Correa, Indigenous Movements, and the Writing of a New Constitution in Ecuador

by
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In 2008, voters in Ecuador approved a new and progressive constitution. Indigenous leaders questioned whether the new document would benefit social movements or strengthen the hand of President Rafael Correa, who appeared to be occupying political spaces that they had previously held. Correa's relations with indigenous movements point to the complications, limitations, and deep tensions inherent in pursuing revolutionary changes within a constitutional framework. Although the indigenous movements, as well as most social movements, shared Correa's stated desire to curtail neoliberal policies and implement social and economic strategies that would benefit the majority of the country's people, they increasingly clashed over how to realize those objectives. The political outcome of the new constitution depended not on the actions of the constituent assembly but on whether organized civil society could force the government to implement the ideals that the assembly had drafted.

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On September 28, 2008, voters in Ecuador approved a new constitution by a wide margin. This was the country's twentieth constitution since becoming an independent republic in 1830, almost matching Latin America's record of 26 in Venezuela. Under the guidance of the young and charismatic president Rafael Vicente Correa Delgado, the constitution promised to bring an end to neoliberal policies that had shifted wealth from marginalized peoples to elite corporate interests. "Today Ecuador has decided on a new nation," Correa declared. "The old structures are defeated. This confirms the citizens' revolution" (Partlow and Küffner, 2008). Supporters of this "citizens' revolution" hoped that the new constitution would lessen inequality, foster social justice, and bring stability to the chronically volatile South American country.

Whereas Correa wanted to usher in a citizens' revolution, indigenous[1] organizations appealed for a constituent revolution that would embrace the country's plurinational nature. They had long pressed for mechanisms to make the country's social, political, and economic landscape more inclusionary and participatory. When Correa made a call for a constituent assembly a central tenet of his 2006 presidential campaign, indigenous leaders resented his hijacking one of their principal demands. Despite his leftist reputation and

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broad popular support, social movements became concerned that Correa was occupying political spaces that they had previously held.

Historically, indigenous movements had gained strength by organizing on a corporatist model that emphasized their group interests. The largest federation, the Confederación de Nacionalidades Indígenas del Ecuador (Confederation of Indigenous Nationalities of Ecuador— CONAIE), grouped the country's 14 indigenous nationalities into a recognizable force for social justice. Over the previous two decades, the CONAIE had emerged as the leading force behind street mobilizations that repeatedly pulled down neoliberal governments. Although representing a minority of the population (estimates ranged from 7 to 40 percent of the country's inhabitants, varying according to the definitions and political interests of those who did the counting), indigenous organizations gained political significance well beyond their limited numbers.

Correa, in contrast, emerged out of a liberal framework that emphasized individual rights. This was a citizens' revolution, Correa declared, not one built by social movements. CONAIE President Marlon Santi complained that Correa's emphasis on individual rights and the idea of a "universal citizen" excluded indigenous peoples, with their communal-based societies. His citizens' revolution deemphasized social movements and reinforced colonial and liberal ideologies that oppressed and erased the unique histories of indigenous nationalities. Indigenous activists forwarded instead a counterdiscourse that emphasized collective control over land and natural resources. The indigenous intellectuals Luis Fernando Chimba Simba and Laura Santillán (2008: 4) called Correa's policies a new form of colonization. The political analyst Mario Unda said, "Correa wants his own social base and he is mistrusted by organized grassroots, especially those that have the most ability to mobilize" (Saavedra, 2007a: 5). Correa and indigenous leaders increasingly clashed over their competing attempts to organize the grass roots.

The 2008 constituent assembly provided a critical juncture for indigenous movements by opening up a historic opportunity to decolonize the country's political structures. Could activists exploit the openings that the drafting of a new constitution provided to advance their interests and political agenda? "The democratic phase in which we have lived to this point," the CONAIE's highland affiliate organization Ecuarunari argued (2007: 4), "has allowed that a few become wealthy while the majority are impoverished as a result of unemployment, migration, lack of access to resources and services. All of this," Ecuarunari continued, "has been aided and legalized by 19 constitutions written in 177 years of republican history." Eighty percent of the Ecuadorian population was poor and excluded from the political process. It was necessary to refound the Ecuadorian state on the basis of their collective force so that the government would respond to their needs. Assembly President Alberto Acosta echoed these sentiments with pledges that the assembly would be more inclusive than any previous government and would incorporate the concerns of indigenous peoples, Afro-Ecuadorians, and others who lacked representation (*Latin American Weekly Report,* 2007b: 2).

