

The Benefits of Indigenous Knowledge Systems in Law and Decision Making

**A case study on Sumak Kawsay, Buen Vivir and Rights of Nature
in the Ecuadorian constitution.**

By: Noela Calderón

Supervisor: Catalina Quiroga

Lunds University

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Abstract

This research is investigating the socio-ecological benefits of Indigenous Knowledge in law and decision making, focusing on the inclusion of the indigenous concept Sumak Kawsay, translated to Buen Vivir, and the Constitutional Rights of Nature in Ecuador. The Eurocentric and dominant cultural model has had a monopoly on the production of knowledge ever since the start of colonialism but today's socio-environmental issues are forcing us to look for other alternatives. Many studies have been done on the concept of Sumak Kawsay and on the use of the legislation but a gap is missing on research on the socio-ecological benefits through the lens of decolonization theory and indigenous methodologies, looking at participatory approach, cultural sensitivity and power dynamics. This study aims to challenge the dominant cultural model of knowledge production by studying the benefits of including indigenous knowledge in law and decision making. A decolonial process towards a paradigm shift in the dominant conception of our relationship to nature and human beings. Via decentralized politics, language and educational inclusion, Ecuador is setting an example of a new type of environmental stewardship. Already seen in UN programme Harmony with Nature, this could align with what has to be done to challenge global socio-ecological issues.

The Benefits of Indigenous Knowledge Systems in Law and Decision Making - A case study on Sumak Kawsay, Buen Vivir and Rights of Nature in the Ecuadorian Constitution.

1. Introduction

I have an emotional connection to indigeneity from traveling and living in the Americas for somewhat eight years and getting a personal close up experience both to indigenous lifestyles that have vanished through the dominant cultural model, as well as living and experiencing indigenous cultures that are well kept and developed with strong resistance to that model. I do have indigenous background but I want to make a point that I was born and taught with an eurocentric cultural model.

Having this in mind, this study is based on the idea of challenging the belief that indigenous knowledge does not have the intellectual capacity to conduct valued research and to question the hegemonic conception that literature of indigenous peoples is considered folklore (Dunbar, C., 2008). This way of thinking, produces inequalities in the production of knowledge and tends to homogenize indigenous knowledge. Hence, there is a tendency to chunk all indigenous cultures as one in an essentialist way that is important to avoid. At the same time be able to hold the understanding of the nearly worldwide oppression of indigenous peoples and the destruction of their knowledges (Kincheloe, J. and Steinberg, S., 2008). Therefore, this essay is aiming to challenge these ideas through looking at the benefits of including Indigenous Knowledge in the Ecuadorian constitution.

Research problem

The moral needs of the reality that we confront forces us to a reconceptualization of the process of knowledge production and truth claims. Realities like environmental issues caused by the eurocentric dominant culture, disconnectedness to nature, endless extraction of natural resources and a legal system that supports international corporations rather than nations, land and individuals, forces us to look for other alternatives. Culturally informed political and pedagogical actions without the privilege of the authority of truth production provides a transformative negotiation of knowledge (Kincheloe, J. and Steinberg, S., 2008). The problem seems to be that some cultures have the privilege of the authority of truth production

and that, even when used, Indigenous knowledge does not get the acknowledgement since it is considered folklore.

Aim and Purpose

In this research I will study the case of the inclusion of Indigenous Knowledge (IK) in the constitution of Ecuador, how it came to be included and what the benefits of that inclusion means, practically and ontologically. I chose this case because Latin America is a good example of how the mobilization of indigenous communities participates and transforms policies and academia. This specific case is also very debated internationally (McGregor, 2021).

I am aiming to understand the benefits of including indigenous knowledge in law and decision making related to socio-environmental problems. As a second aim, I want to contribute to the academic discussion by highlighting culturally alternative, sustainable socio-ecological ideas that come from Indigenous knowledge systems. In that sense I aim to contribute to the decolonization of the theory of science and to give my small contribution to the indigenous rights movement.

The purpose lies in challenging the dominant cultural model in academia and the creation of knowledge by studying the socio-ecological benefits of incorporating indigenous values and knowledge in law and decision making. Therefore I want to contribute to the discussion with a case of study that has constitutional rights that comes from indigenous knowledge and concepts. A case that challenges the monopoly on knowledge production and is a part of a decolonization process.

Research question

How does indigenous knowledge contribute to socio-ecological benefits within the case of the implementation of Natures Rights and the indigenous concept of Sumak Kawsay/Buen Vivir in the Ecuadorian National Legislative Assembly?

How can incorporating indigenous values and knowledge in law and decision making create socio-ecological benefits?

Outline

First I will describe my theoretical framework and philosophical position of science. I will explain Decolonization Theory and which part of that theory I will use in my research. After that I will explain the main concepts of my research which are the Dominant Cultural Model and Indigenous Knowledge System (IKS). This will be followed by an explanation of the Indigenous concepts *Sumak Kawsay*, translated to *Buen Vivir*, that are used in the case of the inclusion of IKS in the constitution of Ecuador. Following that comes the previous research section which includes research of including IKS in policies and decision making showing the notion of extractivism of knowledge and the lack of procedural justice in the integration process of IKS. Next follows my Methodological framework and an explanation of Indigenous methodology and a description of my data collection for my analysis. The data collection for my analysis consists of the National Plan towards a Buen Vivir 2017- 2021 (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017), a Ted Talk with Goldman environmental award-winning Indigenous leader and activist Nemonte Nenquimo and an interview with Indigenous politician Carlos Viteri Gualinga that proposed the concept of Sumak Kawsay to the government in 1993. After, in the result chapter, I will describe the case of the inclusion of IKS in the constitution of Ecuador followed by an analysis of my data looking at three main categories; Participatory approach, Cultural sensitivity and Power dynamics, using Indigenous methodology and Decolonization Theory. Finally, in the discussion and conclusion I argue that some of my findings show that the *decentralization* of power enhances inclusion of IKS and that the Indigenous concept and constitutional *Rights of Nature (RoN)* not only benefits in an ecological sense but can be beneficial for Indigenous Rights as well. The research ends with a discussion of my findings focused on IKS instead of IK, Indigenous Rights, socio-ecological benefits of the constitutional RoN and the United Nation programme *Harmony with Nature*. Finishing with a conclusion section of that discussion.

2. Theoretical framework

Philosophical position of science

My philosophical position of science is that of critical theory. That is because decolonization theory is deeply rooted in critical theory and involves critique of societal structures and power dynamics.

Decolonizing epistemologies asks ; how do we, in a decolonizing framework, know the world? And what is the relationship between the knower and the known? Decolonizing ontology raises basic questions about the nature of reality and the nature of being human in the world (Darder, A. et al., 2008). A critical standpoint epistemology values indigenous knowledge because indigenous values have transformative power (Ibid) Power to challenge and therefore transform current hegemonic ways of understanding and relating to knowledge.

Colonization and neocolonization continues to have a profound impact on one's epistemology (one's way of knowing) and ontology (one's relationship to what there is to know).

Decolonizing scholars sees a distinction in one's way of knowing and a system of knowing when it comes to epistemology where some ways of knowing are valued and validated based on one's position to the dominant cultural model (Dunbar, C., 2008). The creation of knowledge as we know it from the dominant cultural model is a Eurocentric construct which supports the belief in the superiority of European people over non-European people. This extends to the lack of recognition of Indigenous knowledge systems and ways of knowing (Ibid). The indigenous worldview places Indigenous peoples at the center of the research and is aware of indigenous values, beliefs, paradigms, social practices, ethical protocols and pedagogies (Ibid).

