



Towards epistemic justice with indigenous peoples' knowledge?

Exploring the potentials of the Convention on Biological Diversity and the philosophy of *buen vivir*

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List of Acronyms

ABS	Access and benefit-sharing
CBD	Convention on Biological Diversity
CONAIE	<i>Confederación de Nacionalidades Indígenas del Ecuador</i> – Confederation of Indigenous Nationalities of Ecuador
COP	Conference of the Parties to the Convention on Bio- logical Diversity
MCD	Modernity/coloniality/decoloniality
SBSTTA	Subsidiary Body on Scientific, Technical and Techno- logical Advice of the CBD
SENPLADES	<i>Secretaría Nacional de Planificación y Desarrollo</i> – National Secretariat of Planning and Development of Ecuador
TK	Traditional knowledge
UN	United Nations
US	United States of America

Abstract

While indigenous peoples' knowledge has historically been marginalised and not been part of the development agenda, it is nowadays widely considered crucial for development and nature conservation and has been integrated into international and national governance frameworks. Despite considerable attention to indigenous peoples and their knowledge, however, social and epistemic inequalities persist. In light of this paradox, this paper critically analyses two governance frameworks concerned with indigenous peoples' knowledge and biodiversity: the Convention on Biological Diversity (CBD) as an international agreement and the indigenous philosophy of *buen vivir* as public policy manifest in Ecuador. In order to understand potentials and limitations of these two governance frameworks for fostering epistemic justice, the study explores historical-political structures which have shaped them and, against this background, analyses the way in which indigenous peoples' knowledge is represented.

The analysis reveals that, in spite of its concerns with indigenous peoples' knowledge, the approach of the CBD reproduces existing epistemic hierarchies, which undermines its potential to contribute to epistemic justice. The *buen vivir*, in contrast, makes visible an indigenous form of knowledge which has been marginalised by the dominant modern knowledge system. However, the translation of this indigenous philosophy into policy terms as well as its existence in parallel with other governance frameworks such as the CBD in Ecuadorian public policy currently points to obstacles that call into question the possibilities of the *buen vivir* to enhance epistemic justice as a governance framework. The findings show that the formal recognition of cultural diversity does not necessarily entail a promotion of epistemic diversity and social justice. These insights call for the need to question the promotion and representation of indigenous peoples' knowledge in governance approaches as an inherently political act.

Relevance to Development Studies

Biodiversity and indigenous peoples' knowledge are at the heart of South-North tensions: while both are abundant predominantly in countries of the global South, the greatest interest in them stems from industries located in Northern countries. The case of indigenous peoples' knowledge in biodiversity governance is also exemplary of the current conjuncture in which global governance approaches to development are increasingly being questioned in light of persisting social inequalities. New initiatives are arising in this context, which are equally concerned with biodiversity and indigenous peoples' knowledge, but propose a different model of development. The paper contributes to the current debates from a perspective which has not been devoted much attention in development studies – one that considers epistemic justice as a condition for reaching social justice.

Keywords

Knowledge, governance, indigenous peoples, biodiversity, modernity, coloniality, epistemic justice, *buen vivir*, Convention on Biological Diversity

Chapter 1

Introduction

The recognition of epistemological diversity is a highly contested terrain because in it converge not only contradictory epistemological and cultural conceptions but also contradictory political and economic interests. (Santos et al. 2007: xli)

1.1. Background and research problem

Indigenous peoples¹ are one of the groups of society which most suffer from discrimination and marginalisation in many countries of the world.² While being victims of historical injustices that can be traced back to the era of colonisation, racism against indigenous peoples has persisted until today. The United Nations Permanent Forum on Indigenous Issues states in its document *State of the World's Indigenous Peoples*:

Indigenous peoples suffer from the consequences of historic injustice, including colonization, dispossession of their lands, territories and resources, oppression and discrimination as well as lack of control over their own ways of life. (UNPFII 2009: 21)

While social injustices are frequently associated with physical oppressions or unequal distribution of wealth, they also have inter-subjective dimensions. An important expression and source of social injustices are “epistemic” or “cognitive” injustices (Santos 2007c: 2), that is, the presentation as invalid of forms of knowledge which differ from the dominant rationality. By acknowledging the importance of “epistemic racism” (Walsh 2007: 233), the knowledge of indigenous peoples acquires a central role for questions of social justice.

Persistent epistemic inequalities are manifest, for instance, in the common assumption that modern science is objective and universal, while other forms of knowing are not credible. Paradoxically, these injustices seem to contradict the trend of an increasing concern with indigenous peoples’ knowledge in legal frameworks and policies at the international and national level. While indigenous peoples’ knowledge used to have no place on the development agenda (Ellen and Harris 2000: 11), it has received increasing attention especially dur-

¹ A formal or universal definition of indigenous peoples is widely regarded as being neither possible nor desirable. Most organisations acknowledge the right of indigenous peoples to self-identification. A frequently used working definition is provided in the “Martínez Cobo Study” of 1986 (see UNPFII 2009: 4-7). This paper uses the general terms “indigenous peoples” and “indigenous peoples’ knowledge” while acknowledging the multiple identities and plurality of knowledges of the people they describe.

² Some ideas for this research paper were developed in a previous unpublished essay at ISS, titled “*Traditional Knowledge in global governance – a contribution to epistemic and social justice? The example of the UN Convention on Biological Diversity*.”

ing the last three decades (Posey 2000: 35) and is nowadays widely considered in development and nature conservation. International organisations such as the United Nations, multilateral institutions like the World Bank, bilateral donors, many non-governmental organisations and indigenous movements – all share the recognition of the importance of indigenous peoples’ knowledge, and many actively engage in its promotion. The field of biodiversity has a pioneer role in this regard. The Convention on Biological Diversity (CBD), which is the main global governance framework addressing the area of biodiversity, set a precedent by formulating provisions regarding indigenous and local communities and their biodiversity-related knowledge since its creation in 1992.

The CBD acknowledges the communities’ dependence on biological resources and their contribution to conservation efforts through their close relationship to nature and their knowledge about genetic resources.³ The Convention has been celebrated for its call to protect the knowledge of indigenous and local communities. It thereby interlinks the preservation of natural and cultural diversity (CBD 2011). Given the previous disregard for indigenous peoples, the Convention’s endorsement of indigenous peoples’ knowledge might be seen as an exceptional opportunity for reaching greater social justice by promoting the diversity of knowledges in global governance. Yet, the concerns and condemnations of continuing epistemic and social injustices voiced by activists and critical scholars suggest that this is not the case. What are, then, the limitations that this unprecedented governance framework of the CBD involves? This paper aims to address this question, critically exploring the Convention’s inherent paradoxes by developing an engaged dialogue with another perspective concerned with indigenous peoples’ knowledge and nature – the *buen vivir*.

The *buen vivir* (Engl. “living well”) is one of the most visible manifestations of new initiatives emerging in the context of a legitimacy crisis of the established political economic model of development and social movements’ pressure in the face of persistent grievances. The framework of the *buen vivir* has recently become influential in Ecuador, being integrated as guiding principle in the National Constitution of 2008. Based on ancestral cosmovisions and philosophies of indigenous peoples in the Andes, the *buen vivir* is often seen as an alternative to current governance paradigms.

How can the consideration of indigenous peoples’ knowledge be explained in light of continuing discrimination and racism against indigenous peoples? Against the background of apparently “empowering” legislations and policies, one might ascribe these persistent problems to gaps of implementation. However, this paper takes a different approach by critically analysing the CBD and the *buen vivir* as policy frameworks embedded in specific structural and power dynamics. This perspective is lacking consideration in research on indigenous peoples’ knowledge in biodiversity governance. The fact that categories such as “traditional knowledge” (TK) or “indigenous knowledge” are usually not scrutinised but taken at face value clearly demonstrates this gap.

³ Although formally including “local communities”, CBD activities show a main emphasis on indigenous peoples.

It is important to emphasise that this study is not an assessment of the outcomes of the *buen vivir* and the CBD as national policies. The author acknowledges the achievements of both frameworks through provisions which have directly benefited indigenous peoples. For specific reasons, this research is concerned with another “layer” of analysis: Many studies focusing on outcomes or impacts proceed from a perspective which takes policy frameworks as impartial entities that are not interrogated, and therefore often fall short in explaining deeper causes of certain outcomes. In contrast, this paper pays attention to processes, based on the conviction that all governance systems are inevitably political in nature, emerging at a specific point in time, and influenced by forces and structures which relate to certain interests and power constellations. Hence, these policy frameworks themselves are not neutral, but carry inherent tensions and biases which not least influence their outcomes. This is why the particular assumptions and purposes guiding the cases studied in this paper become central for the analysis.

1.2. Objective and research questions

The objective of the paper is to understand contributions and limitations of the CBD and the Ecuadorian manifestation of the *buen vivir* in relation to epistemic justice, as well as to identify the causes of these contributions and limitations. These are important questions because they have implications for the potential of achieving greater social justice. In order to accomplish this objective, the research is guided by one main question and five sub-questions.

Main question

Do the Convention on Biological Diversity and the Ecuadorian manifestation of the *buen vivir* make visible and politically relevant knowledges of indigenous peoples?

Sub-questions

- a. What is the link between knowledge and modernity from a perspective of epistemic justice? (Chapter Two)
- b. Which driving forces and structures have shaped the CBD and the *buen vivir*? (Chapter Four)
- c. What are the relations of the CBD and the *buen vivir* to neoliberalism and modernity? (Chapter Four)
- d. How is indigenous peoples’ knowledge represented in the two frameworks? (Chapter Four)
- e. How are the approaches of the CBD and the *buen vivir* reflected in current Ecuadorian public policy? (Chapter Five)

1.3. Limitations of the research

Although the nature of the CBD and the *buen vivir* can be discerned in order to explore their limitations and potentials, both frameworks are applied in concrete contexts. Their manifestations vary, because they are shaped by different actors and structures at different levels of governance, in different times and spaces. The *buen vivir* is a fairly recent phenomenon in public policy. It is a concept “under construction” (Gudynas 2011: 1), being developed, adapted and reproduced by different players. As a result, the extent to which generalisations can be made is limited for both cases. Yet, these variations do not prevent the study from analysing contributions and limitations of the CBD and the *buen vivir* with regard to epistemic justice, because the research does not focus on their outcomes and effectiveness. Rather, their potentials are analysed with respect to indigenous peoples’ knowledge representation and structural dynamics that have informed them. This analysis can be undertaken on the basis of existing literature and documents.

1.4. Justification and relevance

The two case studies share the characteristic of linking biodiversity to indigenous peoples’ knowledge, but, as will be further explained in due course, emerged in different spatial and temporal contexts and are embedded in particular socio-political dynamics. The reason for contrasting the global governance framework of the CBD and the national approach of the *buen vivir* is the hypothesis that a poor capacity of global governance approaches to foster social justice may have inspired initiatives like the *buen vivir*. The connecting link between the two can be found in Ecuadorian public policy: Ecuador is both party to the CBD and has integrated the *buen vivir* in its Constitution and development strategy. Rather than being a case study, Ecuador is used in this paper as an illustration of how the two different frameworks CBD and *buen vivir* are “cohabiting” in public policy. Ecuador was chosen because this coexistence cannot be found in other cases of strong indigenous mobilisation advancing alternatives to the current system in Latin America, such as the Mexican Zapatistas. The only case similar to Ecuador is Bolivia, which has also integrated the *buen vivir* in its Constitution. However, the Ecuadorian approach goes further in relating indigenous cosmovisions to nature and the environment (see Gudynas 2009a), and in this way presents a more powerful contrast to the CBD. While first analysing the CBD and the *buen vivir* separately, the final part of the analysis addresses this cohabitation from the viewpoint of indigenous peoples’ knowledge representation – this specific lens was chosen in order to be coherent with the paper’s ontological, epistemological and theoretical approach.