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within a constitutional framework. "A regime that limits and at the same time consolidates the power of the oppressors entails a great challenge for the left," Claudio Katz (2007: 37) argues, "especially when this structure is seen by the majority as the natural *modus operandi* of any modern society." Activists increasingly pointed to the important role of civil society in advancing the constitutional process. "In order to realize governmental changes," the indigenous leader Luis Macas emphasized, "it is necessary to have a mobilized social force such as we have that will guarantee these changes" (Comunicación Pachakutik, 2006: 3). Although indigenous movements, as well as most social movements, shared Correa's stated desire to curtail neoliberal policies and implement social and economic policies that would benefit the majority of the country's people, they increasingly clashed over how to realize those objectives. The political outcome of the new constitution depended not on the actions of the constituent assembly but on whether organized civil society could force the government to implement the ideals that the assembly had drafted.

THE CONSTITUENT ASSEMBLY

On April 15, 2007, over 80 percent of the Ecuadorian electorate approved a referendum to convoke a constituent assembly. In no small part, the success of the referendum was due to the support of indigenous communities. "It is a victory for the indigenous movement," Humberto Cholango (2007a: 3), president of Ecuarunari, declared, "the triumph of all of the accumulated histories of the indigenous and popular social struggles in Ecuador." Cholango argued that political parties had failed, people were ready for a change, and now was the hour of social movements; the victory of the referendum represented a rejection of the neoliberal economic model that concentrated wealth and power in the hands of a few privileged people. Cholango (2008a: 61–62) urged the implementation of social policies to increase funding for education, fight illiteracy and discrimination, and improve health care. He embraced a political project to end inequality and discrimination. A new constitution represented the beginning of "a truly profound change." Hopes ran high among social movements that this was the political opening that they had long desired. Although the oligarchy, as in most of Latin America, maintained control over most of the country's political and economic mechanisms, the balance of forces definitely seemed to be shifting to the left.

In the subsequent September 30, 2007, elections for deputies to the constituent assembly, Correa consolidated his political control by winning a majority of seats, thereby ensuring that a new constitution would be to his liking. He had campaigned alone for the presidency, but now he built up a new political movement called Alianza País (Country Alliance—AP, later called Acuerdo País or Country Accord). AP won almost 70 percent of the vote for the assembly, far outpacing its nearest rival, former president Lucio Gutiérrez's Partido Sociedad Patriótica (Patriotic Society—PSP), with barely 7 percent. The AP was a very loose and diverse grouping of social-movement activists, academics, and nongovernmental organization (NGO) leaders, and holding the coalition together represented a challenge. In part, its margin of victory was

due to some activists who broke from the indigenous-led Movimiento Unidad Plurinacional Pachakutik (United Plurinational Pachakutik Movement—MUPP, often referred to as Pachakutik) and joined Correa's party. Mónica Chuji, one of the more radical members of Correa's AP coalition, declared her allegiance to the CONAIE and the social movements out of which she emerged: "I owe the indigenous movement, and my behavior in the assembly will be in that direction" (Saavedra, 2007b: 2). Pedro de la Cruz, the president of the Confederación Nacional de Organizaciones Campesinas, Indígenas y Negras (National Confederation of Peasant, Indigenous, and Negro Organizations—FENOCIN), who had been an alternative congressional deputy for the socialist party from 1998 to 2003, also won election as a delegate to the assembly from the AP. Many indigenous activists believed that they could most effectively influence the content of the new constitution by working within Correa's government.

Leftist parties and social movements did not fare any better than their conservative opponents in gaining seats in the assembly. Pachakutik won only four seats and together with the traditional parties was left behind as an increasingly marginalized and irrelevant political force. Even this showing was a bit of a surprise, as earlier polls had indicated that Pachakutik might not win any seats in the assembly (*Latin American Weekly Report,* 2007a: 11). Increasingly the public lumped Pachakutik together with the rest of the discredited political class as part of the country's problem. "Despite its scathing criticisms of the country's traditional parties and its goal to profoundly change Ecuador's politics," Mijeski and Beck (2008: 54) note, Pachakutik "has simply become another maligned party whose interest in patronage outweighs its commitment to social justice." Its previous promises to create a new type of politics seemed to be falling apart.