Decolonization Theory

The establishment of a new global order began with the colonization of societies and cultures in what is now referred to as Latin America. Over the course of five centuries, this process evolved into worldwide dominance. It involved the Earth's resources, controlled and used for the benefit of a small European minority, especially its ruling classes. This pattern of exploitation started by Western European powers and maintained by their successor remains

widespread today, with Latin America and Africa suffering as the primary victims (Quijano, A., 2007).

The European conquerors established a direct political, social, and cultural dominance over the conquered populations across continents, a phenomenon identified as Eurocentered colonialism (Quijano, A., 2007). This colonial power structure gave rise to specific social discriminations, later categorized as 'racial,' 'ethnic,' or 'national,' depending on the historical context, agents involved, and populations affected. These constructed distinctions were incorrectly assumed to be 'objective' or 'scientific,' as if they were natural phenomena rather than products of a history of power (Ibid). This hierarchical power framework continues to shape and influence other social relations, including class dynamics. When examining global exploitation and social domination, it becomes evident that the major lines of world power, resource distribution, and labor assignments disproportionately favor the European dominators and their successors. The majority of those exploited, dominated, and discriminated against are members of the 'races,' 'ethnies,' or 'nations' into which colonized populations were categorized during the establishment of this world power (Ibid).

This connection primarily involves colonizing the imagination of the *subjugated*. First, colonialism manifested as a systematic repression, suppressing beliefs, ideas, images, symbols, and knowledge not useful for global colonial dominance. At the same time, the colonizers extracted knowledge from the colonized specially in mining, agriculture, engineering, as well as their products and work. The repression focused particularly on modes of knowing, knowledge production, perspectives, images, symbol systems, and formalized expressions, both intellectual and visual (Ibid). Following this repression, the rulers imposed their own expression patterns, beliefs, and supernatural images. These served not only to hinder the cultural production of the subjugated but also as tools for social and cultural control once immediate repression became less constant and systematic (Ibid).

The colonizers not only enforced their own ways of creating knowledge but also presented a mystified image of these patterns, keeping them beyond the reach of the subjugated. Later, they selectively taught these patterns, aiming to introduce some individuals into their power

structures. Following Quijano (2007), European culture was portrayed as attractive, offering access to power. The process of cultural Europeanization evolved into an aspiration, a way for the subjugated to participate and eventually attain the same material benefits and power as the Europeans, often framed as conquering nature for 'development.' European culture became the *dominant cultural model*, making it challenging for non-European cultures to exist and maintain themselves independently outside of these power relations (Quijano, A., 2007).

The crisis in the European way of thinking about knowledge questions a basic idea: that knowledge comes from the relationship between a knower (subject) and the thing known (object) (Ibid). This idea causes problems in validating knowledge as we can see in several cases of including Indigenous knowledge without considering the holism of the knowledge system. The 'subject' refers to an individual on their own, thinking and reflecting independently. The 'object' is something different from and external to the individual, defined by certain characteristics that give it its identity. This way of thinking has limitations. It overly emphasizes the individual and denies the importance of social connections in knowledge creation. The concept of the 'object' doesn't align with current scientific findings that suggest properties are aspects of relationships rather than independent characteristics (Ibid). This challenges the idea of a unique identity outside of relationships. I'm connecting this part of the thesis to how Indigenous knowledge is viewed as an object that can be extracted to benefit the dominant cultural model and how the 'racial' and 'ethnic' categorization continue to diminish alternative knowledge systems. Individual subjectivity exists as part of a social web called *intersubjectivity* (Ibid). This means every person's thoughts or ideas are connected to a broader social context. Knowledge, from this viewpoint, is a shared understanding among people aiming for something, not just the thoughts of an isolated individual and that something (Ibid). Hence the importance of acknowledging a system of knowledge rather than knowledge as an object.

European colonial practices reflected this idea by ignoring other perspectives outside Europe. The notion of the 'West' or 'Europe' emerged as an acknowledgment of identity, acknowledging differences with other cultures according to Quijano (2007). However, these differences were often seen as inequalities, with European culture considered rational and

others perceived as inferior, unable to have 'subjects.' This viewpoint led to a one-sided relationship, treating other cultures as 'objects' of knowledge or domination rather than cultivating communication and knowledge exchange. The paradigm assumed an external relationship between 'subject' and 'object,' hindering meaningful interactions between cultures (Quijano, A., 2007).

The idea of social totality was developed according to an organicist image, which led to adopting a reductionist vision of reality. The idea of totality portrayed society as a closed structure with a hierarchical order and functional relations between its parts. It assumed a single historical logic and rationality, envisioning history as an evolutionary progression from the primitive to the civilized. Europe saw itself as the model for the future of all societies and cultures, considering its advancement as the pinnacle of human history. Europe successfully imposed this "mirage" on the cultures it colonized (Quijano, A., 2007).

The solution lies in freeing the production of knowledge, reflection, and communication from the limitations of European rationality and modernity. All systematic knowledge production is tied to a perspective of totality (Ibid). To break free from the ties between rationality/modernity and colonialism, and to reject any power not formed by the free decisions of free individuals, is crucial. The misuse of reasons for power, especially colonial power, distorted knowledge paradigms and undermined the liberating promises of modernity. The clear alternative is the dismantling of global colonial power, starting with *epistemological decolonization*. This paves the way for new intercultural communication, fostering an exchange of experiences and meanings, forming the basis for a different rationality that can legitimately claim some universality. It is irrational to assert that the specific cosmovision of a particular ethnic group, even if it's Western Europe, should be considered universal rationality (Quijano, A., 2007). Following these reflections I want to discuss two concepts; the Dominant Cultural Model and Indigenous Knowledge Systems.

Dominant Cultural Model

Christopher Dunbar Jr. (2008) discussed in his article "Critical Race Theory and Indigenous Methodologies" the notion of the Dominant Cultural Model. It means that the sociocultural, political and economic position of the researcher and the research object plays a critical role

in how the research is presented and thus interpreted. There exists a center that is composed of those whose way of knowing determines how those outside the center are viewed. The relationship by the inquirer and the research object is regulated by the rules and norms established by those in the center (Dunbar Jr, 2008). The creation of knowledge is based on Eurocentrism. In that sense the impact of colonialism on research establishes the dominant groups' knowledge, experience, language and culture as the universal norm and dominant culture. A continued colonization expects 'others' to conform to that expectation and reinforce the marginalization of Indigenous knowledge systems (Ibid).

Indigenous Knowledge System

Indigenous knowledge is reasons informed by lived experiences that educates and sustains people in a local area who make their homes there. Such peoples have produced knowledge, *epistemologies*, *ontologies* and *cosmologies* that construct ways of being and seeing in relation to their physical surroundings. This knowledge has *insights in plant and animal life*, *cultural dynamics* and *historical information* that can help dealing with contemporary challenges. Indigenous knowledge has a transformative power and can be used to promote empowerment and justice in different cultural contexts. The *exploration of human consciousness* is a key concept of this transformative power, the way it is created and the process of its engagement with cultural differences. The transformative power lies in the potential to enrich the way we engage in research and the reconceptualization of the question we ask and the way we interpret the answers (Kincheloe, J. and Steinberg, S., 2008). A key problem lies in that various indigenous knowledges of how action affects reality has been dismissed in pedagogy and the creation of knowledge. There is a tendency for indigenous knowledge to focus on *the relationship of human beings to one and another and their ecosystem* (Ibid).

Indigenous knowledge is a part of Indigenous Knowledge Systems (IKS), going beyond being just information, it's a way of life. This knowledge is closely tied to the people who hold and live by it. Proper acknowledgment and inclusion of Indigenous knowledge require an understanding of the supporting systems, emphasizing the need for supporting Indigenous self-determination. Increasingly, Indigenous knowledge is gaining recognition globally in

agreements, conventions, legislation, policies, programs, and practices (McGregor, 2021). However, external interests often prioritize the knowledge itself rather than the well-being of the Indigenous people or the systems supporting the knowledge's creation, renewal, and transformation.

