# Nature as a Subject of Rights

*A Discourse Analysis on Ecuador's*

*Constitutional Rights of Nature*

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Master Thesis in Human Geography

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# Summary

This thesis investigates whether and if so how the incorporation of a concept from an indigenous worldview is able to influence a country's development model. The constitutional rights of nature in Ecuador are used as case. In 2008 Ecuador became the first country in the world to make nature a subject of rights, and they did this by invoking nature as *la Pachamama*, the Kichwa Mother Earth deity. This is a biocentric notion which challenges the modernist vision of nature as subject to human use. In this study the rights of nature are deemed as still open to interpretation however, and their meaning as attempted fixed in a discursive struggle. In interview data from relevant actors in Ecuador three different discourses on the rights of nature are identified. The Ecosocialist Discourse represents the rights of nature as a justification for continued struggle against the capitalist system. The Transformative Discourse represents the rights of nature as a potential instrument for a necessary global transformation of the human-nature relationship. The Anthropocentric Developmentalist Discourse represents the rights of nature as a possible form of stronger environmental regulation. The discourses' influence on development policy is found to depend on scale. Elements from the Transformative Discourse are found in Ecuador's overarching development ambitions, while the Anthropocentric Developmentalist Discourse is found to be the language of policy-making. This incorporation of a concept from a different non-modern ontology has opened up space for discursive agency, but its influence on Ecuador's development model remains limited; policies are still developed within the parameters of an anthropocentric ontological framework.

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With all my love,
Synneva

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# Abbreviations, Acronyms and Glossary

*Alianza PAÍS:* President Correa's political alliance. Literally 'Country Alliance' and the acronym for 'proud and sovereign fatherland' in Spanish

**Buen vivir**: Most common Spanish translation of *sumak kawsay*, literally the 'good living' in Kichwa. The name given to Ecuador's 'development regimen' (República del Ecuador, 2008)

**CDA:** Critical Discourse Analysis

**CONAIE:** *Confederación de Nacionalidades Indígenas del Ecuador.* Confederation of Indigenous Nationalities of Ecuador

**COP:** Conference of the parties

**GDP:** Gross Domestic Product

**ISI:** Import substitution industrialisation

**NGO:** Non-governmental organisation

**NPA:** Norwegian People's Aid. *Norsk Folkehjelp*

**NSD:** Norwegian Social Science Data Services

*Pacha Mama/Pachamama*: The Andean Mother Earth deity. Both versions of the name are used interchangeably. In this thesis I choose to use the most common second variations, although the Ecuadorian Constitution applies the first

**Senplades:** *Secretaría Nacional de Planificación y Desarrollo.* National Secretariat of Planning and Development

**Sumak kawsay**: Kichwa, most commonly translated as *buen vivir* or 'the good living'. No one definition, but taken to mean a harmonious co-existence between humans and between humans and nature.

**UN:** United Nations

**UNFCCC:** United Nation's Framework Convention on Climate Change

**Yasuní-ITT Initiative:** Ecuador's Initiative of leaving the oil in the ground for international compensation in the Ishpingo-Tambococha-Tiputini oil field in the Yasuní National Park

# 1 Introduction

On September 28, 2008 an unprecedented event took place in Ecuador. The first constitution in the world to provide nature with intrinsic rights was ratified by a public referendum. Its chapter seven states that

> 'Nature, or *Pacha Mama*, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.'
>
> (República del Ecuador, 2008, unpaged)

The Ecuadorian rights of nature are an extremely interesting object of study due to four interrelated reasons. The first one is apparent: its complete novelty. Up until this point, nature had never before been represented as a right-bearing entity, and I find it an exciting endeavour to explore what effects this new development might have instigated. The second interesting point is that nature is given value simply as a product of its existence, it is not seen in function of its use for humans. The rights of nature are therefore biocentric, they are different from the anthropocentric notion of humans' right to a healthy environment. The latter also exists in the Constitution however.

The third reason for why I find the rights of nature so fascinating, is that they represent nature as the *Pachamama*, the Mother Earth deity in the Andean indigenous language Kichwa, the largest minority language in Ecuador. A concept from an indigenous worldview is incorporated into the legal and political system of Ecuador. This can have a myriad of implications. It can imply that a sort of being – nature – mythological yet tangible, is placed into a system that has previously only seen it as a sum of its parts, the sum of its natural resources. It can imply an institutionalisation of a notion of interconnectedness and interdependence between all elements of nature, including humans. It can imply that nature must be seen as a living being, not an inert objectified one. The fourth and final reason for why the rights of nature are a compelling phenomenon to study, is that they remain open to multiple interpretations. The rights of nature have not been further codified into secondary legislation, and they have not been evoked in enough cases to set legal precedence.

# 1.1  Rationale and Research Objective

It is not unreasonable to expect that the rights of nature should have implications for Ecuador's development model. 22.5 per cent of the Ecuadorian population lives below the poverty line (The World Bank, 2016a). It is a country with many social and economic needs, and the state is thoroughly dependent on revenues from commodity exports. Oil is by far the country's most important resource. It consistently represents half of Ecuador's export earnings, and approximately twenty-five per cent of public sector revenues (CIA, 2016). Large-scale oil extraction therefore appears to be a necessity for the Ecuadorian economy. At the same time one would expect this to be incompatible with nature's right to respect for its maintenance and regeneration of its life cycles. This is accentuated in Ecuador by the fact that oil extraction is taking place in its Amazon region, one of the most biologically diverse areas in the world.

Lalander (2014) identifies a need for further research on the relations between the state, nature and society in these new political and constitutional settings. Contradictions clearly abound in this resource dependent country where nature has now been made a subject of rights. This is visible in the current political situation. The self-proclaimed socialist and post-neoliberal President, Rafael Correa, has large sectors of civil society against him due to new large-scale extractive projects among other things. The government emphasises the economic benefits of natural resource extraction, and how the revenues are used to finance public welfare initiatives. Environmental and indigenous organisations on the other hand stress the negative environmental and social implications. This political polarisation is coupled with the fact that the concept of nature itself having rights remains open to interpretation.

I argue that actors attempt to fill the rights of nature with meaning according to their own worldviews, backgrounds and issues of contention, and that this constitutes a discursive struggle. In this thesis I define discourse as a 'shared way of apprehending the world' (Dryzek, 2013, p. 9). Discourses attempt to fix meaning, and define which representations of the world can be taken for common truths. They therefore define what is considered as politically possible. How an issue is talked about and perceived therefore influences its potential for political impact.

The incorporation of the rights of nature into the Ecuadorian political and legal system represents an attempt at placing a concept from an indigenous ontology into a system based on a modernist ontology. Ontologies are defined as 'world representations (both discursive and non-discursive) which determine what is inside or outside those worlds, what is

true or not, and how we can interact with this world' (Blazer 2010, quoted in Gudynas, 2011, p. 447). The *Pachamama* represents an apprehension of all things in the world as universally connected in an interrelated whole, whereas the current political and economic system in Ecuador is based on a separation between humans and nature, rendering nature subject to human exploitation. The idea that nature itself is imbued with and granted rights disrupts this neat division and challenges some fundamental ontological assumptions enabling new and contrasting ways of representing the relationship between nature, natural resources and development.

A discourse analysis of the rights of nature as spoken about by a variety of actors active in the public debate will shed light on the current role of the rights of nature, and its potential. I treat this as a case of a potential alternative to development in its classic and taken-for-granted form as equalling progress and growth, based on the exploitation of nature and its resources. My research into the different discourses pertaining to the rights of nature therefore also functions as an empirical assessment of post-development theory. Post-development theorists criticise the conventional understanding of development as a homogenising and infantilising discourse, and put their faith in alternatives arising from the grassroots. Post-development has been criticised for being mostly an academic critique, lacking results from empirical research (Pieterse, 2001). Proponents of post-development theory have however given the current Ecuadorian Constitution a great deal of academic attention as a possible alternative to the modernist and Western notions of development and progress (e.g. Escobar, 2010).

My overarching research aim is therefore *to assess whether the incorporation of concepts stemming from a different worldview is able to influence a country's development model.*

I aim to answer this through two research questions:

1. What are the different discourses on the rights of nature in Ecuador? How are these constructed?

2. To what extent do the different discourses seem to influence development policy?

## 1.2   Choice of Country and Case

With its new constitution, Ecuador has gained international attention. It seems to provide a radical alternative in a world where the detrimental effects of traditional development models based on capitalism and industrialisation have become increasingly apparent. This is not least

the case for their effects on the environment in general and the climate in particular. As international action to address climate change has faltered, providing nature with rights has been framed as an innovative proposal. In addition, this proposal stems from the worldview of indigenous groups in a country of the Global South.

Due to a deep and long-standing fascination for Latin America after several longer stays in the region, there was no question in my mind that I wanted my fieldwork to take place in a Latin American country. My background is in environmental studies, and the developments in Ecuador, but also Bolivia, which gave nature rights in 2010, increasingly caught my attention. These countries do not only have a novel discourse on nature and the environment nationally, they have also been vocal internationally, especially at the Conferences of the Parties (COPs) of the United Nation's Framework Convention on Climate Change (UNFCCC). In these forums the representatives have raised their voices about their worry for the Mother Earth. This different notion of the environment, mixed with a left-leaning political agenda seemed potent. Due to the limitations in scope of a master thesis, I decided to focus on one of the countries with this novel discourse of nature's rights and socialism with a Latin American indigenous twist, and look at developments within Ecuador alone.

Ecuador proved to be an exceptionally interesting case. It is an example of socialism of the twenty-first century or the Latin American pink tide. As poverty and inequality levels in the region increased as a result of neoliberal structural adjustment policies, popular dissatisfaction grew. In the first decade of the twenty-first century, a wave of presidential elections in Latin America were won by candidates from the left or centre-left, promising a new course (Bull, 2013). The current president in Ecuador, Rafael Correa, was elected in 2006, and has often been categorised as the more radical left of this recent left turn (Castañeda, 2006).

Correa's government initially seemed to represent a break from the past, and a new course for the country, more participatory and inclusive. This was consolidated with the new constitution, which in addition to giving the *Pachamama* rights, also defines the development ambition of the country as *sumak kawsay*. This Kichwa concept is most commonly translated into Spanish as *buen vivir* and to English as 'the good living'. It has no exact definition, but is usually defined as living well, instead of perpetually moving towards something better. It is therefore framed as an alternative to capitalism and neoliberalism. Not only is Correa a left-of-centre president whose policies have had tangible positive effects on development indicators, but on the outset he seemed to represent a type of socialism that also had room for in-

digenous notions of harmonious coexistence, not only amongst humans, but also with nature itself.

## 1.3   A Mega-Diverse Small Country

Ecuador has a higher biodiversity per square kilometre than any other country in the world. It is one of seventeen countries defined as 'mega-diverse', due to its extreme biodiversity and number of endemic species (Biodiversity A-Z, 2014). Its biodiversity is one of the main reasons for the country's tourism, not least to the Galapagos Islands. In addition to the Galapagos Islands' unique ecosystem with a number of endemic species, it also has a fertile coastal region, highlands with snow-capped peaks and active volcanoes and parts of the Amazon. This abundance is found in an area half that of Spain's. The majority of Ecuadorians define themselves as mestizos, but Ecuador is also home to twelve distinct indigenous nationalities. Two of these have chosen to live in voluntary isolation, living a semi-nomadic life without contact with the outside world within the country's large rainforest areas.

These circumstances give Ecuador a special set of responsibilities. Many will argue that within the country's borders there are values which cannot be easily quantified, but which nevertheless are important to the world as a whole, such as unique ecosystems, species and human cultures. This is a heavy load to put on the shoulders of a developing country dependent on revenues from natural resource export. Resource exploitation is a difficult issue in these circumstances, and disagreement on this has had very visible political consequences. I was able to experience this first hand during my fieldwork.

## 1.4   My Fieldwork Experience

I carried out my fieldwork in August and September 2015. I found myself in Ecuador at a particularly interesting, but also tense point in time. Popular disappointment with the President was prevalent. Most people I spoke to told me how they had liked him at first. He had progressive ideas, and he really seemed to want to do well, and implement changes that would benefit the whole population. Now people were saying that power had got to his head. He was proposing several amendments to the Constitution he had instigated only seven years earlier, including one concerning indefinite re-election. Many were worried about what seemed to signal a more authoritarian style of ruling.

The well-organised indigenous movement, CONAIE, strongly opposes President Correa's government. With their media and communication finesse CONAIE is a political force

to be reckoned with in Ecuador, their collective action has toppled several presidents in the past. On August 17, 2015 they called for a national strike. In the days leading up to it the indigenous movement marched from the South of the country, with local chapters joining in as they went along, blocking several main roads. The day before the strike they marched into Quito, the capital city. They came in trucks and on foot, waving the indigenous flag and wearing their traditional costumes.

During these very same days, the great volcano Cotopaxi gave off signs that he was waking from his sleep. The *taita* (meaning father and elder in Kichwa) Cotopaxi is in indigenous legends portrayed as a warrior. It is the second highest volcano in Ecuador, located only 50 kilometres outside of Quito, and visible from the city. It had its last major eruption in 1877, and the next expected one was overdue. August 14 and 15 it had a steam and ash eruption, and multiple earthquakes were registered as a consequence of his activity. By many in Ecuador, Cotopaxi was seen to be protesting along with the people of Ecuador. Magical realism could not have originated from any other region than Latin America.

The strike on August 17 took place in the streets surrounding the presidential palace. People were unhappy about numerous issues, and took this opportunity to protest against not only constitutional amendments, but also salaries and free trade agreements and everything in between. The President however took no notice of the thousands of people protesting against his government. He had arranged his own festival of Youth and Happiness in the closed off plaza by the presidential palace. What I experienced in these Quito streets during those hours was that there seemed to be no room or desire for dialogue, by either parties. Civil society organisations protested, and the president ignored them. What remained were harsh words, name-calling and abrupt action. Former political allies have become enemies and the political climate does not allow for any concessions.