Correa's former energy minister, the well-known and highly regarded economist Alberto Acosta, led the AP ballot. He won the most votes in the September 30 elections and with this support was elected president of the assembly. In this role Acosta (2008: 17) sought "to construct a truly democratic society, underscored with the values of freedom, equality, and responsibility." His vision for a new society included spaces for both individuals and community concerns, where "economic rationality would be reconciled with ethics and common sense." Acosta pledged to work under the principle of *sumak kawsay,* the Kichwa concept of living well (not just living better). It included an explicit critique of traditional development strategies that increased the use of resources rather than seeking to live in harmony with others and with nature. It was a new way of thinking about human relations that was not based on exploitation. "Western development is concerned only with politics and economics," the Pachakutik delegate Carlos Pilamunga stated. "We are also concerned with cultural elements, plurinationality, and the environment." It advocated modifying state structures in order to "search for harmony between people and nature" (*El Comercio,* June 29, 2008). Acosta's leadership in the assembly gained him a good deal of popular support even as social movements became increasingly alienated from Correa.

While these electoral victories represented major personal triumphs for Correa, they left the social movements feeling marginalized from the political changes sweeping the country. Even though Correa denied that he was engaging in a

cult of personality, from the perspective of the social movements the consolidation of power in the hands of a strong and seemingly egotistical executive meant that they would lose access to the spaces necessary to press their own agendas (Lucas, 2007: 232). Correa made it clear that he would not be held accountable to the corporatist social movements—that it was those who won elections, not those who mobilized street protests and toppled governments, who had the right to rule. Correa's leftist opponents complained that his approach privileged liberal, individualistic politics and that decision-making processes in the AP were highly centralized and even authoritarian. As Susan Spronk (2008: 43) notes, Correa "acted in a more strategic, although highly 'top-down,' fashion" than Evo Morales's Movimiento al Socialismo (Movement Toward Socialism—MAS) in Bolivia. While this approach may be more successful, Spronk cautioned, "any spaces opened by the new constitution are unlikely to foment true structural change unless they build upon the energy of organized forms of popular participation, that is, of social movements." Indigenous activists feared that Correa's victories would come at their expense.

Despite these concerns, Pachakutik's political coordinator, Jorge Guamán, pledged its support to Correa and the assembly. It would organize meetings in rural communities where its supporters lived to monitor the assembly's progress (*El Comercio*, 2007: 9). Ecuarunari (2007: 4) declared, "We are fighting in the Constituent Assembly for a true democracy in which all of us have the rights to decent work, education, health with dignity, identity, and access to communal and individual property." Achieving these goals, the indigenous federation contended, "would only be possible if as peoples and nationalities we are able to gain a broad representation of popular sectors in the Constituent Assembly but also maintain an organized struggle with everyone mobilized." Constituent assemblies could lead to positive changes but only if people made this happen. Guillermo Almeyra (2008) calls a constitution "a piece of paper in the barrel of a cannon" that depends upon a relation of social forces to bring it into being. It is not sufficient to approve laws, Almeyra argues, unless there is appropriate pressure to force the government to implement them. This pressure comes not only from the electoral realm but also from the presence of an organized and mobilized social movement.

INDIGENOUS AGENDAS

Indigenous leaders emphasized that the revisions they had proposed to Ecuador's constitution would benefit everyone in the country, not just indigenous peoples. As Leon Zamosc (2007: 28) notes, "indigenous struggles in Latin America falsify the basic tenets of the 'new social movements' approach." Rather than privileging the more limited and sometimes fundamentally conservative identity politics of cultural affirmation and ethnic rights, indigenous organizations in Ecuador have embraced a class struggle that engages "broader battles over social issues and political power." First and foremost, indigenous activists emphasized the importance of political changes, specifically the primary and continuing demand for acknowledgment of the plurinational character of the Ecuadorian state. This meant not only recognition of 14 indigenous nationalities but also acknowledgment that their systems of life, education,

and economy were different from those of the dominant society. Being a nationality meant having one's own territory, language, history, and culture. Among their specific and concrete proposals, Ecuarunari and CONAIE (2007: 6–7) urged direct representation of indigenous and Afro-Ecuadorian nationalities in the national congress, with each nationality internally selecting one delegate, and the renaming of the national congress as the "Asamblea Plurinacional Legislativa" (Plurinational Legislative Assembly).