IKS extends beyond human relationships to include connections with all living things, the spirit world, ancestors, and future generations. It encompasses how Indigenous peoples generate knowledge within their legal and governance structures, covering political, economic, social, and cultural systems. Indigenous communities determine their knowledge keepers, how knowledge is passed on, protected, and governed to meet current challenges. It's essential to understand that Indigenous knowledge is not disconnected from broader societal goals and aspirations; instead, it is deeply rooted in them (McGregor, 2021).

Sumak Kawsay/Buen Vivir and Rights of Nature: Indigenous concepts connected to the case of Ecuador's constitution.

Here follows an explanation on the Indigenous concepts that are studied in this research. Sumak Kawsay includes epistemological and ontological knowledge tied to cosmovisions. It is a way of life that has a transformative power that is deeply rooted in societal goals and aspirations by challenging the dominant cultural model.

It seems that many indigenous peoples, scholars and politicians agree, Buen Vivir (BV) and Sumak Kawsay (SK) are not quite the same. BV represents, organizes, and establishes a framework of understanding and lifestyle centered around SK which constitute the *interconnectedness of humans and nature*, emphasizing the harmonious coexistence within the spatial and temporal dimensions of existence. One could say that SK represents essentialized Andean values and BV is the critical, anti-imperialist rhetoric of those values (Waldmüller, J. M., 2014). The constitutional law; Rights of Nature (RoN) is a legislation tool for implementing those values.

The decades-long struggle around multiculturalism, neoliberalism, recognition of indigenous rights and indigenous self-representation is the foundation to the two main pillars of BV and

even the Ecuadorian state nowadays; *Interculturalidad* (interculturality) and *Plurinacionalidad* (plurinationality). Which stands for creative interweaving of cultures which opposes the western idea of multiculturalism which stands for cultural coexistence, on decolonial grounds (Waldmüller, J. M., 2014). RoN resulted from the activism of indigenous, environmental and leftist organizations. BV therefore ascribes to a variety of discourses and practice-related platforms. Everything from natural resource extraction in biologically sensitive protected areas to supporting Nature's right against agro-industry (Kauffman, M. C. and Martin, L. P, 2017).

According to Waldmüller, J. M. (2014) at least three main types discourses and practices have been differentiated between BV and SK;

1. Buen Vivir is a political, state-led socialism blending neo-Aristotelian, Christian and Andean Values. It remains largely within the framework of Eurocentric development.
2. Buen Vivir is a "utopia to be constructed" combining viewpoints of various international movements of peasants, feminist, socialist, ecologists, pacifists etc.
3. One doesn't need to be indigenous to support it as *indigenista* (Waldmüller, J. M., 2014, 19-20).

Proponents more aligned with 'indigenista' movements tend to claim a fundamental division between BV and SK. Collapsing the post-modern form of bio socialism that BV has been called and SK, the ancestral way of being, keeps alive the exploitation of the indigenous epistemology. But both BV and SK voice serious questions of mainstream development and inward-related aspects of development linked to relational connectedness to other humans and the natural environment (Ibid). A common thread is uniting humans with nature instead of seeing humans as separated from nature. Indigenous cosmovisions that surround the concepts of BV and RoN in the constitution is a natural outcome of the relationship between humans and Mother Earth according to Ecuador's former Minister of Foreign Affairs (Kauffman, M. C. and Martin, L. P, 2017).

The ethical dimension of SK stresses a series of interconnected values which without, BV, would not be achieved. Such as Yanapan (support), Kuna (generosity), Japina (the obligation to receive), Kunakuna (reciprocity), Kamachi (advice) and Uyana (listening). They are all reflected in the Chakana (the Andean cross): Ranti-ranti (reciprocity), Pura (oneness), Yananti (complementary) and Tinkuy (connectedness) (Waldmüller, J. M., 2014, 20-21).

In opposition stands Mal Vivir/ Llaki Kawsay which refers to an overly individualized, materialized and disenchanting way of living. According to Waldmüller, J. M. the goal of SK is not to overcome 'ill living' but to balance the two always existing sides. By practicing consciousness, i.e. listening, responding and correlating with mind, heart and body. Instead of focusing on Western concepts like exclusivity, categorization, competition, subjectification etc. BV emphasizes solidarity, generosity, reciprocity and complementary. It is not about integrating with western science but to establish another vision and mission for human beings (Waldmüller, J. M., 2014). Considering human well-being as inseparable from the well-being of all Earth ecosystems implies that development should be grounded in ecological principles. This involves acknowledging the integral processes of the biosphere and emphasizing the importance of harmony and balance among all elements of the system. Chapter 7 of the constitution grants Nature the rights to exist, to maintain its integrity as an ecosystem, and to regenerate its life cycles, structure, functions and evolutionary processes. Nature also has its rights to be restored if injured. Articles 71-73 mandate the State to uphold and safeguard RoN, especially from harm induced by extractive industries. This includes taking preventive measures to ensure protection (Kauffman, M. C. and Martin, L. P., 2017).

The theory of decolonization is used in this research as a lens to take in the knowledge that is offered. In the same way, the concept of the dominant culture model is used as a reminder that the knowledge production is made for and by that model and IKS reminds us in this research that there are other types of models on how to produce knowledge and environmental stewardship. This helps us be able to see the benefits of including Sumak Kawsay in the constitution of Ecuador without the lenses of the dominant cultural model.

3. Previous research

In this section I have chosen previous research that includes Indigenous Knowledge in law and decisions making from various parts of the world. That is to call attention to the worldwide oppression of knowledges outside of the dominant cultural model and to point out difficulties and struggles Indigenous Knowledge has had to take place in governance.

In “Indigenous Knowledge Systems in Environmental Governance in Canada”, Deborah McGregor (2021) explains how efforts to integrate Indigenous knowledge (IK) into environmental governance in Canada, while respecting ethical considerations, have proven challenging. Despite advancements in government policies and legislation aiming for a more thorough treatment of IK, the dominant paradigm of extraction remains largely unchanged.

Successfully incorporating IK requires acknowledging and supporting the systems that underpins it. This highlights the importance of accepting Indigenous self-determination as a fundamental aspect of achieving an appropriate and effective inclusion of IK. The current approach in research often involves external interests extracting specific elements of this knowledge to incorporate into their own agenda (McGregor, 2021). The growing attention towards IK, seen by various international conferences and United Nations initiatives, has led to its formal recognition. However, the external interests engaged in this field appear to prioritize the knowledge held by Indigenous peoples rather than the complex systems supporting the generation, renewal, and transformation of this knowledge. IKS extends beyond human relationships, including connections with all living entities, the spirit world, our ancestors, and future generations. The historical and ongoing impacts of colonialism have disrupted and continue to create significant challenges to the creation, innovation, communication, and application of IK (Ibid).

Western knowledge is also tied to a broader political, economic, and educational framework. It is mostly produced and distributed through publicly funded higher education institutions by scientists, practitioners, researchers, and students as part of the formal education system. The portion of funding, research focus, and educational priorities undergo significant shifts based on government policies, political dynamics, economic conditions, and societal needs. Similarly, IKS operates within a broader Indigenous society. These systems involve how

Indigenous communities generate knowledge within their legal and governance structures, incorporating protocols related to politics, economics, social dynamics, and culture. Within Indigenous frameworks, decisions about who qualifies as knowledge keepers and practitioners, as well as the methods for transmitting, transforming, protecting, and governing knowledge, are made by the Indigenous peoples themselves. This process provides adaptation to contemporary challenges (McGregor, 2021).

