

## **The Plurinational and Intercultural State: Decolonization and State Re-founding in Ecuador**

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In the America of the South, State formation has, since its beginnings, found its ground in an alleged homogeneity and unity that is intimately tied to the dominant economic, political, social and cultural order and the interests of capital. As such, the present efforts in countries like Bolivia and Ecuador to transform State, shed it of its colonial, neoliberal and imperial weight, and re-found it from below –from the diversity of peoples, cultures, and historical practices- are transcendental.

It is precisely because of the far-reaching significance of this change, that the debates in both countries within their respective National Constitutional Assemblies (2006-2007 in Bolivia and 2007-2008 in Ecuador) have been polemical and difficult to resolve. Certainly this is due to the proper nature of the discussion, to the memories and histories it awakens, the nationalisms it provokes, the fears it engenders, and the potential threats it presents to institutional structures and ongoing power relations. But it is also because of the unknowns raised with respect to the meaning of the terms themselves; that is, to the significance of plurinationality and interculturality in the

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context of State reform, and the sometimes conflicting use of these terms made by groups with opposing vested interests.

This article aims to show, in a synthesized way, the critical elements brought to the fore in the consideration of a plurinational and/or intercultural state, giving particular focus to Ecuador. Its purpose is to both make visible debates present during the National Constitutional Assembly, and more broadly contribute to the understanding of the concepts and their implications. Central to this discussion is the constitutive role of decolonization, and its importance in achieving the goal of a democratic and constitutional consolidation.

The essay is organized around four key questions: What is the fundamental problem and the critical aspects to which the debates around the plurinational and/or intercultural point to? What international antecedents are instructive in this context? What do the different proposals present in the Ecuadorian National Constitutional Assembly suggest? And, finally, why support a mutually beneficial relationship between the plurinational and intercultural, as necessarily complementary concepts and actions? Even though the consideration of these questions is specific to the Ecuadorian case, the relevance of this discussion is not limited to Ecuador alone. It has important implications for other countries in the region and world subject to the hegemony of uni-national, mono-cultural and colonial state structures, where state models obey the directives of the market over the well being and ethical co-existence of its constituents.

### **The fundamental problem underlying the proposal of a plurinational and/or intercultural state**

Plurinational and/or intercultural state? This question has not only oriented the debate in the Ecuadorian Constitutional Assembly with regards to the character of the state

but also has been presented as a central concern in the media and within political circles. This debate undoubtedly signals a fundamental problem in the country; its crux concerns the negation of the country's multiethnic and pluricultural nature. By this I refer to the historical marginalization which the negation has promulgated, and the persistence of a profound racism, present as well within what is now referred to as 'XXI Century Socialism'. Over the following two pages I will identify three critical issues, which show the profoundness of the problem and its implications for the re-founding of the Ecuadorian state.

The first has to do with the power exercised through the ongoing colonial relationship, what the Peruvian sociologist Anibal Quijano has referred to as the 'coloniality of power'. This coloniality is constructed through a hierarchical system of social classification established in the colony, that named and homogeneously grouped in negative terms aboriginal peoples as 'indians' and the Africans and their descendants as 'black'. Both groups were placed at the lowest levels of society while the European whites and their descendants were granted positive identities at the top. This use of *the idea of race* as a permanent and conflictive matrix of power was central to the 'civilizing' domination of some peoples over others, and caused the emerging country to maintain its view towards Europe as a model for the structures and national institutions. Simultaneously, it assumed racial whitening as an index of 'progress', and *mestizaje* -or racial mixing towards whiteness- as the national discourse of power. The concurrent expansion of capitalism with this domination is not coincidental. The complicity between capitalism and coloniality and the political and economic benefits which it produced are undeniable.

