 (MREMH, 2018). Of these seven objectives, we will focus our analysis only on three of them because they are the ones that fall within the scope of this study. First, we will analyze



Objective 1: “To defend sovereignty and peacebuilding”. Subsequently, Objective 2 will be analyzed: “To defend human rights and the rights of nature”. Finally, an analysis will be made of Objective 6: “Coordinate International Cooperation for the fulfillment of the priorities and objectives defined by the national government” (MREMH, 2018, p. 45).

***Objective 1: To defend sovereignty and peacebuilding***

Objective 1 was formulated to defend the sovereignties and self-determination of peoples. According to the Foreign Policy Agenda 2017-2021, reference is made to the term “sovereignties” (in plural), since, in the 2008 Constitution, this term acquires a new perspective. One which not only encompasses international sovereignty but also extends to the protection of key interests of the Ecuadorians, such as food, environmental, economic, cultural, or energetic sovereignty (MREMH, 2018, p. 46). Based on this perspective, Ecuador’s foreign policy adopted the promotion of the defense of the sovereignties of States and their right to self-determination as its main objective. However, this notion of self-determination is no longer only understood at the level of States but as the self-determination of indigenous peoples and nationalities over their territory (MREMH, 2018).

Additionally, within this objective, it was proposed that a foreign policy that generates initiatives is no longer solely focused on peace, mobility, trade, and security issues. However, it expanded its focus to relevant issues such as, for example, the rights of people in human mobility, climate change, and interculturality, among others (MREMH, 2018).

In order to achieve this objective, a policy entitled “Defending sovereignties, self-determination of peoples and foreign policy principles” was stated (MREHM, 2018, p. 47) and consisted of the following specific objectives:

- *“To defend the sovereignties, self-determination, and solidarity of the peoples.”*
- *“To maintain Ecuador’s support for decolonization processes.”*
- *“To claim and exercise Ecuador’s rights to its continental platform, within the framework of International Law, and to promote the use of its resources in favor of the sustainable development of the country.” (MREMH, 2018, p. 47).*

***Objective 2: “To defend human rights and the rights of nature.”***

Objective 2 was formulated to position Ecuador as one of the leading promoters at the international level of international agreements that universally recognize the rights of nature and human rights. One of the essential aspects of Ecuador's foreign policy, both in the long and short term, has been to position itself as a leading country in promoting respect for human rights. To achieve this, within this agenda the promotion of the protection of rights was proposed as a priority for historically relegated and vulnerable groups such as indigenous and Afro-descendant peoples and nationalities; women; people with disabilities; children and adolescents; older adults; and people in a situation of human mobility (MREMH, 2018, p. 48). Additionally, it reaffirmed the country's commitment to implement the necessary policies that comply with the obligations regarding the universal system and the Inter-American human rights system, as well as the submission of reports and implementation of recommendations issued by the UN Human Rights Council of which the country was a member until 2018 (MREMH, 2018).

On the other side, one of the most important objectives of this agenda has been the country's initiative to promote the creation of an instrument for national control of transnational corporations. The purpose of this mechanism is to prevent the violation of human rights. In such a violation perpetrated by transnational corporations, it establishes the necessary procedures to provide reparations to the victims and ensure that the case does not go unpunished (MREMH, 2018). For the country, this initiative represented one of the most important actions taken to fill the legal gap to sanction cases of such violations. In the same way, with the recognition of nature as a subject of rights in the 2008 Constitution of the Republic, "green diplomacy" emerged. With this recognition, Ecuador has positioned itself as one of the leading countries at the international level for the creation of a Universal Declaration of the Rights of Nature, intending to address the crisis generated by climate change and in an attempt to comply with the SDGs (MREMH, 2018). It is why green diplomacy became one of the fundamental pillars of Ecuador's foreign policy during that period.

Furthermore, in recognition of the contribution that the indigenous peoples and nationalities of Ecuador make to the preservation of biodiversity, it was promoted the implementation at the international level of an Indigenous Platform to create a space in the international arena for indigenous peoples and nationalities to exchange their knowledge and experiences concerning various topics (MREMH, 2018). Lastly, the country committed to being

one of the leading promoters of the Amazon Initiative- ‘Sustainable Amazonia to 2030’, intending to protect indigenous peoples and nationalities, stop deforestation in the 8 Amazonian countries, and thus combat the effects of climate change (MREMH, 2018, p. 50).

Therefore, in order to meet the objectives detailed above, the following policies were formulated:

- **Policy 1:** *“To promote the defense of human rights, especially of indigenous and Afro-descendant peoples and nationalities, women, people with disabilities, children and adolescents, youth and older adults, people in a situation of human mobility, in line with the Constitution and international instruments.”* (MREMH, 2018, p. 50).
- **Policy 2:** *“To promote tax justice, transparency, and respect for human rights by transnational corporations at the international level.”* (MREMH, 2018, p. 51).
- **Policy 3:** *“To develop green diplomacy, environmental justice, and the defense of the rights of nature.”* (MREMH, 2018, p. 51).
- **Policy 4:** *“To promote the Amazon Initiative - Sustainable Amazonia to 2030.”* (MREMH, 2018, p. 51).

In order to comply with these policies, the following strategies were established:

- To promote initiatives and proposals for the defense of human rights, especially those of vulnerable groups, in multilateral forums;
- To promote spaces for dialogue in multilateral organizations, mainly including indigenous peoples and nationalities, Afro-descendants, women, and migrants;
- To ensure the preservation of indigenous languages, through participation in the ‘International Year of Indigenous Languages’, within the framework of the UN. (MREMH, 2018, pp. 50-51).

Asimismo, la estrategia más importante, formulada en materia de derechos humanos fue:

- To lead the development of a binding international instrument on human and transnational rights (MREMH, 2018, p. 51).

***Objective 6: Coordinate International Cooperation for the fulfillment of the priorities and objectives defined by the national government***

Objective 6 was intended to increase the programs and projects that could benefit from international cooperation, emphasizing those that would benefit groups that have been discriminated against and excluded. In this sense, it focused on orienting bilateral and multilateral international cooperation to benefit indigenous peoples and nationalities, Afro-descendants, and women (MREMH, 2018). It was also established as a priority to channel the resources from international cooperation toward the achievement of projects and programs aimed at conserving nature and biodiversity in the country to achieve compliance with the SDGs (MREMH, 2018).

To achieve this aspect, two specific policies were created within Objective 6:

- **Policy 4:** *“Channel international cooperation resources for indigenous peoples and nationalities, Afro-Ecuadorians, Montubios, and women.”* (MREMH, 2018, p. 65).
- **Policy 5:** *“Manage resources for the conservation of the country’s nature and biodiversity.”* (MREMH, 2018, p. 65).

#### **4.4.6. Institutional Strategic Plan 2021-2025 of the Ministry of Foreign Affairs and Human Mobility**

The Foreign Policy Plan, 2021-2025, establishes the objectives, policies, and goals that will guide Ecuador's diplomacy during President Guillermo Lasso’s term in office. As analyzed in the National Development Plan *“Plan de Creación de Oportunidades”*, the current government's policies, including foreign policy, are oriented toward the recovery of the country’s economy after the crisis caused by the COVID-19 pandemic. That is why the country’s foreign relations during this period will be mainly directed toward strengthening trade relations, promoting tourism, and attracting new foreign investment (MREMH, 2021). Nevertheless, within the plan, there is also a clear intention to seek to establish plans on issues of international relevance, such as the defense of human rights, the defense of the environment, and the fulfillment of the Sustainable Development Goals of the 2030 Agenda, among others (MREMH, 2021).

The Foreign Policy Plan for the period from 2021 to 2025 is made up of four general objectives for which specific policies have been formulated. However, in this section, we will analyze only the second objective since the policies outlined therein are oriented towards fulfilling goals in human rights and the rights of nature.

## ***Objective 2: “More Ecuador in the World, More World in Ecuador”***

Objective 2, called “More Ecuador in the World, More World in Ecuador”, was established to strengthen the country’s bilateral and multilateral relations, as well as to increase international cooperation while preserving peace, sovereignty, human rights, and the rights of nature (MREMH, 2021, p. 7).

Within this objective, two policies are posed for the protection of human rights and the protection of the environment:

- **Policy 1:** “To defend the sovereignty and foreign policy principles.”
  - *“To exercise the rights over the jurisdictional waters and continue with the actions for the extension of its sovereignty in the continental platform within the framework of International Law, and to promote the use of its resources in favor of the sustainable development of the country.”;*
  - *“To promote, within the multilateral system, the principles of foreign policy, especially human rights and democracy.”;*
  - *“To safeguard national interests.” (MREMH, 2021, p. 8).*
- **Policy 4:** To promote transparency, security, the fight against corruption, gender equality, and respect for human rights and the environment at the multilateral level.
  - “To promote initiatives and proposals for the defense of human rights in multilateral spaces, with special emphasis on vulnerable groups.”;
  - “To coordinate international actions related to sustainable development, environmental protection, and the fight against climate change.” (MREMH, 2021, p. 9).

Within this policy, three relevant points related to defending the rights of indigenous peoples of the Amazon, human rights, and the rights of nature are established as a goal for 2025. In the first place, 100% implementation is proposed for actions that encourage sustainable development and social inclusion within the Amazon Cooperation Treaty Organization’s framework and focus on protecting the rights of indigenous communities, biodiversity, and water resources (MREMH, 2021, p. 10). It is also expected full compliance regarding the presentation of initiatives to defend human rights and the rights of nature.

Nonetheless, when contrasting the different foreign policy plans detailed above, it is necessary to analyze some essential points regarding the rights of nature and the rights of nationalities and indigenous peoples. First, it is interesting to observe the evolution of these rights within foreign policy, between the 'PLANEX 2020' and what is established in the National Plan for '*Buen Vivir*', and the National Development Plan '*Toda Una Vida*'. According to the National Plan for '*Buen Vivir*' (2013), it is partly due to the recognition of Ecuador as a plurinational and rights-based state and the recognition of the rights of nature in the 2008 Constitution. Therefore, although the 'PLANEX 2020' proposed long-term objectives (for the period 2006-2020) to make the country's foreign policy a State policy, with the government of Rafael Correa and the 2008 Constitution, the country's foreign policy took a new direction. In the Foreign Policy Plan 2021-2025, it is also important to note how the country's foreign policy changes its direction once again in the context of the COVID-19 pandemic. Consequently, issues such as human rights and the rights of nature keep being considered central axes. However, economic and commercial aspects have become a priority.

It is also important to point out the contradictions between what is established in the Foreign Policy Plans and what has happened in practice during the last ten years. In the first place, it is important to point out that since 2008, a leap towards the realization of *Sumak Kawsay* or '*Buen Vivir*' has been pursued so that there is harmony between all sectors of the population and nature, thereby guaranteeing rights so that everyone can, in effect, live well. At first glance, this seemed to indicate a paradigm shift and made Ecuador an international leader in defense of the rights of nature and human rights. However, as evidenced in the various National Development Plans and Foreign Policy Plans developed previously, there are several contradictions in this regard since discursive concepts such as "development", "economic growth", and "progress", among others, are still used within them. According to Ramiro Avila (2019), these categories remain unchallenged and reproduce the same patterns that cause the inequalities they claim to want to challenge within this National Development and Foreign Policy Plan (p. 87).

Another important aspect is the conception that is made about nature. Although these plans speak of its protection and have actively worked with objectives at the international level to universalize the notion of nature as a subject of rights, nature is still considered a natural "resource". This notion of "resource" immanently carries the identity of nature as an element

subordinated to human beings, which serves to satisfy their needs and is considered a property to be managed by the State (Ávila Santamaría, 2019). Furthermore, the country's exploitation of nature as a source of income is not left aside. It is not contemplated the creation of policies so that, at the international level, alternatives to the exploitation of nature are explored. Instead, its discourse is focused on minimizing as much as possible the environmental and social impacts that these activities may have. Consequently, the idea of nature as an object of appropriation to generate wealth, invest and thus generate "development" (Ávila Santamaría, 2019) is still present in the country's foreign policy.