However, a second approach is emerging, aiming to extract knowledge holistically from Indigenous peoples. The Government of Canada is pursuing this through its Indigenous Knowledge Policy Framework. While the framework emphasizes a more comprehensive understanding stating “Indigenous Knowledge enables federal organizations to have a more complete understanding of Indigenous world views, Indigenous cultures, the environment, and the social, health and economic conditions of Indigenous peoples” (McGregor, 2021, 4), it simplifies Indigenous knowledge as "Indigenous knowledge means the Indigenous Knowledge of the Indigenous peoples of Canada." Notably, it overlooks the legal, political, and governance systems, seen as potentially challenging to the Canadian state's authority. (McGregor, 2021) Potawatomi scholar Kyle Whyte suggests scientists integrate their knowledge into Indigenous governance for effective exchange. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) outlines how external interests can support IKS and uphold self-determination across various aspects (Ibid).

In Canada, the growing interest in IKS is evident in recent environmental reforms, notably reflected in updated legislation like the *Fisheries Act* and *Impact Assessment Act*. Still, the incorporation of Indigenous knowledge appears to primarily serve the interests of the federal government. Despite claims of progress, it seems the authorities behind such legislation either don't grasp the disparity between Indigenous knowledge and mainstream systems or deliberately avoid addressing it. This avoidance may stem from the reluctance to formally acknowledge Indigenous legal, political, and governance systems (McGregor, 2021).

Rebecca Macias Gimenez (2022) is examining environmental impact assessments of hydropower dams as an opportunity for applying indigenous laws. Indigenous peoples are being affected by the state-led decisions to approve dams. Decision making of projects with

serious impact requires institutional spaces for implementing Indigenous laws (Macias Gimenez, R., 2022). Despite that, indigenous laws, rooted in nature and aimed at sustaining future generations, currently play a limited role in state decision-making, despite guiding land and resource management. Failure to acknowledge these laws in the state-led process poses a threat to Indigenous communities' holistic way of life, impacting their spiritual, cultural, and physical connections to the land through disruptions to activities like fisheries, hunting, food gathering, ceremonies, and governance (Ibid).

International law like the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states the obligation to consult with indigenous peoples about projects that could affect their traditional territories and resources. Some state actors resist implementing the principle of Free, Prior and Informed Consent (FPIC) that is stated by the UNDRIP, saying that it could represent a potential indigenous veto, threatening development projects and control over resources development (Macias Gimenez, R., 2022). Macias Gimenez detects the lack of *procedural justice*. Consultation is not enough and case studies provide examples of lack of meaningful participation opportunities. The engagement must be broader, earlier and more substantial. Examples from Latin America show how Indigenous groups themselves have written the protocols that work as guidelines for states on how they should interact with the communities in environmental decision making (Ibid).

The government led project of the Belo Monte hydropower dam in Brazil was approved based on national interest, energy security and demand. It was highly controversial due to the failings in the impact assessment and decision making process and claims about the violation of indigenous rights (Macias Gimenez, R., 2022). Similarly, the Site C dam project in Canada significantly affects the current use of land and resources for traditional purposes, harvest of fish and wildlife by non-Indigenous people, end agriculture in the area and swamp important paleontological, archaeological and historic sites. Considering Canadian law in Constitutional Aboriginal and Treaty Rights, the United Nations Committee on the Elimination of Racial Discrimination still had to issue letters in 2018, urging the halt of the project due to lack of consent from First Nations (Ibid).

In both cases the state government recognizes the presence of indigenous peoples before colonization and their right to live distinctively from the dominant society. However, both countries have prioritized industrial development and infrastructure building. The decision making process did not reflect environmental justice principles, UNDRIP, FPIC, nor the Canadian or Brazilian law (Macias Gimenez, R., 2022). Indigenous communities sought a more meaningful dialogue in a nation-to-nation approach before dam approvals. States often offer financial compensation instead of sustainable socio-ecological projects. Loss of land affects livelihoods, relationships, and the transmission of IK. Consent, rooted in community-led laws, could be ensured by having Indigenous legal orders govern project approvals in traditional territories (Ibid).

In 2009, the UN recognized International Mother Earth Day, leading to the launch of the Harmony with Nature program. This initiative promotes Earth jurisprudence, a legal philosophy connecting human well-being to the broader Earth community. Ecuador's 2008 constitution acknowledged Mother Earth's rights, aligning Indigenous and non-Indigenous groups against neoliberalism. By 2014, Harmony with Nature integrated biocentric and Indigenous practices into Earth system governance. It emphasized merging science with Indigenous environmental philosophy for sustainability, aiming to repair ecosystems and restore relationships with the land. The program highlighted the importance of aligning human governance systems with the laws of the Earth, as expressed in Indigenous philosophies. (Schmidt, J. J., 2022)

In 2017, Harmony with Nature focused on legal recognition for natural entities, presenting cases worldwide under Earth jurisprudence. However, the program, channeled through the UN system for 'sustainable development,' overlooks the diversification of international law by Indigenous peoples, excluding the 2007 UNDRIP. It also neglects how rights of nature, advocated by Indigenous peoples, could contribute to international law. The program detaches Indigenous legal traditions by reclassifying them under Earth jurisprudence, claiming a self-reflexive critique but appropriating existing institutional structures (Schmidt, J. J., 2022).

4. Methodological framework

Indigenous Methodology

Indigenous methodology refers to research approaches, processes, and practices developed and guided by the knowledge systems, worldviews, and values of indigenous communities. It is a way of conducting research that respects and incorporates indigenous ways of knowing, being, and doing. Indigenous methodologies challenge traditional Western research paradigms, which have often been imposed on indigenous communities without regard for their cultural contexts and priorities. It surrounds diverse research approaches grounded in the epistemologies and cultural frameworks of indigenous communities. These methodologies emphasize respectful engagement, community collaboration, and a holistic understanding of knowledge. Linda Tuhiwai Smith (2021), a Maori scholar, discusses the importance of indigenous perspectives in research in her work, "Decolonizing Methodologies: Research and Indigenous Peoples." Decolonization is a central theme in indigenous methodologies, challenging historical imbalances in research practices. Tuhiwai Smith, discusses the need to decolonize research processes to ensure equitable representation and recognition of indigenous knowledge systems. (Tuhiwai Smith, L., 2021)

Indigenous Methodology and Decolonization Theory Analysis

I have chosen to analyze my data from the standpoint of these categories listed below. I find them to be the main topics of both Indigenous methodology and Decolonization theory. These elements are mentioned in various literature and I have written some of its references in the list. The categories are divided into head categories with subcategories since many of them are embedded within each other. These categories allow me to do a discourse analysis of the data that I'm analyzing in order to understand the socio-ecological benefits of including IK in the constitution of Ecuador and include some general questions and elements of Indigenous methodology and decolonization theory.

Categories	Description	Reference
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<p>Participatory Approaches</p> <ul style="list-style-type: none"> - Indicators, Metrics and Feedback Mechanism 	<p>To which extent are Indigenous Communities involved. What are the mechanisms for their active participation in the decision-making process?</p> <p>Monitoring and evaluating the needs and aspirations of indigenous communities and analyzing the mechanisms that allow indigenous communities to actively contribute to the evaluation process.</p>	<p>Tuhiwai Smith, L. (2021).</p>
<p>Cultural Sensitivity</p> <ul style="list-style-type: none"> - Holistic Approach - Traditional Knowledge Integration - Environmental Stewardship - Health and Well-being 	<p>The acknowledgements and respect for the diverse cultural practices, languages and worldviews of Indigenous peoples.</p> <p>Consideration of social, economic, environmental, spiritual aspects of indigenous life and reflection of a holistic worldview.</p> <p>Investigation of incorporation and value of traditional knowledge systems in areas like agriculture, medicine and sustainable resource management.</p> <p>Analyze how it aligns with indigenous perspectives on sustainable resource use and environmental stewardship</p> <p>Incorporation of indigenous healing practices and healthcare systems including</p>	<p>Kovach, M. (2009).</p> <p>Tuhiwai Smith, L. (2021).</p> <p>Whyte, K. P. (2018).</p> <p>Bracken, Christopher & Kelm, Mary-Ellen. (2000).</p>

	the health and well-being of indigenous communities.	
Power Dynamics - Economic Justice - Justice and Reconciliation - Recognition of Rights	Analyze challenges or reinforcement of existing power dynamics that might marginalize indigenous communities. Evaluation of economic policies if they address historical economic injustices faced by indigenous communities, promoting inclusive and sustainable economic development. The inclusion of mechanisms for justice and reconciliation for historical injustices faced by indigenous communities.	Tuck, Eve & Yang, K.. (2012). Friesen, J. W. (2009). Truth and Reconciliation Commission of Canada. (2015). Anaya, S. J. (2004). Cajete G. (1999).