The research topic is relevant in two ways. On a theoretical level, the approach of epistemic justice which is used for the analysis has only recently been theorised. The contribution of the paper consists in operationalising this framework by seeking ways of applying the theoretical insights of different authors. Particularly in relation to the governance of biodiversity and indigenous peoples’ knowledge, epistemic justice has not yet been given much scholarly attention. In a more practical way, indigenous peoples’ knowledge figures

prominently in contemporary conservation thinking, which increasingly focuses on preserving “biocultural diversity” (see Rival 2011). The CBD itself will gain centre stage at the “Rio +20” summit next year, which marks the Convention’s twentieth anniversary. It is thus timely to revisit some of its substantial provisions, particularly since “alternative” approaches calling for a reconsideration of the fundamentals of the dominant model of society and development have gained political clout of previously unseen dimensions in the current historical juncture. In this context, a critical analysis of the CBD and the *buen vivir* from a perspective of epistemic justice has practical implications, as it not only shows limitations, but also identifies spaces for alternative ways of thinking and social action.

1.5. Motivation and positionality

Situated knowledges require that the object of knowledge be pictured as an actor and agent, not as a screen or a ground or a resource, never finally as slave to the master that closes off the dialectic in his unique agency and his authorship of ‘objective’ knowledge. (Haraway 1988: 592)

Following Donna Haraway, knowledge is always partial and embodied. This also concerns my own knowledge and motivation for this research. My interest stems from my experience and work with indigenous peoples in Guatemala and Bolivia. Raised and educated in Europe, I realised how my self-identity and understanding of indigenous peoples had been marked by powerful representations, conveyed for instance through educational institutions and the media. While portraying Mayan or Aymaran people in their colourful dresses and with their “traditional” customs, the actual people behind these objectified depictions, including their beliefs, cosmovisions, knowledges and practices, mostly remain invisible. My work especially with K’iche children in Guatemala took me out of this subjectivity informed by my life in Europe, making me see the people, their ways of living and experiencing the world – certainly without fully understanding them. And this is also what I want to do in this paper. I do not attempt to see through “indigenous” or “Ecuadorian” eyes – which is neither possible nor necessarily desirable (see Haraway 1988: 584-586) – but to see and try to understand through a view inevitably shaped by my location and experience. Far from pretending to speak for indigenous peoples or to represent an “indigenous vision”, this research is part of a learning process which implies constantly revisiting my own assumptions and humbling my own knowledge. It entails both understanding and actively “seeing” what is (made) invisible. The research hereby tries to resist the naturalisation of one form of knowledge as the only valid one, and in this way open spaces for appreciating other forms of cognition. For me, this research essentially involved a self-reflexive process. In this spirit, I hope that the study can inspire reflections not only on the case studies, but also on the general existence of multiple ways of knowing and the incompleteness of one’s own knowledge.

1.6. Research methods

This study was undertaken on the basis of qualitative research. In order to answer the research questions, a careful analysis of secondary sources was done. These include journal articles and books on global governance, politics of culture, indigenous peoples, biodiversity and knowledge from perspectives both critical and supportive of the approach taken in this paper. Publications by European, US-based and Latin American authors were studied. Moreover, online articles were used, particularly for the part on the current situation in Ecuador. Additionally, primary materials such as CBD publications, official documents of the Ecuadorian government as well as statements by members of indigenous organisations were studied. The data was collected and analysed through desk research.

1.7. Structure of the paper

The paper is organised in six chapters. After this first chapter serving as an introduction to the topic, Chapter Two explains the theoretical framework of the research. Chapter Three introduces the case studies CBD and *buen vivir* as two frameworks which exist in Ecuadorian public policy. The following Chapter Four provides an analysis of the CBD and the *buen vivir* from a perspective of epistemic justice, by taking into account their historical-political contexts and representation of indigenous peoples' knowledge. Chapter Five looks at the cohabitation of both frameworks in current Ecuadorian public policy and at challenges arising from this situation. The final chapter concludes by synthesising the arguments and reflecting upon implications for epistemic justice.

Chapter 2

Theoretical framework

As a foundation for the analysis, this chapter presents the theoretical framework used to explore the research questions. The first section provides an entry point into existing theoretical approaches to knowledge and biodiversity from a governance angle and clarifies the position of the perspective adopted in this paper in relation to other approaches. Afterwards, the theoretical framework of this study, which combines the approach of epistemic justice with insights from neoliberal multiculturalism, is explained in detail. Particular attention is paid to the link between knowledge and modernity from a perspective of epistemic justice (sub-question a). The chapter ends with limitations and a justification of the theoretical approach used.

2.1. Linking knowledge, biodiversity and indigenous peoples

Promoting epistemic justice refers to making visible and politically relevant ways of knowing that have been marginalised as a result of the imposition of a dominant knowledge system over others. Through a lens of epistemic justice, this study considers the political nature of representations of knowledge. It thereby differs from prevalent approaches in the literature which understand knowledge in relation to governance and biodiversity in an instrumental way, based on a view of governance itself as a functional arrangement. The latter perspective sees knowledge as a “tool” external to the policy-making process, which can be applied for governance purposes. “Working with indigenous knowledge” (Grenier 1998) becomes useful in this line of thinking, for instance as input for policies directed at enhancing sustainability and human wellbeing (see Aguilar 2001: 241-242, 249; Dutfield 2000: 6-7), or as instrument for fostering indigenous peoples’ participation (see Mauro and Hardison 2000). While a lack of implementation of the CBD is acknowledged (see Aguilar 2001; Herkenrath 2002), this literature predominantly regards the integration of “traditional knowledge” in the CBD as in principle advantageous to indigenous peoples, and as a potential step towards enhancing global social justice – understood in terms of resource distribution (see Chennells 2010). The kind of knowledge which underlies the approaches of biodiversity governance is usually not problematised.

In contrast to this instrumental view, the approach of epistemic justice is one of several critical perspectives which share the view that knowledge is not neutral, but inextricably linked to power. Governance systems and policies are inherently political and generate certain types of knowledge which prevail over others, produced by particular elites in influential institutions. Based on these assumptions, critical theorists recognise the need to analyse what kind of knowledge is dominant and why, for which and whose purpose. This requires researching the structures, forces, interests and ideas that underlie and shape governance systems, rather than conceiving of perceived pitfalls as mere implementation gaps. While this view of knowledge as connected to power is also shared by the well-known Neo-Gramscian accounts and Foucauldian govern-

mentality perspectives, the approach of epistemic justice provides a new angle of analysis. It has been chosen for several reasons. First, as mentioned in the beginning, there is a lack of critical engagement with the categories of “traditional” or “indigenous” knowledge in the literature, which is why one of the study’s objectives is to interrogate them by analysing how indigenous peoples’ knowledge is represented within the respective historical-political context. Some approaches, such as historical-materialist ones⁴, focus predominantly on the way knowledge is produced, which is why less consideration is given to the representation of indigenous peoples’ knowledge. Secondly, the concern of the research with indigenous peoples requires considering the importance of race as a structure of oppression – manifest for example in the representation of indigenous peoples’ knowledge as inferior to western⁵ science. Although considered by Neo-Gramscian accounts, racial structures are treated as secondary variables, subordinate to capitalism. Governmentality analyses⁶ also show a tendency of insufficiently addressing issues of race, often “assuming that power falls equally over all” (McKee 2009: 475) and neglecting the unequal access to and exercise of power due to racial structures (ibid.). The approach of epistemic justice is helpful in this regard, as it considers multiple structures of domination⁷, and without relegating them to a secondary role compared to capitalism. Finally, while Neo-Gramscian and governmentality approaches provide valuable insights and acknowledge possibilities of resistance, both approaches put a strong emphasis on the oppressive nature of the system of biodiversity governance, where knowledge serves the powerful. The attention to indigenous peoples’ knowledge tends to be conceived as reproducing existing power structures, either by co-opting indigenous peoples into a neoliberal capitalist project (from a Neo-Gramscian view) or by producing indigenous peoples’ subjectivity in a manner to serve the dominant system of modernity (from a governmentality perspective). Giving more weight to possibilities for resistance, the approach of epistemic justice is important for the topic of this paper.

It is necessary to clarify that the theories utilised for this study draw on some insights from a governmentality perspective which are useful for the analysis, in particular with regard to the critique against modernity as oppressive system and the capacities of representations in producing subjectivities (e.g. Hale 2005: 13). Yet, this paper does not explicitly apply a governmentality approach. This is because the perspective of epistemic justice aims to go beyond some post-modernist tendencies to conceive of symbolic discourse alone

⁴ For historical-material accounts on the topic of biodiversity governance see Brand (2009), Brand and Görg (2003), Castree (2008) and Igoe et al. (2010).

⁵ I use the term “western” knowledge system to indicate its historically specific dominance over non-occidental knowledges, without denying the plurality within western knowledge (see Santos et al. 2007: xxix).

⁶ Governmentality approaches to environment/biodiversity and knowledge have been employed for example by Farhat (2008), Lipschutz and Kütting (2009) and Ulloa (2003).

⁷ Another important structure of oppression is gender, which cannot be addressed within the scope of this paper. See Lugones (2007, 2008) for discussions on gender in the context of modernity/coloniality.

as source of power and resistance, by emphasising the rootedness of power relations in concrete, historical processes and structures. Moreover, as indicated before, the approach of this study does not share the assumption of an all-pervasive dominant system of neoliberal governmentality (see Hale 2002: 497) and modernity. Rather, it draws attention to the fractions within modernity, which allows conceiving of knowledge not only in the Foucauldian sense as a set of organised practices to govern subjects and identities, but also as a possibility for greater social justice. From this view, existing critiques against modernity, associated for instance with the poststructuralist thinkers Jacques Derrida and Michel Foucault, often do not see a “way out” of domination because of their standpoint within modernity. Due to their Eurocentric perspective, forms of exploitation and oppression are treated as negative by-products of modernity instead of constitutive parts of it. By remaining silent about the deeper roots of modern hierarchies and inequalities and the systematic practices of subjugation as characteristic of modernity, post-modernist critiques have the effect of reproducing these forms of oppression. In contrast, the framework of epistemic justice is based on perspectives not developed within a modern knowledge framework, but exterior to epistemic modernity; it is inspired by positions of people having experienced the humiliation of colonialism and its contemporary expression, coloniality, such as indigenous peoples in Latin America. With this view, the approach of epistemic justice adds another layer of analysing knowledge in governance which, as will be explained in the next sections, allows seeing that there exist knowledges other than modern rationality, which are oppressed but nonetheless resisting modern impositions.

Several scholars have addressed the topic of indigenous peoples and their knowledge in relation to biodiversity governance. Among the critical accounts which deal with the link between the governance of biodiversity, knowledge and indigenous peoples, from different ontological and epistemological perspectives, few have directly addressed the CBD as most important global framework in the governance of biodiversity.⁸ Systematic critical analyses of the role of indigenous peoples’ knowledge in the CBD are rare – while the *exclusion* of indigenous peoples is a common topic in the literature, the motivations behind and nature of the *inclusion* of indigenous peoples and their knowledge in relation to biodiversity are not sufficiently investigated. Likewise, few critical studies exist on the *buen vivir* as a relatively recent but noteworthy phenomenon in public policy.⁹ There is a lack of attention to how different forces and power structures have shaped governance frameworks addressing biodiversity and indigenous peoples’ knowledge, and how these frameworks are themselves sources of power. This paper contributes to filling these gaps by using the approach of epistemic justice.

⁸ The CBD is critically discussed to some extent in Castro-Gómez (2007) from a modernity/coloniality perspective, in Escobar (1998), Farhat (2008) and Ulloa (2003) from a poststructuralist view, and in Brand (2009) with a historical-materialist approach.

⁹ One of few notable exceptions is Catherine Walsh (2009, 2010a), who analyses the *buen vivir* in Ecuador through a lens of epistemic justice and interculturality.

2.2. MCD and neoliberal multiculturalism

The analysis through the lens of epistemic justice is done by drawing on literature developed in the context of the collective project of modernity/coloniality/decoloniality (hereafter, MCD)¹⁰, in particular those written by the participants Santiago Castro-Gómez, Arturo Escobar, Walter D. Mignolo, Aníbal Quijano and Catherine Walsh. Boaventura de Sousa Santos' work on cognitive justice complements this perspective. Additionally, insights from Charles Hale's neoliberal multiculturalism are used, because this concept allows for a better understanding of the important role that the concession of cultural rights under neoliberalism can have. The following sections introduce, first, important concepts of the MCD framework and after that, the theory of neoliberal multiculturalism.