## CONCLUSIONS

As a result of contrasting traditional theoretical approaches of territory in International Relations with the territorial conception of Andean Philosophy, we conclude that conventional IR theories are incompatible with the indigenous conception of territory and do not allow notions such as the *ayllu* to be understood in their own terms. The main reasons that lead us to this conclusion about traditional approaches are: first, their ontology of separation; and second, their State-centric approach. On the one hand, the ontology of separation favors the study of units considered independent. Under this perspective, the territory is understood as an inert entity, which can be measured and adjudicated as private property. Thus, these approaches are not adequate to analyze notions based on a relational ontology, such as the *ayllu* and its territories understood as living time-spaces of interrelation with the world and all its beings. On the other hand, the spatial-territorial assumptions of traditional approaches have a State-centric focus since they maintain a firm understanding of the state-territorial focused on state sovereignty. Thus, they are incompatible with the analysis of communities residing in poorly delimited territory with flexible boundaries, such as the *ayllu*.

On the other hand, the taxonomy of power proposed by Barnett and Duvall (2005) allowed us to determine how the types of power in International Relations shape the different ways of understanding territory. In this way, we highlight the role of the more diffuse forms of power. First, institutional power suggests that State territoriality has a predominant position in global politics due to the institutional power exercised indirectly by institutions of international law anchored to a specific cartographic vision (Strandsbjerg, 2010). Moreover, productive power revealed how discourses have managed to create realities considered objective and hence legitimized, as is the case of territory and its relationship with the State. Secondly, productive power shows that the representation of a given territory and the discourse established about it result in a geopolitical identity of that territory in the international system, which can be identified as favorable or as a threat in relation to other actors. Also, the discourses present around the concept of territory, divided into borders, form identities not only for States but also for the people within them; creating an opposition between the predominant social groups 'us', as opposed to 'others' historically discriminated against, such as indigenous people or immigrants.



Finally, when analyzing the judgment issued by the Inter-American Court of Human Rights on the case ‘Kichwa People of Sarayaku v. Ecuador’, used as a case study within this research to demonstrate the political tensions derived from ignoring different territorial notions, we were able to obtain different conclusions and findings. First, one of the most important aspects evidenced was that the Court considered the voices and testimonies of the Kichwa People of Sarayaku to issue its judgment, establishing a precedent at the international level. At the same time, it is an indicator that, little by little, knowledge cataloged as “non-scientific” or non-traditional is beginning to be accepted to issue a judgment within a discipline in which, usually, only scientific knowledge is considered valid. Despite this, unfortunately, the reparations established by the Court did not reflect a proper understanding of the relationship or spiritual link between the Sarayaku People and their territory.

As a second finding in the case study, we were able to demonstrate that the reparation measures established in the Court’s judgment took into account, to a greater extent, the material part of the damages caused. However, they were ineffective in considering the reparation of damages that transcend the material, such as the spiritual damage caused to the Sarayaku People. It is because, in the end, the Inter-American Human Rights System, the American Convention on Human Rights, and ILO Convention 169, among other mechanisms for the protection of human rights and indigenous peoples and nationalities, are immersed in the same Western paradigm. A paradigm based on an ontology of separation, which is not even questioned. Consequently, these mechanisms prove ineffective when applied in cases where there are different ways of perceiving reality through a relational ontology that is not considered. A clear example of this is the mechanism of prior consultation, which has not proven effective, as evidenced in the case study analyzed and the fieldwork conducted. On the contrary, throughout this research work, it was determined that prior consultation is considered a bureaucratic procedure that must be complied with rather than a protection mechanism. Therefore, it has the purpose of convincing the communities to accept a decision that has already been made based on specific interests.

Thus, the facts described above have translated into tensions between the indigenous peoples and nationalities and the governments in recent years. It was evidenced both in the case study and in the fieldwork carried out in Gualaquiza-Ecuador, where we could confirm that the peoples and communities have felt mistrust and abandonment by the different governments in the

last ten years. As a result, they have decided to organize themselves at the national level to demand that their rights be guaranteed, which has generated tensions and conflicts between them and the governments. Likewise, even though in 2012 the IACHR judgment was issued, which was supposed to set a precedent, the Ecuadorian State did not comply with all the reparation measures established, much less did it commit to guarantee the rights that had previously been violated. As evidence of this, we see how at present times, there are still concessions granted by the State to transnational companies in ancestral territories of indigenous peoples and nationalities, and the conflicts in that region are still latent.

On the other hand, the contradictions existing within the different Foreign Policy Agendas became evident. Through their policies, the governments of Rafael Correa and Lenin Moreno sought to promote the country internationally as one of the leading advocates for the protection of the rights of nature and the rights of indigenous peoples and nationalities. Nevertheless, the analysis showed that these rights were not protected within the national territory. Exploration and exploitation of nature within the country continued to be promoted for the sake of “development”. In the current government of Guillermo Lasso, priorities have focused on the country’s economic recovery in the context of the COVID-19 pandemic, leaving in second place what was supposedly promoted by his predecessors. It is evident that the country is not moving towards a true “*Buen Vivir*” or “Good Living”. On the contrary, its concept has been distorted by specific political interests and has attempted to achieve “development” at the expense of the rights it supposedly claimed to promote and protect.

Finally, it seems essential to us to emphasize that if International Relations do not leave the same Western paradigm and open new spaces, it will not be able to face the different challenges that arise daily and require deconstructing the discipline and broadening its bases toward the inclusion of all existing voices, realities, and ontologies, not only that of a few. In this way, the very name of the discipline will make sense to all; if it places first the importance of relationships and the acceptance of differences as necessary for the existence of everything and everyone. However, it is also essential to recognize the progress that is being made, such as the judgments of the Inter-American Court, which already takes into account the voices of the members of the Kichwa people of Sarayaku and their perspectives, as well as the increasing openness and willingness within the discipline to discuss and analyze these issues.

## RECOMMENDATIONS

- Begin to question the traditional concepts of the discipline of International Relations from the academy, encouraging these discussions and questioning within the classroom.
- Avoid pursuing to find an absolute truth, but seek to broaden the ‘catalog’ of ontological lenses so that we do not reproduce the same pattern but become truly inclusive towards the different cosmovivencias.
- The International Relations Academy must use ontologically appropriate tools when approaching communities with non-‘conventional’ ways of conceiving reality. Doing so allows us to understand the ‘other’ empathetically and, at the same time, stops reproducing hierarchical structures that foster exclusion and inequality.
- Promote spaces in which all voices can be heard and can be taken into account to understand their ways of understanding reality.
- Geographical assumptions in International Relations must overcome the State-centric approach to better study global problems that do not respect borders and at the same time, to better understand communities with a different notion of territorial space.
- It is imperative that the Ecuadorian State adapts its legal regulations to guarantee that prior consultation processes are carried out according to the standards of application of the Inter-American Human Rights System.
- For the protection of the rights of nature and indigenous peoples and nationalities, it is essential to listen to their voices, to understand their ways of conceiving the world, their ways of life, and their way of relating to their surroundings. All these aspects must be considered to create the appropriate protection mechanisms based on them, no longer those within the same paradigm that disguises the same discriminatory and imposing patterns.
- Concerning the previous point, it must be recognized that the spiritual damage in indigenous territories, caused by the exploitation of natural resources, can hardly be repaired under the economic logic of the Western world. If this logic continues, the resolutions issued by the bodies in charge of defending the rights of indigenous peoples will continue to fail to embrace the true essence of the original peoples and instead will continue to be framed by colonial practices.
- Finally, to obtain genuine participation in the Prior Consultation process, indigenous peoples must be able to question or deny aspects of the development model that are not in

line with their way of understanding the world. It is essential to make this change because the current figure of prior consultation leads us to agree with Martínez et al. (2021) in asking ourselves, can the mechanism of prior consultation based mainly on liberal principles allow us to achieve an effective decolonization process?

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## APPENDICES

### Appendix 1: Interviews

#### Interview 1

**Date:** August 17, 2022

**Interviewers:** Fernando Delgado (F) y María Gracia Cobo (MG)

**Interviewee:** (E1)

**E1:** First, the territory is not ours; the territory belongs to the 'Supreme Being', the 'Great Creator' or the 'Great Spirit' that our ancestors called, *Yusam* for us, God for the Christians, for the Spanish speakers. *Yusam* is the Supreme Being, the one who created everything, and he is the owner of it all... We understand that the Shuar People received this gift of this work built by the 'Great Supreme', maker or creator called *Yus*, or God, in Spanish, which he entrusts us, he gives us to take care of it in the best way; to enjoy it with the best care. You cannot use or abuse Mother Earth and the land on it, the trees. We always, uh, when you are going to work or plant the amount that you are going to divide or use, then you have to ask permission from Mother Earth and to the 'Great Creator', who is the only owner, God... under prayers and music that we make. With that, they worked the amount they were going to plant. For example, if they wanted to plant yucca, a plot of yucca, or a hectare of yucca, they would cut it down by means of... every day, there were chants and music because it is life that they are destroying. The trees, all the insects that live there in the habitat, in that space, are the owners of the place that the creator sets. They had to ask permission; they had to ask permission to the plants for them to sacrifice themselves and, at the same time to give us food to live. Then, under that permission, they worked the amount they wanted. If they wanted to plant grass to raise cows or pigs or birds, whatever, to build, then that is what they did. With the only understanding that the land, the territory that the Supreme Being gave us, is non-negotiable, it is not... it cannot be sold because life cannot be sold. Our life is sacred and cannot be sold. And Mother Earth is her life, which cannot be sold. Who can sell a mother? No one.

**F:** Right...

**E1:** So that was the understanding. That is why we begged, prayed, made music, and prayed, asking for permission and thanking him and that he blesses us at the same time. We prayed and thanked that all the plants planted there give the results, good harvests, and abundant food so that there is no lack in the time, in the year that one lives. That is what the whole situation was for. That is why the Shuar never sold the lands, never... it is forbidden to sell. It is the same as your life; you cannot sell, so we understand it is life. Unfortunately, others came with other interests, and other people came who supposedly were the owners. They made up their inventions of legality and negotiation and trade... that is why we are so bad, right? So that is what... Until now, we have kept that. For example, before nobody was an owner, nobody said, here it is mine, and there it is yours, nothing. I could get tired one day here and go live somewhere else, so... continued working... there was a freedom to be able to do so. With time, colonization brings its... norms, and they impose that, so that is where the problems come from. So, the border is mine here and... so even if the land is very tired, we have to give it there... that is why it contaminated many things, because in order for it to produce... we have to add other ingredients, other chemical products to make it produce by force. Now it is like that, that is the whole situation...

**F:** Right...

**E1:** That is... Well, thank God... since the beginning of the colony... Well, for us here, there was colonization: directed, semi-directed, and forced colonization. That is, they went, invaded the lands, the ones they wanted, and showed up with a document saying they had already bought the land. So many things could not be understood, and there were great massacres. For example, the extermination of the miners because they abused, took, and threw away. That is, they did with the gold what nobody could do. Supposedly, history tells us that they used to play carnival with gold... that gold is not for those things. If someone managed to have it, then use it well and do not keep saying that they have more gold to throw away, then all that situation when today there are people who die of hunger and other people are throwing away... What is happening today? Some people throw away food when many people do not have any. So all that, sometimes I say, they are supposed to be Christians. Those who say they are Christians do that. They eat... they eat like rich people... and some people do not have anything to eat, and they throw away what they do not eat.

So, that is what I sometimes tell them, where is... I mean, that... that love for the neighbor? Or supposedly Christianity... this... supposedly they say they follow the life of Christ, no, they do not do this... That is why understanding our philosophy is that the land is not marketable, the land is not for sale, and the land is life. Just as one's life is priceless, the land is priceless. That is why I have always said to the brothers and sisters who visit, especially Europeans, even if they have all the Euros in the world, you cannot pay me what life costs, what the land costs, what the medicine costs... that is what happens.

**F:** And in relation to this last part that you just mentioned... to expand a little more, how would you define your relationship... of you and the community with the territory?