The central concern here is with the way that this coloniality of power produced the ethnic-racial difference as not only cultural but also colonial, that is, as a historical-structural problem which continues to be integral to the Ecuadorian state, society and its social-political institutions. This is reflected in the statistics. As is the case of every country in the region, Indigenous and African-descendent peoples are

the most impoverished: 70% and 48% respectively compared to 38% of the total population, and reaching up to more than 80% in rural areas. These populations have the greatest rates of illiteracy (28% and 13% compared to 9% of the total population), and the lowest levels of participation in education, particularly in tertiary education (5% and 8% compared to 18% nationally), a figure that decreases even more in relation to university degrees (2% and 4% and 10% nationally).<sup>1</sup> These figures demonstrate the way in which institutional structures continue to perpetrate and justify the colonial difference and inequality — a reality not yet confronted by the Ecuadorian government.

The second critical aspect, which is clearly connected to the first, refers to the foundational ambiguity of the nation and its exclusionary models of state and society. Here, I refer to the uni-national character of the state and the monocultural nature of the social and political structures and institutions, products of the complicity between exclusionary nationalism and *mestizaje* as a continuous discourse of power, and the model of civilization –white-Western modernity- that informs them. When a state and society are created according to the interests of the dominant group and culture and, indeed, continue to reflect these interests, the national is nothing more than a set of institutions which represent, reflect and privilege these groups to the detriment of the population as a whole. It is this problem that the ideas of the plurinational and the intercultural address.

The idea of the plurinational finds its primal sustenance in the literally plural character of the national. I refer to the plural here both in terms of geographical differences –the mountain highlands, coast, and Amazonian regions that make up Ecuador- and in terms of ancestral differences — those that continue to organize the ways of living, including the relationships with territory and nature, the exercise of authority, and the practices of law, education, health and of life itself. This past and

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<sup>1</sup> Secretaria Técnica del Ministerio de Coordinación de Desarrollo Social, *Índice. Etnicidad, desigualdad y racismo*, Quito: SIISE, junio 2007.

present plurality of the Ecuadorian nation continues to be obviated within the model of state and society conceived from uniformity. And it is this imposed uniformity, reflected in the uni-national and monocultural designs of the state, its structures and institutions that produce social polarization, mistrust, and growing separatisms. In the face of this, the plurinational is something to be recognized and the intercultural is something to be constructed in the context of state re-founding.

Undeniably, in the past years there have been more openings to diversity. The 1998 Ecuadorian Constitution with its recognition of indigenous and afro-descendent peoples and their collective rights is an example. Certainly the achievements in terms of the acknowledgment and rights in the 1998 Constitution are the result of indigenous and Afro claims, of their processes of identity-strengthening as social, political and cultural actors, of their questioning of the existing and neoliberal models of citizenship, democracy, state and nation, and of their desire for inclusion. These are local claims with global connections, rooted in the shared colonial histories both of indigenous peoples and of the descendants of the African Diaspora, claims that are being recognized and find consent at an international level (the recent declaration of the UN is one notable example). Nevertheless, the fact that these constitutional recognitions are also in accordance with the directives and policies of multilateral organizations (most specifically the World Bank), and take place within a Constitution of neoliberal design, suggests that there are contentious interests at play. Over the last decade it has been possible to observe the constitutional multiculturalism being used as a geopolitical strategy in Ecuador and in the rest of the region. The intention has been to open the path for the neoliberal project of structural readjustment, delivering recognition and inclusion to the historically marginalized groups without making major substantial changes to the fundamentally uninational, monocultural and hegemonic state structure.

Finally, the third critical aspect has to do with the democratic and constitutional consolidation. It is argued that the consolidation of democracy in multi-

or pluricultural societies depends on the level of inclusion of historically marginalized populations. In other words, inclusion is a crucial instrument in maintaining high levels of commitment to democracy, as well as in ensuring the legitimacy of democracy itself. This not only requires strengthening democracy, but also decolonizing it, opening the path as the National Confederation of Indigenous Nationalities-CONAIE argues, to participation in a politics directed towards the idea and project of *living well* for all. This idea of *living well* –*buen vivir* in Spanish or *sumak kawsay* in Kichwa- differs from the idea of *living better* (and its co-existent notions of consumerism and progress) which drives so-called neoliberal democracy. Without this compromise and its accompanying legitimacy and (re)signification, the social division and instability are realities with potentially disastrous political implications. From this perspective, Ecuador has a weak, colonial and not yet consolidated democracy because indigenous and Afro-descendent peoples are not yet integrated in equal and equitable terms (an integration which remains absent in all South American countries). Another reason for this weakness stems from the character of the so-called democracy. It is a democracy that continues to be un-national and exclusionary, that complies with the interests of the powerful few and not with the power of the peoples, their capacities of participation and decision, nor with their varied systems of living.