The night of the demonstrations was a concentration of political antagonism. It also appeared to me to be a visual representation of the things I was studying. There was a general sense of great disappointment and disagreement, and people were genuinely worried about the future of their country. Nonetheless, I could not help but feel that I was somewhere were politics was immediate and tangible, where tumultuous political developments and changes were happening around me, and I could only try to get a sense of understanding of all the things going on. This was difficult as Ecuadorian media does not even try to be neutral, and in addition many issues of contention originate from past events, resulting from complicated political liaisons. Multiple actors are involved, within and outside of established political parties.

A concern for nature was also very much present in the protests that evening. I saw many posters and banners still protesting oil drilling in the Yasuní national park, and signs and shouts for a complete mining moratorium. A proposed water law possibly opening up for partial privatisation is hotly debated, and this topic was also included in the protests that day. CONAIE also communicated in the lead-up to the strike that one of the things they were protesting for was the freedom for every defender of both Mother Earth and human rights. I believe that this demonstrates that in Ecuador nature and environmental issues are fought over and debated, and that giving nature rights has allowed for a greater discursive utility of the concepts of nature and the environment. Analysing how nature as a right-bearing entity is interpreted and utilised is therefore one entry into understanding part of the political situation in Ecuador today.

This was only a daylong protest, and this event was not indicative of the rest of my six weeks long fieldwork. I did find people to be extremely aware of and reflective on the current political situation however. They were also exceptionally welcoming, kind and helpful, making Ecuador a wonderful country to do fieldwork in. I was able to interview remarkably knowledgeable people, providing me with much data to continue working on. This made my fieldwork experience very rewarding. It also turned out to be rewarding in a more personal sense as it made me reflect on metaphysical issues related to my own existence and my own relationship to nature. This I had to try to reconcile with my own level of everyday consumption, and the fact that I flew thousands of miles from an affluent oil-dependent country of the Global North to a poor oil-dependent country in the Global South to ask questions about their natural resource extraction. Their answers to my questions will be further discussed in Chapter Five and Six.

## 1.5   Structure of the Thesis

The thesis consists of seven chapters, including this introduction. I have chosen to start by introducing my analytical framework and present my methodology and research methods. I then present a theoretical context on Ecuador's development model. The reason for this order is that I use concepts introduced in Chapter Two in the contextualisation in Chapter Four. I subsequently present my analysis and finally the conclusions. The structure of the thesis is therefore as follows:

**Chapter Two** presents the analytical framework of my discourse analysis on the rights of nature. I elaborate on how it can possibly represent an alternative to the very idea of development. I position my research as social constructionist, and detail the theoretical foundation I build on to answer my research aim by analysing discourse.

**Chapter Three** details my methodological choices. I discuss the philosophy of science foundation for my research, and how this shapes the way I interpret my data. I provide a thorough account of how I collected my data and the choices I made when analysing it.

**Chapter Four** provides context for my analysis through framing Ecuador as an example of a 'progressive neo-extractivist' country. I elaborate on this theoretical label, and the commodity exporting history of Ecuador. I argue that the seemingly progressive nature of President Correa's political project mixed with a continued resource dependency have necessitated new ways of talking about natural resource extraction.

**Chapter Five** is the discourse analysis. I present the main features of the three different discourses I find in my data, and describe how they demonstrate very different ideas of what nature is and what the rights of nature imply.

**Chapter Six** assesses the political effects of the different discourses, through analysing three factors that can provide an idea of Ecuador's development policies: its national development plan, the Yasuní-ITT Initiative of leaving the oil in the ground and some economic indicators on the importance of oil for the national economy.

**Chapter Seven** contains the conclusions. I sum up the answers to my research questions, use my research findings to answer the over-arching research aim and elaborate on the transferability of my results. I discuss the limitations to the implementation of the rights of nature, and deliberate on how they could influence development policies to a greater extent.

# 2 Analytical Framework

The aim of this thesis is to assess whether a concept stemming from an indigenous worldview can be incorporated into the political framework of a modern-day country and influence its development model. I use the rights of nature in Ecuador as case. The current Constitution in Ecuador provides nature with intrinsic rights to existence and regeneration, which can be interpreted as incompatible with a development model dependent on revenues from oil extraction in highly biodiverse areas. These rights of nature have not been further codified into secondary legislation, and they have so far had limited practical implications. In addition, the language of constitutions is vague and subject to interpretation. I therefore argue that their meaning has not been consolidated, and that it is still contested.

To analyse the concept of the rights of nature and ensuing implications I take a social constructionist approach, and apply a discourse analytical framework. I first present the general features of the most important development theories, and their representation of nature. I then look at the actual Constitution of Ecuador. Some theorists framed its ratification as finally an example of 'alternatives to development' or 'post-development' in practice. The reason for this is that it potentially discards the notions of growth, progress and a constant strive towards something better, and implies a different relationship between humans and nature. I argue that the Ecuadorian Constitution represents a clash of ontologies. This has opened up space for new discourses on the relationship between humans and nature and development, and these discourses now struggle to influence policy, and the premises for economic and social development.

## 2.1 The Role of Natural Resources in Development Theories

Development theories are grand theories, frameworks of explanations on an elusive concept, on a scale that is not able to take details and variations into account (Pieterse, 2001). The most common understanding of development is that it means improvement, a process towards something better. Seeming universal and general, development theories are nonetheless political, and ontological, they presuppose a certain way of understanding the world. This understanding of the world has mostly had a Western modernist ontological foundation. This ontology that we largely take for granted is dualist as it also has the power to define things by

what they are not. This leads to the idea that humans are separate from nature, rich separate from poor, culture separate from science and so on.

## 2.1.1 Orthodox Development Theories: Modernisation Theories and Neoliberalism

I group modernisation theories and neoliberalism together, as this dualism is very apparent in their assumptions of what constitutes development, and subsequently underdevelopment. Underdevelopment is defined by a Eurocentric concept of development as a linear, nomothetic process of progress, with countries moving towards an end point represented as a European and North American standard of living. This is expressed as an unwavering faith in economic growth leading to progress, benefitting the whole population by a trickling down effect of prosperity and progress. To achieve economic growth, the exploitation of the comparative advantage of each country is emphasised (Chant & McIlwaine, 2009).

This is not an unproblematic notion, as in most developing countries, perhaps particularly in Latin America, their comparative advantage is their abundance of natural resources that can be exported in the global market. Alternatively, nature is seen as an input to domestic industrialisation. Either way, exploitation of nature is inherent to development. Nature constitutes resources that are turned into financial capital. Nature is as such a means to an end, which is human development. In this respect nature is clearly separated from humans. There is no notion that humans and nature together are part of a larger encompassing whole.

## 2.1.2 Dependency Theory

Proponents of dependency theory rejected the belief that developing countries can experience the same progress as developed countries through an exploitation of their comparative advantage. Dependency theory held ground particularly in the 1960s. Most developing countries export unprocessed natural resources and agricultural goods. They are therefore economically dependent on the demand from developed countries. Within dependency theory, developed countries and former colonisers were deemed as 'core' countries, whereas developing countries and former colonies were 'periphery' countries. It was argued that commodity exports actually condemned periphery countries to continued underdevelopment, as they would continue to export unprocessed natural resources, and import industrialised goods. It was found that terms of trade improved with industrialisation, and that commodity

exporting countries would suffer from declining terms of trade (Peet & Hartwick, 1999).

Proponents of dependency theory therefore argued that the underlying structures of the international economic system needed to change, and that developing countries could exert greater economic agency through kindling infant national industry through high import tariffs and import substitution measures (Peet & Hartwick, 1999). Dependency theory problematizes the notion that all countries have the same possibilities of developing along the same trajectory, due to structural limitations caused by a neo-colonial capitalist international political economy (Chant & McIlwaine, 2009). The negative economic effects of a dependency on unprocessed natural resources are highlighted, but the underlying idea of what nature is still rests on a dualist ontology separating humans from nature. There is no great environmental awareness in dependency theory. Nature is still represented as a resource subject to human use.

## 2.1.3 Post-Development Theory

In the 1990s the notion of development was subjected to post-structuralist critique. The concept was deconstructed and found to be a powerful discourse. It was argued that development was a Eurocentric discourse that had the power of defining non-Western countries as under-developed (Chant & McIlwaine, 2009). While there are great differences within post-structuralist critiques of development, on the whole development was seen as an external idea imposed on half the world, upholding a colonial structure of domination. Development also fosters a kind of cultural hegemony, obliterating diversity and different forms of knowledges. Post-developmentalists therefore reject the whole concept of development. They combine this with an interest in the local finding alternatives to the development project in the grassroots and in social movements. The good life is represented as traditional, local and in touch with nature, outside of the homogenising forces of development (Peet & Hartwick, 1999).

Post-development theory has been criticised for being just intellectual critique that does not provide any practical alternatives. It tends to 'romanticise' the local, but does not provide any answers to the question what to do with continued inequality and poverty (Pieterse, 2001). Post-development theory nonetheless entails a theoretical consideration of other worldviews. Arturo Escobar (1995), perhaps the foremost post-development theorist, argues that post-development would mean an openness to other ways of understanding the world, outside the parameters of modernity. This emphasis on diversity and local traditions allow

space for other ways of seeing the relationship between humans and nature as well, not as a dualist relationship of dominance, but one of mutual co-existence and harmony.

A final critique of post-development theory is that it lacks an empirical foundation. An alternative to the essential idea of development, operating by different parameters, has not been found. The election of a post-neoliberal president that also incorporated indigenous concepts in his political project, in both Ecuador and Bolivia, was subject to enthusiastic academic scrutiny by post-development theorists. Their political projects were argued to possibly constitute empirical examples of post-development (Escobar, 2010). The Ecuadorian Constitution's representation of nature as a right-bearing entity is something completely different than seeing it as inert economical comparative advantage or as inputs to industrialisation. As the Constitution additionally aims for a harmonious co-existence to reach the good living, it could constitute the hitherto elusive alternative to development. Framing the rights of nature as a concept originating outside of the parameters of modernity, and evaluating their influence on Ecuador's development model could therefore contribute towards an empirical assessment of post-development theory.

## 2.2   Ecuador's Constitution: Alternative to Development?

The current President Rafael Correa in Ecuador promised wide-sweeping societal changes upon his first electoral victory in 2006. His first act as president was to call for a referendum on a constituent assembly, as a new constitution would be the main vehicle for instituting the promised changes. There has been a tendency in Latin America to create constituent assemblies and new constitutions when a government's political project requires wide-reaching political transformations, and they are therefore instrumental in activating political changes (Ranestad, 2010).

In Ecuador's case, representatives to a Constitutive Assembly gained their seats in a general election in 2007. The Constitutive Assembly was characterised by a highly receptive climate and an openness to new ideas, stemming from the notion that Correa's victory represented a new beginning for the country (Gudynas, 2009c). The drafting of the new Constitution was a highly participative process, with citizen consultations throughout the country as well as in the city of Montecristi, the seat of the Constituent Assembly. Civil society actors flocked to Montecristi to present their causes and attempt to influence Assembly members. In the eight months the Constituent Assembly had available to draft a new constitution, it received over three thousands suggestions from civil society.

It is generally argued that the inclusion of the rights of nature was possible due to this receptive atmosphere complemented by the agency of certain influential proponents of the rights of nature. Interestingly, these actors were from environmental NGOs and politicians sympathetic to their proposals, and not primarily from the indigenous movement, although it supported the idea. Correa's political alliance, *Alianza PAÍS* had a large majority of 74 of the 130 seats, but there was no unanimous position on the topic of the rights of nature amongst its assembly members. The President himself went from resisting the idea to outright attacks against it (Gudynas, 2009c). Alberto Acosta, President of the Constituent Assembly, was however a staunch proponent of the notion, as was one of his main advisors, Esperanza Martinez from the progressive NGO *Acción Ecológica*. Acosta wrote a short paper on the topic that he presented to the Assembly. The Ecuadorian NGO *Fundación Pachamama* was also very present in Montecristi, and brought US lawyers from the NGO Community Environmental Legal Defense Fund to present the idea of the rights of nature for the assembly members. These lawyers had experience from instigating similar rights of nature in some US municipalities (Gudynas, 2009c).

Another important event that swayed some assembly members was that the highly esteemed Uruguayan author Eduardo Galeano wrote a short text supporting the idea of giving nature rights, called 'Nature is not mute' (Gudynas, 2009c, p. 54, my translation). A month before the deadline Acosta resigned over pressure from the executive to speed up the process. The final draft was finished in a hurry. The rights of nature were included in the final version, which was approved by a referendum. That the country had given nature intrinsic rights was characterised by several informants as a surprise resulting from a quick process.

The Ecuadorian Constitution has since been heralded as one of the most progressive in the world (Lalander, 2014). In addition to providing nature with intrinsic rights, it also includes two other concepts championed by the indigenous movement, and is clearly inspired by their worldview. It defines Ecuador as a plurinational and multicultural state (Radcliffe, 2011). Secondly, it names the national development model *Buen vivir*. This is the most common Spanish translation of the Kichwa concept *sumak kawsay*, translated into English as 'good living'. There is no one definition of the term, but it is often argued to be about living well, instead of always living better (Lalander, 2014). The good life is achieved through a harmonious communal co-existence between humans and also between humans and nature.

Nature is evoked as *Pachamama*, the Mother Earth deity of various Andean indigenous groups. The Constitution provides her, a non-human entity, with the right to existence and regeneration. This has a biocentric foundation, a fundamental difference to most law,

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which is anthropocentric. It is concerned with the state of nature itself, and is different from humans' right to a healthy environment, a more common concept in constitutional law. The Ecuadorian political and legal system is based on European traditions, it springs out from a societal organisation based on the separation of society and nature, and man's domination over nature. Representing nature as *Pachamama* and giving her rights is a double novelty: an ancestral, indigenous worldview is to an extent incorporated into the legal system of a country with a Christian-Judean understanding of the world and societal organisation; and the rights of a non-human entity is equalled to other constitutional rights of the Ecuadorian population in general.