**E1:** Well... I was lucky at the time of the military dictatorship... to... my intention was... as everyone said this is mine and up to here it has to be mine, then I said 'well, I must speak for my people'. So we said, 'well, here in *Kupiamáis*, I am going to denounce everything that is our territory, leaving what is already invaded, what is not invaded. For example, here I have managed to denounce one thousand one hundred and fifty hectares where we are more than two hundred and eighty inhabitants; we are one hundred and fifty families. So in that area, we have a global title that nobody can sell. You cannot say, 'this is mine, and I will sell it', but within those one thousand one hundred and eighty hectares, all the children have to cultivate and can consume what they cultivate. I do not know how the land is, but you eat the production, what you plant, what you make, and that production serves you. If you can acquire more money from that production, you can acquire more land outside the place where you live and... and you can continue buying, acquiring more land. But, within the global titles, nobody can sell, and nobody can say, 'this is mine, and because it is mine, I will sell it'. You cannot do that. So I always tell them that there is a global title within the Shuar centers that we are all... all... The only owner of those lands is called 'Centro Shuar Kupiamáis', and all the members of that Shuar Kupiamáis Center can enjoy it. We live there, and we cannot... The law says it is unbreakable, interceptable, incorruptible, and unalienable and cannot be sold. That is, it is branded 'do not sell'... (He laughs). That is the territory in the Shuar centers... I managed to legalize that. I have legalized here about sixty thousand hectares... sixty thousand hectares for thirty-two Shuar centers. One is from *Kupiamáis*, the other one... the others are from *San Luis*... *Yantsás*, there is *Tink*, *Guapis*, *Tsuim*,... *San Carlos*... (among others that he mentions). In total, we are twenty... thirty-two Shuar Centers. That... and all those

next to us, the Spanish-speaking brothers, have some of them their individual titles, which is why they sell easily.

**MG:** Right...

**E1:** They are tired, or someone is already offering them something good, they sell and leave, and like... and buy somewhere else like that, so that is it. Now we are talking about territory, that is, territoriality... I posed to you... before the strike... I had the opportunity to create... to preside over CONAIE, the creation of CONAIE. On April 14, 1986, we created CONAIE. In the speech I made in front of the President of the Republic, Leon Febres Cordero, I said that the original territories of the Shuar peoples of Ecuador have to be respected, and all the eighteen original nationalities that we are in Ecuador have our territories. Then I said to Mr. León Febres Cordero, 'you have to implement and promote a law that respects the territories of all the native peoples that make up Ecuador; we are eighteen nationalities. Therefore each one should have their own territory'. What happens when they created the laws of directed colonization, semi-directed colonization... many things... They create the (points out the name of mining companies)... they began to colonize and create to foment unrest. Then some invaded other people's land because they said that this was wasteland because it had no title deeds. Then I would say to them, 'let us see, who is the man who has to give the title deed? The Lord God did not need to give title deeds to the people; he told us, 'live there, grow and reproduce, alienate this land, and live'. And... he did not say 'go and fight for the land', no boundaries, no limits, nothing. So that is the work of human beings... So I made the government responsible for respecting those lands because if they do not do that, they promote the Agrarian Reform and then begin to create problems; the invasion or fight from town to town, so that is what is not... So considering all this, we created CONAIE to say, 'well, we are the Puruhaes, we are the Saraguros, we are the Amazonian Kichwas, we are the Shuar, Záparas, Waoranis, Siona Secoya'... all of us have our territory. There were no peoples without territory. The whites called the native peoples and the Spanish speakers mestizos... you say that you are mestizos... For me, the term mestizo is a derogatory term; I mean... because there is no such thing as mestizo. If you are mestizo with the Spanish or whoever, with the brothers, or with the people... with the Puruhae people, with the Cañaris, with the other Panzaleo peoples, the ones that existed, right? On the coast, in the highlands, and the forest. So they all had their territory. But there was the abuse of colonization. The Spaniards came, and with indios and everything, they took the titles... or what

would they do, right? Because nobody has shown... to say 'this is my title'. I would say to 'Bombita' Lara, to Rodrigo, I would say, 'let us see, where is your title? Who gave you your title? '. This is... for example, he had in Zumbahua, his twelve thousand hectares, him. I say 'twelve thousand hectares, who gave you that? It is the Puruhaes brothers' territory, and the Puruhaes brothers are legitimate owners, so you have to ask them. Not the other way around'. With indios and all, the owner of everything, he had them as huasipungueros. So all those things have not worked... so now we are more or less talking, now and at this point, talking about the fact that we have to make a true Agrarian Reform, where everyone benefits from it. If there is a millionaire... they have two hundred, three hundred thousand hectares... of course, there are people who are starving because they do not have a single meter where they can build their house. I mean, we have to attack them... well, not attack them, but tell them, 'let us see, out of justice you have to hand over, give back the lands you invaded', and there to see our children, at least give them their land and their house. Because we are not going to live all our lives as tenants, being legitimate owners of the national territory... to live as tenants, as if we had come from Spain, from other places... that is... it is not logical. So we are posing that for some time we have to get to that... and that is not impossible; everything is possible, and the governments have to understand that. If they do not understand in a good way... we have to make them understand in a bad way... That is what I was telling Lasso nowadays; I told him that very clearly. When we had the meeting, I told him, 'Mr. Lasso, you know very well who your parents are, your ancestors, where you come from... and if you were born from an Ecuadorian, you have all the reasons for Ecuadorian blood... Where you came from, how you came from, where your grandparents come from... therefore you have to look for your residence in your territory... and the illicit enrichment you have made, you have to return because they belong to the Ecuadorians'. So when they are told they do not want to accept, they do not like it. They will have to accept because it is Ecuadorian territory. They are in Ecuador benefiting, profiting... They want to get paid... they say, 'well if I leave... I am from Europe. I come from Europe' because the language they speak is different, the dialect they have is different... so 'I am leaving there, you have to pay... no sir, you have to pay for having profited, taken advantage of the country's territories; you have to pay... And you pay, and we pay you too'. So those things we have to achieve, that is why we need to achieve... to have a wise government that governs the country for all Ecuadorians. I told them, this time, I say 'if with Yaku we did not achieve it, this time we have to achieve it; we have to reach...'. I say... I have told comrade Iza: 'either you get there or we have

to get there with anyone'. It is the only way we can carry out a true Agrarian Reform, a true revolution because our ancestors were revolutionaries. For example, the Ecuadorian Amazon... in the Ecuadorian Amazon, they used to say myth, it was a myth... but, in that myth, there were peoples. So all these things must be understood, the territory as life, part of human life, and that no one uses it, or... it is this thought... to understand that the territory is life, that the territory is for everyone. And if we made a good distribution of the territory, the eighteen million Ecuadorians would not suffer, and the country would not have a single penny of debt. If honest people had governed, we would not be in debt. Instead, those who arrive steal from us and take everything and make us get into debt, and they lend to us, and we live in debt... they make us believe something that we have not received, that we are in debt. I have always asked the young people and the university students to give us a hand there... 'children, prepare yourselves well because we have to change this cake... we have to change it. If we have done what we have, it is up to you, children, to make that change and think better about honesty...'. When we are all honest, there is money in any amount. If they did not steal, there would be money for... everybody, and we would not have any homeless on the street. So that is our thinking... that is our thinking, and that is our philosophy of saying that nobody should be anybody's slave. Our grandparents used to say: 'a Supreme Being came... sent by the Greatest Supreme Being, the Father, to prove that nobody has to be anybody's pawn; that nobody can be submissive to anybody, we are all equal, and we have the same... the same rights and we have the same freedom'. Therefore, we have to use that freedom... That is why I always tell them: 'let us see, son. You are becoming a professional agronomist... What do you have to do? Do not go around with your little folder crying authority for authority to give you a little job'. And our authorities, who lack ideological resources, or brains, or wisdom... there is no job for you... they see the faces to give them workspace... In other words, it is all these things that we have to change, and it is up to us, older people and children, we all have to make a little effort to achieve this. Let me see, my colleagues, when we graduated, five people had a job after graduating... the following year... five people; out of the seven hundred and eighty graduates, where did the doctors go? To look for a little job, but then they had nothing to stay for...

**F:** You did study?

**E1:** Yes, I did study...



**F:** What did you study?

**E1:** So all these things I have seen, not good, not... For example, you become a civil engineer... You are not going to go around asking for help, for someone to help you or give you, no... You present your application very well... If you have the contract in Cuenca, here you have to build this and... the authorities must look, you have to build a house... architects, those who... for that, for that... that is why our... people study. But they have to look for sponsors. They have to look for lawyers to be able to have one. In other words, they are things that humans now have to pay for that... In addition to what you owe for your studies, you have to go into debt to have a job, a little job, or a little contract to continue living, make a living, or make a living. So we do not allow, we do not give that freedom, and we do not allow facilities, we do not give facilities to young people. Let us see, many doctors... In this pandemic, many doctors should come to work, but they do not give them a penny to eat. A doctor is not going to fast... to fast in order to work, they have to eat well, and they have to be salaried at least because they have a family... but that is not the way to do it because there is no money... Why is there no money? Because they are thieves... they are there, stealing money from everybody, satanizing to steal money. So... I... I said... last Saturday... yesterday... eight days ago, I told them: 'let us see, if there are no thieves, there is money... all sorts of money, but as there are thieves, there is no money. And... in addition to their salary, they continue to receive many things'. In other words, nobody is satisfied with the money they earn... so all these little things are simple and easy, but we cannot do it. So for that... I was telling them the day before yesterday in the meeting. I said: 'Why don't you dream?' Tomorrow... Why can't you from Cuenca be President of the Republic?... Because you are from an indigenous nationality or a native people, you cannot... you cannot be mayor, or you cannot be governor? So all these little things... they are... they are things that are not right, so we have to end them; we have to put an end to certain things. For example, I say that for me, racism does not exist. Racism is gone... but many people do not like us because we are indigenous... The Army itself, I used to tell them when I was in the Army: 'why don't they allow me to take a course? I did well in boxing. I did it well, much better than any commander... And the commander, once I had to knock him out, and now I cannot... I cannot become a major colonel. Why? What was the reason? Because of my last name... I mean, those are laws that are not right. All these things have to be done, so once things are done well, there is no more racism, no more xenophobia... and we all walk and live together. For example, I said, let us see, I was born here... we lived for five years without even a meter of

land, and I know how it is hard when you do not have land to build your little house. But how much sacrifice it cost me to sacrifice myself, to work during the month, sometimes sacrificing my partner and my children; sometimes we ate once or twice a day to be able to save and acquire a little piece of land. Now I tell my children: 'we are the ones who have the most land. We already have one hundred and fifty hectares without even thinking about it. So... I have land for my children, my grandchildren, my great-grandchildren, my great-great-grandchildren, my great-great-great-grandchildren to drop dead, but there they are... but besides that, we also have to think about the others who also need... well, why... not to think about that, right? So these are things to think about... that is how we see it... I mean, we do not talk about land. We talk about territory, understandable; everything is territory. They say... the law tells us that... the soil belongs to the one who has the title, and the subsoil belongs to the State, but I ask you... I was asking: 'Who is Mr. State? Bring me that, Mr. State, so that I can say 'ah, let us see, you are the owner'... why... with what capacity or how he is the owner of the subsoil, or I am the owner because I am on top of the soil? What is this Mr. State going to do to me? Is he going to dig inside? And where is he going to leave me? Send me inside or something else? So these are norms often made by certain political interests that are not well thought out or meditated... That is what I was saying. Let us see, if there is gold here, to whom should the State give the concession? To the Shuar Kupiamáis Center, right? Because if they grant a concession to a... to a Chinese... then we are going to have problems with the Chinese and with the government itself; the government, in order to defend the Chinese because it has already received the money, comes with the Army, with the Police... there we have had many fights...

**MG:** And has that already happened?

**E1:** That is what we are going through...

**MG:** Right...

**E1:** Recently... why the deaths in the North? Because of this situation...

**MG:** And here... and here in this region?

**E1:** There have been many things. Thank God we, in time... the... the... the leaders, the leaders, we organized ourselves, and we made people understand. Then, in the... in the conflict... in the

confrontations of '81 and the war of '95, we acted directly. Why? Because we defend the territory and have not charged a single cent to the State for defending the territory. The State never paid us. Nevertheless, they paid the military, and the paid military did not even put an ounce of sacrifice into defending the territory. What the government of that time did leave... with a stroke of a pen, they sold the land and went away to live in mansions... in other countries in their mansions with the money of the Ecuadorians...

**MG:** And also regarding natural resource exploitations... mining, I know there is a lot here...

**E1:** From here, I tell you, forty-five minutes away... not so much, thirty minutes away is the (indicates the name of a company), the Chinese company. They are taking... I mean, in the concession, it says they are taking gold, silver, copper, and the rest. My grandparents trained me; they said that gold is associated with seventeen metals... Who do they give those metals to if they take the gold and the sixteen metals? And, at what price do they take them? The uranium here is enviable... uranium is a metal that... that... I say it is priceless, but who do they give that to? Here they are taking it for free. They do not even steal... they steal...