In order to confront these three critical aspects and the fundamental problem to which they point, more than simple constitutional reform is required. A re-founding of the state and of the political constitution is necessary. This re-founding must be based on the profound transformation of the state-society relationship, its institutional structures, and the democratic system, and it must move away from the capitalist and neoliberal model and interests. The re-founding has to also confront the continued use of the idea of race as a matrix of power (and its institutionalized manifestations of racism and racialization). And similarly, it has to open up the possibility of rethinking the country from logics and systems of living that are not limited to the modern European model. Such re-founding must not simply add

diversity to the established structures (as the neoliberal Ecuadorian reform of 1998 did), but has to rethink those structures plurally and interculturally, thus encouraging politics of convergence, of conviviality, of complementarity and of a new and different form of unity. Before examining the Ecuadorian proposals which are in concord with this re-founding, it is worth briefly examining some of the antecedents which will help us better understand the idea of a plurinational state within the international sphere.

### **International Antecedents**

One of the counter arguments against plurinationality used by the opposition in Ecuador is that plurinationality is an indigenous invention. This argument, however, ignores the existence of several Western societies that can be said to be multi- or plurinational. Some, like Belgium and Switzerland, represent the voluntary federation of two or more European cultures. Others, like Finland and New Zealand, are considered multi- or plurinational due to their forced incorporation of indigenous peoples. And yet others, such as Canada, have been formed through the involuntary incorporation of aboriginal peoples as well as through the federation of differing national groups. These examples show that there is no single way of conceiving the plurinational. Neither does the plurinational itself constitute a remedy that dissolves the historical problems or unequal relations of power. Nevertheless, these countries have learnt that their survival as countries requires loyalty to the broader political community, that is, to a unitarian and plural state that encourages unity and interconnectivity on all levels of society. But what is understood by plurinational state in the international realm, and especially in the Western ‘developed’ world? Generally, it implies the political recognition of the presence and coexistence of two or more nations or ethnically distinct peoples. In this conception, the idea of the ‘nation’ refers to a historical community with a determinate natal territory, which shares a distinct language and culture. A country with more than one nation is a

plurinational country. Its formation can be voluntary or involuntary and, consequently, it can be plurinational without recognizing the equality of its different constituent groups and nations, and without promoting a relationship between them. In this sense, virtually all countries of South America are plurinational countries even though they do not recognize or define themselves as such.

The case of Canada, a well-consolidated democracy, and the second largest territory in the world, is particularly instructive in this context. Canada recognizes the indigenous peoples — who are less than 3% of the total Canadian population — as First Nations. Canada's indigenous peoples have additionally achieved a special political status in the Canadian Constitution. Besides affirming the existence of aboriginal rights, securing the participation of the indigenous population in all future constitutional negotiations, these constitutional provisions recognize the different ways of exercising rights, also in urban spaces. Furthermore, the Canadian constitution has prepared the ground for the development of an intercultural juridical practice — the Circles of Justice — that permits the judgment of specific crimes committed by indigenous people to pass through a collective dialogical process of consensus between communitarian-tribal authorities and judges of western-national law. This experience allows conceptualization of ways of relating and also allows compatibility in collective and individual rights and in law. In Colombia, a similar development has taken place with the indigenous peoples' own law and rights (*derecho propio*).

Although less extensive, the experiences in New Zealand and in the Nordic countries are also instructive due to the association they establish between political representation and democratic consolidation. In New Zealand, the 'Maori Electoral Option' — the option to register and vote within a Maori list, securing a proportional number of seats — has permitted direct representation of this group in the national parliament. In Finland, Sweden and Norway, on the other hand, there is the Saami Parliament, which works as advisory organ of the state, which again has increased the

Saami influence and self-determination with regards to cultural, linguistic and territorial issues.