Data description

Having these categories in mind I analyzed three main documents that show how IK was included and the challenges in the inclusion. The documents are:

1. El Plan Nacional para el Buen Vivir 2017-2021
2. The Ted Talk “The forest is our teacher. It’s time to respect it.” by Nemonte Nenquimo. (2021)
3. Academia del Azufre interview with Carlos Gualinga Viteri called “Entrevista especial con Carlos Viteri Gualinga (Sumak Kawsay)” (2022)

The first document is El Plan Nacional para el Buen Vivir 2017-2021 which is a strategic national document that outlines the goals, policies and initiatives of the government of Ecuador to promote a Buen Vivir (Good Living). Together with that document I will also

analyze some parts of the Constitution of Ecuador itself that I find most important for the research and the research questions.

The second document is a Ted Talk by Nemonte Nenquimo. Nemonte Nenquimo is an Indigenous Waorani leader and environmental activist. She gained international recognition for her role in the legal victory of the Waorani people in 2019, where an Ecuadorian court ruled against oil drilling in their 500 000 hectare ancestral territory, setting an example for Indigenous rights and environmental protection (Amazon Frontlines, 2019). Nenquimo is one of the founders of the Ceibo Alliance, an organization committed to safeguarding Indigenous lands and cultures in the Ecuadorian Amazon. Her advocacy extends to addressing broader issues such as environmental justice and the adverse impacts of industrial activities on the Amazon ecosystem. Nenquimo's contributions to environmental conservation were further acknowledged when she was awarded the Goldman Environmental Prize, a prestigious recognition highlighting grassroots environmental activists.

The third document is an interview with Carlos Viteri Gualinga. Viteri is an anthropologist and Kiwcha. He is one of the promoters of a plurinational state and he was the director of the Instituto para el Ecodesarrollo Regional Amazónico (ECORAE) i.e. the institute for eco development of the Amazonian region.. In 1993 he proposed the concept of Sumak Kawsay to the government (Wordpress, 2023). I have analyzed an interview with Viteri from october 2022 called “Entrevista especial con Carlos Viteri Gualinga (Sumak Kawsay)”

5. Case description and a general contextualization of IK in the Ecuadorian Constitution.

Description of the case of study: the process of including IK in the constitution.

Between 2007 and 2008, Ecuador underwent the most democratic constitutional process in its history. Today, they have a society with improved capacities distributed more equitably according to the National Plan para el Buen Vivir 2017-2021 (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017). To understand this, it is important to know some history about the constitution and consolidation of the Ecuadorian state.

The worst economic crisis at the turn of the 20th to the 21st century profoundly impacted the Ecuadorian population, forcing a true diaspora with dramatic consequences for the present generations (Ibid). Ecuadorian republican life in the 19th century began with the Constitution of 1830. Despite the aspirations arising from the wars of independence, it made the oligarchic power of a few stronger at the expense of excluding the majority. This is reflected in the citizenship requirements that marginalized social groups like women, Afro-Ecuadorians, indigenous peoples, and other groups categorized as outcasts at the time. This exclusion left a few privileged individuals of proven European descent in control. This period has been characterized as a Creole national project. The Constitution of 1906 represents a historical milestone for the republic, introducing principles such as the secularism of the state, free and mandatory public education, freedom of conscience, and equality before the law, among others. This marked a gradual process with constant advances and setbacks in the incorporation of the masses into politics throughout the 20th century. It was only in 1979 that the restriction of voting for the analphabetic population, coincidentally overlapping with the indigenous population, was eliminated (Ibid).

Indigenous villages of Ecuador were, from the beginning, totally excluded from the eurocentric creole state project of creating the nation (Academia del Azufre, 2022, 6.30). Already from the beginning when the state was created the original (read Indigenous) villages territory and knowledge was ignored (Ibid, 8.13). The eurocentric view of social organization, political concepts and organization of human settlement was imposed (Ibid, 9.20). The original villages were given to the missionaries to be taken care of and to turn the people useful to the society and the European culture (Ibid, 10.30). The historical resistance from the original villages means that very few times any Latin American country, and above all Ecuador, has had political stability (Ibid, 11.45, 15.24). That is mainly because of the imposition of the neoliberal model (read dominant cultural model) and the deception of the original villegas (Ibid, 16.55). In answer to that the people have been dreaming of a change and leadership towards a life that is worth living has been created (Ibid, 19.00). The lead from the Indigenous villages has been very important in the role of creating a new constitution that was born from this desire of change (Ibid, 20.00).

After many years of consolidating the state and social mobilization, in 2008, Ecuador became the first country in the world that included Rights of Nature (RoN) in their constitution. The constitution grants Nature constitutional rights and states that RoN is a tool to create a new form of sustainable development based on the Andean concepts of Sumak Kawsay, also called Buen Vivir (Kauffman, M. C. and Martin, L. P, 2017).

The concept of *plurinationality* is what has given Ecuador an opportunity to be one of its kind and front figure in including IKS in law and decision making. By acknowledging the plural nationalities within the state, the oppression of Indigenous Knowledge has eased and the peoples and the systems have been taken more seriously. Which means that not only has Ecuador taken steps towards Nature's Rights but also towards Human Rights. One of the objects on one of the three pillars to achieve Buen Vivir says; *Objetivo 2: Afirmar la interculturalidad y plurinacionalidad, revalorizando las identidades diversas* i.e. Objective 2: Affirm interculturality and plurinationality, revaluing diverse identities (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017, 135). The constitutional plan towards a Buen vivir shows how important and focused Ecuador is on this subject. They also organized several instances to achieve this, for example; Asamblea Ciudadana Plurinacional e Intercultural para el Buen Vivir (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017).

As well as plurinationality, *decentralization* of the power is a tool for implementing IKS in law and decision making in Ecuador. When acknowledging the plurinationalities of the country, they also implemented several instances for deconcentration and decentralization. A way to enhance the political participation of the citizens (Ibid). The nacional plan is an instrument to coordinate the competence between the central state and the decentralized autonomic governments to let them adjust the local, regional and provincial plans. This is to permit the interaction between different social actors and institutions to organize the development plan. It is an instrument to gain active participation (Ibid).

Inicial socio-ecological benefits of including IK in the constitution

A constitution oriented towards Buen Vivir has economic, social and political implications. Economic exchanges are submitted not to the logic of profits but to the logic of human flourishing and respect of nature. Accumulation of material wealth is no longer the basic value of the economic system but solidarity, complementarity and reciprocity. A plurality of markets at the local level and not a market society submitted to one global market is what a solidaristic economic system supports. Buen Vivir aims at changing power structures and the economic system in the longer run (Waldmüller, J. M., 2014).