Modernity/coloniality

The starting point for the MCD project is the assumption that modernity cannot be considered an exclusively European phenomenon. Instead, modernity could only have originated in relation to the colonial experience. The process of European colonisation is important to explain the emergence of "modern" institutions such as capitalism, the state, or modern science (see Quijano 2007). While the physical control of territories and peoples has ended, the cultural logic of colonialism still operates today. This continuation is captured in the term "coloniality", which describes a set of oppressions that have roots in colonialism, and include the erasure of non-occidental ways of doing, being and knowing. Without idealising the pre-colonial past, this means that modernity is built on colonial social injustices. Coloniality is thus not opposed or existent prior to modernity, but constitutive of it. This integral relationship is expressed in the concept "modernity/coloniality" (Mignolo 2007c: 162). However, the modern rhetoric of progress and salvation hides the colonial oppressions (Mignolo 2007a: 495). By presenting itself as universal, as the only way of doing and thinking, modernity/coloniality legitimises and naturalises its practices, while all other possible options are colonised and injustices concealed. Modernity/coloniality operates in many different yet interrelated domains through which it exercises control, such as the economy, authority, gender and sexuality, as well as subjectivity and knowledge (see Mignolo 2007c: 156). Of particular interest for this paper is the coloniality of knowledge.

The coloniality of knowledge

The prevailing idea of justice in contemporary governance systems is inspired by a modern notion of justice and promotes for example "universal access" to rights. From a perspective of epistemic justice, these notions are based upon epistemic *in*justices, because they are grounded in one particular, western knowledge system. Although not reflecting divergent understandings of justice, modern rights are claimed to be "universal", that is, applicable for everyone,

¹⁰ See Escobar (2007) and Mignolo (2007c) for an introduction to the MCD project.

irrespective of whether that modern conception is shared by the very right holder or not. For instance, the dominant liberal notion of justice focuses on the individual; it thereby negates collective rights and alternative knowledges, thus undermining epistemic diversity (Santos et al. 2007: xlvii). Universal rights are based on the idea that knowledge is objective. This reflects a modern rationality characterised by a subject-object dichotomy: the object of knowledge is seen as being by nature different from and external to the subject (Quijano 2007: 172). While modern knowledge has been represented as universal, this dichotomy cannot be found in non-occidental cultures. In these cultures, knowledge is considered as an inter-subjective relation that does not exist isolated from social relations (see Apffel-Marglin 2004: 7-9).

By recognising the existence of diverse ways of knowing the world, and the fact that none of these cognitions is complete (Santos 2007b: 429; Santos et al. 2007: xlvii-xlviii), it is possible to understand that the pretended universality of one particular knowledge is not natural, but actively produced. Epistemic injustices are expressed in the coloniality of knowledge, which describes the *systematic* construction of modern rationality as all-encompassing and universal, and the representation and production of other knowledges and cosmovisions as an inferior “outside” of modernity. As Walter Mignolo (2007a: 472, emphasises in original) puts it:

‘Tradition’ is not outside modernity but in its *exteriority*. It is *an outside* invented by the rhetoric of modernity (...) in order to insure the inside as the locus of enunciation of knowledge.

This practice is epistemically unjust, as it creates a hierarchy in which a particular epistemology is imposed onto others, whereas other knowledges are discredited. As various scholars remark, this epistemological hierarchy is historically specific. Modern rationality has its origins in the scientific revolution of the 17th century and the Enlightenment era in Western Europe, and is therefore itself local and culturally rooted (Apffel-Marglin 2004: 3; Vermeulen et al. 2008: 202). This western knowledge became universalised in the course of European colonisation and the expansion of the market economy and industrial development (Apffel-Marglin 2004: 11). Hence, the vertical classification of knowledge systems has a clear geopolitical dimension. Quijano (2007: 177) alludes to its lack of justification by positing that:

[n]othing is less rational (...) than the pretension that the specific cosmic vision of a particular ethnie should be taken as universal rationality, even if such an ethnie is called Western Europe because this is actually pretend to impose a provincialism as universalism.

Through the imposition of its own knowledge framework onto others, modern rationality has not only ignored other ways of knowing, but also systematically erased them by declaring them as non-existent. Santos (2009: 116) has called this phenomenon “epistemicide”.

The modern/colonial universalisation of western knowledge has meant, for instance, that nature – perceived as object exterior to human beings – was transformed into a resource to be dominated and exploited by humans (Santos et al. 2007: xxxvi). Moreover, the coloniality of knowledge is closely related to the classification of human beings based on racial characteristics, such as

“white” or “indian” (Quijano 2007: 171): the category of “indigenous peoples” is a product of colonialism, which has produced native people as inferior “savage” and dismissed their knowledges as “myth” or “superstition” – as opposed to the modern science of the “civilised” (Santos et al. 2007: xxxv-xxxvi). These racialised social relations and hierarchies of knowledges still exist, but are made invisible through the production of western rationality as universal. This explains why the categories of “indigenous knowledge” or “traditional knowledge” are hardly questioned. However, these hierarchies are central elements in (re-)producing inequalities and difference, combined with other structures of oppression, such as capitalism (Quijano 2007: 171).

This background explains the concern of this paper with questions of indigenous culture and identity. It is important to emphasise, however, that the study does not use an approach of cultural or identity politics, but of *politics of culture*. Cultural politics focus on how politics is nurtured by the self-identity of actors, from a more ethnographic perspective; they tend to reify notions of indigeneity, and therefore, of cultural difference. In this case, the racial category “indigenous” remains naturalised. Cultural politics thereby risk reproducing the modern/colonial power structure based upon hierarchical classifications of human beings (see Mignolo 2007b, 2009: 171-173). By using a politics of culture approach, in contrast, this study focuses on knowledge and power, more concretely on how indigenous identity and knowledge has been politically mobilised by different actors. The following statement of Aymara intellectual and activist Fausto Reinaga (quoted in Mignolo 2007b: 3) is elucidating to grasp the difference: “I am not Indian, dammit, I’m Aymara. But you made me Indian and as Indian I will fight for liberation.” – The racial categories and the coloniality of knowledge show the close link between modernity and knowledge from a perspective of epistemic justice, making evident that “the very epistemic grounding of modernity is constitutive of global social inequality. Knowledge has been part and parcel of the modern/colonial systems of oppression and destitution” (Vázquez 2011: 30). While the coloniality of knowledge produces the modern knowledge system as complete, the MCD project envisions a way towards epistemic justice, based on the recognition of modernity’s inherent fractures.

Decoloniality and the dialogue of knowledges

Acknowledging that epistemic injustices have been part of, and contribute to social injustices, Santos (2007a: 53, 63) argues that cognitive justice is a necessary condition for achieving social justice. This interrelation shows the important inter-subjective dimension of the project of social justice, which is nonetheless based on concrete, material forms of oppression, such as physical expressions of racism. For MCD scholars, advancing epistemic justice is part of the broader agenda of decolonial thinking, which explores ways to “change the terms and not just the content of the conversation” (Mignolo 2007a: 459). This means challenging modernity’s impositions and claimed superiority over other knowledges and cultures, rather than seeking a “more inclusive” modernity, as is the case for some post-colonial theorists, like Edward Said or Gayatri Spivak (see Castro-Gómez 2008).

Decolonial thinking becomes possible when recognising that the “universal” nature of the modernity and modern knowledge is a construct by modernity/coloniality itself, and is in fact incomplete and partial, appertaining to a particular – Western European – culture. Advancing epistemic justice means unveiling modernity’s fractures by acknowledging and valuing multiple knowledges and cosmovisions, rather than advocating a “universal truth” or “universal rights”. This is not to deny the necessary existence of hierarchies among knowledges. Instead of advancing a relativism which gives all knowledges equal weight, the concern is with opening a “discussion of alternative criteria of validity, which does not straightforwardly disqualify whatever does not fit the epistemological canon of modern science” (Santos et al. 2007: xlviii-xlix). Similarly, epistemic justice does not aim at rejecting modern science, but rather its “exclusive validity” (ibid.: xlix). Thus, decoloniality is not a project of replacing the dominant system in the name of a normatively “better” knowledge (Mignolo 2007a: 493-494). As a struggle for dignity, it intends to make visible and politically relevant the forms of knowledge which have been silenced. Rather than imposing certain ideals onto others, epistemic justice necessarily involves a dialogue among different knowledges (Mignolo 2007a: 499; Santos et al. 2007: xlix).

Neoliberal multiculturalism

Charles Hale’s (2002, 2005) notion of neoliberal multiculturalism complements the theoretical approach by addressing a specific role of neoliberalism in the recognition of cultural difference which has not been extensively discussed in the epistemic justice framework.¹¹ Neoliberalism is an ideology which has dominated capitalist globalisation since the 1980s. While its manifestations are diverse, some general – material and discursive – features can be discerned.

On a material level, neoliberalism advances a particular set of policies, characterised by a logic focusing on the rational individual agent (Harvey 2005: 68) and a belief in the market for the efficient allocation of resources and as driver for economic growth and development. Private actors therefore occupy a central position in this system. Compared to the previous period of state-led development, the role of the state in neoliberal capitalism is reduced and redefined to a function of assisting the operations of the market (see ibid.: 64-81). In Latin America, neoliberal reforms have been promoted since the mid-1980s by multilateral institutions and national governments, and have included for instance structural reforms of the state, deregulation, privatisation and trade liberalisation (see Grugel and Riggirozzi 2009). Since the late 1990s, a broader agenda in line with the Post-Washington Consensus paradigm has been pursued with more direct state intervention, involving among others poverty alleviation, the promotion of human rights and environmental conservation. The

¹¹ Walsh’s (2010a, 2010b) concept of “functional interculturality” does address the strategic recognition of cultural diversity, but focuses on more recent European-led forms of interculturalism, while Hale is concerned with the multiculturalism inspired by US-led neoliberalism of the 1990s. See Walsh (2010a: 17).

business- and market-friendly approach to development, however, has largely been maintained (Taylor 2009).

Neoliberal capitalism can be seen as a particularly powerful expression of modernity and the coloniality of knowledge. In relation to its discursive dimension, neoliberalism legitimises its market-based model of development guided by the imperative of individual profit-maximisation by presenting itself as universally valid and inescapable (Santos et al. 2007: xlv). The neoliberal order thereby marginalises knowledges, experiences and ways of living which are incompatible with its ideology. Hence, it legitimises and reinforces historical and material oppressions related to capitalism and race (ibid.: xlv, xlix).

As Hale (2002: 495-496) notes, however, neoliberalism often does not frontally reject other cultures, but rather actively grants limited collective rights, for instance to indigenous peoples – in contrast to the suppression of these rights in the previous era of “classic” liberalism. This is what Hale has called “neoliberal multiculturalism”. This cultural project however, is strategic, and is functional to the dominant neoliberal system: While the rights conceded are limited and do not threaten the neoliberal order, they serve to include and weaken opposition, such as demands by indigenous movements. Through a lens of governmentality, Hale posits that neoliberalism “shapes, delimits, and *produces* cultural difference” (Hale 2005: 13; emphasis in original), and re-values the indigenous community as responsible agent that is not dependent on the reduced state support under neoliberalism (Hale 2002: 486, 496). The cultural project is therefore closely connected to neoliberal political economic reforms, serving to make the right-holders join the neoliberal model (Hale 2005: 12-13). Thus, the recognition of cultural difference by conceding limited rights allows controlling contestation and is a strategy “to more effectively fend off more far-reaching demands, and even more important, to pro-actively shape the terrain on which future negotiations of cultural rights take place” (Hale 2002: 488). At the same time, the dominant system is left in place, including the racial hierarchies and epistemic injustices on which it is based.

It is this political-cultural dimension of the neoliberal doctrine which explains the importance of neoliberalism for analysing the role that indigenous peoples’ knowledge representation plays in biodiversity governance. In addition to the oppressive structure of capitalism, in particular its current business-friendly neoliberal manifestations, neoliberal multiculturalism with its strategic instrumentalisation of opposition and its production of cultural identity is a forceful expression and multiplier of modernity/coloniality.