In Latin America, Bolivia was the first state to recognize itself in the National Constitutional Assembly as plurinational.<sup>2</sup> Although a detailed analysis of the Bolivian Assembly lies beyond the scope of this article, four elements can be identified that explain how the plurinational in this context was conceived. The first is decolonization which points to the reconfiguration of the political map based on indigenous participation, juridical pluralism and the recognition of indigenous autonomies alongside departmental, regional and municipal ones. The second element relates to the plurality of the nation, particularly to achieving channels of expression within the Bolivian nation. The third element is the idea of the plurality of nations, which seeks the articulation of the different nations' administrations of justice in equal terms within the state. The fourth element points towards cohesion as a means to make the construction of an intercultural society an indispensable criterion.

But while the argument within the National Assembly and the subsequent Charter were for a plurinational state, the proposal of the oppositional minority (the right-wing group *Poder Democrático y Social* or PODEMOS, which includes businessmen, bankers and large landowners of the Santa Cruz region), was for an intercultural state, an option that seems to reflect the new imperatives of the World Bank on decentralization, ethnic diversity and regional autonomy for *developing* countries. This is also the option preferred by the United Nations Development Programme, which has spent significantly on publications and media material on this issue in Bolivia. In the proposal of the oppositional minority, the intercultural is something functional and benign. It recognizes differences, but fails to consider that the construction of the nation is based on those same differences. In this way, it proposes pluralization and decentralization without major changes to the structure,

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<sup>2</sup> The new Constitution developed in the National Constitutional Assembly, and later modified by National Congress, was approved by popular referendum in January 2009.

the institutionality and the monocultural logics, thus confining interculturality to the sphere of municipalities and departments within an integrationist frame.

In this context *interculturality* has become a floating term used to refer to visions for society and is used by a range of interested parties. Sometimes the term assumes the form of a political and social project that requires a structural, institutional and relational transformation. This form is reflected, in some sense, in the new Bolivian Constitution, where interculturality works cooperatively with the plurinational state, thus together providing the engine in the process of constructing a different society. Yet, at other times, as in the case of the proposal of the minority (and of some international entities), interculturality only points to the recognition and the inclusion of diversity within an ill-fated state model that does not confront the profound structural inequalities, and that does not abandon its neoliberal agendas. The rhetoric of an intercultural state seems to be even more sinister when proposed by this selfsame minority when we consider the acts of shameless racism committed by it.<sup>3</sup> Without doubt, this relationship between inclusionist rhetorics and fascist action is instructive because it brings to light how the very terms of plurinationality and interculturality are inserted in a struggle for power.

### **What lessons can be learned from these international examples?**

First, contrary to both public opinion and to the insistence of some international organizations, they confirm that the plurinational state is not a challenge to the state as a political community, nor is it a challenge to democracy as a political system. Secondly, these examples provide evidence that even though the designation ‘plurinational state’ challenges the homogeneous concept of the state, and the character of its structures and political institutions, it does not pretend to break either

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<sup>3</sup> See, for example, the documentary video “Humillados y ofendidos” in You Tube that records the racist violence committed against indigenous peoples and peasants in Sucre in May 2008.

the notion of a unified state, or that of national unity. Rather, its intention is to reconstitute them under criteria of free expression, not imposition, thus opening new historical decolonizing possibilities. Thirdly, they show that plurinationality is not only relevant for countries with large indigenous populations. Fourthly, they elucidate the association between the democratic consolidation and the plurinational practices that assume equality, justice, equity and affirmation of life as priorities. Finally, these examples definitely confirm that the plurinational state is not a monolithic entity; it takes form from the particular context. As such, it requires the consideration of crucial concerns such as how to promote historical structural changes that do not divide but unify; changes that confront both the international and the dominant national powers and interests whose aims are, precisely, fragmentation and division.