In the economic realm, activists argued that the neoliberal model was not the proper one for Ecuador. The extractive economy was damaging to the environment and society. Mining, in particular, harmed local communities in their struggles for land, life, and biodiversity and their very survival. Production and resource extraction that did not serve a social function needed to be stopped (Kuecker, 2007). In addition, previous governments had ignored the domestic agrarian economy. Emphasis needed to be placed on small and medium-sized producers rather than on large corporate and agribusiness interests. Concretely, activists pressed for replacing the U.S. dollar as legal tender in Ecuador with a regional currency as a step toward reclaiming sovereignty over monetary policy. They also called for nationalization of natural resources, governmental support for microcredit, and equal rights for women. Access to water was a human right, and the new constitution should declare it to be a social good and a strategic resource whose commodification and privatization would be prohibited. Water should be used first to meet human needs and to guarantee food sovereignty before being apportioned for industrial needs. Similarly, land needed to be used for the common good, and large concentrated landholdings should be broken up. In addition to the political and administrative division of Ecuador into provinces, cantons, and parishes, Ecuarunari and CONAIE (2007: 7–11) proposed the addition of a fourth level, communal territories governed by local community governments.

Socially, the activists argued, Ecuador needed to rethink the way people were organized. Modernity had not benefited indigenous communities. The country faced an extreme out-migration that needed to be addressed. Education through high school should be free, secular, obligatory, and bilingual in both Spanish and an (unnamed) indigenous language. Universal health care should also be a right. The rights of community media should also be protected, including granting indigenous peoples, Afro-Ecuadorians, and other popular sectors preference in acquiring radio frequencies (CONAIE, 2007a: 21). Women should have full and equal rights, including provisions for maternity leave and the protection of young children. Social security, indigenous activists declared, was an inalienable right. Finally, informal workers and domestic employees should be protected (Ecuarunari and CONAIE, 2007: 11–12).

On an international level, indigenous organizations wanted the country ruled according to the principles of peace, sovereignty, solidarity, and dignity. This would mean, in particular, evicting the United States from the Manta Airbase that it used as a forward operating location for intervention in the civil conflict in neighboring Colombia. The government should guarantee and protect the rights of immigrants. Finally, foreign debts should be declared to be illegitimate and unpayable (Ecuarunari and CONAIE, 2007: 11–14).

Once the constituent assembly was in session, it became increasingly apparent that it would provide little possibility of fundamental societal change. The

government engaged in much talk but very little action. The delegates could have engaged pressing issues of mining and petroleum extraction, but they enacted few concrete proposals to deal with these concerns. During the 2006 presidential campaign, the CONAIE leader and Pachakutik presidential candidate Luis Macas said that, in contrast with Correa's, his was "not a three-month project." He went on to explain: "Our political project has a long history, built with years of struggle and humility, not with words, much less with vanity. Correa will pass as [Lucio] Gutiérrez passed, as all presidents and presidential candidates pass; the indigenous movement will stay" (Saavedra, 2006: 1–2). Correa was skilled at manipulating movements, and activists feared that spaces were closing for social movements. Strengthening the executive meant co-opting social movements. Increasingly, many leaders argued that they could organize more effectively as a social movement outside of the government than by joining Correa's project.

PLURINATIONALISM

Indigenous activists had long and repeatedly called for a constituent assembly that would rewrite Ecuador's constitution to create a more inclusionary political system. One of their primary and constant demands was to rewrite the first article of Ecuador's constitution to declare the plurinational nature of the country, something that previous constitutional assemblies had refused to do. Ever since the 1990 indigenous uprising that launched indigenous concerns onto the national stage, activists had complained that dominant sectors of society had drafted the current constitution to benefit their own interests to the exclusion of those of the majority of the population (Ospina, 2007: 102–105). The 1998 constitution, similar to ones in Colombia, Mexico, and Venezuela, had defined Ecuador as "pluricultural and multiethnic" but stopped short of the more politically charged term "plurinational." Donna Lee Van Cott (2002: 60) notes that the CONAIE strategically backed down on its long-standing and highly symbolic demand to declare Ecuador a plurinational country in exchange for the "recognition of collective rights that effectively constituted their vision of pluri-nationalism." Instead of identifying indigenous peoples as nationalities, the 1998 constitution stated that they "define themselves as nationalities." Van Cott (2003: 63) argues that "indigenous delegates conceded on terminology in exchange for substantive and symbolic rights with which they could continue their struggle." But the 1998 constitution failed to deliver on its promises, and this led the indigenous movements to return to their key central demand.