2.3. Theoretical limitations and justification

The approach of this paper argues that knowledge and identity are not pre-defined by material structures, but produced and reproduced in social relations that are located in concrete historical processes and realities. This view of social relations of knowledge is not uncontested in the literature. Perspectives which view social relations of production as ontologically primary, such as historical-materialist approaches, might question the primary focus on the role of ideas, arguing that ideas and interests are first and foremost nurtured by the relations of social forces with the object. From this perspective, social relations of knowledge are necessarily embedded in capitalist dynamics. In contrast, the

approach followed in this paper rests on a distinct ontological perspective, focusing on the way knowledge is *represented* and legitimised in a particular manner. It contests the historical-materialist perspective of capitalism as primary variable of analysis, arguing that other structures are equally important.

The framework of the MCD, however, is not free of limitations. A first tension relates to the sometimes heavy deduction of reality from the structures of modernity and coloniality. While capitalism plays an important role, it is seen primarily as colonial institution; less attention is given to differences within capitalism, as well as evolutions which lead to specific structures and dynamics that also shape subjectivities, such as neoliberalism. In a similar way, Osco (2010: 32) sees the oppressive experience of coloniality as fundamentally shaping indigenous ways of knowing, without considering other (including positive) interactions influencing these knowledges. Furthermore, an overemphasis on modernity/coloniality can lead to a deterministic perspective which opposes the “periphery” to the “centre” in terms of geographical location and ethnic identities. It is sometimes assumed that a person belonging geographically and ethnically to the former coloniser nation necessarily thinks within the modern framework. As Mignolo (2007a: 466) states, “[f]rom England, you see only modernity and, in the shadow, the ‘bad things’ like slavery, exploitation, appropriation of land, all of which will supposedly be ‘corrected’ with the ‘advance of modernity’”. By extension, decoloniality must necessarily be advanced by people coming from subordinate countries (either resident in the periphery or migrants from the periphery residing in the “West”; see Mignolo 2007a: 458), where people have “*an-other* frame of consciousness” (ibid.: 464). Although highlighting the particular role of elites in the periphery (ibid.: 458), Mignolo has tended to generalise the view and subjectivities of the formerly colonised as inherently “different”. This is a problematic simplification which denies the heterogeneity within both geographical locations and ethnic identities. It overlooks, for instance, marginalisations and oppressions in western countries and the possibility of criticising modernity from within the modern system.¹² As a consequence, there is a danger of establishing a dichotomy which runs counter the MCD scholars’ affirmation that identities are diverse and fractured, and that opposing the dominant system with alternatives needs to be avoided. This also shows that the distance from post-modernist and poststructuralist approaches is sometimes less clear-cut than claimed. Recognising these tensions, this study does not conceive of manifestations of modernity in geographical terms, but as “epistemic territories” (Vázquez 2011) which transcend geographical locations.

In spite of its limitations, the MCD framework detects and addresses important gaps in contemporary critical theory, particularly with regard to the political use of knowledge and identity as well as the reproduction of modernity. These elements are crucial for the present analysis on indigenous peoples’ knowledge and biodiversity governance, which is why the MCD approach proves extremely useful for this endeavour.

¹² Santos et al. (2007: 1-11), in contrast, do emphasise the possibility and importance of an “internal democratisation” of modern science for reaching greater epistemic justice.

Chapter 3

The case studies

This chapter aims to provide the basis for the analysis by introducing the case studies CBD and *buen vivir* as two frameworks concerned with indigenous peoples' knowledge and biodiversity. First, the CBD is presented by giving a general overview as well as a description of the Convention's provisions which are relevant for the topic of this paper. The next part explains the *buen vivir* and its manifestation in the Ecuadorian national policy context. The chapter concludes by pointing out their common presence in Ecuadorian public policy, as well as some important differences and commonalities.

3.1. CBD

The Convention on Biological Diversity is the first and most important global agreement on biodiversity conservation. It was signed at the United Nations Conference on Environment and Development – the so-called “Earth Summit” – held in Rio de Janeiro, Brazil, in 1992 and entered into force in 1993. The Convention has the three objectives of 1. conservation of biological diversity; 2. sustainable use of its components; and 3. fair and equitable sharing of benefits arising from genetic resources.

Currently, 193 states are party to the CBD, including Ecuador. For all member countries, the CBD is a legally binding agreement. However, the Convention only formulates general principles and obligations, and it is the member states' responsibility to develop mechanisms in order to comply with the CBD's provisions. The Conference of the Parties (COP) is the CBD's governing body coordinated by the Secretariat of the CBD. In meetings taking place every two years, the member states forming the COP take decisions in order to promote the implementation of the Convention. Governmental and non-governmental organisations which are not party to the CBD can be conceded observer status at the COP. Indigenous and local community representatives have possibilities for active participation, the Secretariat of the CBD (2010: 5) emphasises, in the “Working Group on Traditional Knowledge”, established in 1998 by the COP. They can also exercise informal influence through the “International Indigenous Forum on Biodiversity”, created by the COP in 1996.

Another important institution of the CBD is the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). Comprised of specialists in specific relevant areas who represent the governments, the SBSTTA's role is to give scientific advice to the COP with regard to issues of implementation (CBD 2005: XXV).

The CBD encourages access to biodiversity (Art. 15.2., CBD 2005: 11) and promotes the commercial and research use of genetic resources in the

form of bioprospecting¹³ with the input of “the knowledge, innovations and practices of indigenous and local communities” (CBD 2010: 3) – understood as traditional knowledge¹⁴. It recognises the sovereign rights of states over their biological resources (Art. 3, CBD 2005: 6), which have “the authority to determine access to genetic resources” (Art. 15.1., *ibid.*: 11) on their territory. At the same time, the Convention seeks to protect indigenous and local communities against the unlawful appropriation of their knowledge. Parties interested in the access to a state’s biological resources or communities’ knowledge require the “prior informed consent” of the contracting party (either the state or the community) (Art. 15.5., CBD 2005: 11; CBD 2010: 4-5). Moreover, in accordance with the principle of access and benefit-sharing (ABS), “mutually agreed terms” need to be negotiated between the parties in order to achieve that the benefits arising from commercial use are equitably shared with the provider of the resources or knowledge (Art. 15.7., CBD 2005: 11-12; CBD 2010: 5). Article 8(j) states that each contracting party has the responsibility to:

[s]ubject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices. (CBD 2005: 8)

Parties can legally protect the rights of communities over their knowledge either through the existing intellectual property regime, or develop *sui generis* regimes which open the possibility to respect the community’s customary laws (see Alexander et al. 2004). The CBD also urges member states to support the recuperation and repatriation of TK by means of documentation, for example in databases, as well as capacity-building for communities to ensure that they retain ownership and control of their TK (CBD 2008: 65-66).

As becomes evident from the CBD’s concern both with access to biological resources and with indigenous peoples’ knowledge, the Convention involves diverse stakeholders. According to the Secretariat of the CBD (2000b: 17):

It [the CBD] has brought together, for the first time, people with very different interests. It offers hope for the future by forging a new deal between governments, economic interests, environmentalists, indigenous peoples and local communities, and the concerned citizen.

The question becomes whether and how these different views and interests are “juggled” in the Convention, and what the nature of this “new deal” is. These questions present an interesting basis for the analysis of the CBD in Chapter

¹³ Bioprospecting describes “the systematic search for genes, natural compounds, designs and whole organisms in wildlife with a potential for product development” (Mateo et al. in Castree 2003: 36).

¹⁴ While I use “indigenous peoples’ knowledge” as a general term, I employ the term “traditional knowledge” or “TK” when referring to the approach of the CBD.

Four. Before proceeding with the analysis, the following section introduces the *buen vivir*.

3.2. *Buen vivir*

The *buen vivir* is a philosophy of life stemming from indigenous peoples in the Andes region in Latin America.¹⁵ This philosophy has recently become influential in Ecuador, since it became “formalised” – and legal – in the new National Constitution of Ecuador adopted in 2008, and has thus been conceptualised as public policy by the government of President Rafael Correa.

The term *buen vivir* is a complex construct which defies easy definitions. It is essentially based on ancient philosophies and cosmovisions of indigenous peoples, while also inspired, in its current usage, by contributions from the academia and political praxis (Gudynas 2009a: 50). In the case of Ecuador, it stems from the concept *sumak kawsay*, existing among the *kichwa* indigenous peoples (Walsh 2009: 215).¹⁶ Although most commonly translated into English as “living well”, this is a holistic concept which describes a vision and at the same time a social practice (ibid.: 217). For semiotician Walter Mignolo¹⁷, the *sumak kawsay* is best translated as “to live in plenitude and in harmony” – a life in plenitude meaning a life without being at the service of someone else. The *buen vivir* is based on the idea of living in harmony with oneself, with nature, and with fellow human beings (Walsh 2009: 216).

The preamble of the Ecuadorian Constitution declares the decision to build “[a] new form of public coexistence, in diversity and in harmony with nature, to achieve the good way of living, the *sumak kawsay*” (Political Database of the Americas 2008). The *buen vivir* is a transversal element in the new Constitution, and is most explicit in three different sections. Firstly, it is presented as a collection of “rights of the *buen vivir*” (ibid., Art. 12-34), on the same level as other constitutional rights. These rights include for instance the right to water, education, a healthy environment, etc. Secondly, the *buen vivir* is an important element in the “regimen of development” (ibid., Art. 275-339), which encompasses political, economic, socio-cultural and environmental dimensions and is geared towards to accomplishment of a “good life”, a *buen vivir*, based on the respect for cultural diversity and life in harmony with nature (ibid., Art. 275). Lastly, the Constitution also has a proper “regimen of the *buen vivir*”, encompassing seventy-five articles (ibid., Art. 340-415), divided among the two major themes “inclusion and equity”, which includes provisions to promote ancestral knowledges (ibid., Art. 385, 387, 388), and “biodiversity and natural resources”. In addition to rights, the Constitution establishes responsi-

¹⁵ As Gudynas (2011: 8) points out, the concept of *buen vivir* is not unique to the Andes or particular ethnic groups. Moreover, its manifestations differ even within the Andes region. See Fatheuer (2011) and Gudynas (2009a, 2009b, 2011) for differences and similarities of the *buen vivir* in the Bolivian and Ecuadorian context. This paper refers to the Ecuadorian version of *buen vivir* as *sumak kawsay*.

¹⁶ The philosophy of *buen vivir* is not shared by all indigenous peoples in Ecuador.

¹⁷ Utrecht Summer School “Coloniality, Slavery and the Holocaust: Introducing the Decolonial Option”. Middelburg, The Netherlands, 19th July 2011.

bilities for the state (ibid., Art. 3) and the citizens (ibid., Art. 83) in order to achieve the *buen vivir*.

Apart from the Constitution, the *buen vivir* was integrated in the National Development Plan (2007-2010), and is central in the current Development Plan, called the “National Plan for the *Buen Vivir* (2009-2013)” (*Plan Nacional para el Buen Vivir*), devised by the National Secretariat of Planning and Development (SENPLADES). The current Plan indicates strategies and objectives for realising the vision of the *buen vivir* in the country. It also specifies the principles of the *buen vivir* and the differences compared to past models of development (see SENPLADES 2009).

The *buen vivir* as part of the Constitution and public policy is unprecedented in Ecuador and in the world. Does this model, concerned with indigenous peoples, their knowledge, nature and biodiversity, offer contributions to epistemic justice?

3.3. Conclusion

This introduction has shown that the two case studies *buen vivir* and CBD inter-link biodiversity and nature on the one hand with indigenous peoples and their knowledge on the other hand. Both are legally binding frameworks in Ecuadorian public policy: As party to the CBD, the Ecuadorian state has the obligation to implement the provisions of the Convention. The CBD is thus a global governance agreement which directs national biodiversity policies. At the same time, the *buen vivir*, and therefore also the indigenous knowledges that inform it, have a legal basis in the Constitution and are part of the national development agenda.