One of the main characteristics of the ontologies of indigenous groups in Ecuador is that they are relational (Walsh, 2010). As the good living is achieved through a harmonious communal co-existence including nature, the rights of nature and *buen vivir* are tied together and have the same indigenous ontological foundation. In a relational ontology everything is interrelated and interdependent. Objects cannot be extracted from that of which it forms a whole. Nature and humans are part of the same system. The economy is embedded in a larger natural and social system, and it needs to be subordinated to ecological and social criteria, to achieve a communal wellbeing for all (Escobar, 2010). Community in this sense equals more than humans, it also includes nature and its elements (Villalba, 2013). It signals wholeness in a constant state of equilibrium and regeneration. Damageable intrusions, including large-scale natural resource extraction, are therefore seen as obstacles to achieve the good living.

Just as *sumak kawsay* has no direct translation into Spanish or English, the notion of 'development' as we define it does not exist in Andean indigenous languages (Villalba, 2013). The incorporation of *buen vivir* in the country's constitution could therefore represent a complete shift in development policy, and a break from the notion of development as economic progress. Radcliffe (2011) states that *sumak kawsay* has been formulated to be in discursive opposition to 'Western' and neoliberal development, and is presented as a paradigm unique and appropriate to Ecuador. Villalba (2013) argues that the incorporation of concepts from the worldview of groups that have been marginalised for centuries has the possibility of being truly decolonising, not only politically and economically, but also culturally and spiritually.

Several theorists see it as an example of border thinking, a term developed by post-colonial theorist Walter Mignolo (2011b). This is defined as knowledge at the margins of the 'universal' epistemologies originating from core countries. Interestingly, it uses some of the same rhetoric as proponents of dependency theory, talking about a core and a periph-

ery/border. In this case it is not about economic dependency, but about what constitutes knowledge, and how developed countries continue to exert power, long after decolonisation, as knowledge equals power. Taking cues from Foucaldian and post-structuralist theory, it therefore demonstrates the continued uneven power relationship in the world system. Border thinking is a form of resistance, and Mignolo (2011a, p. 122) also calls it 'epistemic disobedience', as knowledges are presented that do not fit within a modern ontology and epistemology, as they originate from cultures outside of 'modernity' and 'development'.

## 2.3  Clash of Ontologies

Clearly, The Ecuadorian Constitution was seen to be a pivotal development that institutionalised a different way of seeing the world and breaking with the ontological hegemony of modernity. Escobar (2010, p. 39) actually defines the Constitution as an 'epistemic-political event that disrupts the modern political space'. He bases this claim on the inclusion of the concept of the *Pachamama*, as seeing nature as a being, and not as an appropriable object, is impossible within a modern paradigm. Gudynas (2011) argues that through the Constitution's questioning the notion of development, the very foundation of modernity is also questioned, causing tensions at the level of ontologies.

I argue that the decision to provide nature with rights in the Ecuadorian Constitution in 2008 represents a partial incorporation and acceptance of an ancestral, indigenous ontology, into a system based on an ontology embedded in modernity. This is not a seamless process. The indigenous concepts have been lifted up to a new political level, yet they are still not fully formed and different actors fill them with different meaning, according to how they view the world. I therefore postulate that presently, different discourses struggle to influence Ecuadorian policy and its development model.

In addition, the Constitution contains fundamental contradictions. It provides nature with rights and sees it as a live being, yet nature is also represented as resources throughout the document, and of strategic interest to the country's economic development. It also includes traditional anthropocentric norms, such as the rights to a healthy environment. Here, the utility of nature is measured according to its function to human beings (Gudynas, 2009a).

Lalander (2014) argues that contradictions are inevitably inherent in constitutions. In democracies they are the result of pragmatic attempts at consensus between different political opinions. They are organic documents that change over time; their interpretation depends on secondary legislation. A lot of the time the wording is left purposefully vague. Ávila (2011)

views this in positive terms. He argues that all constitutions are utopian in their nature. They present the outmost ambitions of a country, and the direction it should go in, but its full implementation might be impossible. He therefore sees rights as 'fictitious weapons' (Ávila, 2011, p. 232, my translation).

Due to the inherent ambiguity of constitutions, Lalander (2014) argues that in the case of Ecuador the outcome of conflicts will depend on the actors' ability to gain support for their claims, as competing claims can find support in the country's ruling document. The current discursive fluidity of the concepts of *buen vivir* and the rights of nature also allows for these terms to be co-opted. This is a process whereby an initial meaning may be transformed, so that a term can be incorporated into a discourse and used with a different purpose (Lippe, 2012).

On the whole, I argue that this partial incorporation and acceptance has created space for the development of new and hybrid discourses, taking advantage of new additions to the discursive toolbox. The indigenous concepts have been lifted up to a new political level, yet they are still not fully formed, they can still be articulated in different ways allowing for actors to fill the rights of nature with meaning, according to their worldviews and political agenda.

## 2.4 Towards an Analytical Framework on the Discourses on Rights of Nature

Consequently, the rights of nature's possible effects on Ecuador's development model depend on their interpretation. With this starting point, my research interest lies in how the rights of nature are understood and articulated by relevant actors. Sánchez-Parga (2014, p. 94, my translation) argues that the rights of nature have a 'seductive semantic'. As a novel concept, with a vague definition and limited application, they contain a discursivity without limit. This means that they can effortlessly be deployed rhetorically, and they are easily talked about by different actors, without their having to justify or demonstrate the coherence of their discourses.

I therefore adopt a social constructionist standpoint in my analysis. Social constructionism sees meaning and knowledge about reality as a human construction, as reality cannot be understood outside of our linguistic representation of it, which frames our thinking (Doty, 1996). Language lies between us and the world. Our language is full of preconceptions, and how we understand reality will unavoidably be influenced by these (Doty, 1996). In the case

of the rights of nature, this will include actors' worldviews, and how they relate themselves and their community to nature. Language is not just a tunnel through which reality is articulated, it produces reality (Jørgensen & Phillips, 2002). How the rights of nature are represented verbally, will bestow them with meaning thereby implying what potential they have, and which actions are deemed to be natural, and which are not.

As knowledge of the world is based on preconceptions it is therefore historically and culturally contingent (Burr, 2003). As it is contingent, it is also changeable. The meaning of a concept can slide, and this is logically also the case for the concept of nature (Demeritt, 2002). Meaning can therefore never be totally fixed and independent from our social world. Due to nature being such an all-encompassing notion, it rests on ontological premises and metaphysical presumptions that must be taken at faith, i.e. the actors' worldviews (Haraway 1992, quoted in Demeritt, 2002).

I base my understanding of discourse on Dryzek's definition. He defines a discourse as 'a shared way of apprehending the world. Embedded in language, it enables those who subscribe to it to interpret bits of information and put them together into coherent stories or accounts' (Dryzek, 2013, p. 9). Through these stories actors understand the world, and they therefore provide the foundation for analyses and debates. Discourses try to fix meaning, this way defining which constructions of the social world can be taken for common truths, and therefore influence social processes and actions. They therefore provide conditions for action (Neumann, 2001).

Meanings can be challenged and resisted by different discourses. Discourses are constantly being articulated, and can therefore never be totally closed or complete. Their exterior limits are created by other discourses that are also inherently open-ended. This unstable nature of discourses allows for change and adjustments (Doty, 1996). As meaning is transitory, and therefore changeable depending on culturally and historically specific social interaction, it must be possible to deconstruct representations of reality, to take them apart to reveal their subjectively constructed foundations. This deconstruction is the discourse analysis.

The epistemological underpinning of discourse analysis is that an understanding of the actors' representation of the world can be reached through analysing their way of talking about it (Jørgensen & Phillips, 2002). Other philosophies of science usually seek to infer knowledge about ontology, through a certain epistemology, or theory of knowledge. What exists is therefore taken as given. When carrying out a discourse analysis, this is turned on its head. The starting point is the epistemology, the question of how to gain knowledge. At the base of social constructionism lies the notion that knowledge is constructed through lan-

guage. Ontology is therefore deemed inaccessible outside of language, and accordingly this is what is deconstructed in discourse analysis.

There are two main streams of discourse analysis. One is Laclau and Mouffe's discourse theory, which is a poststructuralist theory seeing discourse as fully constitutive of our social world, and hence all social phenomena as analysable using discourse analysis (Jørgensen & Phillips, 2002). This discourse analysis of the rights of nature is based on the other main approach, Fairclough's critical discourse analysis (henceforth CDA). This decision is due to the CDA framework's recognition of other social structures in addition to discourse with an influence on discursive practice. I find in this case that the international economic system strongly influences discourse, as it limits what can be thought of as possible.

The CDA framework sees discursive and non-discursive structures as co-existing in a dialectic relationship, reproducing and changing one other. The rights of nature might give actors new ways of representing nature, but it would be very difficult to gain any recognition of a discourse that would disregard the country's dependency on revenues from natural resource extraction. This is a limit imposed by discourse, but also by the international economic system. Discourses are therefore interwoven with material political realities (Dryzek, 2013).

This epistemological foundation allows for theory on discourse to be combined with other social theory. This is mirrored in the analytical framework of CDA, which consists of three dimensions (figure 2.1). The **first dimension** is the text itself, which in this case are the interviews. A text can be analysed as the articulation of a given discourse. As such it affirms and sustains the discourse. The discourse simultaneously provides limitations for the articulation of the text. Text and discursive practice are therefore in a mutual relationship of dependence, as they both constitute and are constitutive of each other (Bratberg, 2014). This is the basis for Chapter Five, which analyses the texts constituting my data, and details the different discourses found on the rights of nature.
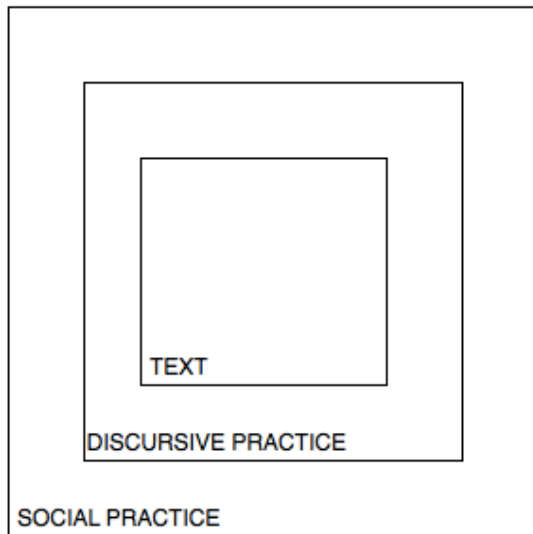
Figure 2.1: The three-dimensional model of critical discourse analysis. Adapted from Jørgensen and Phillips, 2002

The **second dimension** is the discursive practice. This is usually loosely defined as how the text is created and interpreted. Discourses are shared terms that enable and constrain communication, and discursive practice therefore consists of discourses that are drawn upon to produce and interpret text (Dryzek, 2013). I base my analysis of discursive practice on Dryzek's (2013) framework for environmental discourses. He argues that every discourse is based on certain elements. The first element is the basic entities whose existence is recognised or constructed, i.e. its 'ontology', in other words what the discourse considers to be real. The second element is assumptions about natural relationships, e.g. competition, collaboration, or a form of hierarchy. The third element is agents and their motives. How actors or institutions are represented can vary greatly from discourse to discourse. The state can for example be seen as a protector of the common good, or an instrument for enrichment for those in charge. The fourth and final element is key metaphors and other rhetorical devices (Dryzek, 2013).

The **third dimension** is social practice. The CDA asserts that to study why discourses are produced and consumed and in which way they cannot be extracted and isolated from the social world around them (Jørgensen & Phillips, 2002). Discourse facilitates a certain social practice. At the same time, this social practice legitimates the discourse (Bratberg, 2014). The social and political effects of the discourse can be analysed through assessing the relationship between the discursive practice and social practice.

I have found descriptions of the analysis of social practice in the CDA framework as incorporating social theory to the explanatory framework in addition to theory on discourse

(Jørgensen & Phillips, 2002). This is how I understand the analysis of social practice in this thesis. I have also seen arguments for why social practice can only be analysed through the use of other, non-discursive, methods of social research, e.g. ethnography (Jørgensen & Phillips, 2002). A clarification of my analysis of social practice is therefore in order. I analyse the relationship between discursive practice and social practice in Chapter Six, where I assess the influence of the different discourses I have identified in my interview data. I do this through analysing certain aspects of Ecuador's development model. Yet I analyse these aspects as text, actively identifying discourses. This provides an understanding of the relationship between discursive practice and social practice. I use the assessment of social practice to consider implications for post-development theory.

To illustrate the complex CDA framework I use an example from Dryzek (2013). He analyses the sustainable development discourse. Having examined several reports from international organisations such as the United Nations and the World Bank as text, he concludes that one of the discourse's assumptions about natural relationships is that 'economic growth, environmental protection, distributive justice and long-term sustainable development are mutually reinforcing' (Dryzek, 2013, p. 157). This is one feature of the discursive practice. This influences social practice, as it legitimates continued economic growth, but with a stronger environmental awareness. This social practice means that the discursive practice appears to constitute reality. Again, there is a mutual relationship of dependence from the text, through the discursive practice to the social practice, and back.

Jørgensen and Phillips (2002) caution that the discourse analytical and non-discourse analytical theories must be integrated into a fully constitutive theoretical and analytical framework, where they are adapted to each other and the research aim. A discourse analysis on the rights of nature in Ecuador therefore requires a thorough examination of the country's political context, and a theoretical approach consisting of social theory with a logical relation to the current situation. This is why I include a theoretical perspective on the background of the political developments in Ecuador in Chapter Four, and frame the rights of nature in the Ecuadorian Constitution as constituting a possible empirical example of post-development.