In October 2007, on the eve of the assembly's beginning its work, the CONAIE (2007b) released a draft of what it would like to see included in the new constitution. The proposal began with the statement "Ecuador constitutes a plurinational, sovereign, communitarian, social and democratic, independent, secular, solidarity, unitary state with gender equality." The constituent assembly refused to lead its definition of Ecuador with the term "plurinational" as the CONAIE advocated, but for the first time it incorporated this word into its text. Article 1 now declared that Ecuador was a "constitutional state of rights and justice, social, democratic, sovereign, independent, unitary,

intercultural, plurinational, and secular" (República del Ecuador, 2008). Indigenous movements had finally realized their goal.

Tucked into these debates were disagreements over what "plurinationalism" meant. The CONAIE wanted plurinationalism to empower indigenous peoples, including granting them control over commercial enterprises on their lands. As Maximilian Viatori and Gloria Ushigua (2007: 15) note, activists embraced the discourse of plurinationalism "to stress the systemic discrimination under which indigenous people suffer and to pressure the state to recognize indigenous rights that would balance historical inequities in the distribution of resources." Theodore Macdonald (2002: 184) emphasizes that the goal of pursuing this policy was "inclusion as equals in a plurinational state." Conservatives feared that the doctrine of plurinationality would create "quasi-ministates in which the Ecuadorian state could not exercise its sovereignty" (*El Comercio,* July 6, 2008). AP delegates wished to leave the term vaguely defined, essentially ensuring that it would remain on the level of rhetoric without any significant substance or concrete implications.

Even among indigenous activists the significance of plurinationalism was hotly debated, with those allied with the CONAIE most interested in pressing the issue. Pedro de la Cruz, FENOCIN president and an AP delegate, remained skeptical of the practicality of the concept of plurinationality, stressing interculturality instead (*El Comercio,* March 23, 2008). In contrast, for Ecuarunari (2007: 4) "plurinationalism means building a strong and sovereign state that recognizes and makes possible the full exercise of collective and individual rights and promotes equal development for all of Ecuador and not only for certain regions or sectors." It denied that plurinationalism meant creating a state within a state. Rather, it was "a democratic rupture that permits the organization and social control over public goods and the state, in this way surpassing the neocolonial system that marginalizes and subjects people." The CONAIE (2007a: 5) contended that this communitarian form of government was not a mechanism for guaranteeing undue special privileges. Furthermore, the indigenous federation emphasized that plurinationalism would be part of a unitary state. It would "strengthen a new state through the consolidation of unity, destroying racism and regionalism as a necessary prerequisite for social and political equality, economic justice, direct and participatory democracy, communitarianism, and interculturality" (Ecuarunari and CONAIE, 2007: 5). Plurinationalism would benefit everyone in the country.

The indigenous intellectual Luis Maldonado Ruiz (2008) defines plurinationalism as "the legal and political recognition of cultural diversity," reflecting people with "differentiated historical entities who share common values, particular identities, forms of social and political organization, historical origin, and language." Plurinationalism challenged previous governmental attempts to divide indigenous peoples, de-ethnicize them through labels such as "peasants," or denigrate them with racist terms such as "savages," "naturals," "tribes," "hordes," and "ethnics." For these reasons, Maldonado argues, "it was necessary for indigenous peoples to look to the language and conceptual development of the social sciences of the dominant class for a concept that provides the best expression of their sociopolitical reality." Maldonado proceeds to define three key elements of a plurinational state. First is the recognition of the diversity of peoples and cultures, including respect for different visions of

development and social and political organization. This would require "recognition of two political subjects and rights, that of citizenship and of nationalities or peoples." The second element requires the transformation of the state and hegemonic powers. "Incorporating nationalities and peoples into the new state implies the abolition of all forms of oppression, exploitation, and exclusion," Maldonado argues. Plurinationalism "should have as its objective the decolonization of the country and the state, permitting a just and egalitarian participation." Finally, a plurinational state requires an interculturality that implies respect among different nationalities, peoples, and cultures. A plurinational state, Maldonado concludes, would end systems of domination and replace them with relations of equality.

Mónica Chuji (2008b: 14, 16) considers a plurinational state to be "a new form of a social contract that respects and harmonizes the rights of indigenous peoples and nationalities with the judicial structure and political force to recognize their status as political subjects with clear rights." Such a state would "recognize and guarantee the exercise, application, and force of the fundamental rights" of indigenous peoples and nationalities. She emphasizes that plurinationalism would not mean the dissolution of the Ecuadorian state or its fragmentation into autonomous groups. Rather, she stresses, plurinationalism proposes "unity in diversity" (Chuji, 2008a: 55). Plurinationality is critical for indigenous peoples, Cholango (2007b: 1) argues, because "we no longer want to speak only of democracy." Rather, he maintains, "we should decolonize democracy and get rid of the colonial obscurity that has lasted for more than 514 years." Only by shedding a "false democracy with folkloric characteristics" will a "real democracy" emerge (Cholango, 2008a: 64). Embracing plurinationalism is necessary to realize a true democracy.