While many studies have been done on the conceptual framework of Buen Vivir, not so many has been done on the instrumental use of RoN, which is a tool for implementing Buen Vivir and achieving an alternative model of sustainable development that challenges the dominant neoliberal approaches (read the dominant cultural model). RoN has become more mainstream and has taken place in diverse venues like U.S. municipal ordinances, New Zealand's treaties with its Maori population, Supreme Court decisions in India, Pope Francis' 2015 encyclical *Laudato Si*, UN General Assembly resolutions and the 2015 Paris Climate talks. The International Union for Conservation of Nature made RoN “ the fundamental and absolute key element for planning, action and assessment...” (Kauffman, M. C. and Martin, L. P, 2017,). This shows how RoN jurisprudence is developing simultaneously in Ecuador and internationally.

As Ecuador is the first country to apply RoN laws, their experience is influencing global notions of what RoN norms look like in practice. A study made by Kauffman, M. C. and Martin, L. P (2017) shows that highly politicized civil society pressure in the form of anti-mining activism used RoN laws to mobilize the society and shame the government. The study also shows that judges knowledgeable of RoN are applying it in their sentencing, even in cases where neither claimants nor defendants are invoking RoN (Kauffman, M. C. and Martin, L. P, 2017). Kauffman and Martin identified 4 different ways of implementing RoN in Ecuador: 1) Civil Society pressure 2) instrumental government action 3) bureaucratic institutionalization 4) application by the juridical epistemic community (i.e. judges). They highlight the professional responsibility to apply the law by judges. (Ibid) There are

successful lawsuits that illustrate the importance of judicial knowledge and politicization of cases. The study also shows that lawsuits are most successful when not nationally politicized but when RoN lawsuits were initiated by the state, they were all successful (Ibid).

From local to global - How Ecuadorian IK has been included on a global scale

The national plan states that there is a plan to: “Ensure national sovereignty, promote Latin American integration, and drive strategic engagement in the international context, contributing to global peace and a democratic and equitable world system” [My translation] (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017, 33).

In April 2009, the UN recognized International Mother Earth Day. Later that year, the Harmony with Nature (HwN) program was launched. Since 2011, it has held dialogues involving academics, lawyers, and Indigenous peoples. The program promotes *Earth jurisprudence* (Schmidt, J. J., 2022), a legal philosophy asserting that humans are just one part of a broader community of beings, and their well-being is linked to the Earth as a whole. HwN aims to align Indigenous legal traditions, rights of nature, and a philosophy of law suitable for the Anthropocene in global environmental governance (Ibid). In 2008, Ecuador's constitution recognized Mother Earth's rights, uniting Indigenous and non-Indigenous groups against neoliberalism. For Earth jurisprudence advocates, aligning with Indigenous legal traditions is vital (Ibid).

In 2014, HwN integrated *biocentric* and Indigenous practices with governance aligned with *Earth system science*. (Schmidt, J. J., 2022) Concepts like Buen Vivir and Sumak Kawsay, were cited alongside post-development theories. The 2014 report scaled Indigenous cosmologies to Earth system governance, building on groundwork laid in 2009–2014. In 2015, a merging of science and Indigenous environmental philosophy was emphasized for sustainability, aiming both to repair damaged ecosystems and to restore broken relationships with the land. HwN specifically directed the diversity of Earth jurisprudence towards the idea that "Earth serves as the origin of natural laws governing life." Simultaneously, it asserted that "the philosophies, spiritualities, and traditional knowledge of Indigenous peoples articulate the belief that human governance systems must be derived from and comply with the laws of the Earth" (Ibid).

In 2017, HwN presented evidence including cases ranging from U.S. cities to a Colombian court decision on the Atrato River, Mexico City's new constitution, New Zealand's acknowledgment of the Whanganui River as a legal person, and the Uttarakhand High Court decision in India regarding the Ganga and Yamuna Rivers as legal persons. These examples illustrate how HwN grouped various Indigenous and non-Indigenous legal systems under Earth jurisprudence, declaring the existence of a new legal landscape aligned with sustainable development. The report aimed to position climate change "in a plural world with various ontologies" that, despite their differences, reject utilitarian perspectives on natural systems and the separation of nature and humans (Schmidt, J. J., 2022).

Earth jurisprudence as a concept operates with varied ontological and epistemological orientations. However, by channeling Earth jurisprudence through the UN system under the banner of 'sustainable development,' HwN overlooks how multiple Indigenous peoples have diversified international law, notably excluding the 2007 UNDRIP. It also disregards how rights of nature, often promoted by Indigenous peoples, may further diversify international law through direct relations with non-humans. Indigenous legal traditions are initially acknowledged but swiftly reclassified to align with a legal view compatible with *Earth system science*. Hwn, claiming a self-reflexive critique yet appropriating other governance modes, detaches Indigenous legal traditions from their embedded relations by listing them as diverse cases available for categorization under Earth jurisprudence (Schmidt, J. J., 2022).

6. Analysis

Now follow the section of the analysis of my data collection using the lens of Indigenous methodology and decolonization theory and the categories listed in the methodology section. I will present three sections: (i) Participatory Approach that has to do with the involvement and participation opportunities of Indigenous communities, (ii) Cultural Sensitivity that touches the acknowledgements and respect for the diverse cultural practices, languages and worldview of Indigenous peoples and (iii) Power Dynamics that analyzes challenges or reinforcements of existing power dynamics that might marginalize indigenous communities. As mentioned, these three categories allow me to produce a holistic discussion about the

socio-ecological benefits that comes from including IK in the constitution of Ecuador. For this analysis the base is going to be the three documents that build the body of my data.

(i) Participatory Approach

Indigenous communities participated in the first ideas to the new constitution by contributing with the concept of Sumak Kawsay. Carlos Gualinga Viteri, as an indigenous politician, brought the concept to the surface and started an already long existing resistance to the dominant cultural model.

“ ...that’s when I proposed the concept of Sumak Kawsay. In our language, and in many, there doesn't exist a concept or an idea that is equal to the concept of development. *El pueblo* (the people) has our way of understanding life, understanding happiness, our way of understanding work, the human force, solidarity... and from that point of view, starting from our values and cosmovisions, the concept of development had nothing to do with us. That's when I, in 1993, wrote an article and for the first time planted the concept of Sumak Kawsay. And I, myself, translated it to Buen Vivir or Vida Harmonica” [My Translation] (Academia del Azufre, 2022, 31.30).

The national plan towards a Buen Vivir shows signs of practical solutions to increase the political, academic and practical participation of Indigenous peoples and therefore also Indigenous Knowledge by implementing and highlighting the importance of educational possibilities in local languages as well as participatory societal mechanisms such as increasing societal information in local languages. The decentralization project of the plan is another participatory approach the plan has. Political participation is made easier through instances like the National Decentralized Participatory Planning System. There are several indicators that show mechanisms of the possibility to participate in evaluation and feedback. Every goal and object of the plan has an instance or organization responsible listed on page 134-146. Which makes it easy to follow up for evaluation and participatory feedback.