CDA operates with an 'order of discourse', which consists of all the discourses that struggle to define a certain field. I argue that the rights of nature can be considered such an order of discourse. What occurred in Ecuador was that certain concepts, including the idea of Mother Earth, suddenly gained a new political importance. When they were lifted up to a higher political level they were also to a certain extent emptied, they were put into a system that made it impossible for them to mean what they had meant before. This opens up a space

for agency, as elements from different discourses can be applied in new ways, and new and hybrid discourses can be developed as agents try to fix the meaning of the concept of the rights of nature (Bratberg, 2014). The order of discourse can therefore be seen as a 'battle ground' for the various discourses at play. This is what Neumann (2001) defines as politics.

Jørgensen and Phillips (2002) write that the CDA is aligned with Roland Barthes' assertion that people are both 'masters and slaves of language' (Barthes 1982, quoted in Jørgensen & Phillips, 2002, p. 17). People can be agents of discursive, and hence social change. Existing discourses will always provide limitations however, together with other influential mechanisms of social practice. Depending on which discourse manages to gain the most power, the political effects of the rights of nature have the potential of being many different things.

My analysis in this thesis is guided by Adger *et.al.* (2001). They define three main steps of a discourse analysis. The first step is the analysis of regularities in expression to identify discourses, while the second step is the analysis of the actors producing, reproducing and transforming discourses. These two analytical steps constitute Chapter Five, where I present the different discourses I have identified in my data. To carry out step one I apply Dryzek's (2013) framework for environmental discourses, and actively look for the elements he argues that an environmental discourse consists of. The second step of Adger *et.al.*'s (2001) method of discourse analysis I cover through disclosing which informants say what, and which sectors of society are represented in the different discourses. The third step is the analysis of the social impacts and policy outcomes of discourses. This I interpret as the third dimension of the CDA framework, the analysis of social practice. The analysis is found in Chapter Six, where I use the discourses I have identified in my data as frames in an analysis of selected secondary data. This provides an idea of their social and political implications.

## 2.5  Summary

This chapter presents my analytical framework on the discourses on the rights of nature, and their possible influence on Ecuador's development model. I discuss to what extent the Ecuadorian Constitution may be claimed to represent an alternative to development, with a different view on the relationship between humans and nature. I then elaborate on why the rights of nature remain open to interpretation, and how they can potentially imply a change in development model, according to how they are interpreted. How they are talked about is therefore crucial, as it can encourage or discourage social and political action. I identify my research as

social constructionist arguing that there is a discursive struggle to fixate the meaning of the rights of nature. My analytical framework is based on critical discourse analysis. This recognises that discourse exists in a dialectic relationship with other social and political structures, allowing for the incorporation of other theoretical perspectives.

# 3 Methodology and Methods

This chapter presents the methodological choices of my research project. I have studied relevant actors' verbal presentations of their perceptions on the rights of nature and development, and deconstructed these to find out which discourses exist. As I have studied perceptions, the data collection method I have employed is interviewing. Following a discussion of the philosophy of science foundation for my project, I will elaborate on what makes a good case study. I then go on to reflect on my interview sample and data collection, and I lay out how I have coded the data and carried out the discourse analysis. I see a discourse analysis as the result of a hermeneutic process, where the complete absence of my own subjectivities is impossible. Transparency and critical reflexivity are therefore vital to the quality of the study and the credibility of the results. Throughout the whole chapter I try to show how I apply rigour to every step of the process, and strive for the research to be of a high ethical standard.

## 3.1 Philosophy of Science Foundation

A social constructionist point of view is that reality can only be understood through our socially contingent representations of it. What can be studied are therefore perceptions and meanings, data cannot be expected to contain some objective truth. This has an influence on methodological choices. As what exists is not perceived as pre-given or unchangeable outside of our understanding of it, it follows that the most logical way of doing research is inductive and theory advancing, rather than the more positivist deductive research methods where what exists is theorised beforehand, then tested. Social constructionist research is 'ontologically agnostic' and tends to focus on epistemology (as argued by David Harvey (1990) about post-structuralism). The data is the starting point, and when what can be studied is the interpretation and perception of things, the data to be studied is language. My research method therefore is qualitative, which allows for a search for meaning and deeper understanding of a particular case.

According to Ragin and Amoroso (2011, p. 34), the overarching goal of social science research is to 'understand[…] the complexity of social life and generate[…] knowledge with the potential to transform society'. With the aim of identifying the different discourses on the rights of nature in Ecuador, and their implications for policies on resource extraction and subsequently development model, I do believe my research can be placed within the overarching

goals of social science research. I see discourse analyses as attempts to achieve some order in complexity, and my study is an attempt to generate more knowledge on a recent political development which has the potential to be transformative in itself, and be of inspiration to other political processes.

The same authors go on to present several goals of social science research contributing towards this overarching aim. I see my research as decisively falling into their goal of theory advancement, which occurs as data is interpreted and new theoretical explanations are developed or existing ones are refined. Another goal which I find partly relevant for my research, is giving voice and providing informants the 'opportunity to have their worlds represented' (Ragin & Amoroso, 2011, p. 35). My research cannot be characterised as action research with a clear political agenda of raising the voice of a marginalised group. But as my aim is to present the different discourses, and not to value and rank them according to truthfulness or rationality, I do think my discourse analysis can also partly contribute towards giving voice. My analysis is as such inspired by post-colonial research as it takes as seriously views that are not based on Western rationality and science as seriously as those that are, even though the latter is closer to my own worldview.

## 3.2 Qualitative Case Study

For the results of my analysis to carry value, they should comply with four expectations according to Hay (2010). They should address phenomena that are socially significant; be relevant to social theory; be based on appropriate evidence, purposefully collected and result from systematic analysis of this evidence. The first two expectations can be achieved through making the research object a case of something, which will extend its relevance beyond that very phenomenon. Gerring (2007, p. 20) defines a case study as 'an intensive study of a single unit for the purpose of understanding a larger class of (similar) units'. This unit does not have to be perfectly representative, but have to be an example of only one phenomenon (Hay, 2010).

I find it hard to imagine a topic from the messy real world that can be an example of one thing only. Analytical boundaries therefore have to be drawn. This has to be done in tandem with the development of a research problem, which will state which specific features of the case the research will be on, and the fit of social theory (Silverman, 2010). As stated in the introduction I chose the research topic based on personal interest. Several authors state that a choice of case based on interest might well be advantageous, because to be able to have

sufficient demand of the research material, a great deal must be known about the case at hand, before data collection (Moses & Knutsen, 2012; Silverman, 2010). I gradually narrowed down the topic, until my study was specifically on the Ecuadorian rights of nature. To create boundaries for the research I decided that I wanted to study these rights' effect on the development model of a resource-dependent country.

For the case study to be relevant to social theory it is important to avoid a purely ideographic and descriptive study of the particular case at hand. According to Gerring (2007) the product of a good case study is insight. This is achieved through a resulting explanation that is theoretical, and that provides a good fit with the case study. At the same time, an equilibrium should be reached with the transferability and relevance for social science. The theoretical explanation should be made general enough and be on a sufficiently abstract level to be relevant to other researchers (Hay, 2010).

After having spent some time reflecting upon what I had a case study of, I eventually decided to situate my research within the alternatives to development, or post-development debate, to increase my case study's relevance. This is primarily because I see the Ecuadorian Constitution, with the inclusion of the rights of nature, as a novel and innovative political development. Depending on its interpretation, it could question the very notion of development. This analytical framing of my case is useful, as it situates my research within a field on which there has been much academic debate, and it is topical, as the environmental consequences of the orthodox development models are pressing, and alternatives are needed.

## 3.3   Data Collection

In addition to a thorough understanding of the case, Yin (1998, quoted in Berg, 2004) also states that the researcher must have an inquiring mind, and be able to listen, observe and obtain information without bias. I do not think that any human being can process information in an unbiased manner. Our understanding of matters will always be dependent on our social realities. I do nonetheless agree that any information gathering beyond strict data collection is useful resulting in additional insight on the topic in question. I had on the outset general knowledge on the recent political developments of the region, and after having decided that I would conduct my research in Ecuador, I continued to read more on Ecuador's recent political developments, the rights of nature, and the current affairs of the country. I read both non-academic news articles and opinion pieces in addition to academic papers and books. Devel-

opment theories and resource dependency are topics I have previously read a great deal about before for university courses.

I carried out my fieldwork August to mid-September 2015, six weeks in total. Doing fieldwork was useful beyond the strict data collection. Being in the country helped me gain a broader understanding of the context, the issues and the stakes at play. I picked up on national news and current affairs, and had conversations about what was generally going on in the country. The information defined as data has a more direct role in my analysis, and will be seen as more valid for academic research. Nonetheless I see all information, independent of the source, as pieces of the jigsaw puzzle that lies at the base of my analysis, helping me lay down a more complete picture of my research topic.

I collected my data through carrying out semi-structured interviews. A qualitative research interview can be seen as an attempt to understand how the informants see the world, and it therefore goes well with a social constructionist methodology (Kvale & Brinkmann, 2010). Silverman (2010) argues that in qualitative research where interviewing is the main source of data, a rigorous process of justification of who to sample is necessary. I agree with this, but I also think that one needs to be pragmatic. My idea was to interview relevant actors who would have an informed and public opinion on the rights of nature, how they are applied, their potential and their possible impact on resource extraction and development model, to see if I could identify patterns in the way they spoke. In this way I attempted to comply with Hay's (2010) expectation of the research to be based on appropriate evidence, purposefully collected.

### 3.3.1  Identifying and Finding Informants

My sample was purposeful, with at least four clear practical benefits for my fieldwork: The actors I wanted to interview would know about the topic, and the data they would provide would be informative and based on knowledge and experience. Secondly, they would have reflected upon what I wanted to ask them about beforehand since talking about the rights of nature would be something they had done publicly, which would mean that the interview situation would hopefully not prove uncomfortable. Thirdly, choosing such a broad category of informants would help me get a sufficient number of relevant interviews in the limited time I was in Ecuador, and providing me with different viewpoints on the topic. My sample could include *inter alia* politicians, bureaucrats, academics and activists, which meant that I did not have to be picky in choosing informants. I could cast my net wide, and most of the

people who agreed to talk to me would be of relevance and fall within my desired category of informants. Fourthly, such a broad sample would mean that it would be many ways to get in touch with relevant informants.

The first step I took in finding informants was to make use of my personal network. Before embarking on my fieldtrip, I contacted personal connections with relations to Ecuador. This way I got in touch with people I could meet socially while I was there, but I also got leads on possible informants. One friend of a friend was particularly generous in helping me out. She works in an environmental NGO herself and through her work knew people in the Ministry of Environment. She wrote to me that she did not think it would be a problem to interview someone from her organisation and someone from the Ministry.

I had also been in touch with people in Norway who had extensive knowledge about and experience from Ecuador. I talked with two academics, who gave me useful advice. I also met with the former head of the Norwegian People's Aid (NPA) Regional Office for Latin America, which is located in Quito. He was of enormous help as he not only passed on both oral and written information about the current political situation in Ecuador, but he also suggested that I should get in touch with a specific person who works at the office in Quito. I E-mailed her, and she invited me to come by the office once I was in Quito.

Although I had no interviews lined up before arriving in Ecuador, it was a great relief to have a few appointments and leads. The contact at the NPA suggested several people I should talk to who had been vital to the process of including the rights of nature in the Constitution, several of whom she knew personally and could provide contact information on. I got in touch with them and soon had my first interviews booked. Generally, I was positively surprised about the willingness of people to meet and talk. I do think Ecuador is a very pleasant country to do interview-based fieldwork in, as I found that people were very helpful, generous and interested in my wellbeing. I asked every informant whether they could recommend anyone else that I could talk to who would be relevant for my research project, applying the infamous snowball sampling method.

My sample is unquestionably also a convenience sample, which can be defined by a selection process based on access, and an opportunistic sample, characterised by following new leads during fieldwork (Silverman, 2010). This way of sampling was completely necessary due to the time constraints of the fieldwork period. As I had no previous experience with the field I also needed to rely on suggestions from others, including on who it would be useful to interview.

A selection of informants based to a certain extent on who one happens to talk to, co-incidences and happenstance, should not automatically be seen as producing data of a lesser quality. It does put responsibility on the researcher's shoulders to critically evaluate and communicate possible biases in the sample however. The researcher should reflect on who might have been included that were not, and any over-representation (Silverman, 2010). I tried to check for major biases by grouping informants according to sectors. In a table I sorted all my informants as either belonging to academia, civil society, the public sector or the private sector. My division by sector was an over-simplification. Private sector for example is such a broad category that it almost makes no sense. It is by no means given that actors within this category would have the same views at all. Some actors could also fall into two categories. What it did demonstrate was that I had the least informants in the private sector, and most from the non-profit sector. I believe that this comes down to access.

The first informants I interviewed were law professors who had worked on the topic of the rights of nature and their jurisprudence, and representatives from civil society. I had mostly got their contact information through my contact at the NPA, or through snowball sampling. From many of these informants I got the feeling that even though they were busy they had a general attitude of willingly talking to anyone who was interested in their say, finding the time to schedule an interview, and some also took an interest in my work.

Throughout my fieldwork I also searched extensively online for relevant actors, sending numerous E-mails. All public agencies and companies in Ecuador seemed to have their full directory accessible online, which meant that I could send direct E-mails to anyone who seemed to have a relevant position, based on their job title. This is how I got my interviews with representatives from the national agency for planning and development, Senplades. It turned out that they get a lot of inquiries from foreign students interested in Ecuador's development policies, and it seems like they want to maintain an image of a transparent government body with an open door. They replied quickly and were very welcoming.