Was the inclusion of the term plurinational a symbolic or concrete victory for Ecuador's indigenous rights movements? The CONAIE (2007a: 2) argued that plurinationalism should not remain on the level of a formal paper declaration but instead contribute to a fundamental change in the structure of the state that would lead to the "decolonization of our nations and peoples." In the end, its importance would probably be determined by the way this new language was implemented and whether activists were willing to accept it as more than simply a cultural advance—as part of a fundamental opening up of Ecuador's historically exclusionary state structures.

INDIGENOUS LANGUAGES

In addition to plurinationalism, another struggle in the constituent assembly was whether Kichwa and other indigenous languages would be granted official status. In laying out its proposals for the new constitution, the CONAIE (2007a: 21–22) argued that "it is impossible to promote those languages (and with them those cultures and their other ways of understanding the world) if there is not a national and collective effort." If this goal remained only an indigenous concern, it would never be realized. "Interculturality is a matter for all Ecuadorians," the federation declared. "When a language is lost a vision of the world also disappears," and that would be a blow to the entire country.

At 1:00 a.m. in the middle of a final marathon session on July 19, 2008, under instructions from Correa the AP-controlled assembly voted against Acosta's proposal to grant Kichwa official status. In response, the Pachakutik delegates and AP ally Mónica Chuji walked out of the session (*El Comercio,* July 20, 2008). That vote against Kichwa faced an immediate and visceral reaction from indigenous organizations. Ecuarunari's Cholango called the assembly's action racist, and the CONAIE's Santi called Correa a racist. Correa retorted that in much of the country learning English was more important than learning Kichwa (*El Comercio,* July 23, 2008). Indigenous languages became central to debates regarding what kind of country delegates wished to see developed.

At 2 a.m. on July 24, under the guidance of the FENOCIN's de la Cruz, the assembly revised the proposed constitutional text to say "Spanish is the official language of Ecuador; Spanish, Kichwa, and Shuar are official languages for intercultural relationships. Other ancestral languages are for official use for indigenous peoples in the areas they inhabit and on the terms that the law stipulates. The State will respect and will stimulate their conservation and use" (*El Comercio,* July 25, 2008). To all appearances, the last-minute inclusion of Kichwa in the constitution was either a concession or a sop to the indigenous organizations to gain their support for the document. Rumors swirled that Correa's allies wanted to include Shuar, the third-most-important language in Ecuador but one spoken largely only in the southeastern Amazon and neighboring Peru, in order to undercut Kichwa, the Ecuadorian variant of the pan-Andean Quechua language and the only indigenous language that could legitimately be considered for use on a countrywide basis (Denvir, 2008). Even though the text recognized the importance of indigenous languages, activists criticized it for stopping short of granting them official status equal to Spanish. These editorial revisions demonstrate that it is easier to make minor cultural concessions than to create more inclusive social and economic systems.

In reality, as with the wording with plurinationality, the constitutional text on indigenous languages was largely adopted from the CONAIE's October 2007 draft proposal. That recommendation read "Spanish and Kichwa are the official languages for intercultural relations. The other languages of the nationalities are official in the regions and areas of their use and comprise part of the national culture" (CONAIE, 2007b). Despite indigenous complaints, the draft constitution did include precisely the same construction of Spanish and Kichwa as "official languages for intercultural relations" that the CONAIE had originally proposed and even took it one step farther with the inclusion of the dominant language in the southeastern Amazon. Furthermore, this text was not significantly different from that of the 1998 constitution, which recognized Kichwa, Shuar, and other ancestral languages as official for the use of indigenous peoples. Removing Shuar would have been a step backward, but retaining it was little more than maintaining the status quo rather than advancing indigenous rights. In addition, the phrase "official languages for intercultural relations" remained very vague, and the specific ramifications of its implementation would only later emerge through the secondary legislation.