Eje 1: Derechos para Todos Durante Toda la Vida			
Objetivo	N°	Políticas públicas	Responsable
OBJETIVO 2: Afirmar la interculturalidad y plurinacionalidad, revalorizando las identidades diversas	2.1	Erradicar la discriminación y la exclusión social en todas sus manifestaciones, especialmente el racismo y la xenofobia, mediante acciones afirmativas y de reparación integral para la construcción de una sociedad inclusiva.	Consejo Sectorial de lo Social Consejo Sectorial de Seguridad Gobiernos Autónomos Descentralizados
	2.2	Garantizar la plurinacionalidad en la organización estatal, el ejercicio del pluralismo jurídico y el goce efectivo de los derechos colectivos de los pueblos y nacionalidades.	Consejo Sectorial de Seguridad Consejo Sectorial de lo Social
	2.3	Promover el rescate, reconocimiento y protección de los saberes ancestrales, cosmovisiones y dinámicas culturales.	Consejo Sectorial de lo Social Consejo Sectorial de la Política Exterior y Promoción Consejo Sectorial de lo Social
	2.4	Impulsar el ejercicio pleno de los derechos culturales junto con la apertura y fortalecimiento de espacios de encuentro común, que promuevan el reconocimiento, valorización y desarrollo de las identidades diversas, la creatividad, libertad estética y expresiones individuales y colectivas	Consejo Sectorial de lo Social Consejo Sectorial de la Política Exterior y Promoción Consejo Sectorial de la Producción Consejo de la Judicatura
	2.5	Garantizar la preservación de las lenguas tradicionales, el multilingüismo y el sostenimiento de sistemas de educación intercultural y conocimiento de las diversidades	Consejo Sectorial de lo Social Consejo Sectorial de la Política Exterior y Promoción
	2.6	Salvaguardar los territorios ancestrales, garantizando la consulta previa, libre e informada, el fortalecimiento organizativo comunitario, las visiones de desarrollo propio y la sostenibilidad de sus recursos, y proteger la vida e integridad de los pueblos indígenas en aislamiento voluntario.	Consejo Sectorial de la Producción Consejo Sectorial de Seguridad Consejo Sectorial de Hábitat y Ambiente Gobiernos Autónomos Descentralizados Consejo Sectorial de lo Social Consejo Sectorial de la Política Exterior y Promoción Secretaría Nacional Gestión de la Política

List of objects, goals and the instance responsible. (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017, 135)

However, the Ted Talk shows signs of a yet not meaningful participatory approach, ignoring the free, prior, and informed consent under international law for indigenous peoples over indigenous territorio. (Ted, 2021) The lawsuit however indicates that even if the participatory approach that the plan is promising is not working yet, the constitutional RoN is.

In conclusion, the incorporation of Sumak Kawsay in the development of a new constitution reflects a significant step towards recognizing and valuing Indigenous knowledge in law and decision making. The national plan's commitment to Buen Vivir demonstrates a practical effort to enhance the political, academic, and practical involvement of Indigenous communities. While there are positive indications, such as decentralized participatory planning, the TED Talk reveals failings of sticking to the principles of free, prior, and informed consent, highlighting the need for a more meaningful participatory approach. However, the lawsuit suggests that despite challenges, the constitutional Rights of Nature are making an impact, emphasizing the ongoing importance of legal mechanisms in safeguarding Indigenous rights and knowledge.

(ii) Cultural Sensitivity

The plan acknowledges and respects diverse cultural practices, languages and worldviews of Indigenous peoples. The whole plan is designed to include the plurinationality of the country, to celebrate the cultural diversity. Consideration of diverse social, cultural, environmental and spiritual practices is a part of the category of cultural sensitivity.

Nemonte Nenquimo's cry for the government to listen in her Ted talk, to respect their cultural practices shows signs of an extractivist government that doesn't respect the cultural sensitivity but at the same time, the plan and the constitution helped the Waori to win the lawsuit. Which indicates that including Indigenous Knowledge systems in law and decision making; i.e. implementing RoN in the constitution has socio-ecological benefits for indigenous and local communities. She said:

“We do not want to participate, we do not want exploitation, the government must respect our decision and withdraw. It can't circumvent us.... They do not respect our right to life, nature's right, and they're killing us. That's why we ask, we demand the government to listen to our voices, our decisions. The forest is our home, period. We want them to listen... because they are harming and they are killing our spirits, our life, our forest, our pharmacy...” [Ted translation] (Ted, 2021)

Social, economic and environmental considerations in the plan are obvious in many cases but the spiritual aspect of indigenous life that reflects holistic worldviews is a bit trickier to find. It states “Protect and promote cultural diversity while respecting its spaces for reproduction and exchange. Additionally, recover, preserve, and enhance social memory and cultural heritage” [My translation] (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017 33).

Enhancing social memory and cultural heritage and to respect spaces for reproduction and exchange for that cultural diversity could be a clue to the consideration of spiritual aspects. The plan talks about the connection people have to their land and *territorio*. That connection is crucial for their collective rights, including the right to be consulted before decisions

(Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017). This implies that the plan reflects a holistic worldview.

Nenquimo highlights the love for the forest and the difficulties of teaching that love, respect and connection that they have been practicing as a community for thousands of years. She only asks for respect for that spiritual connection (Ted, 2021) The constitutional RoN could be seen as a direct response to embracing a holistic worldview for the whole nation; including all living things.

The plan is not giving any exact examples on traditional knowledge integration like sustainable resource management but between the lines with factors like education and local language inclusion indicates on spaces for that traditional knowledge integration. The plan states: “Promote participation and social control, recognizing diverse identities and advocating for their equitable representation at all stages of public power management” [My translation], Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017, 33).

Sumak Kawsay as a concept includes traditional knowledge like the Rights of Nature and the notion of Territorio as Vetiri explains. (Academia del Azufre, 2022, 32.20 - 41.00) So the mere fact that Ecuador has a national plan towards a Buen Vivir could be seen as a incorporation and integration of that traditional knowledge system. The plan actually states: “Improve public education and health services with an intercultural approach” [My translation] (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017, 141). The goal of having an intercultural approach in the improvement of public education and health services indicates the incorporation of indigenous healing practices and healthcare systems. Overall many of the plans objectives and goals are connected to facilitate public healthcare systems for all people all life.

In conclusion, Ecuador's national plan demonstrates a commitment to recognizing and respecting the diverse cultural practices, languages, and worldviews of Indigenous peoples. Despite challenges highlighted in Nemonte Nenquimo's TED Talk, the plan and the Constitutional Rights of Nature, played a crucial role in the Waorani community's legal

victory. The plan reflects a holistic worldview by emphasizing the protection and promotion of cultural diversity, including spiritual aspects and the connection between people and their territorio. While specific examples of traditional knowledge integration are not explicitly outlined, the plan's focus on education, local language inclusion, and intercultural approaches suggests spaces for such integration. Overall, Ecuador's Buen Vivir plan signifies a meaningful step towards incorporating Indigenous Knowledge systems, aligning with the concept of Sumak Kawsay and cultivating socio-ecological benefits for Indigenous and local communities.

(iii) Power Dynamics

Including Sumak Kawsay in the constitution implies a cultural transformation by breaking the establishment of the Eurocentric paradigm (the dominant cultural model). It challenges the oligarchic system and power dynamics that marginalizes indigenous communities and knowledge by transforming the power and educational system via access to replant the notion of knowledge, not only to the privileged, but to an equal society, says Veteri (Academia del Azufre, 2022, 41.00-43.00). The decentralization solutions in the plan is a practical tool for challenging power relations that marginalizes Indigenous communities which is planned to be achieved by the National Decentralized Participatory Planning System and the National Public Finance System (Secretaría Nacional de Planificación y Desarrollo (SENPLADES), 2017). By challenging those power dynamics, the constitution helped Nenqimo and the Waorani to win the lawsuit giving them the rights to their territorio and the nature it's own right.

Human rights is a central theme to the national plan and many times it is mentioned the right to the land (territorio), the language rights and the rights to cultural practices. In the plan Indigenous rights seems equal to human rights. Nemonte Nenqimo's Ted talk expresses the reality versus the plan and constitution. That the government oil companies do not recognize the land rights nor the rights of nature nor the rights of cultural practices. With that said, the won lawsuit implies that the constitution and the legal system do.

The national plan promotes inclusive and sustainable economic development.

“Promoting balanced territorial development, food and energy sovereignty, environmental sustainability, comprehensive rural development, fair trade, and economic stability” [My translation] Secretaría Nacional de Planificación y Desarrollo (SENPLADES) 2017, 34).