### **Ecuadorian proposals, significances and struggles**

The proposal for the plurinational state in Ecuador is not new; since 1990 CONAIE, has presented it four times, each time with more details added to it. However, because it has been seen as a radical indigenous proposal for indigenous peoples and not for society as a whole, these proposals have met with little acceptance. Instead they have been described as divisive, anti-democratic efforts, which run counter to national unity. Yet several questions, which also apply to other South American nations, remain: Does unity, in the form of an including and shared sense of the national, actually exist in Ecuador? Do cohesion, stability and democratic consolidation exist? Has the historical denial of the plural character of the national, the social and political exclusion of the indigenous and Afro Ecuadorian peoples, together with the inability of the structures and institutions to think from difference and not only from a supposed homogeneity, not constituted a central problem in Ecuador as a country? These questions must have a central position in the current debate in Ecuador. Nevertheless, they remain shadowed by vested interests who posit the notion that the plurinational and the intercultural are mutually exclusive. This logic leads naturally to

the conclusion that the real issue is how to accommodate within the pre-existing state, indigenous peoples, Afro Ecuadorians, peasants, and the differences among them; and not to the question of how to re-found the state and society in order to achieve equity, equality and justice for all its constituents.

Among the different proposals about the character of the state presented to the Constitutional Assembly three guide the debate: the proposal of CONAIE, the proposal presented by the National Federation of Peasants, Indigenous Peoples and Blacks, *Federación Nacional de Campesinos, Indígenas y Negros* (FENOCIN, an organization allied with the Socialist Party and, consequently, the class struggle), and the one presented by the *Corporation of Afro Ecuadorian Development, Corporación de Desarrollo Afro-ecuatoriano* (CODAE an autonomous Afro state institution). It is worth considering the different characterizations of the state that each organization makes, the elements that distinguish the proposals from each other, and their strengths and weaknesses.

In April 2008, a majority in the Assembly approved the denomination of the plurinational and intercultural state, and at the time of writing (June 2008) this denomination was in full debate among the totality of the integrants of the Constitutional Assembly.<sup>4</sup> The purpose here is not to enter into a major analysis of the differences between the proposals. It is, rather, to highlight some central elements in order to contribute with greater clarity to the understanding of the tensions and misunderstandings that continue to exist in relation to this discussion concerning interculturality and plurinationality.

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<sup>4</sup> In September 2008, the Constitution was overwhelmingly approved in public referendum, thus making Ecuador the first Latin American nation officially designated as Plurinational and Intercultural. As previously mentioned, the Bolivian Constitution reached approval in January 2009.

CONAIE	FENOCIN	CODAE
<p><b>Plurinational</b> state, sovereign, communitarian, social and democratic, independent, secular, for solidarity, unified, with gender equality</p>	<p>Sovereign, just, unified, independent, democratic, <b>intercultural</b>, participative and <b>multiethnic</b> state</p>	<p>Social and democratic state, rights based, sovereign, independent, secular, <b>pluricultural</b> and <b>multiethnic</b> state</p>
<p><u>Prominent features:</u>                  Construction of interculturality; political representation; juridical pluralism; economy and development with identity; broadening and deepening rights; Indigenous and Afro territories</p>	<p><u>Prominent features:</u>                  Agronomical and alimentary sovereignty; territorial reorganization; maintaining of collective rights</p>	<p><u>Prominent features:</u>                  Development of inter-cultural politics; condemnation and eradication of racism; measurements of affirmative action; collective rights; territorially circumscribed</p>
<p><u>Strength:</u>                  Makes difference and interculturality constitutive in the moment of rethinking the political national organization and model. Recognizes, constructs, and pluralizes</p> <p><u>Weakness:</u>                  Continues to be principally for and from the (rural) indigenous population; considers the Afro from indigenous frames; does not evidence a structural-institutional interculturalization</p>	<p><u>Strength:</u>                  Highlights the necessity of interculturality and the diverse reality of the rural areas, including peasants and <i>montubios</i> (the peasants who live along the Ecuadorian coast-line)</p> <p><u>Weakness:</u>                  Focuses on the agro and not on the rural-urban diversity; maintains the present model of nation-state adding diversity to it, looking for inclusion and not for structural change</p>	<p><u>Strength:</u>                  Highlights the problem of racism and the necessity for historical reparations — also in relation to representation and participation</p> <p><u>Weakness:</u>                  Adds diversity and specific politics to the existing structures and model, emphasizing inclusion and not structural change</p>

