

Las Lianas

Resource Center for Science, Culture, & Environment

Program Update--Winter 2008-2009

Constitution Brings New Rights for Indigenous Peoples and the Environment

On September 28th, 2008, the Republic of Ecuador adopted a new Constitution in a nationwide referendum passed by two thirds of the voters. The new constitution is the product of many months of advocacy, organizing, and political debate, and is seen by many as an historic document in the way it recognizes both indigenous peoples' rights and the rights of nature.



Faces of Ecuador's plurinational state: These portraits of indigenous Ecuadorian artists, past participants in Las Lianas programs, represent some of the many indigenous nationalities whose long efforts to gain recognition of their unique relationship with the state have begun to bear fruit with the reform of the constitution.

The Constitution redefines the Ecuadorian state as “plurinational and multicultural” and guarantees the collective rights of indigenous peoples. By defining the state in this way, it creates the opportunity for indigenous peoples to establish autonomous districts, as well as providing for administrative and financial decentralization. In addition, the constitution explicitly recognizes the legitimacy of traditional indigenous systems of justice carried out within indigenous territories. These significant changes in State recognition of indigenous rights offer an important legal foundation upon which indigenous peoples can pursue traditional livelihoods and autonomous development.

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Las Lianas' role and next steps

As we reported last year, Las Lianas and our partners have been preparing for the constitutional process for some time. We have developed collaborations that extend beyond the Amazonian region to support the national indigenous movement as it prepared for, and took part in, the constitutional assembly.

Many different actors came together within the Constitutional Assembly to debate and write the constitution, and many more made presentations and recommendations. Las Lianas, represented by legal director

Bolívar Beltrán, was one of a number of NGOs providing support and advice to representatives of indigenous nationalities. In such a large and complex process, it is hard to define exactly what contribution a single entity has made. Nevertheless, we can point to some important ways our work made a difference.

Perhaps most significant was our work in 2007 and early 2008, with Ecuarunari, the confederation of Kichwa peoples, on indigenous legal systems. This laid the groundwork for presentations to the Constitutional

New constitution recognizes rights

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Some other specific rights of indigenous groups recognized in the new constitution include the rights to:

- Maintain possession of ancestral and communal lands. These lands are indivisible and tax exempt.
- Develop and strengthen their spiritual, cultural, linguistic, social, political and economic identity and traditions.
- Establish their own forms of social organization and authority within their legally recognized territories.
- Participate in “consultation about projects and programs involving prospecting, exploitation and commercialization of non-renewable resources”, and receive compensation for damages incurred.
- Preserve and manage the biodiversity and natural environment of their lands.
- Develop culturally appropriate, bilingual education.

The new constitution also defines Kichwa and Shuar as “official languages of intercultural relations.” Whereas

these languages had previously only been recognized for official use within the respective nationality’s territories, now they can be used for official purposes throughout the country. Although they still do not have the same status as Spanish, the official language of the Ecuadorian state, the change gives Kichwa and Shuar speakers the right to expect to be able to interact with government agencies and representatives in their own language. The other Amerindian languages, about ten in total, remain official languages in the territories of their speakers.

Along with indigenous rights, the Constitution also recognizes the rights of nature. This approach to environmental protection is already being studied by other countries developing new constitutions, such as Nepal, and is being lauded by environmentalists around the world as revolutionary. Under the new Constitution, “nature, or Pacha Mama [the Kichwa name] where life is reproduced and takes place, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.”

with its members and allies, promoted these goals through participation in the Constitutional Assembly and through mobilization of demonstrations for reforms.

Las Lianas’ role

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Assembly’s “table 8,” the committee that considered legal systems and ultimately drafted the constitution’s chapter on the “judicial system and indigenous justice.” It includes the groundbreaking Article 171, which recognizes traditional norms of conflict resolution used by indigenous communities, peoples and nationalities as part of the national legal system. Ecuarunari’s internal analysis and dialogue, carried out among their member communities and presented in the publication “Legal systems and structures of the Kichwa peoples,” was crucial to helping wider society understand indigenous legal systems and accept them as an aspect of Ecuador’s plurinationality.

Las Lianas also supported indigenous groups in a broader process of planning, preparation, and advocacy regarding the constitution. Early in 2008, Las Lianas helped Ecuarunari organize a series of activities and meetings to prepare proposals for the annual congress of CONAIE, the nationwide confederation of indigenous nationalities. This process contributed, within CONAIE, to the development of an action agenda that included internal efforts to make the confederation more effective, combined with public advocacy for a plurinational state, indigenous rights to ancestral lands and to natural resources, and reforms to agricultural and development policies. CONAIE,

Next steps

Public approval of the new constitution represents the beginning, not the end, of a process to establish the rights recognized within it. For these rights to be real, they need to be applied by the government and, perhaps more importantly, exercised by those to whom they belong.

Las Lianas is developing a multi-year project for Empowerment of Indigenous Communities, Peoples, and Nationalities to support these groups as they take up the opportunities and rights provided by the new constitution. We are exploring funding to allow us to work with the leadership of CONAIE and Ecuarunari, as well as the Achuar and Shiwiari nationalities—our Amazonian partners—on 5 goals: (1) strengthen and organize the governing councils of each partner; (2) map “routes of travel” to community goals; (3) exercise the autonomy granted in the constitution; (4) build alliances among indigenous peoples at all levels; (5) develop public policy proposals responding to the constitution.

Although all five elements are essential to success, in terms of vision the third is key. The concept of a plurinational state, or of indigenous peoples exercising autonomy acknowledged by the state, are so new that their true

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Indigenous Aquaculture Grows

Las Lianas fish farming program continues to expand as established fish farmers help to train new families in neighboring villages. We now work in 15 communities, up from 9 last year and just 3 two years earlier. The year has been full of workshops, pond building, sharing fish, and documenting results.