**F:** And these extractive activities have caused problems...

**E1:** Problems!

**F:** ... among community members, or the leaders...

**E1:** For example, twelve years ago, they murdered my nephew (gives the name of a person). I published it. I denounced it at a national and international level, and to this day, I continue to talk about it. The State has to answer for those lives because the military murdered him in defense of the mining company. So, what does the State do? The Ecuadorian State has it... it manages its Army. It has its public force. The Army should provide security of territorial integrity between Ecuador and other countries but not kill their people when they claim their rights. The public force has to keep discipline and training there... and they will defend the government when it does foolish things. So for all of that, we have to reform our law. I have said we have to reform the laws of the Ecuadorian State. All the laws have to... be very clear. The Army must defend territorial integrity... now we have no enemy... Ecuador has no enemy; everything is already arranged in our territory. They left that square kilometer of Tiwintza, a pretext to create their later... their things for... for

certain businesses. Then that has to be determined... then the Army has its monthly salary with that, it has to... what does the Army do? Nothing. They are just stealing money from the State. In other words, the Army has to invest. They have to work... they have to work because otherwise, they are living there... They just go jogging, and every month, they get paid... whatever they get, and some people do not have a single cent to be able to eat. So all these things should be regulated by the State. And I say... that is why I always say to... I always say to them, at a national level I say to them: 'young people, you have to prepare yourselves with a... with a principle, with a revolutionary ideology, of change'. Let us see; if I eat three times, even the last Ecuadorian has to eat three times, even if he is small, even if he is old; not because he is old, he has to live without eating anything all day... he is eating once a day, or they forget about the old. So all these injustices must be clarified... and if I have a salary of... twelve thousand dollars, why should the other one get four thousand eight hundred? What is the problem, what is the...? In other words, there is no logic, so we must regulate everything. Well, I am an old doctor earning seven thousand dollars a month, but someone who is just graduating, updated everything, is earning four hundred and fifty, four hundred and eighty or five hundred, or six... seven hundred dollars already, exaggerating. What is the difference? So, if he is prepared, he has to earn the same salary as I do... or else I have to sacrifice myself so that the salary is equal for everybody else. And if this is not the case... Apart from that, the State has increased the number of hospitals... There is nothing... we are here all the time complaining about it. I tell them... I have told the hospital director: 'let us see, do not go on complaining, comrade, if you keep complaining that the State does not give us, that the State... there is no money to buy medicines... that is a lifelong habit. But do projects, make yourself... make people work. Negotiable projects... we can bring medicines from other places... if the government does not bring, why don't we bring from... medicines... put ourselves under an agreement with Germany, Japan, China or Italy? We bring medicines'. I say, as a leader of the organization, nobody came to the Shuar people to cure, because when I had the profession... then we had to write projects, negotiate to bring medicines from Germany, to bring medicines from the United States and Italy, then we had healed our people. That which the government does not do, we have been doing ourselves. So, teaching the government how to do; it is not that the government cannot... it can. It has all the technical staff, if they do not make them work, then it does not function, so that must... I always tell young students: 'children; you must already go with that thought'. I say, political administration or public administration... when one has vision or vocation,

it can be done, and everything is goodwill and sacrifice. But if someone wants to come to power with the interest of... instead of serving, to serve himself, that... that does not work anymore. So all the governments in 78 years of republican life, all the governments have plundered the country...

**F:** And what has been your experience over the last ten years with the governments?

**MG:** I mean, for example with the government... like... I mean, how has the evolution or the difference been between the governments, for example of Rafael Correa, of Lenin Moreno that passed, and now, for example, with Guillermo Lasso?

**E1:** I say, Rafael... excellent guy as a professional in his specialty, a thousand respects. I do not talk about that... in that, as an economist, but as an administrator... absolutely zero. Despite... I told... we... we said to him: 'You have to understand us and do what we are going to tell you... and we tell you as an economist, and as an economist, you can change the State', because he who knows about economics changes the State. So he is an economist in a thousand respects. He knows. He is very wise. But, he got into the trickery, the ego of wanting to serve himself, wanting to impose, and worse, the misfortune of getting into drugs. That is... to the drug mafia. I... I... I was telling him when he built that road that does not... that does not have... that does not have any continuity, a bridge and the road there. I mean, the narcovalija 'Why do you shut up? Why do you shut up?' I said, 'Why don't you investigate? Or are you doing it yourself?' So these are things that... and there has been much money involved. Sometimes I have said, why so much fight in this mafia thing? Why so much fight with drugs? We say the drug... because for me, I say, I have investigated what it is in the Bible, I do not find... I do not find anything that says this plant is a drug... My grandparents did not tell me, 'this plant is a drug. It is forbidden'. Everything that is made by the 'creator' is all good; everything is good. Now, lately, let us make the man govern... then we are made for that, and instead of governing well, we are fighting among ourselves. I was saying, let us see, so much jealousy that... let us see, let us make a law that regulates that everybody produces and has money. Let us see, so many drugs have been confiscated. Where are they going? Where do they have it? What are they doing? Show that... or they have accumulated that, and the governments have been profiting from it. So I said to Correa: 'If you do not have a bad consciousness, there is no mistake here, and this does not attract your attention, why don't you

come and give yourself up in Ecuador? And say 'here I am'. What Gutiérrez did, saying 'here I am'... But why do you leave and go away? From there, you are shouting, and you are finishing... commanding, trying to... lie things to the people. Why don't you come and face things? Let us see, 'here I am, and I am going to jail if I have to'. So when there... there is already a crime and the same conscience... Christians say it is a sin, right? I say the mistake you made is already here and here, then you are afraid to face... So that is it... I mean, for me, people of that nature, bad government. In other words, there is no government, even if they say it did good things... He built highways, but tell me, where is the highway he built? Tell me, 'here is the highway that Correa built, and it is brand new'; tell me, 'here is the hospital, the university, the school that Correa built, and it is fine'. I go to the coast, and I feel sorry to see... those constructions that Correa built look like constructions from five thousand years ago.

**F:** And with Lenin Moreno, how was it?

**E1:** Lenin... even worse! Lenin Moreno did not even move a stone... worse. Now this one is worse... this one is worse. I say, between Lenin and Lasso, they are the worst governments Ecuador has ever elected. I tell you... I... I was saying; here I was saying: 'Do not vote for Lasso. Do not vote for Lenin'. Why? They are thieves, but they are... they are millionaires, they are bankers... I told them: 'During the national feriado bancario, don't you remember what Lasso did?' 'No', they say, 'but he has a lot of money; he would not steal so much out of compassion'. I say, he who is a thief is a thief all his life, and he who has, and wants to have more, will never sacrifice a penny. But if I... put my money, the chicha, the yucca, the banana from the mouths of my children, of my grandchildren, and give it to the State. But this thief never gives. They steal more, so do not vote for them. But what are we going to do? Let us nullify our vote, leave it blank, and see how many null votes there are in the country so we can show that we disagree with this disastrous government... That is a government of corrupt people, full of corruption, with people who do not have the capacity to administer. Of course, he will manage his own money because it is his, but he will only steal what belongs to others and continue to put it in... Or someone else manages his own. These things have to be analyzed, so we have talked about, we say, and people do not understand... 'As he is a millionaire, he must have compassion; he must forgive our taxes, and he must not... he must not raise our taxes, he must not... there must not be things...' I say, he who has, does not give up his greed. I mean, this is how we are. I mean, the last two governments, of Lenin

and Lasso, have been the worst we have had in the Ecuadorian State. How many deaths because of them and... nowadays, I mean because of all this situation. Correa wanted to become a dictator for everything he did... I say, even though he was our son... I mean our student, he has turned out to be the worst student we have had as Pachakutik, that is what I say... So recently, I was talking, and I was sending him... well, sending him an email saying, 'what are you doing... whom are we going to believe? I... I cannot believe you... because if you come here to Ecuador, you arrive in our territory, in your territory, you stand and say that you would be convincing me. At least I would say: 'Yes, there is some wisdom that wants to contribute... wants... That is, he is already regretting it. He can change... but... that is not the way to do things'. So these are things that we analyze very clearly. That is why I say, in the seventy-eight years of the republican life of the country, we have not had a single president who has done well for the country. I say I had to go to prison for the construction of the Amazonian trunk; we had to stop... we said: 'Let us go... until when the Amazon is going to live like this? As it is, a myth for all its life'. We demanded an Amazon trunk road that the state should pave for us and give us a good road. But who is going to lead everybody? Let us see, Mr. Governor, Mr. Political Chief, lead... 'No, I am afraid, I do not know what... Let us see, you... now...' I said it is very important, I lead... and thanks to the sisters, the brave women of Macas, and people who supported us from Azuay; women and men, the women so determined. In a while, he arrived... and 'paj paj' we closed and stopped the..., the Minister of Public Works should arrive because this is what we want to do. How many years fighting, living and asking, and never... and this is the only way we have managed to get some... some support, some backing, some support. And until now, there is the Amazon trunk road... when you come from Sigsig-Gualaquiza. I am already old; I am seventy-eight years old. I was born listening to the building of a road to connect Sigsig-Gualaquiza from Velasco Ibarra. He was going to build the road, a lot of things, and there it is... what a road we have. So these are things we have to... and there is money for that... from here they are taking all the natural resources, mining and nobody, nobody... Here in Gualaquiza, they do not put a single cent into improving the road, education, or... to improve the hospitals and build a good hospital. Nobody does...

**F:** And in these extractive activities, has the State consulted you, and has it been a free and informed consultation?

**E1:** No, never... never... never... never. That is why we have fought so hard. They never complied with what the Constitution says; they never consulted for that, and the territories are ours. To avoid a lot of bloodshed, we have stopped them and continue to stop them because if we do not stop them, there could be a massacre here at any moment. And above all, the Army has been very understanding with us, and the Army has supported us; the Army has not noticed. In the last cases... I mean this death of a nephew of mine and another cousin of mine... and there were more deaths, but nobody took into account; the government did not take into account, Correa did not take into account. Everything is what I told him... the death of the two Shuar who are combatants... I say it is Correa's fault; Correa has to answer for that. So I have told him: 'But if you have a clear consciousness, why don't you come,' and he does not respond. There are the relatives; there are the orphans; there are the parents... to talk... to talk to them... In my time as a leader, I have had to deal with things; I have not escaped; I have faced things by saying: 'Let us see, this, this is happening; Mr. President of the Republic is responsible for this. We are now saying with... Lasso... so many deaths, so many sick people. And a policeman dies, or a military man dies, they are also accusing us and the end... then it is one... and here we have so many, seven dead... and with one... and seventy wounded, two hundred and eighty wounded, let us see what happens. So that is... that is... we make them see... so if there is justice, there has to be justice on both sides, and the authorities have to do that. And... all the authorities called to do justice do not... they do not do justice. That is why I say, what... what will happen... To the Prosecutor I... I told her once: 'I do not want to keep talking, but why are you biased? Did you buy the degree, or did you study? If you study, fulfill what you studied, because there is justice, there is that... justice... it is not your fault, or are you afraid of Lasso, or are you afraid of Correa, or are you afraid of Lenin?' To say: 'this is happening and... he who has to leave, if... he has to leave, go away... twelve, thirteen... or all his life he has to pay his penalty, he has to pay'. And if not... because in our laws, the one who ordered to kill was killed, he was cruelly caught... if they did not want him to die, do not kill him, he apologized. Then, according to how... conduct, he was punished with the indigenous law, which was strong. Put... make a hole in him with a hot piece of the model, whatever, put chili bell pepper in his eyes... in his anus... make him swallow the tobacco juice, put him in the smoke, and when he is punished, he regrets... even... in other words, this is even medicinal. They have even changed their behavior and turned out to be good teachers. They have turned out to be good elders, to teach things well with their experience. So we should do all those little things...



**F:** I think that in an indirect way we have already covered most of the questions we had... just one last question I have left... Who do you consider members of your territorial community?