The first element to be emphasized has to do with the meaning of the terms plurinationality, interculturality, people, nations and nationalities in the Ecuadorian and international context. To CONAIE, (which has headed the proposal of the plurinational state), plurinationality is:

The recognition of a multicultural society in the insoluble political unity of the state that recognizes, respects, and promotes unity. Equality and solidarity among all existing peoples and nationalities in Ecuador, regardless of their historical, political and cultural differences.<sup>5</sup>

The plurinational state questions the character of the existing uninational state. It proposes a model of political organization for decolonization aimed at recovering, strengthening and democratizing the state, constructing a real interculturality as a project for the country, transforming the structures and institutions in order to recognize political and cultural diversity, and community-based forms of authority in order to consolidate unity in diversity. CONAIE clarifies that it is not an ethnic, but a political and decolonizing wager that confronts the ‘capitalist, bourgeois and excluding state,’ having as its ultimate goal that of ‘gradually resolving the inherited social scars... until achieving the satisfaction of the basic material, spiritual and cultural necessities.’ Notwithstanding the above definition, several questions emerge with respect to plurinationality, when we consider its proposed exercise and application. Is plurinationality principally an instrument of self-government and of territorial autonomy, and what does it imply for shared and urban territories? Does plurinationality imply a parallel development of structures, institutions, organizations and/or territories for the indigenous peoples and nationalities and not, in equal proportion, for the Afro Ecuadorians? Is it a concept of, and for, the indigenous peoples and nationalities, and is it thus also a demand to the rest of the society? Or,

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<sup>5</sup> CONAIE. *Políticas para el Plan de Gobierno Nacional. El mandato de la CONAIE*, January 2003, 2. “El reconocimiento de una sociedad multicultural en la unidad política indisoluble del Estado que reconoce, respeta y promueve la unidad. Igualdad y solidaridad entre todos los pueblos y nacionalidades existentes en el Ecuador, al margen de sus diferencias históricas, políticas y culturales.”

on the contrary, is it a concept that requires the reconceptualization of the national for all? In Ecuador, the answers are still vague.

Within international law, ‘people’ denotes an ancestral relationship from the times of colonization, or formation of the state, and refers to the conservation of institutions, customs, traditions and autonomous territories. It is this denotation that makes collective rights possible. Thus, one can speak of ‘indigenous peoples’ and ‘Afro peoples’, but not of peasant peoples. This last denomination rather marks what can be understood as a community. This is an important point due to its centrality in current debates in Ecuador. Hence it is necessary to distinguish historically between ‘ancestral peoples’ and ‘communities’ in order to encourage not only juridical plurality but also decolonization. In Ecuador, ‘nationality’ signifies the indigenous peoples that share origins, history and language, where in other places this would simply signify ‘nation’. At issue is the way in which these concepts allow for the construction of a notion of the plural, of the national, not as ethnic-cultural diversity but as historical differences that contain their own structures, institutions, and ways of being.

In Ecuador, interculturality has a different legacy and meaning as compared to other countries. It is a principle that originates from the indigenous movement, thought through as a political and social project that requires not only the relational but also the structural (political, economical and social) transformation of the Ecuadorian state and society. By implication, it is considered as part and parcel of the processes of decolonization. While the multicultural and pluricultural are typically descriptive terms that point to diversity and the recognition (and inclusion) within the existing society, interculturality as such does not yet exist. It is something to be constructed. It allows imagining and opening of pathways towards a different society based on respect, mutual legitimacy, equity, symmetry and equality where difference is the constitutive element and not merely a simple addition. Interculturality also requires an understanding that behind the relations to be constructed — among groups

and between the structures, institutions and rights that the state might propose — are distinct logics, rationalities, customs and knowledges. For these reasons interculturality is central to state re-founding.