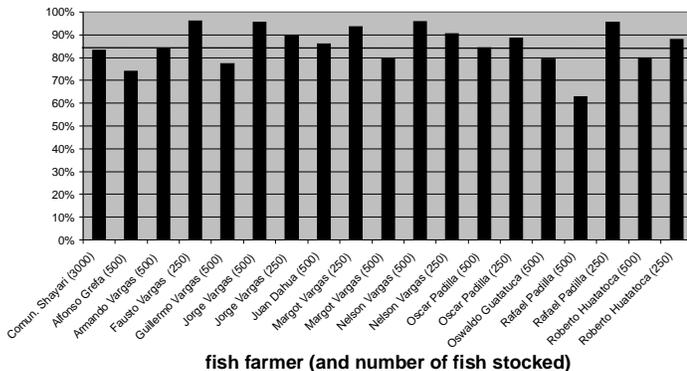


Left, trainers Nancy Piaguaje and Ruben Tangoy explain pond construction techniques before a work-party to build the first fish pond in a new community. Right, coordinators from participating villages share knowledge and experiences.



Entire families pitch in for the hard work of building a fish pond (above). Completed ponds are stocked with hatchery produced fingerlings and families learn how to record growth and survival to help evaluate program success. The graph at left shows a good 85% annual harvest in the village of Shayari.

Percent of fish initially stocked actually consumed



We continue to work to build a self-sustaining fish supply with fish like the Amazonian cichlid “tupu huani” (bottom left). When fish have reproduced in a pond, the water level is lowered to collect offspring--another family activity (bottom center)--which then can be taken by neighbors and released to grow in their ponds (bottom right).



Great Gifts: ponds, fish, land titles

We know you donate because you believe in the work Las Lianas does, but we also want to make supporting Las Lianas fun and give something back. That's why we offer the opportunity to use your tax-deductible donation to symbolically give a fish, a fish pond, or—NEW THIS YEAR—legal title to ancestral lands as a present. Here's how it works.

You can purchase fish in several different amounts. A donation of \$35 buys 350 fish. These are young fish a family can raise and begin harvesting in 8 months. You get a letter of acknowledgment and we'll mail (to you or to the recipient, your choice) an attractive certificate describing the gift and our program, with a salutation of your choosing (up to 25 words).

Fifty dollars buys 500 fish. This provides 1 to 2 fish meals a week to a family of five for an entire year! In addition to the certificate described above, we will include a 5x7 color photo from our fish-farming program. A donation of \$100 buys 1000 fish. Your recipient will get a certificate, a photo, and a complementary rainforest-seed necklace.

For \$500, you can sponsor a fishpond. Your friend or family member will receive a certificate and framed photo

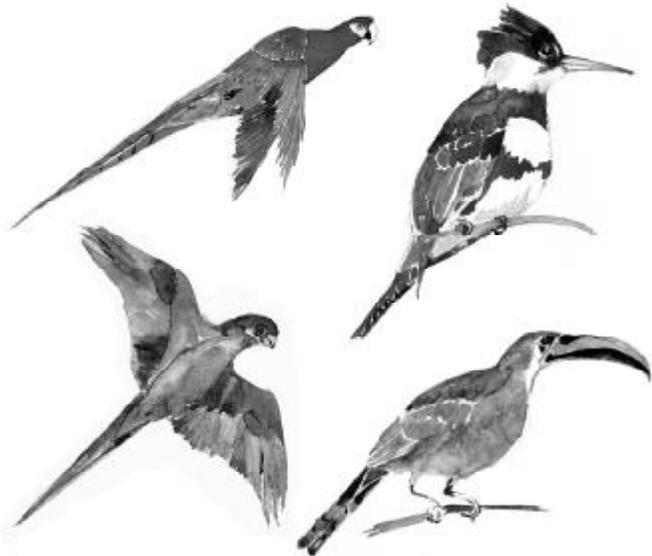


symbolizing the present. Later in the year, we will send them a report with pictures and a description of the beneficiary family.

If you want to support our ancestral lands project, every \$50 dollars donated represents support for gaining title to 1000 acres of traditional territory. As with the aquaculture gifts, your friend or family member will receive an attractive certificate symbolizing the present, with a salutation of your choosing (up to 25 words).

To order, send your tax-deductible donation and tell us the gift you want, whom it is for, and where to send it. Of course, standard unemarked donations are always welcome too.

Tropical bird note cards



Once again we are selling note cards featuring Ann Colley's beautiful watercolors of four neotropical birds. The 4¼x5½ inch cards cost \$22 for sets of 16 cards, or purchase three sets (48 cards) for \$55. Send a check to Las Lianas at the address on page 2 or order on-line at laslianas.org. We also continue to sell Secoya hammocks and other crafts. Write us (address on page 2) or see our website (laslianas.org) for details.

Next steps after constitution

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meaning still has to be established in practice. The purpose of our plan is to help our partners define the ways in which they will use the greater autonomy they have won. It builds on and expands our projects for ancestral lands and indigenous justice. In each case we began with a vision developed through participatory communal dialogue and developed a plan for making it a reality. This requires both internal work for the indigenous group (e.g. mapping lands, revising governing statutes, or formalizing codes of conduct) and finding, or creating, the systems and mechanisms through which the community vision will interact with the rest of the society. Just as our ancestral lands project advocated successfully for a better form of legal recognition for indigenous nationalities, and is promoting greater autonomy in land management through the concept of unified land titles, this broader project will help create the forms and structures in which the new rights can be applied. The opportunity to collaborate with indigenous nationalities as they redefine their position in the nation is truly exciting.