**E1:** Well, I consider all the... all those who are Shuar are members of the community. For example, the territory of Kupiamáis, here... two hundred and eighty inhabitants, they are direct members of the organization of Centro Shuar Kupiamáis, and we have members... indirect members we say, or *ad honorem* members we call them, the neighbors. For example, here is the neighbor Pedro... there is the other neighbor... the other neighbor... the other neighbor... the neighbors around here are also indirect members of... They are *ad honorem* members because they and we mutually take care of each other. For example, if a company is trying to enter, they say: 'Already in my territory... on my land, there are those from the mining company'. We go out... to see... we explain to them: 'You see, you are indirect members, or you are honorary members... that... help us to be well'. Both for them and us, because since they only have individual titles, then the State does not guarantee them as much or the laws... the national laws or the foreign laws do not give them as much guarantee but they... they... join with us. The whole Dolorosa sector, for example, here in a concession that was already going to work in Nangitza, we had that concession there, there are all the Spanish-speaking brothers, cattle ranchers, farmers. Then the gringo comes there, they already let us know, then we go there, and we tell them to leave: 'leave, and that is it'... So even they are indirect members of our community, aren't they? They help us so that our territory is intact, and their individual and family territory is also intact; we show solidarity in these cases; we help each other.

**F:** And among the families of the community... How are the territories managed, that is, do you have rigid boundaries between communities or between families?

**E1:** Let us see, we have... that is, the polygon is closed like this... all the Shuar territory with the... from there those who have boundaries... their limit according to their... to their plan, to their map of their land, we respect each other. That is managed there, and we take care of everything that is the... the polygon, right? In the whole global territory, monthly, we watch everything, going through all that so that nobody enters or does things. So they help us... in other words, practically when I go through the... the whole globe, the whole territory, then I also help the neighbor who is also well... In other words, nobody enters, right? And we are the owners of all that, and each family

has its own piece of land where they can say: 'This is where I should cultivate'. For example, I have here; I have ten children... ten children, plus thirty-eight grandchildren, plus eighteen great-grandchildren, so I... I have fifty hectares; in those fifty hectares, my children, my grandchildren are there producing, there they are planting, harvesting... they eat and we show solidarity, we help those who do not have, we give them or sometimes my grandchildren... I do not have any, and they give me too. That is to say. In this way, we have spaces to cultivate. For example, we cultivate within fifty hectares. We cannot cultivate everything. We cannot send everything from above. We cannot send everything because all the roots of the trees would rot, and there could be erosion, lowering all that hillside here, and there is a risk that it could harm us. So we work in places where we can grow yucca, bananas, cocoa, coffee, soursop... all those things. We have for consumption and what we do not consume goes to the market. That is how we earn our money. We have our own rules which are the contributions... in the home so that, suddenly, in emergencies, there is no money, so how to cure in an emergency, or how to take care of it... and if not, we also facilitate ourselves, those who have, have to show solidarity. They manage to pay back, so that is how we show solidarity. And when we work, we do it on a *minga* basis. We always work on a *minga* basis. For example, today someone says: 'tomorrow I am going to plant yucca'... so five people go to plant the yucca, to help plant the yucca. Or someone says: 'I want you to give me... help me to plant one hectare of pasture because I am lacking pasture, there are already five, twenty, thirty cows'. Then we are going to plant grass on that land so that he can have his cows there, so even then the authority already knows how much he has to produce, and if he already has thirty hectares of grass and has sixty head of cattle... then he has to sell his cattle and leave to keep the thirty... have thirty or twenty heads of cattle and sell the rest. He could buy another piece of land somewhere else with that little money. So that is how we organize ourselves for things... and for example, my grandson goes, works and plants what he consumes, and that is what helps the others too... that is it. In this way we are organized... the neighbors also sometimes ask us, they say: 'Help me for a day or three hours' or they say 'two hours... I need ten people', they say to the Trustee. The Trustee says: 'Let us see, the neighbor needs this, let us see, let us go these days', or they say, 'let us go, all of us,' and twenty people go. Instead of working two hours, they work half an hour, and they are already finishing all the work...

**F:** In the community is working on the land a social activity?

**E1:** Exactly. For example, if I want them to help me plant bananas that I am going to consume, then I organize a *minga*. I invite... twenty people, instead of working... if there are two people, they work all day or they will not finish, but if there are twenty people each one makes ten holes in a while and they plant and everything, it is finished quickly... So that is how we organize ourselves to show solidarity, to help each other so that things work, that is what it is.

**MG:** Alright... I think that would be all. Thank you very much for your time...

**E1:** Thank you...

**MG:** ...and above all for your wisdom, really very interesting what you tell us and it is also your contribution to us, and we hope that with our work we will also be a contribution to... to you as well.

## **Interview No. 2**

**Date:** August 17, 2022

**Interviewers:** Fernando Delgado (F) y María Gracia Cobo (MG)

**Interviewee:** (E2)

**MG:** Well, first of all, since our dissertation is about territory, we want to know, how would you define your relationship and that of your community with the territory?

**E2:** Terrain as territory, not land?

**MG:** Exactly the land, and all that it entails in relation to the territory.

**E2:** Well, let's see about this subject, what I can tell you from the ancestral point of view. My roots, my grandparents, they lived in a nomadic way. But those circumstances of nomadism, let's say, depended on some circumstance that happened, right? Normally it was due to the death of a relative, it could be the father, the mother, or one of the children who died, and they left it there in the house, in the room, in the house, or rather, in the house where they lived. They would leave him there in the center of the house, they would put an object there, and then they would leave him there, covering him, and around the body, they would put food and the chicha drink, and they

would leave him there because it was understood that the dead person was still alive, right? He needs to eat and drink, and that is why they left the food there, and they would check every time to see if he had drunk the chicha, eaten the yucca, or whatever they had left him, and they said that the deceased would get up to eat and drink. Well, when that happened, they would leave their land, their space where they lived, and they would go to another place, right? At that time, there were no limits, no boundaries; there was no such thing. It was as if to say that they were the owners of all the space of the universe; it belonged to them. That was the sense of belonging to the territory and the lands. Today, as time has passed, with the arrival of western culture, the fact that we live with this new culture, which is the culture of the city, then other systems of life, *modus Vivendi*, have come. Ours has changed, we already have laws, and there is the same Constitution at the country level. At our level, we are organized as Shuar People, especially we are organized under an interprovincial federation of Shuar centers, and in each zone, there are associations. The associations are formed by many Shuar communities or centers, right? And each Shuar center or community is made up of families. The family is the axis, isn't it? It is the main base of an organization, so each community is limited by territory. Now, they do have, as far as I know, most of them already have, or rather, we have limited our territory; with the topographer, there are deeds. The important thing, or something important in our Shuar culture, is that the Shuar, the majority of the Shuar, I don't know if I can calculate in a percentage, maybe 85%, 90% of the Shuar have our territory with global deeds. That is, there are no individual deeds, and very few, very few have, or we have individual deeds. Our case, for example, mine specifically. My father, this is the territory that belonged to my father, here where we are living. Now, we are the descendants here, we are eight siblings, or eight children that we were, right? During their lifetime because two of them are gone. In life, they left us parceling the land, each one told us, "this is yours, this is yours, this is yours, this is yours". In order of birth, let's say, from oldest to youngest. So, at the beginning, he left us with a global deed for the eight siblings, but later we did the paperwork, and now we have individual deeds. In most communities, they are global deeds. It is forbidden according to the laws because our statutes are also based on the Political Constitution. That is to say, we cannot jump or override our Magna Carta of the Republic. So, based on that, we have our Constitution, our rights and obligations, and we have these individual deeds as well, some of them. Nevertheless, most of us, as I say, most of us contemplate or have our territories based on global deeds. In that sense, it is our territory, as we contemplate it within our Shuar cosmovision.

**MG:** Now, regarding this territory that you have with global deeds, do you consider that you are the ones who manage those resources under your own economic and social systems, or do you think that perhaps you have had in recent times some kind of interference, maybe from the central government or from the local governments, how has that relationship been?

**E2:** Well, I can understand that this situation of global scripts, for example, has its advantages and disadvantages. There are both. The advantages are that the lands are guaranteed. That is, the lands that the community has given me, for example, are mine, and if I want to sell them for some economic circumstance, I cannot sell them. Because those are mine, and when I leave, they will belong to my children and will be for them. Lately, I have been thinking, haven't I? We, me personally, I am lucky now because I have a little piece of land and even my children too because these lands will stay with them, but what will happen in two, three generations later? Maybe my grandchildren, my great-grandchildren, my great-great-grandchildren, etc, will no longer have that facility. If there is no money, they will not be able to have land. What is happening in the city already? You have to have money to buy a little piece of land, and then you have to build a house. But up to now, we, the Shuar People, in that sense we all have land, that is an advantage. The disadvantage is that when, I put myself as an example, I had a deed, well I have a deed, but someone comes and shows me a bunch of bills, I am going to convince myself of the bill, and say, yes give me the money and take my land, and then, what do I leave to my children? From the vision of the Shuar world, what do I leave to my children, where are they going to live? I am not conscious of leaving a material inheritance, let's say, to my children, so that they do not have that inconvenience because if I do not have land, I want to build a house, but I do not have land. So that they do not have that difficulty. That is, I am supporting myself. They have proposed that I sell them the land. We have a beach here, this is the riverside of the Bomboiza river, and here on this bank, according to some studies that have been done, there is gold here. Because of the gold, people have come to me trying to sweeten me up, but I have said no. The gold is there in peace, and it does not bother me. The gold is there in peace, it does not bother anyone; leave it there. The whole ecosystem of the land is based on the minerals that are inside. We do not have to alter them. So, of course, my brothers, my other brothers have been convinced, these Chinese, right? There they did mining in exchange for money, but that land is destroyed. But I have opposed, because of what my conscience tells me, that is, what are you going to do? As I know how to say, these lands are not mine, they belong to my children, and I am just borrowing them right now. So, from that

point of view, I have remained like that, that no, yes, you are sitting on a fortune, and you can improve your living conditions. I mean, I feel fulfilled, obviously money is necessary, isn't it? However, I am not going to be a slave to money either. Thank God I also have my way of working, and based on that work, I get a little money to live on, be it the basics that are needed. I do not want to get carried away by ambition either, in wanting to pile up and pile up and pile up for later. Look, I have a relative of mine who down here did a lot of mining and has bought three trucks, he has bought three trucks, but diabetes is killing him. What good does it do him? I mean, he has so much money, he has bought three trucks, but diabetes is killing him. Money does not buy life. It will help, but he is going through a process, I am seeing him going more and more, a little more as if everything is losing strength. But in any case, well, those are the advantages and disadvantages regarding the way to have our deeds, right? Because there are many people who want to. Another disadvantage is also, that maybe that is why we here, the brothers who have consciously made these procedures, to have our own, isn't it? For example, in our communities, they cannot have access to credits from financial institutions because the financial institutions, if they want to mortgage a property, they say, "Do you have land? Yes, I do, but it is communal. So there is no way. In other words, there is no way to afford a mortgage. If it is not, I, on the other hand, I can because I have my individual deed. So that is an advantage also having the individual deed. And the disadvantage is, on the other hand, someone who is easy prey, let's say, someone comes with a bunch of bills and hands over all his patrimony, his, his children's, his whole generation's, that is a disadvantage. And that does have a great influence on our, there may be, or there have been, it is also noticeable, there are people, especially people who have had the opportunity to go abroad to study, as in my case, isn't it? They see it from another point of view, it is not that I want to make a loan and I cannot because I have a community deed. I want to free myself to see if I can get the individual deed on my own. I cannot; the authorities say no, sir, that is impossible.

**MG:** Now, returning a little bit to the topic you mentioned about mining, well, we know that the Amazon, in general has been for the companies, be it oil, mining, whatever, it has been a huge opportunity for them, and we know that this has also generated conflicts, how has it been here in this area specifically? For example, you told us that your brothers sold their land. How has this affected you as a community? Because there has been mining exploitation but to the detriment of the territory, which could be for your children and for future generations, so how has this affected you?