Due to their concerns with indigenous peoples’ knowledge, both can be seen as potential opportunities for fostering epistemic justice. Yet, they emerged in different spaces, at different levels of governance and different points in time. A closer look at important structures and forces which have influenced the two frameworks, as well as an analysis of their respective representation of indigenous peoples’ knowledge can enhance our understanding of their potentials and limitations with regard to epistemic justice.

Chapter 4

Analysis: the role of indigenous peoples' knowledge

After having introduced the theoretical approach of this paper and the two case studies, this chapter analyses the CBD and the *buen vivir* through a lens of epistemic justice, and by using insights from the theory of neoliberal multiculturalism. As in Chapter Three, the *buen vivir* is studied as it appears in the Ecuadorian Constitution and National Plan for the *Buen Vivir*, and the CBD as global governance framework – not in its policy manifestation in a national context. As mentioned in the introduction, the reason behind this is the hypothesis that global governance approaches show deficiencies with regard to the promotion of social justice. These deficiencies, in turn, may have stimulated the emergence of alternative local and national initiatives, such as the *buen vivir* in Ecuador.

In line with the objective of the paper to understand contributions and limitations with regard to epistemic justice as well as their causes, and in order to approach the main question of this study, this chapter looks at the structures and forces which have shaped the CBD and the *buen vivir* (sub-question b), as well as their respective relationship to neoliberalism and modernity (sub-question c). Moreover, it analyses the way in which indigenous peoples' knowledge is represented in the two frameworks (sub-question d), by taking into account their specific contexts of emergence.

The structure is as follows. As entry point to the analysis, the first section highlights the revival of indigenous self-identity in Latin America in the 1990s and their positioning with regard to modernity. The next section analyses the CBD by first looking at its historical-political context and the knowledge system underlying it. With this background, the representation of indigenous peoples' knowledge as well as the concession of cultural rights in the Convention are explored, in order to shed light on its capacities to promote epistemic justice. The last section focuses on the *buen vivir*. Again, using the same order, the historical-political context of emergence is analysed, followed by an exploration of its underlying knowledge by looking at the *buen vivir*'s conception of nature, as well as an analysis of the representation of indigenous peoples' knowledge. The section on the *buen vivir* ends by highlighting potentials and possible tensions with regard to the visibility of indigenous peoples' knowledge.

4.1. Indigenous peoples and modernity

In 1992, thousands of indigenous peoples were mobilising in many parts of the Latin American continent on the occasion of the 500th anniversary of Columbus' "discovery" of the Americas (see Hale 1994; Sawyer 2004: 27-30). The protests were a counter-event to the official commemorations and readings of the quincentenary as the "Discovery of the New World" (Sawyer 2004: 27). While conceived as "new world" from the European perspective, this continent had been inhabited by indigenous peoples long before colonisation. From

the viewpoint of the protestors, the alleged “discovery” marks the beginning of oppressions by modern institutions which continue until today, such as the state system, capitalism, or modern science. According to Marlon Santi, former president of the Confederation of Indigenous Nationalities of Ecuador (CONAIE):

(...) after 516 years of resistance, the neo-colonial model is still powerful here. 12th October [of 1492] is the day when humanity beat humanity in Latin America. It’s a reprehensible day, a day of horror and sadness.¹⁸ (Santi in Francino 2008: 6)

While the anti-quincentenary protests were only one powerful expression of long-lasting struggles of indigenous peoples, 1992 “was a peak year of consciousness-raising and organizing” (Brand 2009: 111). The 1990s saw process of politicisation of indigenous movements, based on a renewed self-consciousness of indigenous identity and knowledge, as well as a recognition of the connections of imperial domination with questions of knowledge and power (Walsh 2002: 63-65). Occurring in the height of neoliberalism in Latin America, the indigenous resistance in 1992 demonstrated the inter-linkages of oppressions, which cannot be reduced to one factor – such as neoliberalism – alone, but have profound historical roots in colonisation, and its continuation, modernity/coloniality. It is in this context that the struggle of many indigenous peoples, like in Ecuador, for making visible their cosmologies and ways of knowing, in a world dominated by modern knowledge can be understood. Social justice, in this sense, cannot be achieved only with material redistribution.

The creation of the CBD in 1992 coincided with this high mobilisation that gave national and international visibility to indigenous concerns. How is their struggle for justice reflected in the Convention? – Answering this question requires exploring in greater detail the provisions and background of the CBD.

4.2. CBD

Neoliberal conservation and cultural diversity

The CBD emerged in the early 1990s in the context of the rise of the sustainable development paradigm, and as response to an increasing visibility of the environmental crisis (Ulloa 2003: 1). Threatening scenarios such as climate change and biodiversity loss nurtured the idea that the environment needs to be globally and efficiently managed (Redclift 2006: 74).¹⁹ The crisis laid bare the contradictions of the capitalist system, which depends on the destruction of the environment for its expansion (MacDonald 2010: 517). In the face of

¹⁸ All translations are mine. Spanish original: “(...) tras 516 años de resistencia el modelo neo colonial sigue pujante aquí. El 12 de octubre es el día en que en Latinoamérica la humanidad golpeó a la humanidad. Es un día repudiable, día de horror y tristeza.”

¹⁹ The concept of “biodiversity” itself emerged in the late 1980s in this ideological spirit of managing nature (Escobar 2008: 138-139).

this situation, the paradigm of sustainable development quickly gained popularity as a concept pretending to reconcile nature conservation with economic development (Igoe et al. 2010; MacDonald 2010: 517-518). Accordingly, and reflecting the neoliberal ideology dominating global governance, the CBD “sets out commitments for maintaining the world’s ecological underpinnings as we go about the business of economic development” (CBD 2000b). In accordance with its market-driven logic, economic incentives for efficient use become a means to conserve biodiversity (MacDonald 2010: 517). An example is the CBD’s access and benefit-sharing mechanism, which is a response to the demand by Southern countries for sovereignty over, and regulation of access to their resources. These demands arose from a growing pressure by Northern pharmaceutical and biotechnology industries, interested in using genetic resources and related knowledge located in the global South, and in obtaining intellectual property rights over the products developed with them (Flórez Alonso 2007: 250). With benefit-sharing, the commercial use of biodiversity is seen as an opportunity for biodiversity-rich countries to “profit from their natural endowment(s)” (Hughes 2002: 5), for instance for the development of their national economies (see Dutfield 2000: 6-7).

This approach to conservation follows the logic that nature needs to be assigned an economic value in order to protect it (Igoe et al. 2010: 488). In this way, nature is appropriated and converted into “natural capital”, where it can be accessed by private actors. Conservation is thereby made functional to capitalist accumulation (ibid.: 489). The considerable influence of the private sector in the CBD demonstrates this business-friendly bias (see MacDonald 2010). Not least due to reduced state budgets for biodiversity conservation under neoliberalism since the 1980s (ibid.: 520), the private sector partly comes to finance the implementation of the CBD’s provisions (ibid.: 529).

The neoliberal capitalist approach to conservation, according to MacDonald (ibid: 518), is underpinned by an ideology of “ecological modernisation”, which “framed a technocentric and interventionist variant of environmentalism that highlights the application of science, market forces and managerial ingenuity”. The CBD’s reliance on science and “expert knowledge” is evident in the considerable influence of its scientific advisory body, SBSTTA, in guiding the activities of the CBD (Brand 2009: 106; CBD 2004: 9). In the words of Cristián Samper, former Chair of the SBSTTA, “good, objective scientific input is essential for good policy” (CBD 2004: 23). This assumption of SBSTTA’s work as “objective” (see also CBD 2006: 2) and the approach of managing biodiversity reveal the modern epistemic basis of the CBD’s understanding of conservation: biodiversity as the object is considered exterior to human beings who “objectively know about” it and control it.

In line with an increasing attention to “human well-being”, equity and participation endorsed by international and multilateral institutions since the 1990s²⁰, the CBD has the double objective of promoting “nature and human well-being” (CBD 2000b). Its concern with indigenous and local communities

²⁰ The UN Human Development Approach, which arose in 1990, is exemplary of this shift. See Gore (2000: 795-796) and UNDP (n.d.).

and their knowledge is also consistent with the strengthened indigenous peoples' rights on the international level since the late 1980s (Sawyer and Gomez 2008), exemplified for instance by the Convention 169 of the International Labour Organisation concerning Indigenous and Tribal Peoples in Independent Countries (adopted 1989), the UN Draft Declaration on the Rights of Indigenous Peoples and the UN International Year of World's Indigenous People (both 1993). Since the CBD's creation, evolutions in conservation thinking have led to an even greater acknowledgement of "the inextricable link between biological and cultural diversity" (Ahmed Djoghlaif, Executive Secretary of the CBD, CBD 2011: 2; see also Rival 2011).

In sum, the historical-political context in which the CBD emerged is marked by neoliberal conservation favourable to corporate actors and modern science, by concerns with human development and indigenous rights, as well as high mobilisation of indigenous peoples. Given this background, how can the integration of indigenous peoples' knowledge into the CBD as a global agreement based on a modern knowledge system be explained? Does the Convention reflect indigenous epistemic struggles? To approach these questions, the following section looks at the way in which indigenous peoples' knowledge is represented in the Convention.

"Traditional knowledge" as a resource

In earlier approaches to development guided by the "modernisation paradigm", the knowledge of indigenous peoples had a status inferior to modern scientific knowledge and was marginalised or overtly confronted (Castro-Gómez 2007: 440-441). In contrast, the CBD actively embraces the knowledge of indigenous and local communities. The Secretariat of the CBD explains:

Despite rapid recent advances in the scientific study of genetics, it is important to recognize that knowledge of the properties and benefits of biological resources is not simply a modern phenomenon. For centuries, communities around the world have learned, used and passed on traditional knowledge about local biodiversity, and how it can be used for a range of important purposes. (CBD 2010: 3)

By appreciating their knowledge, indigenous peoples are no longer seen only as recipients, but also as *producers* of knowledge. This might suggest that the CBD opens space for their proper forms of knowing, thus promoting epistemic and social justice by celebrating the diversity of knowledges in biodiversity governance. In order to critically analyse the CBD's potentials in this regard, it is necessary to interrogate how indigenous peoples' knowledge is represented, as well as why and for whose purpose it is important.

According to the CBD (n.d.: 1), traditional knowledge is usually owned collectively and encompasses, among others, folklore and agricultural practices, community laws, local language and cultural values and beliefs. It is seen as developed over centuries through oral transmission and deeply embedded in local culture and environment (ibid.). The CBD's Programme of Work on the implementation of Article 8(j) envisions "a holistic approach consistent with the spiritual and cultural values and customary practices of the indigenous and local communities" (CBD 2000a: 143). The "value" of TK is emphatically em-

phasised in documents of the CBD Secretariat. For instance, the mechanisms of ABS and prior informed consent are presented as means to make sure “that traditional knowledge is *valued appropriately* by those who use it” (CBD 2010: 4; emphasis added). Similarly, the Programme of Work on the implementation of Article 8(j) has established the principle that “[t]raditional knowledge should be valued, given the same respect and considered as useful and necessary as other forms of knowledge” (CBD 2000a: 143). The question is, however, how “appropriate value” is defined and what kind of value is attributed to TK.

The Convention gives several explanations for its concern with TK. It acknowledges the sustainable way of living of many communities (CBD n.d.), arguing that they “see themselves as custodians and protectors of biological diversity” (CBD 2010: 3). TK is thus valued for its contribution to a sustainable lifestyle which has protected biodiversity (*ibid.*). Considering the context of increasing awareness of an environmental crisis in times of the creation of the CBD, TK as a basis for sustainable development is seen as a potential instrument to contribute to addressing global environmental problems (CBD n.d.: 2). Similar to some conventional approaches in the literature, these representations demonstrate a functional understanding of global governance considered as problem-solving mechanism. In this conception, TK is seen as “applicable” for specific purposes (CBD 2010: 3), contributing to the effectiveness of policies. Furthermore, TK is celebrated as “a vital source of information for identifying uses of genetic resources that humanity as a whole can benefit from” and seen as “particularly valuable for bioprospectors, or users of genetic resources” (*ibid.*). Although presented as in the interest of humanity, private corporations that seek to develop new products with the help of the knowledge of indigenous and local communities are main drivers and beneficiaries of bioprospecting (Castro-Gómez 2007: 442). Thus, the attention to “the human” can be seen as not only a result of an international agenda concerned with participation and human development, but is also in accordance with neoliberal conservation and private commercial interests.