I tried the same strategy for public oil companies, sending numerous E-mails, to anyone who worked with anything relating to the environment or sustainability. This was less effective however. I only received one reply, by someone who later pulled out. Some of the explanation may be that they had a preconceived idea of what my view would be, and that they were not interested in that sort of analysis, but this is speculation on my part. I also think it might have to do with hierarchy and seniority, which probably plays a bigger role in companies. I got the impression that employees that I contacted directly could not easily talk to

me without it having been okayed by their superiors. If I had managed to get in touch with someone in a senior position through someone they knew, it might have been easier.

The consequences of my snowball and convenience sampling are an uneven distribution of informants across sectors, and the fact that I have fewer women than men among my informants. Part of the explanation can be that there are more men than women in senior positions. Traditional gender roles are quite entrenched in Latin American countries. But I also spoke with outspoken and professional women in high-ranking positions. To a certain extent I think it just so happened that most were men, and men knew other men. I tried to improve this unevenness in the cases where my search for informants was not based on snowball sampling. When I sent numerous E-mails to employees in public agencies and companies I E-mailed more women than men. In the end though, of the twenty-one informants who did not want anonymity, only five were women.

There is also a geographical bias amongst my informants. Due to time constraints and financial limitations I had to be pragmatic in terms of where I did my data collection. I carried out the great majority of my fieldwork in the capital city Quito. As I hoped to interview actors in governmental agencies, ministries and NGOs, Quito simply provided the best opportunities. Quito is however far away from where the country's extractive activities are taking place. People who see the effects of extractive industries in their day-to-day lives would most likely have different opinions on it. It would also have been interesting to interview employees in regional governments, and more local NGOs.

It is hard to say how much the gender and geographical bias of my sample affects the data produced. While gender is always prevalent, I do not deem its effects on the particular issues I was exploring as prominent. I do think however that a more even representation would increase the credibility of my research. I tried to appease the geographic bias by going for four days to Lago Agrio, the oil capital of Ecuador located in the Ecuadorian Amazon in the eastern province of Sucumbíos. I sent E-mails to numerous people in the regional and local government and employees of the largest state-owned oil companies working there on environmental issues. I had no luck in getting in touch with them. The interviews I did in Lago Agrio were with activists active in the struggle to make former Chevron, now Texaco, clean up the major oil spills from their historic operations there. Their organisation is partner with the NPA, and my contacts here were once again through snowball sampling.

### 3.3.2  Data Collection Through Interviews

Interviews can be defined as a 'data-gathering method in which there is a spoken exchange of information' (Dunn, 2010, p. 101). Through interviews we can find out what we cannot observe, and it is a data collection method that goes well with the study of language and discourse, as the meanings and interpretations of others can exist as text, lending itself to analysis. I chose to conduct semi-structured interviews, bordering on structured. I asked all informants the same questions, using the same interview guide. I did this to make sure that the interviewees spoke generally about the same issues, to allow for comparison and a search for possible patterns that could be further developed into discourses. At the same time I wanted enough flexibility to be able to ask questions that were not on my list if the interviewee started speaking about something else that seemed interesting and relevant for my research.

There are several advantages to using an interview guide, not least for novice researchers like myself. It helped me remember to ask all the questions, and if I got nervous I could lean on the text written down in front of me in Spanish. I found that developing an interview guide before the actual interviews meant that I could deal with possible dilemmas in my own pace alone at my own desk. I decided the sequence of the questions, how to formulate questions that could be tricky or controversial, and had thought about which questions were more important than others. I also made sure of the singularity of the questions with each question containing only one idea, to avoid confusion. I started with my research aim, and tried to break it down to see how I should structure my interview guide after topics that together would shed lights on the informants' perceptions of the rights of nature and development model.

I did change my interview guide after starting the fieldwork, but before my first interview. After having talked about my research aims to one contact, I immediately realised that what I wanted to do was far too broad. I had initially planned to write my thesis on the interpretation of the indigenous concepts in the Constitution, both the rights of nature and *sumak kawsay* (which can be discerned from the informed consent form in Appendix IV and V). I was advised to focus on one of them only, and changed my research questions and interview guide solely to be about the rights of nature. Another thing I realised was that a translation process was necessary, one should be careful about applying very academic terms in the field. In the first draft of my interview guide I used the word 'co-optation'. Fortunately, my supervisor let me know that this is a very academic concept which I could not expect to be

clear to all informants. In addition it is negatively charged. I changed the question into a broader question on the relationships between indigenous concepts and politics in Ecuador.

I started the interviews by asking about the interviewee's full name and title for my list of informants, which worked as something of an icebreaker. I then launched into a more descriptive background question activating more of the interviewee's knowledge and experience. I thought this would be an easier question to start with than actual opinion questions. I simply asked them to remember how the process leading up to the inclusion of the rights of nature in the Constitution was according to them. I realised as I went along that a somewhat negative effect of this was that some of the informants spent a lot of time answering this question in great detail, leaving less time for the rest of the questions that turned out to be more important for my analysis. Nonetheless, I did find that the informants highlighted different things as key to the process, and often chose to emphasise the importance of their own organisation or institution, which was interesting. The other questions were opinion and value questions, as I wanted to uncover the actors' subjective opinion on the topics.

### 3.3.3  The Interview Situation

I was aware of my own positionality, i.e. how I presented myself and appeared to informants (Schoenberger, 1991). I tried to make a positive impression already from the first contact. Most of the informants I contacted by E-mail and some by phone. I introduced myself and described the project and my research aims. I explained why I was interested in talking to them, and asked whether they had the time and opportunity for an interview.

I interviewed most of my informants at their workplace, although I met a few in cafes and one person at her home. I did not feel as if the setting made much difference to the resulting data. There were however large variations in how much time the interview took. The quickest one was over in fifteen minutes, the longest one lasted three hours. Most interviews lasted between half an hour and one hour. This I see to be dependent on how much time the informant had, naturally, but also a lot due to their personal communication style.

I wore neutral clothes I would describe as business casual as the professional dress code in Ecuador is quite formal. I started each interview with thanking them profoundly for taking the time. I repeated who I was and my research aims. I said I was a master student in human geography at the University of Oslo in Norway doing the fieldwork for my thesis, a reiteration of what I had already said in an E-mail or phone call. I explained that I wanted to do a discourse analysis on the rights of nature in Ecuador as I considered them very interest-

ing and unique. I continued to say that to me it seemed as though they were talked about in different ways, that there is not agreement on what they actually mean, and that this probably was because they had as yet not been implemented to a great extent. I was therefore interested in mapping out the different ways they were talked about and understood, especially in relation to oil extraction. I went on to clarify that I could easily understand the different positions on this topic. I said I could understand those who state that resource extraction is completely incompatible with protecting the rights of the Mother Earth, but that I could also understand those who say that the rights of nature is well and good, but that a country with such high poverty levels as Ecuador needs to make use of the resources it has.

Before starting the interview I also asked them to read through and sign the informed consent form. I always brought a short project brief with my contact informant that the informants could keep. This was never used, however, since a moment never arose where it would be natural to use it. Most informants had my contact information by then, and I had conveyed all of that information orally.

I was hoping that the introduction would highlight my neutrality, showing that I was not more partial to a certain way of answering the questions, and as such 'control' their understanding of me in order to minimise the influence my asking the questions would have on the data production. I also explained that I was interested in talking to a variety of actors, and why their contribution was important. Personal characteristics and position can never fully be controlled however, and it will influence data production (Hay, 2010). It is important always to carry in mind that the data from an interview is created, not collected. This knowledge is socially co-constructed by interviewer and interviewee in an unnatural setting (Cloke et al., 2004). Another point is that as I was carrying out the interviews it struck me that to a certain extent it was the interviewee's own opinion I was hearing, even though they were representing a larger institution. Step two of Adger *et.al*'s (2001) three main steps of discourse analysis, the analysis of the actors producing, reproducing and transforming discourses, is therefore underemphasised in this analysis. Informants institutional or organisation background is mentioned, but it has not influenced the discourse analysis.

I always closed off the interview by asking the interviewees if they wanted to add anything, if I should have asked about anything else or if they had any questions for me. In some interviews this worked as a natural closing point. In other interviews, it marked the point for a more informal conversation, where they asked me how I found Ecuador and how my experience had been so far. Yet others used this opportunity to stress a particular point important to them, and some asked me about my opinions on the rights of nature and resource

extraction. I answered truthfully that I had not been able to form an opinion, as various positions made sense to me, and maybe that was part of why I found this topic so interesting. Due to its uniqueness there is not a lot of precedence to lean on for forming an opinion on whether giving nature rights is an effective means of protecting nature or not, and there are many dilemmas involved.

I did all of my interviews in Spanish. I am fluent, but I did notice that I was less flexible speaking Spanish than I would be if we were conversing in English or Norwegian. This was not a great problem in an interview setting, as I had my questions written down in the interview guide that I always brought with me, and most informants were also kind enough to tell me that I should let them know if anything was unclear. I recorded all the interviews on tape, and none of the interviewees had any problem with that. Funnily enough, I realised when I was transcribing the interviews that there were a few words I did not understand in Spanish. I had not realised this at the time of the interview, which shows how much understanding is about the context, not specific words.

I always brought a notepad and a pen to take notes during the interview. I found that I hardly used this. I was completely focused on the interviewee, providing ample non-verbal probes of nodding and assertive sounds. I did not feel that scribbling in a notepad instead of meeting their eyes felt right or polite in that setting. What I did try to do was to scribble down any thoughts about the interview right after it had happened. These stray thoughts were mostly about how something they had said had reminded me of something another informant had said, some preliminary ideas for analysis and a reminder to myself of some advice they had given me.

### 3.3.4  Elite interviews

My informants included those who probably know the most on the topic of the Ecuadorian rights of nature. Several had been involved in the process leading up the approbation of the new Constitution, including the former President of the Constituent Assembly. Some had high-ranking positions within government, and some were activists and civil society representatives used to speaking on e.g. national news. Many of their names I had come across beforehand when I was reading on the topic, either as key actors in the process, or as authors. Most of my informants were powerful within their field, and my interviews with them can be defined as elite interviews. Based on my experience I agree with a poststructuralist approach

to power, which does not see power as constant, but a product of constant negotiating (Smith, 2006).

I did not find power relations in society to be reflected in the interview space. I felt equal to the person I was interviewing. I think this is due to the fact that despite their carrying some of the power from their standing in society, I had power through formulating and posing the questions. If I had met them in a different setting I would have felt more shy and self-conscious, but I was very prepared for the interview situation. Another factor was that I was in a new country on my own carrying out my fieldwork within a limited time frame, and as such I was challenging myself in many different ways, this being one of them. I was doing something out of the ordinary, and it did not matter that much to the situation that they were 'elite'. The interview is also an artificial setting, taking people out of their natural surroundings, further affecting the power asymmetries. I did feel slightly nervous before the first interview, but quickly realised that it was in fact a very enjoyable and privileged experience. I was able to ask questions about the topic I find the most interesting to people who know a lot about it, and I learned a great deal.

### 3.3.5  Critical Reflexivity

In a qualitative case study where data is collected in an interactive process between researcher and researched, it is of particular importance to be aware of one's own role as a researcher. Social research is not laboratory work that can exist in an approximate vacuum, it cannot completely escape bias (Ragin & Amoroso, 2011). The researcher assumes a lot of responsibility as she has monopoly on the interpretation of the data, and subsequently how the informants are represented (Kvale & Brinkmann, 2010). For the resulting representations to be credible the researcher must strive for complete openness and transparency in the research process, and maintain a critical inner dialogue, questioning which assumptions she takes for granted.

Kobayashi (2009, p. 138) defines reflexivity as 'the practice on the part of a researcher of reflecting upon his or her own identity or positionality in relation to those studied […]'. And Hay (2010, p. 31) states that it is the examination of your own situation 'as if it were something you were studying'. Reflexivity can function as objectivity around own subjectivity. The aim is that through critical reflexivity one realises one's own privileges in representing others, and that this representation will inevitably be based on one's own background,

values and experiences. This can avoid neo-colonial representations of research subjects in development research.

A main tool for critical reflexivity is to keep a research diary. While I was in Ecuador I used this to reflect upon myself in the new situation as a researcher, realising that a researcher's identity is liminal. While doing research one has to take advantage of whatever common ground one can find with one's informants for communication purposes, but a certain amount of difference is also necessary, as it legitimates research behaviour such as observation and questioning (Sæther, 2006). A researcher is both an insider and an outsider at the same time. Although I had never been to Ecuador before, I have lived in other Latin American countries. A lot of the social conduct is similar to the European conduct, and knowing the language was an enormous benefit. Unsurprisingly, I did feel mostly as an outsider nonetheless. While this led to some awkwardness, it made me unafraid to say that I did not know about something, and I could ask for clarifications without sounding uninformed.

My own privilege also enhanced my feeling of being an outsider, especially while conducting my interviews in Lago Agrio. In Quito, a lot of my informants had a more theoretical view on the topics of my research, as they were far away from the direct impacts of resource extraction. In Lago Agrio I spoke with people who had been directly affected by oil extraction activities. Oil spills has led to cancer and other illnesses in local communities, and they were fighting a David vs. Goliath fight for reparation from the responsible oil company. Their relationship to the topic was more immediate and personal. One informant told me about another Norwegian student who had been doing his fieldwork there, and how this informant had brought him back to visit his indigenous community. Upon the completion of this student's fieldwork, he never heard from him again and did not know what had become of his research, which he would have liked to know.

This informant had a clear agenda on speaking to students. He wanted their struggle to be known, and was interested in research on possible solutions to their grievances. Even though I had explained what my research was on, and that it was only indirectly relevant to their cause, I did feel guilty about my position as a privileged European student being met with such generosity. My research project felt like a selfish endeavour, as it was not contributing towards the improvement of my informant's lives.

### 3.3.6 Ethical Considerations and Informed Consent

I tried to appease my own bad conscience about the limited applicability of my research by telling all my informants that I appreciated their generosity in taking the time to talk to me, and that I would make a summary of my thesis in Spanish that I would send to all of them. I think it is important that they see the results of their participation. I knew that several of my informants had been interviewed by many foreign students before me. The summary in Spanish is an attempt at some sort of mutuality, to avoid a feeling of research tourism (Grossman, 2011). I hope they will find the results of my study interesting as well.