**E2:** Well, eh, a few years ago, I think it was in 2001, one of the first years of the 2000 era. We had big confrontations here; there was a mayor who was also in charge, an anti-mining mayor. Later, as time went by, their roles changed. I have been very impressed by the position of my people, no? I remember at that time, it was like an invitation that we received from the mayor's office and from the leaders who were in charge of this issue, in the anti-mining struggle or against mining, shall we say? Here Gualaquiza was like a center of concentration because they came from Ibarra, Otavalo, Payatanga, and from Cuenca, at least, from the province of Azuay, where there is a lot of mining, from El Oro, from Portovelo, all that area, they came here, that is, people who were aware that they did not want to mine. So here there was a program, so many people, many people, the coliseum was full, they came from our communities, like delegations. I remember that from the community down here they came, with our original clothes, right? And with their tattoos camouflaged like this, right? So with the spears and the defense shield, they came and did a dramatization. That dramatization consisted of, "miners beware, come here, and you die". So that was the message with the dramatization. It wasn't long, it wasn't long before we began to hear that the leaders of that community were beginning to negotiate under the table. They were beginning to benefit with money. And so little by little, little by little, little by little we heard that they are doing illegal mining, and up to now, well, there have already been deaths because they are doing it illegally. It's that project and everything. There are so many people, so many people. I don't know that place. But my sister lives here, next door, she knows how to go there to sell food. She says that it is like a small Guayaquil, so many people are there to wash, and then tremendous mountains have fallen from there, a mountain that the man has been inside taking out, because there has been a prohibition, and there the whole, a lot of mountain fell and the man died. Then another boy and so on, so I have questioned, how is it possible? That today I am saying, "watch out for mining" and then I myself and they, there the police, the army, and the authorities, cannot enter. Before it was ARCOM that controlled these mineral issues, they cannot even enter there because the moment the army or the police enter there, there is a tremendous encounter, a war between the communities and the army. So that is why the authorities have opted for a better option.

**F:** And, have there been internal conflicts between community authorities?

**E2:** Now, internal conflicts, here; see my example here. A miner, mining brothers against anti-mining brothers, and there are clashes. We don't even want to see each other anymore, "oh no, no, I don't want to go there, I don't want to see her" between our own brothers, between our own brothers, that is what has happened to us. Then, apart from that, it has also entered, they tell me, as I say, I have not gone to that place, but I do go to the big community which is here if I go there when there are sports, I go there to enjoy, I love to watch sports, so my children, my sons, my nephews, we take a team, and we go there. I do go there, but there you hear what people say, what is going on there, even prostitution comes in. Even that has come in. They tell me that these little houses are working there, right? People from there who put, it is like saying, I put a little house here on my land, even that, in other words, these issues also enter there, in other words, they have entered here. Because of mining, and the other issue is, that is, mining itself, that is, why people do not accept, at least from my point of view, why, maybe now I can no longer bathe in the river, because maybe those waters are already contaminated with cyanide, with mercury, they are contaminated. I can't even fish anymore. Fish no longer exist now; maybe the fish have already died, or they are contaminated, and by eating a fish from the river, tomorrow, later on, I will get cancer, right? So all these issues are consequences of the mining that has taken place. In other words, it is a problem of lack of awareness among the people, especially among the youth of today. Here we already have; we are in that conflict. It has been said that there is no mining in our communities, but brother \*\*\*\*\* has his 20-hectare territory, brings machines, and puts them on his land. When the authorities go and say what is going on, comrade? There is a resolution that there is no mining, "what resolution? This is my land, and that's it". These are the conflicts we are going through. People get stubborn, "it is my territory" even if it does not have a deed, but it is a global property. This is my territory, and I am not trespassing on another territory. But don't you realize where this water go? This water goes, it passes through some, through some families, who have pasture, who have cattle, and this water that is going to contaminate there, don't you think it affects? In other words, there is no awareness to say, "right, they are right", there is no such awareness. There is a lot of work to do here. Many people also, they also responded to me in a rude way, talking to me about this issue, and they shouted at me in the assembly, they say, "well, you say no mining. Why do you send your children to work there in the mining companies? Well, I am going to take my son back, but you are going to give me a job that compensates, that he earns what he is earning in the mining company, you give him a job, Mr. Mayor of Labor, Mr. Prefect



of Labor, that is the answer, isn't it? So there are these internal conflicts. So, I do not know if the question goes that way.

**MG:** Yes, and I also wanted to ask you, to what extent do you also believe that the State has responsibility in this? Because they are the ones that authorize companies to enter territories, which, although they have been done voluntarily, but there must be a manipulation of interests, there too.

**E2:** That is a very good question, you see, in the communities, especially in mine, because when there is an assembly, I am always there, sometimes when they see that there is going to be an assembly, they tell me, "Interviewee 2, we need your presence, we need people with very critical thoughts, who can make a deep analysis. As in your case, you do speak, you broaden the subject, broaden it well to be able to understand" because there are others who also give their opinion, but the opinions are very superficial, there is nothing, it is the same, they just turn around. You see, in the Constitution, within the rights of the indigenous and Afro-Ecuadorian peoples, in article 57, there are some numbers. It says very clearly, one of them says that we must be consulted on the subject of exploitation, exploration, and all that. We must be consulted and informed, the government guarantees this, but in reality, it does not guarantee anything. There has not been any consultation. They say there, "they have been consulted". As in the time of Rafael Correa, they said "they have already been consulted. There is already a report that the people have said yes". The same thing happened with the electric companies. Then, analyzing the issue well, I have said, let's see, you, from the electric company, for example, to come here from Taday, Bomboi is the project of the electric company. They came, and they told us "look, gentlemen, there is this electric project from Taday Bomboiza, it is going to happen like this, and we came to ask for your authorization because these are the benefits that the current cables have so many kilowatts, the voltage is so high, that is why you have the problems of blackouts, and then the appliances burn, and it is an economic loss for you, etc, etc" And of course people think, yes it is fine, they are right. Well, that is a socialization, they have socialized the project. They go back there "it has already been consulted". Pardon the expression, I have said "\*\*\*\*\* \*\*\*\*\*"<sup>10</sup> liars, here they did not come to consult us, here they came to tell us the advantages, and also the disadvantages. We have also

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<sup>10</sup> For academic accuracy, it is not possible to transcribe this word literally.

questioned, and why don't they talk more about the disadvantages, the negative consequences? But they did not tell us, "we are consulting you, now with this, do you authorize us, in this consultation, that there are so many questions with yes or no, yes or no" That has never been done to us. They have simply come to tell us the benefits of the electric company. But, nevertheless, later they show up, they say, "you have already been consulted". Of course, the president is not to blame. He, through his intermediaries, lies to the country, that is, they make the country lie, there is already all the consultation, etc., etc., and there has never been a consultation. With these mining companies, there has never been a consultation either. Rather, they are taking them out of the territory where they have lived, expelling them. There is a word... well, that is what they have done. For example, here in Tumbay, to many people, to neighborhoods, they have said, "this is concessioned, it is our territory" So they left, or we are going to relocate them, we are going to relocate them, the government has said, we are going to relocate them, but, where have they relocated them to? Now we, being Ecuadorians, we cannot enter. We cannot even step in there, not even to urinate, because the Chinese are the owners. It is already fenced with private property signs, etc., and us? So imagine, these consequences is what keep us like this, isn't it? Unfortunately, unfortunately, there is no conscience on the part of the government to fulfill what they say in the campaign. Rafael Correa said that he was not going to go mining, but when he came here, he praised his time as a student. He volunteered in Gualaquiza with the priests, he has been here in Gualaquiza, and he said, "I have gone to bathe in the Bomboiza river. How can I allow this river to be contaminated". And these waters flow down here, and these waters go to the Zamora, the Zamora goes to the Santiago, the Santiago goes to the Amazon.

**F:** And what has been your experience with the governments of Lenín Moreno and Lasso?

**E2:** I have a sister who was taken by covid, and then, in 2020, when she passed away, let's say when she was alive, she still says, "why are we so stupid because we are electing a disabled president, who? Lenín Moreno, well, when there is a problem he can't even run, and that's all he gets". Then, another disabled person is already campaigning, and he really won, Lasso, right? Another one, who walks with a cane says, "How? I don't know why we are so stupid, my sister said. No, I mean, if I have to admit it, I have never been a correista, never. I have been anti correista, but, yes, we have to recognize, obviously, he has done work, right? During his entire period, there was no demonstration of the people. There were not so many taxes. They were not created, and

there were not so many taxes. The price of fuel remained the same but in exchange for what? So here comes the question, why was there no protest? Now I know that retirees cannot have their little money. They cannot even go to the hospital for treatment. Why do they say to many who are reaching their retirement time, "there is no money", what happened to the money, and where are my savings? Correa took advantage, he took the money from there, he took the money from here, he took the money from there, he even built a road there in the Mataje river, on the border with Colombia, and where did that road go? To nothing, to the jungle, there it remained. Why did he build that paved road? In other words, what use was it to the country? After twenty, or thirty years maybe it will be used, but where did the guerrillas, the drug traffickers, how did they enter? Then imagine, as a consequence of that, who pays? The other one, Moreno, had to pay, and now this one is worse. I don't know from what I can see, I like to read, don't I? Books and above all, now we have the internet (points to the cell phone in his hand). We can have all kinds of information. Then you find out what is going on. I have a stab in my heart now, I have a stab in my heart. Why? I just read recently that we are losing, we have lost, how many miles of the territorial sea. In school and college I learned that Ecuador owns two hundred miles of the territorial sea, all the Galapagos Islands, all that. But now we no longer own it. I think they lowered us to seventy miles, and what happened to the rest? They negotiated if Correa did not negotiate, Moreno negotiated, that this space remains. That is why you have to hear "Chinese ships are in the territory fishing" because it is legally, in an international agreement, this is part of an international agreement, this Ecuadorian sea territory. That is why so many ships arrive, because here there is the best fish reserve, in our archipelago, in our territorial sea. And there is no way to say anything because someone already did, negotiated beautifully, of course. When someone negotiates, don't you think there is business underneath? To live comfortably afterward. And "prove to me, prove to me that I have stolen". In other words, I can do, well, wonderful work, but altering the values. Here we have, Sigsig, Chigüinda-Gualaquiza, this road taken by the Chinese company. So far, they have not finished. Correa gave them this project, and they have not finished it until now, and everything has to be repaired again. But it is not finished, and it is not finished. Some time goes by, and the budget is readjusted. I say, oh my God, and what do our assembly members do? Worse still, worse still, and I have another one that I have been thinking about a lot these days. Here I have (he points to a handle in his left hand), the seven colors of the rainbow, but the great shame that I have felt, and this is like a hammer blow that I have received, "if you steal, steal well, do not let yourselves be

caught, do not let yourselves be truncated" \*\*\*\*, excuse me, where \*\*\*\*\* are we? If the Incas, they said, "don't steal, don't lie, don't be lazy" but their laws were strict, and they complied and whoever said this was annihilated. I said, this person should have been annihilated in the time of the Incas, I put a comment like that, right? Faced with this, that our coordinator is asking for the report of the primaries, "present" first, you present, and I present later. \*\*\*\*, why does one have to be asking to comply with what our Organic Regime says? Excuse me for being off the subject, but this subject of corruption, so much corruption. From the top down to us, our here, our parish council, we have had, but you cannot imagine. Well, then, that is what we have seen, these last two presidents. In truth, nothing has been seen, no, no, no, nothing has been seen. Whether they like it or not, Correa left behind millennium schools that are now destroyed, that have no use. I do not know if he only prepared the project for his presidential term. So that there would be no lack of buses, no lack of breakfast, no lack of school lunch, he finished, and that was the end of it. Now, they want to return to the old system, each school in its own community, no longer a school where all the students of the area were accumulated. Now, it is a question, the schools in the Amazon communities are not the same as the communities of the Sierra. Here a child has to walk, for two, three hours, to get to his or her school. In the Sierra, maybe there is a trolley, a bus that goes from his house to the school. But not here, but here we also have Millennium Schools, Millennium Educational Units, where in winter, there are small ravines, but in winter these ravines get really bad. How is the child going to get there? In other words, they do not take into account, they have not taken reality into account, and the one who is the representative of the indigenous peoples, even from here in the Amazon, they put someone from the Coast. What does he know about our geography. What does he know? So, that is my point of view, isn't it? In other words, there is really a lot missing here. We have here a mayor of Pachakutik, now we have done the primaries for reelection, because he is a mayor who has worked outside his working hours, without time. So, yes, he had no problems, "ah, the pandemic, there is no way to work" in the pandemic, he continued working. Although in that teleworking, from his home, he even gave got covid too. But from his home, through this teleworking system, he continues working, and the work did not stop. There was a budget cut from the State, but the work continued. The mayor, as he is young, is very dynamic. He moves around. He has friends everywhere, in the State Bank itself, to get the projects and there have been works. What in seventy, eighty years of authorities that we had on behalf of the mestizo brothers, the Shuar were not attended to. Now our authorities, from our movement,

are taking care of everything, especially roads. Our two previous prefects, our mayor here, who is with the previous one, have served our communities. But they have also helped us with infrastructure work. So in that sense, we are happy. Of course, they have not covered, they have not covered all the needs. It also depends, they work with the State budget. Many people say, "Mr. Mayor, you have money, I need a bridge", the mayor is not a bank to say, "you have money", the mayor is just an administrator who makes the arrangements. The budget comes from the government, from the State. Period, that is my point of view.