The possibility for granting rights over their knowledge to communities through *sui generis* laws responds to the recognition of the inappropriateness of western intellectual property regimes for protecting collectively held knowledge (see Martin and Vermeylen 2005), and as such is an advancement. Moreover, the CBD’s support for collection, documentation and storage of knowledge in databases or knowledge registers can be seen as a safeguard against illicit exploitation and an opportunity for indigenous peoples to conserve ancestral practices which are vital for their livelihoods (Dutfield 2000: 5-6). However, documentation can also facilitate access to indigenous peoples’ knowledge for commercial use and patenting (Castro-Gómez 2007: 440-442). In a similar way, compensatory mechanisms such as ABS are important for giving indigenous peoples credit and material benefits for their contribution to the development of products, and in this sense offer a material form of justice – at least in theory. Yet, through its appropriation their knowledge is commodified and converted into an economic “resource” subject to profit motives.

Apart from these tensions related to commercial use, the process of documentation transforms indigenous peoples’ knowledge into a static, discrete, quantifiable and measurable category. While indigenous knowledges are diverse, they often differ from occidental forms of cognition, as the case of the

buen vivir shows (see also Apffel-Marglin 2004: 7-9). In indigenous cosmovisions, knowledge is mostly understood as existing in a social totality, embedded in social relations and spirituality (Blaser et al. 2010: 8), and is therefore more than a resource or “source of information” (CBD 2010: 3).²¹ The dichotomy of subject and object in modern rationality denies this inter-subjective and holistic nature of knowledge (Quijano 2007: 172) and disembodies knowledge from the social relations in which it is formed, dynamically reproduced, and which give it meaning. According to Aníbal Quijano (ibid.: 173), the modern paradigm has conceived knowledge “in the same way as property – as a relation between one individual and something else”. The CBD’s promotion of communities’ “ownership of their traditional knowledge” (CBD 2008: 66), which is necessary not least for determining who is to be compensated for the access to TK, reveals this understanding of knowledge as property that can be controlled and managed from outside, instead of being inherently relational.

While the CBD’s affirmation to take into account indigenous and local communities’ spirituality and cultural practices may give the impression that “[t]he paradigm in support of ‘(...) one knowledge system fits all’ has been debunked” (Grenier 1998: 11), the representation of indigenous peoples’ knowledge reveals that its “value” is defined by a western rationality. Although acknowledging modern science as one form of knowledge, its attempt to circumscribe knowledges which differ from modern epistemology does not tackle underlying modern/colonial injustices. As Mignolo (2009: 177) posits, the terms “folklore, myth, traditional knowledge, were invented to legitimize imperial epistemology”. This is evident when considering that the term “traditional” only acquires meaning in opposition to “modern”. While it is true that indigenous and modern modes of cognition are not the same, the modern-traditional dichotomy is not power neutral, because modern knowledge is the point of reference against which TK is defined (Busingye and Keim 2009: 41).

From a viewpoint of epistemic justice, the labelling and construction of TK by modern rationality is an expression of the colonality of knowledge. The aforementioned recognition of indigenous and local communities as “producers” of knowledge is limited to the kind of knowledge as discrete information on genetic resources. This knowledge has validity and is “appropriately valued” for its contribution to capitalist modernity by being transferred mainly to the corporate world (Castro-Gómez 2007: 442) and used as input for scientific research. Indigenous peoples’ knowledge is thereby “integrated into ‘existing expertise’” (Flitner 1998: 148), while the dominant knowledge is unquestioned as being “objective”. This alleged neutrality serves to naturalise the status of Western European rationality – which is in fact equally a local knowledge – as the single legitimate knowledge to determine the rules of the game by guiding the framework of the CBD. It shows the continuities with the past belief in western cultural superiority based on a colonial racialisation that subjugates and dehumanises other cultures as “objects” of modern knowledge (Quijano 2007:

²¹ This is not to deny the existence of functional conceptions of knowledge within indigenous and local communities.

174). With modern science being “the epistemological standard” (Vermeylen et al. 2008: 205), there is no space for a communication with other knowledges.

Cultural rights as a political instrument

The parallel processes of pressure exercised by indigenous movements in times of the emergence of the CBD, and the adoption of concerns with indigenous peoples and their knowledge in the Convention would suggest that indigenous demands were influential in shaping its provisions regarding indigenous peoples. Yet, the analysis has shown that the CBD does not break with modern rationality’s claim to universality, and is therefore not responsive to indigenous struggles against epistemic oppressions.

Santiago Castro-Gómez (2007: 441) notes that “[t]he ‘recognition’ that is given to non-occidental systems of knowledge is pragmatic rather than epistemical”. Beyond pragmatism, the CBD’s provisions and its historical-political context of emergence give reason to assume that the attention to TK as a functional category in its neoliberal-inspired approach is a *strategic* integration of indigenous demands. To be sure, indigenous peoples struggle for greater participation and rights, such as prior informed consent, within and outside the channels provided by the Convention, and strategically use international spaces such as the CBD as a platform to voice their demands, for instance with the national government (Blaser et al. 2010: 18-19; Valdivia 2005: 286). Notwithstanding indigenous agency, following Hale’s perspective of neoliberal multiculturalism the pro-active emphasis on diversity by paying attention to indigenous peoples and their knowledge can also be a political strategy “from above” which is instrumental to neoliberal governance.²²

Indigenous mobilisation against modern oppressions being perceived as a threat to its approach to conservation, the cultural rights in the CBD are framed in a way so as to circumscribe the space within which indigenous peoples can negotiate (see Hale 2002: 488) – the rights of protection of TK or fair compensation for indigenous and local communities are *rights to property*, underpinned by a modern knowledge framework. They are “acceptable” because they are compatible with the neoliberal tenets of the Convention. Other demands, in contrast, which would challenge for example the injustices of its very neoliberal capitalist basis or the knowledge paradigm and notions of justice on which the CBD’s approach is built, remain unacceptable (see *ibid.*: 491, 507). Hence, this strategy of multiculturalism is a way of pre-empting possible contestations of structural inequalities underlying the CBD.

Opposition is managed by rewarding those communities that jump on the bandwagon of neoliberal conservation with a share of the benefits arising from the commercialisation of their knowledge. Neoliberal multiculturalism thereby acts upon “basic questions of what it means to be indigenous” (*ibid.*: 490), shaping the subjectivity of communities who are required to identify as “TK-

²² The extent to which evolutions within neoliberal ideology have impacted on its multicultural logic is a question which deserves further attention, but remains unanswered within the theoretical approach used in this paper.

holders” and knowledge “providers” in order to claim “acceptable” rights. Consistent with neoliberal ideology focusing on individual entrepreneurial capacities and responsibilities for “self-care” (see Lemke 2001: 201-203, Valdivia 2005: 289), and supported by capacity-building mechanisms (CBD 2008: 66), the community is transformed into an individual, capable agent in the market-place.

It is important to be aware that neoliberal multiculturalism is only one among many structures and forces which mobilise “indigenous” identity and is neither total nor always passively received by indigenous peoples. In addition, the provisions of the CBD are mediated by the implementation at national level. Yet, the formulation of rights to participation, benefit-sharing and prior informed consent present the approach of the Convention as inclusive, thereby depoliticising the commercialisation and objectification of indigenous peoples’ knowledge as “win-win” scenarios for all parties involved. They exclude, however, historically marginalised ways of knowing and notions of justice which depart from modern rationality and its individualist conceptions, and in doing so reproduce modern/colonial injustices. As Hale (2005: 24) notices, “[m]ulticulturalism in this light becomes the alibi that deflects attention away from the remaking of racial hierarchy, under the triumphant banner of its elimination”.

4.3. *Buen Vivir*

Historical-political context: a multifaceted crisis

The multicultural logic of the CBD is part of a global phenomenon in times of neoliberal globalisation, which was reflected in Ecuador mainly from the early 1990s on (Walsh 2002: 79-84), when neoliberalism became strong in the country (see Sawyer 2004: 11-12). While formal indigenous rights improved nationally and internationally during this period (Espinosa 2000: 50-53), the appreciation of cultural difference meant a functional integration of indigenous opposition into the state system and maintained modern/colonial racial hierarchies (Walsh 2002: 83). This process, however, was also sometimes resisted and pro-actively used by indigenous peoples (see Laurie et al. 2005; Valdivia 2005; Walsh 2002: 84).

While the neoliberal period in Ecuador is associated with having put an end to the previous inefficient state-centred model and with the country’s recognition in the international community (Valdivia 2005: 288), neoliberal measures including macroeconomic stabilisation, austerity policies, trade liberalisation and structural reforms of the state were not successful in fostering political and economic stability and reducing social inequalities (Sawyer 2004: 15). Oil having become a major driver of the economy (Valdivia 2005: 287), the neoliberal era coincided with an intensification of oil extraction projects and the penetration of foreign oil companies into indigenous territories (Sawyer 2004: 13). As one of the largest²³ and most vulnerable groups, many in-

²³ Estimations of the number of indigenous peoples in Ecuador vary between 25% and 45%; see Sawyer (2004: 225).

indigenous peoples suffered from privatisation and cutbacks in government spending (Laurie et al. 2005: 471-472) as well as from environmental destruction. Indigenous movements, which gained strength particularly in the 1990s, were protagonists in the protests against neoliberal policies in the 1990s and 2000s (Walsh 2009: 70; see also Sawyer 2004), repeatedly challenging the state and removing several presidents from power (Walsh 2009: 71).

The rise of the *buen vivir* in Ecuador is related to the electoral victory of President Correa in 2006, who came into power in this turbulent period, closely related to a multifaceted crisis of global governance impacting on the national level: a political-economic crisis of neoliberal capitalism, a related environmental crisis which the global paradigm of sustainable development had not resolved, and a social crisis of the practical exclusion of large parts of the population, which was a major cause of a “crisis of the state” (Walsh 2009: 65). Correa’s election was largely backed by the country’s indigenous movements (Dangl 2010: 5). His government is one of the so-called “progressive governments” in Latin America which have distanced themselves from the established state system and political parties dominated by the oligarchy. Correa adopted an anti-neoliberal and anti-capitalist discourse, launched a project of “Citizen Revolution” and, with popular support, pushed through a Constitutional Assembly to “refound” the state and the nation (Burbach 2007). The new Constitution, approved in popular referendum in 2008, meets indigenous demands by renaming Ecuador as “plurinational” state, formally recognising the diverse nationalities within the country, and adopts the *buen vivir* as central element of the project of restructuring state and society. The relationship of the *buen vivir* with nature shows the influence of the historical-political context of a crisis of neoliberalism, environmental problems and indigenous mobilisation in which it emerged.

Nature as subject of rights

According to the Ecuadorian Constitution, the *buen vivir* aims at a “harmonious coexistence” between nature and society (Political Database of the Americas 2008, Art. 275), which is inspired by Andean cosmovisions that conceive of human beings, the non-human world, knowledges and spiritualities as all existent in relation (Gudynas 2011: 14; Walsh 2010a: 18). Together, these elements form a totality of life and do not exist independently (Walsh 2009: 217-218). Unlike the approach of the CBD, nature, understood as *pachamama* (“mother earth”), is not an object exterior and inferior to human beings. Instead, humans are seen as part and product of nature (Acosta 2008: 3). In accordance with this view, the Ecuadorian Constitution is the first in the world which equates nature with *pachamama* and recognises it as subject of rights – nature has the right to be respected, maintained and regenerated (Political Database of the Americas 2008, Art. 71), and also has the right to restoration (ibid., Art. 72). The rights of nature form a set of articles in the Constitution which are not listed under the rights or regimen of the *buen vivir*. Nonetheless, these rights are fundamentally inspired by the indigenous cosmovisions of the *buen vivir*, because the vision of a “good life” can only be reached when nature remains in-

tact (Gudynas 2009a: 52).²⁴ According to the National Plan for the *Buen Vivir*, “doing harm to nature is doing harm to ourselves”²⁵ (SENPLADES 2009: 18). Unlike dominant anthropocentric views like that of the CBD, this conception of nature is a biocentric one, in which nature has *intrinsic* values that are not dependent on its economic utility (Gudynas 2009a: 51). Consistent with many indigenous conceptions of nature (Flórez Alonso 2007: 255; Santos et al. 2007: xliv), the National Plan for the *Buen Vivir* states that nature is no longer seen as a “resource” (SENPLADES 2009: 24).