I strived for the research to be of high ethical standard throughout the whole project. I see it as ethical conduct to explain what my research is about and why their participation was useful. I did this orally, but it was also included in the consent form that all of my informants read and signed (appendix IV and V). This form also included information on data storage, and contact information on my supervisor and myself. Informed consent is a prerequisite of the Norwegian Social Science Data Services (NSD). NSD was notified of my research and approved it, and I have followed their guidelines throughout the whole process.

All of my informants were offered anonymity. However, only one person, an informant for a public oil company, chose this option. I think the reason why no one else felt anonymity was necessary was that I did not ask anything personal. In addition, many of my informants were used to expressing their opinion in the media, including on the topics I inquired about.

## 3.4 Data Analysis

Hay's (2010) fourth expectation to social science research is that it results from systematic analysis of evidence. I take a hermeneutic, yet systematic, approach to the analysis of the collected data. Hermeneutics is the method of interpretation, where the aim is to understand the meaning of the data beyond what is immediately apparent, in a convincing manner (Thagaard, 2009). This presupposes that there is not an objective truth to be found in the data, and it does mean that the analysis will be tinted by the researcher's subjectivities. Preconceptions are however necessary for the hermeneutic process, and subjectivity should not be something to be afraid of (Kvale & Brinkmann, 2010). The value of the hermeneutic analysis will be contingent on the conviction of the researcher's interpretation. The researcher's interpretation can be defined as a double hermeneutics, as she interprets a reality already interpreted by those pertaining to it.

As interpretation figures heavily in my analysis, the reasoning I apply is abductive. This is a theory advancing methodology, going from the particular to something more general. Abduction generates theory through the interpretation of data. Through abductive reasoning new theoretical concepts or relationships are developed, or existing ones are better understood. Theory in this sense is understood as an 'attempt to specify as clearly as possible a set of ideas that pertain to a particular phenomenon or set of phenomena' (Ragin & Amoroso, 2011, p. 232). Theory therefore functions as analytical categories that can be used to make sense of a phenomenon. It therefore cannot be thought of as general and testable law, but as a 'provisional' account for what has been observed (Gregory et.al., 2009). Theory advancement consists of an interpretation that will be the best available understanding of a phenomenon at the time, but new explanations might be developed later that correspond better to empirical data. Consequently, abduction also allows the researcher to base her analysis on previous experiences and knowledge. It does not expect an unnatural state of tabula rasa (Bryant & Charmaz, 2007).

I do not see the data analysis as something that occurs in a separate stage after data collection. I find the analysis to be a continuous process that starts already at the commencement of the data collection and throughout the whole process. It is human nature to reflect upon what is observed, and it is also completely natural that this reflection is based on previous knowledge. Inference will be drawn from the data as it is collected, and things will be recollected when reading and so on. Even probes and follow-ups during an interview can be seen as a form of analysis. I cannot characterise my research as grounded theory, as this methodology has strong guidelines that I do not follow. By starting the analytical process while collecting data, and having an abductive aim of theory generation from data, I nonetheless have a grounded perspective.

### 3.4.1 Transcription and Analytical Memos

After the fieldwork I transcribed the data from sound files, using the software HyperTranscribe. I chose to transcribe almost everything, except passages that were completely unrelated to my questions. I did not include sounds and half-uttered words. I do not think that these two decisions affected the data I was left with in any way.

Qualitative researchers advocate the use of analytical memos (Saldaña, 2009). These are 'brain dumps', where any stray thought and notes to self regarding the research can be jotted down. This is a hermeneutic tool facilitating reflexivity, and I have used this extensive-

ly. I have written down anything that has occurred to me after interviews, while transcribing interviews, while reading theoretical or non-theoretical texts, and while coding and analysing my data. These notes are about things that struck me as interesting, patterns or connections, things that I have read and so on.

### 3.4.2 Coding the Data

Upon having completed all the transcription work, the next step I took was to code the data. Coding is an analytical technique linking data to ideas, and a code can be defined as a word or short phrase that 'assigns an […] essence-capturing attribute for a portion of language' (Saldaña, 2009, p. 3). Coding has several purposes. It is a way of reducing data, as it is sorted according to codes, and in this way distilled and put into smaller packages. It functions as a data organisation and data finding and retrieving aid, and it serves as a process of data exploration, analysis and theory-building (Hay, 2010). Coding is a hermeneutic tool, and there are no specific formulas to follow. A point is to see what strikes you, and it is therefore unavoidable to bring your own subjectivities into it.

Coding is a step towards the conceptual and theoretical, and it is a cyclical process. One needs to go through the data several times, and the codes and the linkages between them should become increasingly analytical and theoretical. I chose to do the first-cycle coding according to the key concepts of my interview guide, making it an issue-focused analysis (Thagaard, 2009) These were 'background/context', 'definition of nature', 'application of the of rights of nature', 'potential of the rights of nature', 'societal influence', 'national politics', 'development' and 'oil extraction'. I treated these as parameters, and I made a matrix where I sorted what each informant had said into these categories. This first cycle was mostly a descriptive phase then, but I did find that a lot of the data could have been placed under several parameters. Here I had to make analytical choices.

### 3.4.3 Finding Patterns and Developing Discourses

This helped me get an overview of the data, and a rough idea of the different informants' opinions and where and on what they diverged. I had also shrunk and concentrated the data, enhancing its accessibility for analysis. I then searched for the most suitable discourse analytical tools to apply to my data. Many discourse analyses lack a clear description of methodological design and choices. This might be purposeful as discourse analysts view clear guidelines as too positivist (Gregory et al., 2009). I find this problematic for rigour and trans-

parency however. For the analysis to be systematic and thorough, with results that carry value, I therefore aimed to find guidelines that I could apply to the material in a systematic fashion, allowing my research process to be transparent to the reader. This is also important for critical reflexivity, as I cannot avoid completely bringing my own subjectivities into the analysis, my thought processes will invariably be influenced by culture, experience, what I have read and heard about before and so on. A detailed description of how I ended up with my results is as such necessary, for enhanced rigour, reflexivity and transparency.

After an extensive literature search I decided to rely on Dryzek's (2013) analysis of environmental discourses. His way of deconstructing discourses is to identify four elements that together make up a discourse. These are as previously mentioned a discourse's ontology, assumptions about natural relationships, agents and their motives and metaphors and other rhetorical devices. I found the identification of these elements in my data to be a practical way of doing a discourse analysis, making visible patterns and emphasising contrasts and similarities, leading to results that were not too abstract.

I therefore changed the categorisation of the data and tried instead to match my data with the elements in Dryzek's discourse analysis. I went back to the original transcripts and looked for these four elements. Based on this, I was able to identify similarities and contrasts and I tentatively grouped my data into three discourses, with relatively similar characteristics. I electronically cut and pasted parts and quotes from my transcripts into three different documents, one for each discourse. Through a colour coding system I knew which quote came from which informant, despite deconstructing the data and regrouping it according to the four above-mentioned elements. Below the heading of each element, I identified several sub-elements as I further sorted quotes and my own comments based on similarities. In the discourse I named Anthropocentric Developmentalist for example, I sorted the data according to assumptions about natural relationships as one of the four elements. Then I found that all the things articulated within this discourse pertaining to this category could be further sorted into more detailed preliminary categories, in this case 'humans first, then nature', 'Ecuador as small country in international system' and 'rights in conflict with each other'.

This deconstruction provided me with a thorough understanding and knowledge of my interview data. When analysing my deconstructed material, I realised that there were further similarities within each discourse across the different elements and sub-elements. I therefore present my discourse analysis according to the overarching features of each discourse. The elements of Dryzek's discourse analysis are therefore not visible in the final analysis,

which is presented in Chapter Five. They have rather been used as an instrument for deconstruction, providing an initial structure for the analysis.

### 3.4.4  Document Analysis

This process constitutes Adger *et.al.*'s (2001) first two steps of a discourse analysis: identifying discourses and analysing the actors that articulate them. It also comprises the relationship between text and discursive practice in the CDA framework, as I have analysed my interview transcripts as texts to identify the discursive practices. For a complete discourse analysis according to this framework, the relationship between discursive practice and social practice must also be analysed. I did this through identifying discourses in selected secondary data.

Based on my overarching research aim, I selected data on Ecuador's development model. I chose to analyse Ecuador's national development plan, secondary literature on the Yasuní-ITT Initiative of leaving the oil in the ground for international compensation, and economic indicators regarding oil production and export. This analysis can mostly be defined as a document analysis. When carrying out a document analysis, it is important to have a clearly defined analytical approach, and a manageable body of data (Silverman, 2010). As I searched for the same discourses that I had identified in my own data, the analytical approach provided itself. This part of the analysis was less exploratory, as I had already identified the discourses. I now detected features of the different discourses in these secondary sources of data, to find out in which areas and to what extent a social and political effect of the discourses could be detected. In the conclusion I compare this to the presented theories on development, and as such incorporate social theory and complete my discourse analysis according to the CDA.

## 3.5  Reliability, Validity and Transferability

The quality of qualitative research can be measured by its reliability, validity and transferability (Hay, 2010). For research with a positivist philosophy of science, reliability means that another researcher can do the same analysis and reach the same results. This cannot be applied to social constructionist qualitative research, as the subjectivities of the researcher are seen to influence the interpretations and concluding representations of social life. Reliability is therefore given another signification in social constructionist qualitative research. The reliability of the research is based on openness on how data is collected and analysed (Thagaard, 2009).

Validity depends on the conclusions, and whether they seem to be sensible, convincing, well-founded and warranted (Kvale & Brinkmann, 2010). This prevents total relativism in a constructionist study. Validity is reached through a high degree of reflexivity, which can demonstrate the researcher's questioning of her choice of theory and methods. This necessitates complete transparency on the process (Thagaard, 2009). I have emphasised how data is co-constructed between interviewer and interviewee, and I have reflected upon my own role in the data collection process. I have also been open about my analytical choices. I hope that this will render apparent how my subjectivities have influenced the process, maybe to an even larger extent than I realise myself.

Reliability and validity together constitute a research project's credibility (Thagaard, 2009). Together, they should ensure rigour at every step of the process, and allow for an external evaluation of the research project (Kvale & Brinkmann, 2010). The transferability of a social constructionist qualitative research project depends on the credibility of the explanations. Due to the limitations of the research material one should be careful about assuming that the results can be generalised. Transferability in qualitative analyses can however be achieved through developing explanations that balance the particular with the more abstract, so that useful theory is created that is neither too abstract nor too case-specific (Hay, 2010). This allows the interpretation to be relevant outside of the particular case. I have tried to achieve transferability by developing analytical categories of discourse, and seeing my case as a possible empirical example of alternatives to development.

## 3.6  Summary

In this chapter I have discussed my methodological choices. I have elaborated upon how I see my research as a possible case of alternative development, and the analytical process. A constructionist philosophy of science presupposes that an objective truth cannot be found in collected data. What can be studied however are conceptions and interpretation of reality, and their effects. My data collection method has been semi-structured interviews. Through this I have gained insights into how relevant actors frame and interpret the rights of nature and related concepts. I have aimed at a purposeful sample of informants comprised of relevant actors, but my sample is also a convenience sample with biases caused by limitations in the fieldwork. Every analytical step is influenced by my own subjectivities. This necessitates transparency and critical reflexivity. I have therefore presented a detailed description of the

data analysis, the specific discourse analytical tools I have applied, and how I have analysed some secondary data to gain an idea of the discourses' effects.

# 4 Planting Petroleum? The Contradictions of a Post-Neoliberal Government

This chapter provides a critical examination of Ecuador's development model and current political climate, for a contextual understanding of the ensuing analysis. I outline how the Latin American development model has been thoroughly dependent on natural resource extraction and export. With the elections of left-leaning presidents adhering to the so-called socialism of the twenty-first century, there was a general notion of learning from past mistakes, of improvement and transformation. Yet, their political projects have been dependent on a continuation, and even augmentation of natural resource extraction and export (Svampa, 2008). The terms of the national level has changed however, with a larger proportion of the revenues going to the state, with clear redistributive purposes. This tendency has therefore been named 'progressive neo-extractivism' (Gudynas, 2009b). Ecuador is a prime example. The Ecuadorian economy has consistently been over-dependent on one key commodity, and the economic and social effects make Ecuador a clear example of the resource curse. This has continued despite President Correa presenting his project as a new alternative. Extractivism has therefore been framed as something positive by the government, while civil society emphasise the detrimental effects. The influence of these opposing views is highly visible also in the discourses on the rights of nature.

## 4.1 Progressive Neo-Extractivism

Since Christopher Columbus first set foot on a Bahamian island in 1492, the Latin American economy has been characterised by natural resource extraction and export. The region's immense natural riches were subject to systematic pillaging by the European colonisers. When the Latin American countries gained their independence, they continued to be in a subordinate position in a neo-colonial world economy where the export of unprocessed commodities represented their main source of income (Galeano, 1979). Import substitution industrialisation policies to correct this position were attempted throughout the region in the second half of the 20th century, but neoliberal structural adjustment policies from the late 1980s brought the focus back on comparative advantage, and in the case of Latin American countries this was their abundance of natural resources.

At the end of the 20ᵗʰ century the pendulum shifted. Between 1999 and 2011 twenty-two presidential elections in Latin America were won by candidates from the left or centre-left, who distanced themselves from neoliberalism. There is much disparity among the different presidents, but this tendency has been tried defined by the umbrella-characterisations 'socialism of the twenty-first century' or the 'pink tide'. What these governments are seen to have in common is to increase state power, but in a democratic and inclusive manner, attempting to avoid mistakes from both neoliberalism and traditional socialism. Through the nationalisation of key industries and the control of natural resources they attempt to exert greater control within capitalist boundaries. The aim is that the revenues can benefit the whole population, and they therefore have clear redistributive objectives (Kennemore & Weeks, 2011).