Why did the CONAIE oppose the constitution's constructions on indigenous languages? Was criticizing the text almost an automatic response for an

organization that had spent years working in the framework of oppositional politics? Did it emerge out of frustration and deepening antagonism toward the Correa government? Did it reflect a serious political agenda, or was it just ideological positioning? While the rationale for the CONAIE's action is unclear, it does point to underlying tensions that emerge when social movements engage state policies. While on occasion their objectives and strategies coincide, often they pull activists in two different directions.

COLLECTIVE RIGHTS

The CONAIE demanded that, in addition to acknowledging Ecuador's plurinational character and embracing indigenous languages, the new constitution maintain and expand the collective rights for indigenous peoples and Afro-Ecuadorians codified in the 1998 constitution. While that document referred to "indigenous peoples who self-identify as nationalities of ancestral races," Chapter 4 of the new constitution explicitly recognized the collective rights of "communities, peoples, and nationalities." Article 56 stated that "indigenous communities, peoples, and nationalities, Afro-Ecuadorians, *montuvios* [poor coastal peasants], and *comunas* [indigenous communities] form part of the unified, indivisible Ecuadorian state." The following Article 57 "recognizes and guarantees indigenous comunas, communities, peoples, and nationalities in conformity with the constitution and agreements, conventions, and declarations and other international human rights instruments for the protection of collective rights." These rights include those of embracing an ethnic identity, being free of racial discrimination, holding communal territories, and protecting natural resources (República del Ecuador, 2008). In arguing for these additions the CONAIE (2007a: 19) declared that it "was necessary to rethink Ecuador from an inclusionary perspective instead of one of subordination, where everyone has the right to live according to his or her traditional customs." On many levels, the constitution represented significant and dramatic gains for indigenous aspirations.

MINING

In November 2007, just as the assembly began its work on the constitution, a simmering dispute at the biologically sensitive and diverse Yasuní National Park boiled to the surface. In the town of Dayuma, local inhabitants protesting oil exploitation seized control of several oil wells, demanding support for economic development and environmental protections for indigenous communities. Correa responded in a heavy-handed fashion, deploying the military to stop the dissidents and accusing the protesters of being unpatriotic saboteurs. He complained that "infantile environmentalists" were creating obstacles to economic development. The government arrested 45 people and charged them with terrorism for attempting to disrupt petroleum extraction. After protests from human rights activists, Correa finally lifted the state of emergency that he had imposed, though the government kept 23 activists in detention. In March 2008 the assembly granted amnesty to 357 dissidents

facing criminal charges for their actions in the defense of the environment from mining and petroleum extraction (INREDH, 2008).

For some, this repressive response showed Correa's true colors. The indigenous think tank Instituto Científico de Culturas Indígenas (Institute for Indigenous Sciences and Cultures—ICCI) (2008: 8) increasingly criticized Correa for betraying "signs of subscribing to the most radical proposals of colonial territoriality in recent years." This included his desire to open spaces to mining, privatize biodiversity, and increase petroleum extraction. In response, Correa called on his opponents to respect the law. "No more strikes, no more violence," he said. "Everything through dialogue, nothing by force" (Saavedra, 2008: 4). He indicated that he would not be swayed by social-movement pressure.

A hotly debated topic was whether local communities would have the right to accept or reject resource extraction on their lands. In a May 2008 letter, the CONAIE (2008: 8) demanded that indigenous communities be consulted on any mining on their lands. The indigenous organizations, of course, wished to maintain control over their territory, while Correa wanted to maintain the right to decide when and where mining operations would take place. In the end, the constitution conceded that communities had the right to consultation but extractive endeavors would not be subject to their consent or veto. This decision was a major blow to the aspirations of indigenous and environmental activists.

Debates over mineral extraction once again surfaced in January 2009, when the interim congress approved a new mining law. Correa believed that the law would create new jobs and help grow the economy. Opponents denounced the government for not requiring prior approval from rural communities before commencing mining activities on their lands. They also complained about a lack of adequate environmental safeguards and argued that the law was unconstitutional because it contradicted provisions of the new constitution that protected the environment and indigenous rights. Chuji denounced the law as a neoliberal imposition that allowed multinational corporations to hold majority interests in mining endeavors and accused Correa of presenting "a rehashed neoliberalism with a progressive face." The CONAIE called his actions "neoliberal and racist" (*Latin American Weekly Report,* 2008: 8). Correa denounced the dissidents as "criminals and subversive terrorists" and insulted indigenous and environmental activists for blocking the country's progress. The CONAIE responded with nationwide protests against the law. Activists shut down highways in the southern highlands and the eastern Amazon. Some protesters were beaten and arrested and even suffered gunshot wounds (*Latin American Weekly Report,* 2009: 3). More than any other issue, the conflicts over mining illustrated the wide, growing, and seemingly unbridgeable gap between Correa and the social movements.