The above understanding of interculturality orients the proposal of FENOCIN for an intercultural state. This differs from the intercultural state proposed by the Bolivian right, in that this proposal is put forward by progressive peasant forces, genuinely concerned with the legacy of domination, particularly in the rural communities. Even so the intercultural in this proposal does not, in itself, break with the uni-national state. In order to break with the uni-national state, we believe it is indispensable to work with a compact between interculturality and plurinationality. FENOCIN has instead taken up in the National Assembly the struggle against plurinationality, referring to it as a ‘retrograde’ and ‘Indianist’ politics, arguing rather for inclusion, that is, for the universalization of citizenship, and for policies that do not render any special treatment or recognition to the different nationalities, above and beyond the already existent collective rights.

A second important element worthy of mention is the concern that the notion of the plurinational excludes Afro-Ecuadorians. This notion can be derived from CONAIE’s proposal, in which Afro peoples are included as little more than an add on to the indigenous, these last being positioned as the central frame from which to think plurinationality (this happens also with the new Bolivian Constitution where Afro-Bolivians are included in only 4 of 411 articles). This is why CODAE’s position is for a pluricultural and multiethnic state where Afro-Ecuadorians can feel included. Nevertheless, if we begin with the fact that Afro-Ecuadorians constitute a ‘people’ (a status recognized in the 1998 Constitution and in the Law of Collective Rights of Black or Afro-Ecuadorian Peoples of 2006), there is no reason why the plurinational cannot recognize them as well. As a historic community that predates the formation of the Republic, and that occupies ancestral territories governed by their own systems of law and of social, economical and political organization, Afro-Ecuadorians, in

effect, constitute what, in the international sphere, is considered as plurinational, that is a state in which two or more ethnically distinct peoples coexist. As such, an Ecuadorian plurinational state must conceive itself not only from an indigenous perspective, but also from an Afro Ecuadorian perspective.

The third element is the issue of rights. In addition to those issues raised by juridical pluralism, the plurinational places in consideration three concerns that have received little attention in the Ecuadorian and South American context. One is the false dichotomy between individual and collective rights. Peoples have to be considered as individuals and as collectivities simultaneously; the rights of the collectivity can be given to members of the group (individuals), to the group as a whole, or to a territory where the group is a majority as in territorially circumscribed rights. Another has to do with the idea of different rights. That, is the acceptance (something that the Ecuadorian society as a whole has yet not fully embraced) that justice demands specific rights in order to remedy as in the case of affirmative action and legal measurements to promote representation and participation, and to confront discrimination. And, to promote what has been negated for example, the case of intercultural bilingual education, Afro ethno-education and juridical pluralism. And to secure different peoples' ways of life via self-government, territorial control, etc. A further issue is plurality as a transversal axis and guiding principle to be considered within the totality of all rights. In order to open the path to a complete reconceptualization of *national law* from the perspective of diversity, we need to move away from the idea that the system of rights, developed from a supposed uniformity (no matter how progressive or socialist) is an unquestionable truth. And this raises the issue: how to construct a system of law which is not only plurinational, but intercultural, one that allows for the articulation and convergence of differences — of peoples but also differences of gender, of age, of sexualities, and of the rural vs. the urban, among others — in a new all-inclusive lawfulness?