It encourages cooperative practices for small producers in rural areas, specializing in young people, indigenous communities and local residents. (Ibid) The plan addresses historical economic injustice as a part of history but the focus lies in restoring nature rather than reciprocating the past economical injustice. The new economy is meant to be built around solidarity instead of individualism, in line with concepts from Sumak Kawsay. It promotes a balanced territorial development, food and energy sovereignty, environmental sustainability, comprehensive rural development, fair trade, and economic stability. (Ibid) The Woaroni lawsuit and Nenquimos Ted Talk however indicates that it is not fully settled how this balanced economic stability should look like.

As a conclusion, the incorporation of Sumak Kawsay in Ecuador's constitution signifies a cultural transformation, challenging Eurocentric paradigms and power dynamics that marginalize Indigenous communities. The national plan's decentralization solutions and participatory planning aim to confront these power relations, contributing to legal victories like the Woaroni lawsuit. The plan emphasizes human and Indigenous rights, aligning them as equals, although challenges persist in actual implementation, as highlighted in Nemonte Nenquimo's TED Talk. The focus on inclusive and sustainable economic development, inspired by concepts like Sumak Kawsay, reflects a commitment to solidarity, but ongoing challenges indicate the need for continued efforts in achieving balanced economic stability.

7. Discussion

I am going to start the discussion by answering the research question in connection to the categories proposed in the analysis. That mean that answering the first research questions:

How does indigenous knowledge contribute to socio-ecological benefits within the case of the implementation of Rights of Nature and the indigenous concept of Sumuk Kawsay/Buen Vivir

in the Ecuadorian National Legislative Assembly? I would say that Indigenous knowledge contributes to socio-ecological benefits in Ecuador through ontological and epistemological shifts on the perspective of nature, territorio and living things. This benefits the decolonial process and gives room to a new environmental stewardship focused on natures and human rights, via decentralized political systems and language and educational inclusion. The participatory approach and cultural sensitivity seems to not yet be fully established but the study shows that power dynamics are being challenged by including IK.

In relation to the second question: *How can incorporating indigenous values and knowledge in law and decision making create socio-ecological benefits?* The study has shown that an overall incorporation of indigenous values and knowledge needs to be holistically incorporated for it to be meaningful and have real socio-ecological benefits. When it does that we can see a new environmental stewardship that aligns both with nature's rights, human rights and indigenous rights since they all go together.

Beyond these concrete answers, the discussion about knowledge and knowledge production was central in this research. Relating to knowledge as a whole system makes us see the holism in the knowledge. By not using the knowledge for capitalistic profit and rather for the benefit of the planet like the Constitution of Ecuador indicates that they are, we are in the long term shifting to a new paradigm where IKS emerge with today's dominant cultural model. By acknowledging the knowledge within its system we also acknowledge the people behind it, which is crucial to achieve human rights.

Including IKS in law and decision making goes hand in hand with Indigenous Rights. We can not keep extracting knowledge from oppressed peoples and use specific parts that will suit the dominant cultural model. The study shows how including the entire system is of most importance to be able to succeed. Ecuador has shown us that by decentralizing decision making, we can more easily include IKS and Indigenous people in the process. The knowledge keepers of the indigenous peoples are the true knower of the environmental knowledge that the dominant culture model is missing, but they are also the keepers of a system that acknowledges the benefits and importance of keeping harmony with nature.

The focus on Human and RoN in the National Plan towards a Buen Vivir places Human and Environment in the center instead of the market. The Constitutional Court and several provincial courts in Ecuador have provided clarity on the content of the RoN. This includes establishing specific criteria for identifying violations of RoN and understanding its interplay with other constitutional rights, such as community and economic rights tied to development. Through Ecuadorian court decisions, RoN is evolving from a vague and abstract concept into a set of precise standards. These standards guide the balance between RoN and various human rights, as well as existing environmental laws, aiming to implement sustainable development in an integrated and holistic manner without compromising ecosystem functioning. (Kauffman, C.M., & Martin, P., 2023)

From local knowledge, the study has shown us the spread to the global level. The fact that the concept of harmony with nature exists in the United Nations legislative discussions shows us the benefits of including IKS in law and decision making. The UN is using Ecuador as an example for showing the benefits of including the holism of IK in the constitution. The benefits of including IKS in decision making on a decentralized local level has led to inclusion of that knowledge on a global level. Harmony with nature as a concept in the UN stems from, among others, Sumak Kawsay. The emerging Earth jurisprudence in the UN programme Harmony with Nature present valuable and cautionary insights. It offers lessons on how Indigenous legal traditions align with UN sustainable development programs. Moreover, it provides guidance for present initiatives aiming to reshape governance to address the urgent challenges posed by global environmental changes. The classification of Indigenous legal traditions not just as unique practices but as one of many forms of 'ancient wisdom' aligning with a universally claimed holism associated with sustainable development. This transformation occurred spatially, as international cases were put together, generating the progression of RoN from being a reason for pursuing Earth jurisprudence to becoming evidence of a rapidly growing legal phenomenon. One significant outcome is a revisionist perspective on sustainable development, reframed as holism rather than a compromise that places economic mechanisms at the forefront of seeking environmental relief in international agreements (Schmidt, J. J. 2022, 11). But up till this day, law and decision makers all over the

world keep oppressing and exploiting Indigenous people by extracting knowledge from knowledge systems that suit the dominant cultural model.

8. Conclusion

In this research I have been wanting to answer how indigenous knowledge in law and decision making contributes to socio-ecological benefits. I have done that by examining the case of implementing the Andean concept of Sumak Kawsay that has been taking a role in the Constitution of Ecuador. First I examined previous research around law and decision making and indigenous knowledge around the globe. In that section I found that it is very common to extract indigenous knowledge from indigenous communities without considering the whole knowledge system that it comes from. It was also common that the participation of the communities wasn't meaningful enough for them, since they were ignored in the decision making in many cases. Meanwhile Indigenous way of relating to nature is of an increasing interest for environmental stewardship, unfortunately still in an extractivist sense, since the often Indigenous led resistance is being appropriated and not given the voice and the decision making roles it needs for it to be holistic.

I described the case of Ecuador, trying to include how it came to be that the indigenous concept was included in the constitution and what the benefits of that are. I analyzed my data collection through the lens of indigenous methodologies and decolonization theory; putting the indigenous people at the center of the analysis by three categories; Participatory Approach, Cultural Sensitivity and Power Dynamics. In summary,, the incorporation of Sumak Kawsay into Ecuador's constitutional and national planning frameworks represents a crucial stride in recognizing and elevating Indigenous knowledge, rights, and holistic worldviews. While each category underscores progress, they also reveal challenges in fully realizing participatory approaches, free consent principles, and the effective implementation of inclusive policies. The legal victories, such as the Waorani lawsuit, underscore the impactful role of constitutional Rights of Nature. Collectively, these conclusions emphasize the ongoing journey towards meaningful integration, respect, and safeguarding of Indigenous rights, knowledge, and cultural diversity within Ecuador's evolving socio-political landscape.

Shifting paradigms takes time and the decolonial process is an ongoing process in the case of Ecuador. El Plan Nacional para el Buen Vivir is an example of a decolonial process tool, an acknowledgement of the dominant cultural model that needs a shift, and a long term plan for that shift. By relating to nature as an entity with rights in the law, Ecuador raises epistemological and ontological questions on our way of knowing and our relationship to that knowledge. Based on the history of colonialism, Ecuador as a nation does not only value and validate the knowledge that the dominant culture model values, they also value Indigenous Knowledge Systems.

Further research that could be done to find out the socio-ecological benefits of including indigenous knowledge in law and decision making is to understand the concept of Sumak Kawsay better through storytelling, oral histories and community based participatory research to capture nuances and depths of the concept, all in a fashion of Indigenous methodologies. This could contribute to an even more intercultural and holistic approach. It would also be interesting to study if and how western legal frameworks could create a possible tension with Indigenous epistemologies and how the constitution could be a tool for empowerment and self-determination.

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Noela Calderon

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Lund University

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