In contrast to the approach of the CBD, the representation of the *buen vivir* implies a departure from the capitalist model of conservation and nature appropriation for accumulation purposes. In accordance with Andean cosmovisions that do not share the modern linear understanding of development or growth (SENPLADES 2009: 18; Walsh 2010a: 17), the *buen vivir* proposes a reorientation of development as a qualitative change (Acosta 2008: 3; Escobar 2009: 28). The Constitution and National Plan for the *Buen Vivir* have adopted this vision by replacing the former notion of development with the *buen vivir* as objective of development (SENPLADES 2009: 24).

As the conception of nature and its relation to human beings and development indicate, indigenous peoples’ knowledge and cosmovisions fundamentally inform the approach of the *buen vivir*. In addition, indigenous peoples’ knowledge is also directly addressed in the Constitution and National Plan for the *Buen Vivir*. The next section looks at how indigenous peoples’ knowledge is explicitly represented.

Breaking the modern ↔ traditional epistemic hierarchy

Similar to the approach of the CBD, the Constitution and National Plan for the *Buen Vivir* recognise the instrumental utility of indigenous knowledges in the *buen vivir*. Ancestral knowledges are seen as applicable and of contemporary use, for instance for developing medicines (SENPLADES 2009: 76). Yet, the functional value of indigenous peoples’ knowledge departs from the CBD in that the Constitution prohibits any kind of appropriation of knowledge of genetic resources, innovations and practices (Political Database of the Americas 2008, Art. 57.21), including the granting of intellectual property rights over secondary products obtained with the collective knowledge on national biodiversity (ibid., Art. 402). In this way, the power of multinational corporations to appropriate indigenous peoples’ knowledge through bioprospecting is restricted. Thus, reflecting the context of a crisis of neoliberal capitalism, the Constitution departs from dominant tendencies to secure property over knowledge and resources. It thereby also challenges modern epistemic injustices, as it does not impose the modern notion of property onto people that do not share this conception. The fact that there is no provision to collect and

²⁴ It is important to be clear that indigenous peoples’ practices are not always in harmony with the principles of the *buen vivir* and should not be idealised.

²⁵ Spanish original: “(...) hacer daño a la naturaleza es hacernos daño a nosotros mismos.”

document indigenous peoples' knowledge, and that their appropriation is prohibited suggests that knowledge has a value which is not only determined by economic utility. Rather than being seen as discrete and quantifiable, as in the case of the CBD, knowledge is here connected to the principles of the *buen vivir* and thereby seen as part of a totality of existence (Walsh 2010a: 18; Walsh 2010c: 115).

At the same time, the Constitution and National Plan for the *Buen Vivir* redefine the relationship between indigenous and modern forms of knowledge. As part of the "regimen of the *buen vivir*", the Constitution formulates the state's responsibility:

To promote the generation and production of knowledge, to foster scientific and technological research, and to upgrade ancestral wisdom to thus contribute to the achievement of the good way of living (*sumak kawsay*). (Political Database of the Americas 2008, Art. 387.2)

Furthermore, the National Plan for the *Buen Vivir* notes:

From a strategic perspective, the development of knowledge with high value added, as well as technical and technological research and innovation, are essential. The combination of ancestral knowledges with high-technology can generate the reconversion of the regimen of development, based on "bioknowledge".²⁶ (SENPLADES 2009: 75)

This knowledge, envisioned as a basis of a new production system, is said to incorporate "the dialogue of knowledges, information, science, technology and innovation"²⁷ (ibid.: 56). In addition to acknowledging the plurality of knowledges, the parallel mention of scientific technological and ancestral knowledges demonstrates that indigenous peoples' knowledges are on a par with western scientific knowledge, and that its validity is not *a priori* inferior to modern rationality. Rather than reifying the difference and hierarchical relation between modern and traditional knowledge, the representation in the *buen vivir* resists this dichotomy and breaks with dominant epistemic hierarchies (Walsh 2010c: 115). Modern and indigenous knowledges, while different, are hereby also equal: they all share the status of "knowledge".

Visibility for indigenous peoples' knowledge?

As mentioned in the beginning of this section, the *buen vivir* was adopted in the Constitution in the context of a political, economic, environmental and social crisis of global and national governance. While reacting to the crisis of neoliberalism and environmental destruction with an anti-neoliberal and anti-

²⁶ Spanish original: "Desde una perspectiva estratégica, el desarrollo de conocimientos con alto valor agregado es esencial, así como la investigación e innovación técnica y tecnológica. La combinación de los saberes ancestrales con la tecnología de punta puede generar la reconversión del régimen de desarrollo, apoyada en el bioconocimiento."

²⁷ Spanish original: "el diálogo de saberes, la información, la ciencia, la tecnología y la innovación."

capitalist stance, the analysis suggests that from a distinct rationality, the *buen vivir* does not treat the multiple problems as isolated. As Ecuadorian indigenous leader Luis Macas (in Webber 2010: 17) puts it, “[w]e’re living through a civilizational crisis of the model”. The *buen vivir* contests the kind of knowledge which legitimises capitalist approaches to development and conservation by bringing forward a different way of knowing, and of valuing nature and life in general, from the perspective of those knowledges that have been erased by modernity/coloniality. This points to an awareness of “the mounting evidence of the enormous cost in terms of social and ecological health of the modern form of knowledge” (Apffel-Marglin 2004: 12). The crisis, from this point of view, is a crisis of the unsustainable nature of modernity and universalised modern epistemology. In this sense, the *buen vivir* can be considered a reaction to the limitations of dominant global approaches with respect to promoting social and epistemic justice. Reflecting the influence of indigenous agency in bringing the *buen vivir* into public policy (Walsh 2010a: 18), the elements of the *buen vivir* in the Constitution and National Plan for the *Buen Vivir* demonstrate that indigenous peoples are *subjects* of knowledge, rather than being narrowly “recognised” as providers of information for “experts” and integrated into a modern project, as in the CBD.

However, although indigenous cosmovisions inspire major innovations in public policy, their influence is not visible in all provisions under the *buen vivir*. For example, presented as part of the regimen of the *buen vivir*, the Constitution declares environmental conservation and biodiversity protection as public matters (Political Database of the Americas 2008, Art. 14). In the National Plan for the *Buen Vivir*, biodiversity is seen as the country’s major comparative advantage which needs to be efficiently used and conserved (SENPLADES 2009: 56). Biodiversity is regarded as “strategic resource” (ibid.: 100), which has social and economic value, such as for food security and as input for science and technology, but is also economically relevant for instance for its potential in the world carbon market (ibid.) or the development of biotechnological industries (ibid.: 56). These understandings convey an image of biodiversity as a resource separable from, and functional to, human beings, and thereby resemble the knowledge framework underlying the CBD and the approach of sustainable development. This is surprising given that the National Plan for the *Buen Vivir* presents the *buen vivir* as being founded on Andean indigenous cosmovisions and epistemologies (SENPLADES 2009: 18), and, as mentioned above, claims that a “totally distinct” vision of nature is embraced in the Constitution, which does not see nature as a resource (ibid.: 24). This paradox is also evident in other parts of the National Plan for the *Buen Vivir*. For instance, the promotion of “capacities and potentialities” of individuals (ibid.: 6) shows an individualist focus, while the *buen vivir* is a collectivist project, and the Andean cosmovisions informing it are presented as holistic and relational (ibid.: 18; see also Escobar 2009: 27-28; Walsh 2010a).

To what extent these different modes of knowing are in contradiction can neither be judged in a general way, nor is it the intention of this study. From a perspective of politics of culture, the point to make here is the apparent gap in the National Plan for the *Buen Vivir* between the presentation of the *buen vivir* as Andean indigenous concept, and the actual provisions formulated as part of the *buen vivir*. Notwithstanding the potentials identified above, this incongruity

points to possible tensions arising from the “translation” of indigenous cosmovisions into public policy.

Translation is a political act which is more than a mere integration of indigenous cosmovisions, but involves a *transformation*: as public policy, the *buen vivir* becomes circumscribed and adjusted to the established institutional and epistemic frame of governance. This is controversial because meanings and knowledges which do not fit in the epistemic territory of modernity can be distorted or get hidden (Vázquez 2011: 28). For instance, the translation into policy terms transforms the *buen vivir* into an object of knowledge detached from the knowledge holder. The inherently relational character of Andean cosmovisions might thereby get lost, whereas modern rationality is reaffirmed. This is what Vázquez (2011) has called “translation as erasure”. Moreover, the *buen vivir* as public policy does not exist in a vacuum, but coexists with other governance frameworks, such as the CBD. The case of Ecuadorian public policy illustrates that this may be another source of tension.

Chapter 5

An unlikely couple in Ecuadorian public policy

As mentioned earlier, the main contact point between the CBD and the *buen vivir* is the level of Ecuadorian public policy, where both frameworks are legally binding. Now, the analysis has shown the potentials of the *buen vivir* by opening space for knowledges that have been produced as “illegitimate” by modernity/coloniality. In contrast, it has found that the CBD maintains the claimed exclusivity of modern knowledge and as such has significant limitations with regard to fostering epistemic justice. How can the existence of two so different frameworks in public policy be understood? With examples of contemporary political manifestations in Ecuador, this chapter explores how the approaches underlying the two case studies are reflected in current Ecuadorian public policy (sub-question e). Based on these illustrations and the findings of the previous chapter, attention is drawn to the contentious issue of the CBD and the *buen vivir* cohabiting in Ecuadorian public policy, from the perspective of epistemic justice.

As a consequence of its integration into public policy, the *buen vivir* has gained high visibility not only nationally, but also at international level. An example is the Yasuní-ITT initiative launched by the Correa government in 2007, which is a proposal to leave the oil located under one of the world’s most biodiversity-rich areas underground, in exchange for compensation by the international community. This initiative would thereby protect biodiversity and also the indigenous peoples in voluntary isolation inhabiting the area. While it has been discussed in detail elsewhere (see Finer et al. 2010; Le Quang n.d.; Warnars 2010), it is important to note that this proposal has been presented by the government as project for the *buen vivir* (Gobierno Nacional de la República del Ecuador n.d.) and has attracted major international attention.

In light of this visibility, promoting the integration of the *buen vivir* into public policy could be interpreted as a political strategy by indigenous movements to contest the coloniality of knowledge by bringing to light their knowledges and cosmovisions and making them politically relevant. As Santos et al. (2007: xxviii) argue, the success of indigenous peoples’ struggles for social justice often hinges upon the capacity to mobilise the state for their cause, which is why the state is an important target for indigenous agency. Given the parallel presence of dominant governance frameworks such as the CBD, the *buen vivir* as public policy may be able to address some of the limitations of existing approaches with regard to epistemic justice.

However, the government at the same time portrays the Yasuní-ITT initiative as a contribution towards achieving the goals of the CBD (see Ministerio del Ambiente del Ecuador 2010).²⁸ In this way, the two frameworks CBD and *buen vivir* are treated as compatible, or even complementary. Based on the find-

²⁸ The possibilities of bringing the Yasuní-ITT initiative into the CBD are also discussed in the literature; see Le Quang (n.d.) and Warnars (2010).

ings of the theoretical analysis of this paper, this complementarity is questionable from the viewpoint of epistemic justice. The reservations seem justified considering the “Plan B” of the Yasuní-ITT initiative, meaning that the government may allow the oil extraction in case of insufficient political and financial support for the proposal (Warnars 2010: 59). This demonstrates that, in line with the neoliberal conservation approach of the CBD, nature remains in principle a resource to be exploited. Moreover, regardless of whether the initiative will be successful, nature is still a commodity in the market and valued in monetary terms rather than having intrinsic value.