Their election successes had their base in popular dissatisfaction with the consequences of structural adjustment policies. Financial deregulation, privatisation and a roll-back of the state had dire social consequences. Inequality and poverty measures increased across the region (Bull, 2013). The pink tide governments were able to capitalise on this frustration as they positioned themselves as anti-establishment, and as coming from the people (Kennemore & Weeks, 2011). As they promised to correct historic marginalisation and inequality through a much stronger public provision of welfare, especially in health, education and infrastructure, they also had the support of social movements, to a varying degree (Bull, 2013).

Despite their rhetoric of rupture and their attempts at transforming the state, these governments have continued to rely on export of natural resources to finance their political projects of an expanded state structure and greater social inclusion. This has coincided with a period of high commodity prices, due to sustained demand from particularly China, but also other emerging economies. As a result, resource extraction has actually augmented in countries considered as part of the socialism of the twenty-first century, particularly in the Andean region (Svampa, 2008). The presidents of this region have however renegotiated taxes and royalties with extractive industries so that a larger proportion goes to the state.

This tendency of continued, or even increased, resource dependency, but with a stronger state presence in the extractive industries, has been coined as 'progressive neo-extractivism' (Gudynas, 2009b). Acosta (2013, p. 62) defines extractivism as 'those activities which remove large quantities of natural resources that are not processed (or processed only to a limited degree), especially for export'. Gudynas (2009b) claims that despite the increased state involvement in extractive industries by the left-leaning governments in the region, commodity production continues to be the foundation of development for both neoliberal and

progressive governments. He therefore argues that countries with 21st century socialism governments remain in a subordinate position of commodity provision in the international market.

Accumulation by commodity exports is problematic for a country's development. Extractive industries are mostly enclave activities that do not have many linkages to the rest of the economy. It does not generate much employment, as most of the processing activities are done in other countries. Commodity-dependent economies are undiversified economies, and as commodities are victims to strong price fluctuations they render the economy vulnerable to external shocks and crashes. This complicates long-term budgetary planning and the country's possibilities to import industrialised goods (Gudynas, 2009b).

With few exceptions, resource-rich countries have not been able to use their natural endowments to ensure sustainable, society-wide development. In fact they often score remarkably low on development indicators. This fundamental illogicality has been named the 'resource curse'. The detrimental effects of the resource curse have been theorised to be caused by a variety of economic and political reasons, including an inflation of national currency (Dutch disease) and rent-seeking behaviour leading to poor allocation of resources (Mikesell, 1998). It has also been theorised that it erodes accountability and trust between governments and their citizens, as they do not need to rely on income through taxation, and that a volatile economy increases social unrest and political instability (Bebbington, 2012).

The traditional position on resource export by the political left has been that it leads to dependency, increased interference by foreign companies, and poor working conditions, leaving only a fraction of the wealth within the country. The continued reliance on traditional extractive industries of these self-proclaimed post-neoliberal governments, despite their having gained power due to the vote from people demanding change, has been named the Latin American paradox (Villalba, 2013). Progressive neo-extractivism has therefore necessitated a new framing of continued dependence on natural resource extraction. It is given social legitimacy as revenues are used to finance social programmes and infrastructure projects, and it is now portrayed by the political leadership as crucial to combating poverty. The environmental and social costs are generally downplayed (Gudynas, 2009b).

## 4.2 Extractivism in Ecuador

The development in Ecuador corresponds remarkably well with the progressive neo-extractivism thesis. It is the country with the strongest weight of primary products in its ex-

ports, totalling ninety per cent (Larrea, 2006). It has very fertile coastal and highland regions, in addition to its mega biodiverse Amazon region. The highlands have nutritious volcanic soil suitable for agricultural production, and in the coastal region there are huge exportation plantations, consisting mainly of cacao, coffee, palm nut and banana. Cacao was the first main export article, with exports soaring in the 19th century when Europeans and North Americans learned to sweeten it and make chocolate. The second export boom was caused by banana. In 1933 the US-owned United Fruit Company bought an abandoned cacao plantation and began planting banana, and they thrived in the Ecuadorian coastal soil. Banana export took off in 1947, and as a result the national economy grew by an average of 5.3 per cent per year for the next decade. This surge ended as Central American banana producing countries recovered from a plant disease, and the world market stabilised (Gerlach, 2003).

The next boom was caused by oil discovery in the Amazon region. Oil was first discovered in Ecuador in 1967 by the North-American consortium Texaco-Gulf. In 1972 full-scale production commenced, and Ecuador started exporting crude oil. Its importance as an export was quickly unsurpassable. Between 1987 and 1996 oil revenues constituted forty-five per cent of the state's income, between 1997 and 2003 this was thirty-three per cent (Larrea, 2006). Until the beginning of the 1990s, approximately eighty per cent of revenues from oil extraction in the country went to the state. As a result, the state was able to carry out extensive import substitution industrialisation policies and agricultural modernisation measures, investing in capital-intensive technology. The expansion of the public sector had clear effects on aggregate development measures. Illiteracy and infant mortality rates decreased, and life expectancy rates and education rates increased. Despite very positive effects on human development, these structural transformations mostly favoured the formal urban sector, and there was a limited redistribution of income (Larrea, 2006).

The environmental effects of oil extraction in the Ecuadorian Amazon have been immense. According to the NGO Amazon Watch, Texaco dumped close to 70 billion litres of toxic wastewater into rivers and streams, upon which local populations directly depend for drinking, cooking, bathing and fishing. A group of plaintiffs consisting of 30 000 indigenous and local peasants sued the company in 1993, arguing that these discharges have led to high rates of cancer, miscarriages, birth defects and other illnesses (Amazon Watch, no date). The case has been long and cumbersome, with multiple lawsuits in different countries. The company, which was bought by Chevron in 2001, was finally ordered to pay a fine of USD 9.5 billion in 2011, but the case is still not completely closed.

Ecuador can be seen as a prime example of the resource curse. It has throughout its modern history consistently been overdependent on the export of one natural resource, with detrimental economic, environmental and social effects. Oil gained the same role in Ecuador's economy as banana and cacao before it, and continued its vulnerability to price fluctuations (Gerlach, 2003). Oil prices dropped in the 1980s, remaining low until 1999. Ecuador became thoroughly dependent on foreign loans, with increasingly high interest rates, and was subject to several recessions with soaring inflation. In addition the climatic phenomenon *El Niño* had particularly strong effects in 1983, damaging crops, houses and roads. In 1987 an earthquake caused huge social and economic damages. The international financial institutions continued to provide loans to Ecuador, but with conditions of slimming the state and liberalising the economy. Public services were cut, prices rose, and poverty rates grew steadily. In 1975 forty-seven per cent of the population lived below the poverty line, in 1995 this had increased to sixty-seven per cent (Gerlach, 2003).

## 4.3   The Political Project of Rafael Correa

Social unrest, protests and strikes were prevalent throughout this period. In the twenty years prior to the ascension of Rafael Correa the country had nine presidents, three of whom were overthrown by public pressure and mass demonstrations. Ecuador was characterised by extreme distrust towards traditional political parties and politicians in general. When Correa ran for president for the first time in 2005, he was able to capitalise on both the frustration with the social consequences of neoliberal adjustments, and the extreme distrust towards political leaders. He was a relatively blank sheet, having only served as Minister of Finance for a few months, where he was noticed for his strong criticism of neoliberalism, and for his charisma. He is foreign-educated, with a Ph.D. in economics. His limited political experience and his outsider status was an advantage in this political climate, as he was seen as untainted by party politics. Derogatively called the *partidocracia,* the traditional parties were seen to be elitist, clientelistic and corrupt.

This notion of representing a new alternative was enhanced by Correa running for president as the leader of a broad alliance, not a party. His *Alianza PAÍS* (country alliance, and the acronym for 'proud and sovereign fatherland' in Spanish) was hatched by a small group of intellectuals and technocrats personally close to Correa, but initially included many voices, both environmentalists, indigenous and participatory and centralist and developmen-

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talist (Novo, 2014). His anti-systemic platform helped him win his first presidential election in 2006. He went on to win the next election in 2009, and the following one in 2013.

Commenting on his first victory, he stated that it was not just another election, 'but a true historical change, a new history has begun, a new homeland has begun' (Correa 2006, quoted in Conaghan, 2011, p. 260). The political project of Correa and his alliance was named the Citizens' Revolution. Andrade and Hopp (2015, p. 92) defines this as 'a state-run programme of rapid economic change under a socio-political process of transformation'. It emphasises individual social rights, and includes high public spending on social programmes, infrastructure and education. Overall public investment as a percentage of GDP rose from five to fourteen per cent from 2006-2009, and the increased social spending was especially noticeable in the public health sector (Conaghan, 2011). The welfare policies of the Correa administration have had clear effects, as visible in the sharp decrease of the percentage of the population living below the national poverty lines (Figure 4.1).
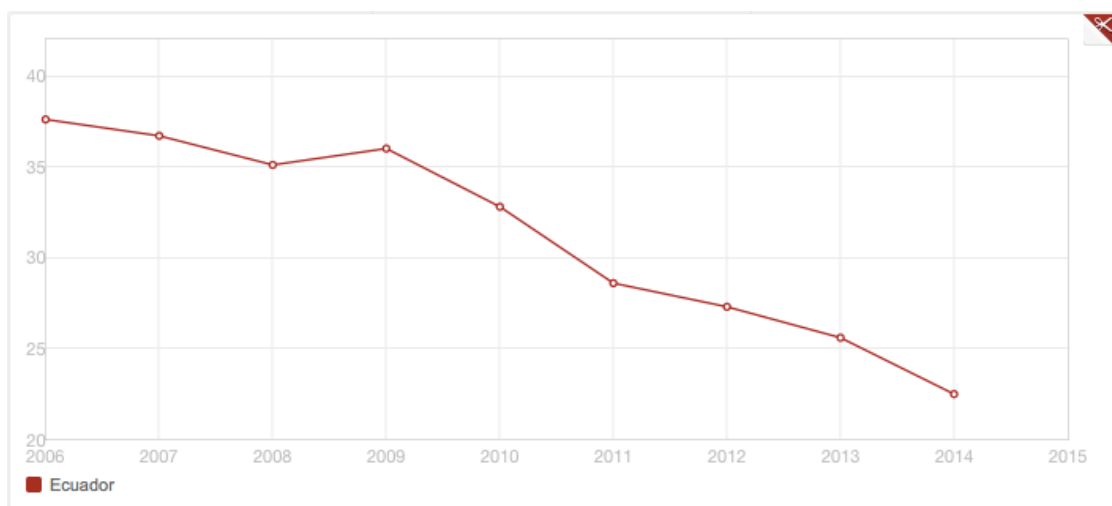


Figure 4.1: Poverty headcount ratio at national poverty lines (% of population). Reprinted from *Data: Ecuador* by The World Bank, 2016. Copyright 2016 The World Bank Group.

When Correa assumed power in 2007, oil prices were more than a hundred US dollars a barrel, leading to an increase in state revenues by more than two hundred per cent. He therefore had 'fiscal freedom' to execute his citizens' revolution (Conaghan, 2011, p. 275). Public investment has become the driving force of the economy, derived from revenues from resource extraction, but also increasingly minerals. The state-centric economic model, and its redistributive and social policies, is as such very dependent on continued extraction (Conaghan, 2011).

Despite the government's revolutionary left-leaning rhetoric and the changes in how the revenues are managed and applied, Ecuador's development model therefore continues its

vulnerable position of dependence on the world market. This is just what Gudynas (2009b) argues with his 'progressive neo-extractivist' label. This is contradictory in several manners. It is contradictory to the detrimental economic and social effects of resource dependency that unleashed the waves of popular dissatisfaction that Correa rode to power. It is contradictory to the traditional position of the political left against reliance on commodity exports. It is contradictory to Correa's rhetoric of new beginnings and revolutions. The last great contradiction is the augmentation of natural resource extraction in the first country in the world that endowed nature with rights to maintenance of its life cycles.

These contradictions have necessitated new ways of framing and talking about natural resource extraction and export. This is apparent in Ecuador's national development plan, where they talk about 'planting petroleum', and to 'use the extraction of raw materials in order to stop the extraction of raw materials' (Senplades, 2013a, p. 49). What these highly contradictory mottos imply is that the government is planning a long-term structural change to a post-petroleum society that they name the knowledge society or knowledge economy. The process of transforming the economy from one based on commodity export to one based on service exports from an educated population is called the 'change of the production structure', a diversification of the economy towards a greater share of value-adding industrial and service outputs (Senplades, 2013b).

This requires huge investments however, *inter alia* in the education system, and for this reason the government sees no current alternative to extraction. Humphreys Bebbington and Bebbington (2012) argue that what the recent Andean experience demonstrates is a path dependency created by the historical importance and economic weight of extractive industries. They have been the main source of state revenue, and due to this history of dependence there are few other opportunities for revenues of a similar size in the short and medium-term. In a positive feedback cycle they continue to be the most attractive investment alternative. Moreover, they can provide income that is easier to control and tax than smaller-scale economic activities, of which a significant proportion is found outside of the formal sector.

## 4.4 Deteriorating Relationship Between Government and Civil Society

The current Ecuadorian government argues that continued resource extraction is necessary to achieve their version of *buen vivir*. The indigenous understanding of *buen vivir* contains a more localised vision of a community in a constant state of equilibrium and regeneration, and

the community is moreover perceived as a co-existence between humans and also non-human beings. Large-scale natural resource extraction is therefore seen as an impediment to *buen vivir*. Moore and Velásquez (2012) argue that the scalar logic of the neo-extractivist governments will undermine affected local communities, as the national will be prioritised over the local. It is civil society that has to emphasise the negative social and environmental effects that are found locally, often without any direct economic benefits. They have to find ways to have their case heard outside of official political structures.