In Ecuador, but also in Bolivia, the debates concerning the character of the future state and of the way of conceiving and positioning the difference and plurality of the national, betray the presence of coloniality, the tenacity of mestizaje as the discursive base of the power struggle, and the multiplicity of interests at play. The ‘left’ argues that plurinationality will promote segregation, produce division and disunity, disown the mestizo-white, emphasize culture over class and constitute a backwards step with respect to human rights (by which is meant Western individual rights). Interculturality is the preferred option in these sectors. But here, interculturality is understood as a cultural effort, not connected to territorialities, self-determination and self-government, and not as a political endeavor. But of course the problem is greater than the terms themselves, and that is when both plurinationality and interculturality are discursively employed empty of content. As CONAIE has warned: ‘without free, previous and informed consent, without the recognition of the territorial rights’ the doors to ‘the impositions of the transnational companies’ could be thrown open. In the ‘rights’ discourse arguments are run in the name of the ‘single nation,’ of patriotism, of civilized rationality, development and modernization, and civic ideals. At the same time the dangers of the ‘ethnic’ and of creating distances to the global market and society are emphasized. The ‘recognition’ granted to ethnic minorities in the 1998 Ecuadorean neoliberal constitution is still regarded as sufficient by the sectors of the Right. According to these sectors, the Constitution only needs the addition of decentralization and strengthening of regional autonomies, a design of the World Bank and current proposal of the Bolivian right. And while the multilateral/transnational organizations’ encourages arguments of both sides in this debate — thus securing their interests of control and division — it is evident, the real danger does not lie with them. It lies instead with the loss of this unique opportunity to re-found and decolonize the Ecuadorian state through the combined intervention of the plurinational and the intercultural, going beyond discourse and making this project a reality.

## **Towards complementarity and complicity**

What is the Ecuador we want to see? Of course, there are immense differences in this imagination. To think the country from the rural areas differs significantly from conceptualizing it from the city; to think it from Afro-Ecuadorian histories, memories and realities differs to considering it from an indigenous perspective, and even more different than conceiving it from the imaginary of white-mestizos. The Constitution must reflect this diversity without allowing any of these diversities to assume supremacy or authority over the others. Therein lies the challenge at the heart of the debates and proposals (and now with the actual Constitution). Why argue, as I have done here, for the complementarity of interculturality and plurinationality? And what does this complementarity offer with regard to the challenge of re-founding the Ecuadorian state and society? To confront the racialized structure and the coloniality that still exist demands specific policies, that is, policies directed at racism and discrimination, and that secure access, representation and participation. It also requires recognition of the autonomous systems, allowing that they form part of what is considered to be the 'national'. Finally, it requires the recognition that *difference* is a constitutive element of the structural-institutional foundation of the state and not merely the addition of ethnic groups. This implies a constant search for the conjunction of logics, knowledges, practices, perspectives, beings and systems of life. Without doubt, interculturality, understood as a political, social epistemic and ethical project and process of relation and decolonization within a society that is plurinational by historical condition and nature, is central here.

To juxtapose the foundational ambiguity of 'the nation' with its exclusive state and society models requires that the plurinational be accepted as a reality and the intercultural as the proper tool for action. The uni-national character of the state will in this way be confronted with the recognition of the actual plural character of the national. Changes in the monoculturality of the social and political structures and institutions will in contrast require the recognition of the pluricultural nature of

society and, at the same time, construct interculturality as explicit policies in its institutions and structures. Finally, democratic consolidation depends on the accumulation of legitimacy, which requires a higher level of incorporation of the indigenous and Afro peoples as well as those of other historically excluded sectors as constitutive parts of the state and society. This incorporation demands a break with the hegemonic relationship that has caused the majority to equate nationalism with state-nationalism. It implies that we stop thinking the Ecuadorian nation from the perspective of one national group, and instead construct the entities of the state and their control of the state from the plural-national. Additionally, it incites the recognition of self-determination and of that which is communitarian-collective, encouraging politics that create incentives of cooperation, alliances beyond ethnicity that reduce disparities between groups both in the rural and in the urban areas. Of course, all that is mentioned here points to the re-founding of political institutions in accordance with plurinational and intercultural criteria.

While the plurinational allows a departure from the uni-national frame through its emphasis on the plural-national as a more adequate structure to unify and integrate, interculturality points to the relationships and expressions of the relationships to be constructed. For this reason, both are necessary components, accomplices in the re-imagining and re-founding that pave the way towards *sumak kawsay*, a new philosophy, practice, and project of ‘living well’ — the must-be of the Plurinational and Intercultural State of Ecuador.

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