**MG:** Well, I think we've indirectly covered all the questions. You were also answering some of the ones we had here as you spoke. One last question would be, and this is more of a personal opinion, if you could change something to alleviate and benefit your community, what would you do?

**E2:** What I think is that one must change first, from the family itself, from the little schools. The first years of school, of our childhood, of our youth, of all their formation process. Ehh, to give it a projection, if the term fits, right? A projection so that in schools and colleges, the development of the values of the human being is encouraged more. The value of respect, the value of, these values we have talked about, this slogan we have, "do not steal, do not lie, do not be lazy". I remember, when I was a child, what was the punishment they used to give me? Because I stole a piece of candy that was on something, a bundle of candy, or I stole a ripe silk banana. I had to ask permission to be authorized. How did my parents punish me? They put, they took the chili bell pepper, the chili bell pepper plant, they took the branch of the chili bell pepper. Very spicy, already red, very small chili peppers. They would put them in the fire, and in that smoke, they would grab me like this, tying me in the back or holding my hands behind me, they would put me on the smoke. And that breathing, that was fatal. I was almost dead on the ground there; that was the punishment, or with the nettles too. They would take off my clothes and give me a nettle. Then they would tell me, "Be careful, we are coming back from church," my parents would say, "Be careful, don't eat that banana. When we come back, we will give you something to eat". Okay, dad, okay mom, but when one receives a punishment of that nature, well, no longer. I felt the pain of the punishment. In other words, they were ways to teach us, to educate us, and besides that, also with medicine. We have a medicine here that is also given to the children when they start to be naughty. When they start to lie, to take things without permission, to steal, let's say, we put

ayahuasca to correct them. This is also a corrective measure. So, I think that from childhood, from oneself, as a father, and as a mother, I believe that the woman is the temple of life. We are here for nine months, and from here, we come out from this temple. And when we are there, we are already perceiving what is going to be our whole life. Through the understanding of sight, of feeling, of emotions, of everything from the mother, and from the father as well. If there is any discussion between the father and mother, he is already perceiving. When I was four, five months old, I was already feeling that. And then it will explode, let's say, in life, it will come to the surface later. So, that is why I say, from oneself, to change. I commented this Sunday. Here, for example, I talk about myself, about the political issue, to them, to put the coordinator of the movement, people say, "this one is good for us, but Interviewee 2 is not good for us, because this one tells us our truths, but this one helps us to cover up. So, let's support this one", that happens, that's how it is. You must know more than me that you live in a city, too, right? Even in schools, too, right? Authorities and teachers who, "I don't like you", "no, miss, I don't like you, but you do", "you will listen to what they say, a little word that says "I don't like you", that is not honesty, in other words, what values have we cultivated? Well, some things from a religious point of view. I also talk to you because I have been with the Salesians for about twelve years. I have learned many things, I have seen many things from them that have made me have another vision. Another way of thinking, another ideology, because as someone said, "Oh, the Shuar do not look ten meters beyond them. That is as far as the vision of the Shuar goes. But they do not look beyond the horizon." They are wrong, I say, because I look at the whole universe. That is why I dedicate myself to reading. That is why I say to the people, let's read brothers, let's read, get ready. We are complaining, "the president does not know anything", well, so that they do not say that, make your children study. You see, I have made my children study, I have three children. I have made all three of them study. They are professionals now, so they don't say, "Oh, he doesn't know, and he is an authority". My daughter was a councilwoman here, in the previous administration, she was deputy mayor, but if I had not made her study, she would be there carrying a baby. She would only be taking care of her husband, and one plans to have children so that they have a future. So I always tell people, prepare your children. What do I have more than you? So that they cannot prepare, we are the same. We went to boarding school together, and you were smarter, more hard-working, I was rickety. But look, I have grown, because I listened to the advice that my father, that our parents gave us. I took *ayahuasca*, because that is what they gave me when I was a child. I used to get

angry very quickly, and I reacted very strong, but with ayahuasca, it's like it opened me up more. So that they don't tell me "you only look up to ten meters, that's all your vision is". No, I have the whole universe ahead of me to be able to see, observe, comment, make an analysis, and share with people. Sharing with people, as I said, this Sunday, I was there with some friends from the community, right? And I was saying, what you say, Interviewee 2, that's good, like this. You, it's your turn now, I told them, life is like a bell. I feel like I'm getting to the top of the bell, but I'm about to get there to start declining, I mean, to what life is. You are just coming up. Start, read, read, read, read now, and it is easy, here you can find (points to his cell phone) the newspapers El Comercio, El Universo, El Mercurio. From here in Ecuador and Peru, and from other countries as well. There is also El Mundo newspaper in Spain, El País in Spain for example. Let's find out, let's search in order to have a criterion to be able to give an opinion. Let's see concepts; yesterday I was listening to what the current president of Colombia, Petro, I think it is, Gustavo Petro, answers to a congressman. When that congressman arrives, he says "you are not enough" as an insult, right, "you are not enough here. All your gallantry is not enough" and the way this Gustavo Petro, current president of Colombia, responded, I mean that way, as a great philosopher, thinker first uses his mind, "we, now as government we are never going to give you rivalry, we are never going to be opponents. We are not going to be enemies of you. You are going to be as important as we are, you are not going to be ignored, in my government, you are not going to be ignored" as he put it, but, imagine, I say, then let us study, let us read, let us inform ourselves, to have broader and clearer criteria as well. Let us see what they say, the activists, the environmentalists, the politicians, all that, even if you do not like it, listen to what Yaku Pérez says in defense of water. Listen to him, listen to Jaime Nebot, what he says in his thoughts, listen to everything, and make your own criteria. I have a friend who is from Quito, he went to study for a master's degree in Russia, he finished, he came here, he got his current wife, she is Russian, he studied politics, social sciences, and politics, and he said, "Don \*\*\*\*\*, I have the reality of Ecuador here, in the palm of my hand". He was a professor at the military school in Quito, he says, I would tell my students, I would give them the topic, I would simply give them directions. I would tell my students, "don't believe what I tell you, I give you this; you go and make your own concept, that's what works for me. Not what I am telling you now, so I would give them that environment". I think the teacher should put them in that environment. No, "blah, blah, blah" and for the student to be "blah, blah, blah" with what the teacher says, "blah, blah, blah, blah" so what are we doing? We are not developing critical

thinking but submissive, submissive thinking. Maybe the Catholic Church did that to us in our country. It came to put that on us, submission. But well, I think I am out of the subject.

**MG:** Thank you very much, that will be all.

### **Interview No. 3**

**Date:** August 18, 2022

**Interviewer:** Fernando Delgado (F)

**Interviewee:** (E3)

**F:** The first question is: How would you define your relationship and that of your community with the territory?

**E3:** The territory or the organization go together because, as part of the Shuar culture, we consider the territory first of all as a living entity. It is a... commodity that we have naturally. We consider the territory as the only source of human life and of the beings that live in nature; animals, domestic, and wild. And above all, humanity and all the species that live, that serve or do not serve humanity. Having said this, the territory is wide; the definition as a concept and the worldview (cosmovision) of the Shuar People is beyond what is lived in the current world. In the old days, our elders used to say: 'The territory is our market, where we live, where we cultivate, we harvest, and the market that, without any price, we have the food from, products, and animals that benefit us, without going to the popular market now in the... in the cities'. That is the territory for the Shuar People.

**F:** And who do you consider members of your territorial community?

**E3:** Eh... we consider members of the territory to be all the associates, from birth and indeed from the Shuar culture. But nowadays, the interculturality has made that... we coexist socially among mestizo-Shuar brothers, and all that we inhabit, especially in the Shuar territory, we share nowadays. It is no longer a definition like the old thought, but today it is a more conscious thought, more considered, as unique brothers that live in the territory, in the Amazon, above all, here in Gualaquiza... And those who have farms, or... in another term, those who have lots, are net



members. They are direct members, and all the associates at the level of the Interprovincial Federation of the Shuar Center, whose headquarters are in the city of Sucúa... all of them. By birth and fourteen years of age, they are already considered direct members of the territorial community.

**F:** And in relation to the lots and farms that you mentioned... the territorial limits of these, do you consider them to be rigid?

**E3:** Territorial boundaries... well, territories are global, but each one, each family, has its boundaries that are not accessible. Those are boundaries already indicated that cannot be taken away from a member that has complied with all its rules, that has complied with all its rights; that has to do... Or, in this case, if the member complies with their duties, it is considered not to be suspended, or someone can take it away... No, it cannot be taken away. It is a territory by right, by birth, and the heirs remain there. The parcels that we have in the urban communities, in the urban community are also parcels given by the community free of charge, at no cost. But in the same way, these lots, in case of neglect for six months, can also be suspended for there are rules that are not being complied with, as one of the duties and rights.

**F:** And you mentioned families... Can you tell us about families' role in the community's social organization?

**E3:** The role of the family, especially the mother and father, have to educate the children from an early age; they have to teach their children that they are part of an organization. The children cannot leave the organization, and the members cannot go out without permission. We ask for permission even when we take a public function; we inform them through a written document in an assembly, requesting three months, six months, one year, two years, or three years, but with justified reasons. You present a justification; you move and arrive with that certification to where you are going. It can be in a public or private entity or a remote community in another province; you arrive with the certificate indicating that you are going to be there for a certain amount of time. And when you return, you request again... the other certificate that you have complied, that you have participated, that you have demonstrated all your personality and impeccable conduct, you return to your community. This is the only way we work within our community... it is like... I would say like a visa that must be well seen. Otherwise... the citizen does not comply and returns, or the member returns, to his territory or community, and he has to pay the penalty for months or

years of delay if the member does not return with a certificate. It means that this member of ours went on vacation, and those in the community continue to participate in the festivities, the *mingas*, and the meetings. So it cannot be that another family member is rewarded without justification. That is why the thought of the Shuar people is well organized.

**F:** And what is the role of the *mingas* and meetings in...?

**E3:** The role of the *minga* is absolutely... the *minga* is part of the community development... it is part of the social... development because, through a *minga*, activities are carried out for the development of the community. For example, in the *mingas*, they repair the roads, the neighborhood roads, or it can be repair or maintenance of... of the whole community square, cleaning up for the festivities; there can be *mingas* to... adapt infrastructures benefited by the State or with their sacrifice, and these are roles that have to be fulfilled from the age of fourteen upwards; they are partners from fourteen years of age. We consider active members, passive members, and... and we also consider members... of medium participation, which would be kids from fourteen years old. Eh... active members are those who remain... remain. The passive members are those who are older than fourteen... there are teachers. There are public employees who frequently return but participate or collaborate with money so that it can be administered during the *minga*, decisions, or commissions that a leader can make.

**F:** And... again in relation to the territory, do you consider that the community can decide and manage the resources of the territory under its own economic, social and cultural systems?

**E3:** We consider the territory to be managed... the Shuar people do the management socially. Social management is that each community each association is organized. In this case, the great Federation of Inter... centers here in the Amazon its headquarters are located in Sucúa, and it has some organizations. First, the association... federation, then comes to the associations, then comes the communities or the centers that we call them more... and then we also make... neighborhoods or sectors. So this social organization allows each family, each neighbor, to get together and do their *mingas*, sports, activities... social activities in terms of development, in terms of concentration. So, each organization makes its culture. Our culture, especially most of it, is that we make our traditions in the organization. Some associations or Shuar communities still maintain their culturally traditional medicines; some are dedicated to the handicrafts of the Shuar people.

Some families are dedicated to the theme of... of... the waterfall, the theme of... of... customs, for example, in the theme... even in politics. Each community or each family manages its policy. The po... the policy of... of... of... seeking their development, for example. We were saying a family wants to progress by cultivating and then selling their products to the market. It can be internal, it can be external, but that as... in a more organized way, the family, the community. That is why we consider it as a socially, culturally, and politically defined territory. We cannot change that... the social part, someone comes to impose on us outside of what we want. Rather, we should think about how they reinforce us culturally, socially, politically... You see, you know what? We can cooperate, and this is what they have done in the municipalities, the... parish councils, and the State itself, but there is still a significant lack of support...