MOVING FORWARD

With all of these contradictions, many on the indigenous left viewed the new constitution as a mixed bag. In some respects it was a step forward, whereas in other respects it appeared to be a jump backward. Furthermore, if

popular movements opposed the constitution because it did not have everything they requested, they would play directly into the hands of their traditional conservative enemies, while if they supported it they would strengthen the hand of a political force that did not embody their interests. How could they support the constitutional project without giving the appearance of allying themselves with the government? The indigenous organizations felt that they had been placed in a very difficult position.

Facing this conundrum, the indigenous movements decided to take what they could get rather than losing everything with a more principled stance. In a lengthy meeting on July 29, 2008, Ecuarunari (2008: 4) decided to support in a tepid and tentative manner Correa's project of rewriting the country's constitution in the upcoming September 28 referendum. Supporting the constitution, Cholango declared, was not the same as supporting a political party or an individual; they were not giving Correa a blank check. Rather, Cholango cast the gains of the constitution as the result of long struggles of diverse social movements (*El Comercio,* July 30, 2008). In the run-up to the referendum, Ecuarunari become even more vocal in its support for the constitution, calling on its supporters to vote for it. It published a special issue of its periodical *Rikcharishun* pointing in detail to the gains that the new constitution embodied. In a lead editorial, Cholango (2008b: 2) argued that because of the organization's pressure the constitution "incorporated fundamental demands for all Ecuadorians, particularly indigenous nationalities and peoples," and that approval of it would "mark the beginning of a new plurinational state."

Other individuals and social movements who were critical of the government joined Cholango and Ecuarunari in a Frente por el Sí y el Cambio (Front for Yes and Change) (2008) to campaign for passage of the referendum. They declared that "the new constitution is the result of decades of resistance and struggle of social movements, the indigenous movement, and diverse sectors of the Ecuadorian people; it does not belong to any one person." They noted that the new constitution embodied very important social, cultural, political, economic, and environmental advances, including plurinationality, interculturality, collective rights, rights of nature, defense of sovereignty, food sovereignty, Latin American integration, expansion of education and health care, water as a human right, rights of migrants, respect for diversity, solidarity economy, and access to the media. They pointed out that the text made repeated reference to *sumak kawsay*, beginning in the preamble that called for a new form of citizenship that embraced diversity and harmony with nature in order to live well. It was a strike against neoliberalism and a step toward opening up democratic participation. All of these factors provided strong reasons to support it, and the activists hoped that it would lead to important advances in the country. To advance this agenda it was important to go to the polls to defeat the conservative economic forces that were campaigning against the constitution and then maintain pressure on the government to implement the positive gains that the document embodied: "Only the popular ratification of the constitutional project will guarantee the realization of the changes for which we have long hoped."

On September 28, 2008, Correa won an overwhelming victory, with almost two-thirds of the electorate voting in favor of the new text. Despite their disagreements with Correa, the indigenous movements embraced the triumph as

their own. Cholango (2008c) declared that passage of the constitution represented a new and historic stage in Ecuador's history. Latin America's first constitution to recognize a plurinational state was the culmination of two centuries of struggle for sumak kawsay. The wide margin of victory meant the "definitive burying of an exclusionary neoliberal system." But, Cholango cautioned, the indigenous communities that had thrown their support behind the constitution now faced the most difficult and serious challenge—ensuring that the gains of the new document would actually be implemented. The indigenous movements would need to maintain a protagonist role to avoid sliding back into oligarchical control.

The role of the indigenous movements in the writing of a new and progressive constitution in Ecuador points to the promises and limitations of social movements realizing their agendas through engagements with governing bodies. As part of a well-organized civil society, social movements can influence the direction of governmental deliberations, but engaging state structures requires compromises and tradeoffs. Perhaps most important, as the Ecuadorian case illustrates, it is not sufficient to draft new legislation; social movements need to remain ever vigilant to ensure that the government follows through on its promises and implements its progressive policies. Whether this objective will be realized remains to be seen.

NOTE

1. I am constrained by the journal's style conventions from capitalizing "indigenous," as I would prefer, in accordance with (and in respect for) the stated preference of the board of directors of the South and Meso American Indian Rights Center (SAIIC) as a strong affirmation of their ethnic identities.

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