Recent research about current government policies confirms the discrepancies with the *buen vivir*, showing that the state continues on the extractivist path of modernist development approaches centred on progress and growth (Escobar 2009: 27-28). For example, large-scale mining projects promoted by the government affect indigenous peoples living in the mining areas and violate the rights of nature (see Gudynas 2011: 17; Walsh 2010c: 117; Zorrilla 2011). They are thus in outright contradiction with the *buen vivir*’s aim of “harmonious coexistence” between nature and society and disregard indigenous knowledges. Apparently, the state and specifically the president are using (abusing?) their expanded power under the new Constitution (see Conaghan 2008) to carry through these activities (Escobar 2009: 27; Walsh 2010c: 117) – to the detriment of civil society participation, which is supposed to be at the heart of the construction of the *buen vivir* (see SENPLADES 2009: 19, 24). Moreover, President Correa still seems to act within a colonial mindset. He has criminalised environmental protests against his policies by insulting protestors as “terrorists” who oppose development, and speaks of an “infantile indigenism” (see Picq 2011; Zibechi 2009, 2011). This is a vivid example of the way in which the colonial classification of “indigenous” to denote inferior and primitive beings is reproduced, and demonstrates the profound racialisation of society.²⁹ It also reveals the persisting claim to superiority and universality of modern epistemology, leaving no room for other conceptions and forms of knowing – in contrast to the stated aim of the *buen vivir*.

Various accounts are critical about the government’s non-implementation of the *buen vivir* in Ecuador (Acosta 2008: 10-11; Escobar 2009: 28; Walsh 2010c: 116-121). Based on the few examples highlighted above, however, the current tensions cannot be explained solely with a lack of implementation. The examples show that its translation into public policy inevitably ties the *buen vivir* and indigenous knowledges to certain political objectives. This is especially problematic in Ecuador, where the reformulation of development as *buen vivir* and the considerable power of the state seem to have led to a situation in which the state assumes the role to guarantee the realisation of the *buen vivir* (Walsh 2010a: 20). The state and public policies are embedded in global governance structures and guided by frameworks, such as the CBD, which follow the dominant approach to development and dealing with the environment, and are based on the assumption of universal validity of modern knowledge.

²⁹ Other examples with similar messages exist. See Walsh (2010c: 117-119).

In light of continuing intense exploitation of natural resources for capitalist development and persistent epistemic inequalities, the *buen vivir* appears to be strategically leveraged by the government to legitimise established approaches like that of the CBD, which are being challenged not least for their failure to bring about greater social justice. Adopting the *buen vivir* in the Constitution and public policy might thus be functional for the government to attenuate the demands of the indigenous movement. This strategy is not necessarily successful, which is evident in the fact that Correa is losing the backing of the indigenous movement due to his political actions (Dangl 2010). Yet, Walsh (2010c: 120) observes that Correa's political project with the inclusion of indigenous demands not only has had the effect of neutralising opposition but also shown signs of dismantling the indigenous movement itself.

The current situation in Ecuador suggests that the cohabitation of the CBD and the *buen vivir* does not necessarily advance epistemic justice, as it can be used in the interest of dominant forces and structures. It points to challenges and obstacles that the use of indigenous peoples' knowledge in public policy can entail. The following chapter concludes this study with final thoughts on the limitations and potentials of the two case studies for the project of epistemic justice.

Chapter 6

Conclusion and final reflections

This paper has offered an analysis of the Convention on Biological Diversity and the *buen vivir* in order to understand the nature and causes of their contributions and limitations with respect to epistemic justice. With this objective in mind, this chapter synthesises the findings and takes them further by reflecting upon their implications for epistemic justice. Attention is paid to addressing the main question, namely, if the two case studies make visible and politically relevant indigenous peoples' knowledge. Several steps were taken to explore this question.

Chapter Two presented the theoretical framework of the analysis by introducing the approach of the modernity/coloniality/decoloniality project and Charles Hale's concept of neoliberal multiculturalism. The approach of epistemic justice highlights the roots and naturalisation of modern injustices. Based on the assumption that knowledge is linked to power, the chapter showed that the epistemic basis of the modern system is a source of oppression. It thereby gave a first idea of the need to interrogate the promotion of indigenous peoples' knowledge in biodiversity governance.

Chapter Three provided a general overview of the two case studies and pointed out their common concern with indigenous peoples' knowledge and biodiversity, their existence in Ecuadorian public policy as well as their emergence in different spatial, temporal and institutional contexts. In the case of the CBD, the diverse interests involved were noticed, which hinted at the need to explore how these interests are manifest in the Convention.

Chapter Four offered an analysis of the role of indigenous peoples' knowledge in the CBD and the *buen vivir*. This was done by exploring the way in which this knowledge is represented, against the background of the historical-political contexts of emergence of the two frameworks, and structures and forces which have shaped them. In particular, the chapter highlighted the relationship of the case studies to neoliberalism and modernity.

The CBD's attention to indigenous peoples' knowledge in relation to biodiversity is embedded in the context of international efforts to "green" and "humanise" global governance and development guided by a neoliberal ideology. The analysis of the historical-political context of the Convention and its indigenous peoples' knowledge representation suggests that "traditional knowledge" is an inherently political concept. It is circumscribed as a resource by an allegedly universal knowledge and integrated into capitalist modernity. Rather than encouraging the diversity of knowledges, the category of TK legitimises the neoliberal approach to conservation as well as the modern epistemology underlying it.

The cultural rights offered in the CBD may be favourable for indigenous peoples in terms of political visibility and material benefits. Yet, they do not contribute to a visibility of their knowledges, because the modern rights conceded do not allow for alternative conceptions of justice which are exterior to epistemic modernity. As a consequence, the "new deal" between different in-

terests proclaimed by the CBD (2000b: 17) is based on unequal terms. The consideration of indigenous peoples' knowledge in a dehumanised and depoliticised manner diverts the attention from the questions of who are the actual subjects of knowledge and what is considered "valid" knowledge, and thus conceals the fact that indigenous ways of knowing are actually still absent in the framework. While the universality of modern knowledge is maintained, the strategic integration and production of cultural difference as a manifestation of neoliberal multiculturalism can make indigenous peoples act within the very system that oppresses them. Thus, the CBD not only builds on, but also naturalises and reproduces modern/colonial epistemic inequalities, rather than making indigenous peoples' knowledge visible and politically relevant. It thereby has the effect of contributing to the erasure of knowledges which do not fit in the modern knowledge framework. Ironically, the CBD's approach to promote and protect cultural diversity (see CBD 2011) seems to support the contrary – the loss of epistemic diversity. If we accept that social justice cannot only be achieved through resource distribution, but requires epistemic justice, the approach of the CBD has serious limitations with regard to fostering social justice.

The *buen vivir*, in contrast, departs from neoliberal approaches to development and nature conservation by challenging the exclusivity of the modern knowledge paradigm that legitimises them. It tackles historical injustices located in modernity/coloniality, proposing a new model of life based on a different notion of justice. Unlike the CBD, the *buen vivir* has the potential to denaturalise the universality of one form of knowledge by opening space for knowledges which have been produced as an "outside" of modernity (Mignolo 2007a: 472). At the same time, modern achievements such as scientific and technological innovations are acknowledged, and modern concepts such as "biodiversity" are used in parallel with the *buen vivir*. Keeping in mind the condition of creating a dialogue among knowledges for the project of epistemic justice, the appreciation of multiple ways of knowing can be considered a possibility for constructive interactions that allow attenuating some of the totalising pretensions of dominant assumptions, rather than implying "a fundamental rupture with European knowledge" (Gudynas 2009a: 52). By representing ancestral knowledges on an equal level with modern science, the *buen vivir* breaks the hierarchical relationship between modern and indigenous knowledge instead of reproducing modern hierarchies.

These findings indicate that the *buen vivir* provides a response to the limitations of dominant governance frameworks and has potentials to contribute to epistemic justice. Giving credibility and political relevance to indigenous modes of knowing suggests an opportunity to decolonise knowledge and contest racialised epistemic classifications. However, the analysis has also identified several controversies. First, the contentious issue of "applying" the *buen vivir* in public policy raises the question whether the very act of translation into public policy and the resulting adaptation to the modern institutional framework can be reconciled with the philosophy of the *buen vivir*, given that it describes relational cosmovisions and is predominantly a social practice in the Andes (Walsh 2009: 217). To what extent original meanings of Andean cosmovisions get lost through its translation is a question which remains to be explored.

Chapter Five addressed a further dimension of the tensions arising from the translation of the *buen vivir* into public policy by looking at the parallel existence of the unlike governance frameworks CBD and *buen vivir* in Ecuadorian public policy. Currently, there seems to be a contradiction between the discourse of the *buen vivir* on the one hand, and actual policies following conventional approaches to development and conservation like that of the CBD on the other hand. In light of this paradox, it was argued that more than a lack of implementation of the *buen vivir*, there is a danger of indigenous peoples' knowledge being used (abused?) as a political tool to lend renewed credence to existing governance approaches and their knowledge frameworks. This shows that the *buen vivir* as public policy needs to be problematised as a political concept which has not only been mobilised by indigenous movements, but also by the state. It is thus pertinent to ask if the *buen vivir* is really able to address the shortcomings of governance frameworks like the CBD in fostering social justice, or if it is not also used by the state in way so as to reproduce the hierarchies of modernity/coloniality.

In the face of this ambiguity, there is no straightforward answer to the question of the *buen vivir*'s contribution to epistemic justice. The analysis has found that indigenous forms of knowledge are made visible and even politically relevant by being integrated in the National Constitution and public policy. To a certain extent, indigenous peoples have created their own political spaces and put forward their proper knowledges and notions of justice. The *buen vivir* can therefore not be compared with the functional "recognition" or "inclusion" from above, as is the case of the CBD's multiculturalism. However, the act of translation might undermine the potentials of the *buen vivir*. There is, evidently, a tension between the need to make marginalised knowledges politically relevant, and the danger of erasing these very knowledges precisely *by* attempting to reach this political relevance. This leaves us with a central puzzle: Can the *buen vivir* in public policy at all be a decolonial project enhancing epistemic justice, or does it facilitate another colonial entanglement? In order to shed light on this question, further research will be needed with a focus on the question if, and under which conditions, public policy can be an appropriate platform for promoting epistemic justice. What the case of Ecuador suggests is that the struggle for epistemic justice has to go hand in hand with a transformation of established structures. The new Ecuadorian Constitution, in this sense, is not an end, but, in the words of indigenous activist Monica Chuji (in Denvir 2008: 7), "it is just a step forward".

By using the theoretical approach of epistemic justice, this study has aimed to contribute to the operationalisation of this emerging research agenda. Importantly, the paper has sought to make a contribution to the existing literature on indigenous peoples' knowledge in biodiversity governance with an analysis stressing the essentially political nature of governance frameworks. This means that the concern with indigenous peoples' knowledge is neither detrimental nor beneficial for epistemic justice *per se*. – It does matter how this knowledge is understood and represented, and which interests are behind these conceptions. Thus, interrogating the promotion of indigenous peoples' knowledge in governance and scrutinising the categories of "indigenous knowledge" or "traditional knowledge" is fundamental, as it allows for a more nuanced understanding of the implications that particular approaches may have for social justice.

The *buen vivir* effectively shows that dominant views are not all-encompassing, and reminds us that “other” ways of thinking and doing exist. Amidst the widespread celebration of cultural diversity in governance, we are in fact losing the diversity of knowledges, social practices and human experience. It is therefore our responsibility to take the knowledges of others seriously. This requires, first and foremost, the humility of acknowledging that our own understanding is just one among many ways of knowing. Although this is a modest aim, it is a crucial step towards turning the vision of a more just society into a possibility. In the words of the Mexican Zapatistas:

In the world we want many worlds to fit. The Nation which we construct is one where all communities and languages fit, where all steps may walk, where all may have laughter, where all may live the dawn. (EZLN 1996)

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