**F:** And in relation to this last point, how has the relationship between the communities and the Municipal Government, and the Central Government been?

**E3:** Eh... Well, the autonomous governments are always the entities that should cooperate with development in all areas, social, cultural, political... Especially... the Municipality of Gualaquiza lately... the... the last three years, there has been a lot of cooperation on the part of the Municipal Government of Gualaquiza and the communities. Sixty... seventy years ago, we were... we were left behind without cooperation. Now we have help even in sports, we have considered... our authorities have considered the roofed space that none of the Shuar communities here in Gualaquiza had... we had. And above all, sports facilities, basic services, water, and maybe ninety-nine percent of the Shuar communities already have basic services... I am talking about the Shuar communities... and what is missing, and we have to continue... Obviously, there are no basic potable services, for example, water. There is the same ninety-nine percent, maybe the electricity service in the communities, but never maybe in the Shuar communities, there is not... there are no services in the farms, basic services, electricity, telephone services... internet in the communities, schools... bilingual schools. I mean, like this, there has not been so much service. Definitely, what I mean is that... the organization or the Shuar People have always been left aside from... from... past times, right? So this means that we have to be aware, or the authorities should be aware that by right, by justice, it should be considered that the communities, the organized peoples do deserve it. We deserve it by right, first of all. For this reason, we have seen that lately, there has been a lot

of insistence on the main authority here in Canton Gualaquiza, and they have been very flexible in cooperating without any doubt.

**F:** And with the Central Government?

**E3:** With respect to the Central Government, there has been much defiance or mistrust in the last ten or twelve years. We have been... not suffering, but facing... confronting... we say conflict because the Shuar cannot be threatened by word or by deed. To the Shuar, you can say... you mention one thing, and you did not fulfill it, and they will never believe, nor will they ever believe you. Just one word that you lied to him. The concept of the cosmovision of the Shuar people is loyalty. You said one thing you did not fulfill... no matter how many times you will keep fulfilling what you said or promised. A Shuar member will never trust you; you will always remain a distrustful person, a person who deceived (...). It is how we have the concept of the ideology of the Shuar People. That is why there has been mistrust for the last ten years. There has been a lot of confrontation... we have not liked the territorial threat... to our Amazon because we live from it. It is our market. It is our... it is our mother earth where we live. We will continue living for thousands of years, but if today we threaten, there is already... this issue of global warming, failure. Why do we defend? We defend because we are going to continue living from it. From nature, we are going to have more... profit in the future. Obviously, if we think in a short time the life of humanity, you can do whatever you want to do. But... the significant population, the Shuar concept, is that we do not live with money. Without money, we have lived years. However, without territory, we cannot live years, with the territory where we step and walk, where we favor the productive wealth, the cultural wealth, the social organization itself... Where the population, humanity, and living beings live, without it, there is nothing.

**F:** And this situation of distrust that you mention... do you think it is the same with the governments of, for example, Rafael Correa, Lenin Moreno, President Lasso, or are they different?

**E3:** Well, the distrust is that when someone lied to you, I repeat, distrust is born. But the most significant distrust was born during the Correa administration when the territory was threatened. Supposedly, they thought of improving the land use system, but they never improved it. All the norms presented to us are not in our favor. Sometimes they have come to tell us, "you know that here we are going to exploit, this we are going to explore, this we are going to do this way".

Something that was never consulted at the beginning, to do something you first ask the owner - that is the Shuar concept. I am the owner; someone can say, "no, what is underground is owned by the State", and who is the State? We are all of us, and I am also part of the State. Because I am part of the State, being located there in that territory, I am the State, and I am the owner. To this end, we have said, "no, if it says that it belongs to the State, then who else are we waiting for? The State is also me and my children". We do not consider, perhaps it is thought, that the State is only, that it only works in cities. It has authority in cities, that is, the State. No, the State is all of us. That is why sometimes the legal guarantees do not comply with what it says "under prior consultation". There has never been here in the Amazon or in the Shuar People. That is why there has been a lot of contestation and there will continue to be, as long as the legalization situation is not improved as it should be fulfilled. What it says, prior consultation, as long as there is no rectification of this, through our assembly members, through our representatives, organizations, and through our local elected representatives, there will never be an improvement, and we will continue to aggravate the problem and in the end, we will all end up losing.

**F:** Have all these extractive activities carried out without prior consultation caused conflicts among community leaders?

**E3:** This has caused a lot of conflicts; we cannot say that this has favored us. Sometimes in the same house, the son works in a company, or the husband wants to go, the wife fights, "no, we have to defend the territory". And much more with the neighbors. Only the neighbor over there had the opportunity to have a job, or so-and-so got a scholarship for his studies. We cannot, ehh, disfavor anyone if we favor everyone, everyone, or no one at all. That is why there has been mistrust, that is why sometimes we only see that there has been support to certain people, which does not give confidence, that spreads mistrust. There have been separations, and there has been discrimination between Shuar brothers, and mestizos, between families, husbands, and wives, there have been separations or distrust in the communities. A partner fights the trustee, the trustee fights the partners, the partner, by his goodness or by his will and need, wants to go to work in a company, they do not give him the certificate, and by whim, he goes out and looks for his way to go out, to enter the work, and the company or the companies have received only to divide and to be able to win. There is a saying, "only by dividing you can win", so that is why they have sought, and that is why there has been a partner who by chance, enters and then is sanctioned, after being

sanctioned, what happens? He is suspended, or his territory is taken away. Obviously, because they are global territories, you, citizen or partner, you did not comply; on a whim, you left. And then come the children, the heirs, there comes the social conflict within the communities. Citizens claim their rights, but the majority here decides. What the majority says is executed. If the majority says, "you know that, in an assembly, we suspend the land or the farm of the citizen", for not complying with the norms that should be done, to leave from the certification of the center to be able to go to a company, and to favor a transnational or national company, there has been a lot of conflicts lately. Mistrust, even separations with husbands, wives, with children who fight. Or brothers, one brother is working, and the other brother does not want the company, or mining, in this case, oil. I also have a family because of Coca. There has been a lot of fighting. One family wants to do small mining or big mining or wants to do oil exploitation. They say, "no, we don't sell". The fight begins, and this has happened because there has been no consultation. While if there was such consultation, what can we do? We could regulate, we could agree, we could commit ourselves, and comply as we want to comply. Meanwhile, it will never improve. What could be done is the following, that our representative, our leaders, through the community assemblies, through the family meetings, could perhaps collect some, uh, some thoughts, some agreements, some resolutions, and then, all together, we could write everything down and sign it, if it deserves it. But, as I was saying, we are never going to agree on everything. One hundred percent never, because we say so. On the subject of territory, going back a little bit. We say our fathers did not think. Our mothers, and grandparents did not think. They would not have sold territory where today, at this moment, we are, Gualaquiza, all this was Shuar territory. But at the cost of threats, at the cost of change, of things, or gifts, I would say, they changed with a shotgun, with a needle, with clothes, and the Shuar population spread further, and this territory was left here for the mestizo sector. The mere fact that the people also we were, we are, and we will always be in solidarity. We, the concept of the Shuar people, is to live together in a humanitarian way, sharing with everyone. The rich never share; the poor share more than the rich. That is the concept of the Shuar People. We are very sensitive and solidary, but also very energetic when they propose or pretend to do harm. But the one who pretends to do good, we do. The concept of us is, "who does good deserves help or to receive good. He who does evil deserves to receive evil". That is the Shuar concept.

**F:** I think that indirectly we have already covered most of the questions we had. So, thank you very much for your time and for what you have shared with us.

## **Appendix 2: Informed consent of the interviewees**



## Appendix 2: Informed consent of the interviewees

### ENTREVISTA

#### Hoja informativa sobre el Trabajo de Titulación:

“Ayllu en la Filosofía Andina de pueblos kichwas de la Amazonía ecuatoriana: Análisis sobre formas alternativas de entender el territorio en las relaciones internacionales.”

#### Sinopsis

El presente Trabajo de Titulación es realizado por Fernando Delgado y Ma. Gracia Cobo, egresados de la carrera de Estudios Internacionales de la Universidad del Azuay y dirigido por la abogada Ana María Bustos Cordero, PhD.

El objetivo general del presente trabajo es analizar en qué medida ciertas concepciones territoriales de la cosmovivencia andina, del pueblo originario Kichwa, difieren del precepto territorial tradicional, y explorar cuáles son las consecuencias políticas en las relaciones Internacionales como resultado de su marginalización en los últimos 10 años.

A través de las preguntas se espera que el entrevistado brevemente nos comparta la visión territorial de los pueblos y nacionalidades indígenas, así como conocer su experiencia, desafíos y oportunidades en la organización de su comunidad. No será necesario que usted responda todas las preguntas, y puede retirarse de la entrevista en cualquier momento, sin necesidad de dar una explicación a los entrevistadores.

Se le pedirá autorización para grabar el audio de la entrevista. El propósito de la grabación es obtener un registro completo y preciso de la información que usted proporcione; sin embargo, usted puede solicitar que el dispositivo se apague en cualquier momento, o que no se utilice.

Fragmentos de la entrevista podrían citarse en el Trabajo de Titulación. La información no será utilizada de ninguna otra manera.

#### Cuestionario

1. ¿Cómo definiría su relación y el de su comunidad con el territorio?
2. ¿Cuál es el sistema de organización social dentro su comunidad? ¿Cómo se toman las decisiones dentro de la comunidad?
3. ¿A quiénes considera usted miembros de su comunidad territorial?
4. ¿Cómo se relacionaban sus ancestros con el territorio?, ¿qué de eso permanece igual?, y ¿qué aspectos han cambiado con el paso del tiempo?
5. ¿Conoce qué es un ayllu? ¿Cómo es la relación con los ayllus de regiones vecinas o distantes?
6. ¿Considera que su comunidad puede decir sobre el territorio y el manejo de sus recursos bajo sus propios sistemas económicos, sociales y culturales?
7. ¿Cómo es la relación de su comunidad con el GAD Municipal del cantón Gualaquiza y el Gobierno Central actual? ¿Es una relación de autonomía o de dependencia?
8. ¿Cómo ha sido la relación con el/los Gobiernos y la postura de ellos respecto al territorio de su comunidad en los últimos años (10 años)?
9. ¿Qué opina de las actividades extractivas realizadas en la Amazonía?

10. A causa de estas actividades, ¿han existido conflictos internos entre los miembros de la comunidad o divisiones generadas? ¿Cuáles han sido las repercusiones de los conflictos en las comunidades y respecto al territorio?
11. El Estado ecuatoriano ha realizado una consulta previa, libre e informada para la exploración y explotación de territorios de la comunidad? De no hacerlo, ¿el Estado Ecuatoriano ha realizado las debidas reparaciones a la violación de estos derechos?
12. Si usted pudiera cambiar algo para aliviar y beneficiar a las comunidades, ¿qué sería?

### **Consentimiento informado para entrevistados**

Nosotros, Fernando Delgado y Ma. Gracia Cobo, como autores de este Trabajo de Titulación, deseamos que las personas entrevistadas estén completamente informadas sobre su participación en este proyecto. Por favor, indique se está de acuerdo con las siguientes afirmaciones y, de ser el caso, acéptelas. Si no está de acuerdo con alguna afirmación y/o requiere aclaraciones, hágalo saber.

- He leído y comprendido la hoja informativa del Trabajo de Titulación.
- Se me ha dado la oportunidad de hacer preguntas sobre el Trabajo de Titulación.
- Estoy de acuerdo en participar en una entrevista personal.
- Estoy participando de forma totalmente voluntaria.
- Entiendo que puedo negarme a responder cualquier pregunta, sin necesidad de explicar el motivo.
- Entiendo que puedo retirarme de la entrevista en cualquier momento, sin necesidad de explicar el motivo.
- Autorizo que se grabe el audio de mi entrevista.
- Autorizo que se tomen notas durante la entrevista.
- Entiendo que mis palabras pueden ser citadas en el Trabajo de Titulación.
- Entiendo que la información proporcionada será utilizada exclusivamente para fines académicos.

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