Ecuadorian civil society has long traditions of national uprising and protests. This applies particularly to the indigenous movement, which is through the national indigenous confederation, CONAIE, generally regarded as the best organised indigenous movement in Latin America. CONAIE has united both highland and Amazonian indigenous group, and through it they speak in a collective voice. As CONAIE has demonstrated great organisational capacity, and can claim that it represents all indigenous people in the country, it has previously had negotiation power with the state (Yashar, 2005). There have been several political causes for their collective action, but large-scale extractive projects is one of them.

Correa has rejected this type of vetoing through collective action, as he sees it as special interests groups trying to impose their own agenda through undemocratic means. The President assumes that it is the state that is best able to represent the interests of society as a whole, and his development model is highly centralised and state-centric (de la Torre, 2013). He therefore sees civil society organisations, be they indigenous or environmental, as representing special interests, and as an obstacle to his revolution (Conaghan, 2011). Correa's style of addressing his political opponents is straightforward and aggressive, and he has named what he calls a coalition of infantile environmentalists, leftists and indigenists the worst danger for Ecuadorian development (de la Cadena, 2010). He has also stated that he will not let environmental and indigenous groups allow Ecuador to become 'beggars sitting on a sack of gold' (Conaghan, 2011, p. 279). This confrontational rhetoric demonstrates how Correa's political project has an indispensable need for resource revenues, which has led the government to reject civil society protests against extractive projects.

## 4.5 Contradictory Context

This contextualisation of the current political climate in Ecuador highlights clear contradictions in rhetoric. As one of the self-proclaimed post-neoliberal and socialist presidents in Latin America, Rafael Correa gained power through positioning himself as a progressive

alternative that would carry out revolutionary measures to improve the Ecuadorian society. His rhetoric promises substantive changes, influenced by an indigenous worldview. Through his citizens' revolution, Ecuador will reach *buen vivir*, and universal well-being. Everything in the government's rhetoric points towards something new and transformative.

It is a contradiction therefore, that his political project has increased Ecuador's historic reliance on revenues from natural resource extraction. This is completely in-line with Gudynas (2009b) thesis on progressive neo-extractivism. He argues that this has necessitated a new way of talking about extraction, framing it as something positive. This is apparent in the Ecuadorian government's discursive innovations, such as the idea of 'planting petroleum'. Civil society has reacted to this paradoxical rhetoric, as they emphasise the negative sides to extractivism. This contradiction provides context to the order of discourse of the rights of nature, which involves the same actors and articulations, and contains some of the same antagonism. The discourses on the rights of nature are simply a more condensed order of discourse within a larger order of discourse on development and environment in Ecuador.

# 5 The Different Discourses

I have previously argued that the 2008 Constitution of Ecuador provided a partial incorporation of an ancestral and indigenous worldview in the country's political and legal system. This opened up space for a new order of discourse where discourses struggle over the power of definition of the rights of nature, and subsequent influence on the premises for the country's development model. An answer to my research aim can therefore be provided by carrying out a discourse analysis, shedding light on which discourses exist and how they frame the rights of nature (this chapter), and their influence on Ecuador's development (Chapter Six).

Through applying Dryzek's method for environmental discourse analyses on my data, I have identified three discourses. These I name Ecosocialist, Transformative and Anthropocentric Developmentalist. To identify the discourses I have focused on similarities within them, and differences between them. Such an analysis will necessarily be a simplification, sacrificing individual differences and details. Discourses have a likening to ideal types, characteristics are highlighted but they will not be found in a completely pure form in reality. Some of my informants employ a hybrid discourse, mixing characteristics from the Ecosocialist and Transformative Discourse, and the Transformative and Anthropocentric Discourse. It is also important to state that the following is my representation of the issue, based on my interpretation, which cannot be completely free from my own subjectivities.

In this chapter I use a number of quotes to demonstrate the main characterisations of each discourse. These I have translated into English, trying to stay as close to the original as possible. As my data stems from oral interviews and Spanish is a baroque language, some sentences are long and cumbersome. In line with a social constructionist philosophy of science even a translation is not seen as a purely mechanical process, it has an interpretive component and functions as a representation. To maintain a high level of transparency and allowing for a plurality of voices and meanings I have therefore included the original quote in Spanish in italics. I start each section with an overall presentation of the discourse and the actors that voice it, before discussing its specific features.

# 5.1 The Ecosocialist Discourse

'Capitalism, trying to respect Mother Earth? Forget it.'

–Dr. Luis Fernando Sarango, interview 05.08.2015

I have named one of the discourses Ecosocialist. The informants that I see as representing this discourse are from the indigenous movement, and environmental NGOs sympathetic to their cause. I am aware that ecosocialism is an already established political ideology that sees capitalism as the root cause of environmental problems, and a dismantling of the economic system and a return to common property as a solution to these (Kovel & Lowy, 2001). The discourse as I identify it in my data has a few more components. It is not just capitalism, but also its ontological foundation in Western modernity, that is seen as the main culprit for continued environmental degradation. Since its main feature is anti-capitalism I nonetheless choose to define it as ecosocialist.

The solution to an environmental and societal crisis caused by capitalist exploitation of nature is portrayed as a return to a community existence based on indigenous ontologies understanding nature as an interconnected whole, where everything is interrelated and interdependent. This discourse therefore mixes a more mainstream critique of capitalism with a positive view of traditional, indigenous ways of life. It is within this discourse that the differing ontologies are most evident in plain language: as clearly stated by some informants it is the dualist ontology separating man and nature, rendering nature as an exploitable object, that has led to the environmental problems we see today.

Within this discourse oil extraction is seen as necessary for the time being. Ecuador is framed as a small developing country operating within the framework of a capitalist international economy, leaving its government with little agency to change its revenue-generating activities from export of primary products. This is contradicted by the fact that these actors also argue that Ecuador should aim for a diversification of its economy while not increasing the extractive frontier. The state's policies are seen as purely capitalist, and it is clear that the actors articulating this discourse see the government's use of indigenous concepts as co-optation, whereby the concepts have lost their original, and right, meaning. Below I will elaborate on the three main components of this discourse.

### 5.1.1 Mother Earth as an Interconnected Whole

It is within this discourse that it is most apparent that some of my informants have a different ontology. Everything that makes up nature, including plants, rivers, winds, soil and so on, is seen as live beings, and several informants stated that nature should have rights simply because it is alive, the same way we are. This is articulated for example by environmental activist Luis Yanza (interview, 01.09.2015) who argues that nature consists of 'elements that also have life, like human beings. […] And if these elements have life, why should we deny them rights, just like us human beings have life' (*son elementos que también tienen vida, como seres humanos. […]Y si estos elementos tienen vida, por qué se les debe negar a ellos los derechos, así como los seres humano tenemos derechos*). The same point is made by indigenous academic Dr. Luis Fernando Sarango (interview, 05.08.2015), who states that '[nature] as seen from capitalism, seen from a Western paradigm, is an inert being. But for us it is not an inert being, it is a living being. Because it has movement, it has energy' (*Visto desde el capitalismo, visto desde el paradigma occidental, es un ser inerte. Pero para nosotros no es un ser inerte, es un ser vivo. Porque tiene movimiento, tiene energía*.)

The arguments for the rights of nature are therefore not complicated, but straightforward and immediate, providing nature with rights is almost seen as obvious. This stems from an ontological standpoint of nature being an interconnected whole where the different components are seen as equal and all of importance. Indigenous activist Agustin Cachi Puendo (interview, 25.08.2015) argues that 'if there is no respect for the earth, there is no production' (*Si no hay repesto a la tierra, no hay producción*). He goes on to say that respect for the Earth, the *Pachamama,* the environment and nature is maintained by them, i.e. the indigenous population, with the reasoning that 'we coexist with them, and so did our ancestors' (*[C]on ellos nosotros convivimos y convivían nuestros ancestros).*

These quotes clearly show the interdependent relationship of respect that they have with nature. For some this goes even further, to include a spiritual or religious component. Sarango (interview, 05.08.2015) told me that 'the human being is part of nature. We are energy that is alive at this moment, but when we die we go back to being energy again' (*El ser humano es parte de la naturaleza. Nosotros somos energía vivente en este momento, pero cuando morimos pasamos nuevamente a ser energía*). For some, nature is home to spirits. Puendo (interview 25.08.2015) states that nature should be protected because 'there are spirits there' (*ahí hay espírutus)*, and that God is not in heaven, God is right here in our surroundings.

### 5.1.2 The Rights of Nature as Anti-Capitalist

The Ecosocialist discourse takes for granted that an indigenous ontology based on respect and a relational relationship with nature leads to harmony and balance. It logically follows that environmental problems stem from the dualist modern ontology where humans and nature are separated and seen as opposite, allowing man to exploit nature. This is argued by Sarango (interview, 05.08.2015), who tells the story that 'It turns out that the paradigm of Western civilisation many years ago, thousands of years ago separated, disconnected totally from nature. To choose itself as the centre of the world […] So they transformed nature into an object' (*Resulta que el paradigma civilizatorio occidental desde hace muchos años, miles de años atrás se separó, se desvinculó totalmente de la naturaleza. Para elegirse como el centro del mundo digamos [....] Entonces le transforman la naturaleza a un objeto).* The same informant goes on to exclaim that 'Capitalism, trying to respect Mother Earth? Forget it. How can it respect it? Because everyone is struggling to survive' (*Un capitalismo, intentar respetar a la madre tierra? Olvidese. Cómo va a respetar? Porque cada uno está luchando para sobrevivir*).

This dualist ontology and the capitalist representation of nature as resources for human use are taken to be the overarching problem. Therefore, the rights of nature is more than just environmental legislation, it presupposes more systemic changes. Indigenous leader and politician Humberto Cholango (interview, 25.08.2015) argued in our interview that 'obviously this concept is not just an ecological concept, it is not a concept to think about the defence of the Mother Earth and nothing more, but it is a concept of struggle against capitalism, struggle against the neoliberal model, that preys on and impoverishes the societies of the world' (*Obviamente este concepto no es un concepto simplemente ecológico, no es un concepto por pensar en defensa de la madre tierra nada más, sino es un concepto de lucha contra el capitalismo, de lucha contra el modelo neoliberal, que depreda que empobrece a las sociedades del mundo*).

The state is seen as inherently capitalist, regardless of the political inclinations of the government. Sarango (interview, 05.08.2015) also says that 'terrible of course, all the rulers, including those from the left, because they have a Western civilizational model, also those from the left' (*Terribles claro, los gobernantes todos, inclusive los de la izquierda, porque tienen una matriz civilizatoria occidental también los de la izquierda*). He also argues that

despite a left-leaning government with a new development model, development continues to be capitalist and neoliberalist.

## Co-option of Indigenous Concepts

I also interpret what several informants say as claims that the state co-opts indigenous concepts. Sarango (interview, 05.08.2015) argues that 'they take an age-old indigenous concept, but for electoral interests. [Correa] is interested in speaking pretty'. (*Cogen un concepto milenario de los pueblos indígenas, pero por intereses electorales. Para el le interesa hablar bonito.)* Puendo (interview, 25.08.2015) agrees by saying that 'I think the state still does not understand the logic of our worldview. Our worldview is completely round […] everything is connected' (*[E]l estado creo que todavía no entiende la lógica de nuestra cosmovisón. Nuestra cosmovisión es toda redonda [...] Todo se conecta*). Cholango (interview, 25.08.2015) states that 'everyone is talking about *la Pachamama*, everyone is talking about Mother Earth, despite them not knowing the real concept right?' (*[T]odo el mundo habla de la Pachamama, todo el mundo habla de la madre tierra, aunque no sepa su concepto real no?*) Yanza (interview, 01.09.2015) echoes this by saying that the rights of nature do not mean 'simply saying *Pachamama* is now a mother from nature and nothing more, what use is it to us if we cannot take care of nature in practice?' (*simplemente decir Pachamama ya es una madre de la naturaleza ya nada más, o sea ¿de qué nos sirve si nosotros no podemos a la practica de cuidar a la naturaleza?*). One informant even goes as far as saying that the Constitution is a 'collection of poems' (*un poemario*) (Sarango, interview, 05.08.2015). It says many beautiful things, but these things are only on paper.

Despite the disappointment at the state's understanding of indigenous concepts, there is agreement between the actors employing the Ecosocialist Discourse that it is an important step forward to include the rights of nature in the Constitution, but that there are great contradictions in the application of these rights. It is argued that the state itself breaks its own rules, and this is contrasted to the international goodwill the President has received for representing the first government in the world to provide nature with intrinsic rights. The lack of implementation and uncertainty of what the rights of nature mean in practical political terms are criticised.

## Oil Extraction Necessary for a Dependent Country

As Ecuador plays by the logic of an international capitalist economy, oil extraction is understood as necessary at the moment, but unwanted in the long term. Extractive activity should

be strictly regulated, and the extractive frontiers should not be expanded. There should also be a clear aim of diversifying the economy. The articulators of the ecosocialist discourse understand that this is challenging however. Martinez (interview, 12.08.2015) explains that 'it is hard, because we are in a globalised model, in a hegemonic economic system, and it is very difficult to change a model within a country, a country as small as Ecuador, when it is within a superior model, which forces it to apply this model' (*Es duro, porque estamos dentro de un modelo globalizado, dentro de un sistema económico hegemónico, y es muy difícil que se pueda cambiar dentro de un país, tan pequeño como el Ecuador, cambiar un modelo, cuando está dentro de un modelo superior, que le enforza aplicar ese modelo*).

Nonetheless, the informants articulating this discourse emphasise the detrimental effects and the suffering that oil extraction has led to for the communities closest to extractive activities. Yanza (interview, 01.09.2015) argues that 'for those of us who live there […] there is no *buen vivir*' (*para nosotros que vivimos allí [...] no hay ningún buen vivir*), saying that he does not see any development domestically. He goes on to argue that the state's idea of *buen vivir* include great infrastructure projects in the rainforest, and that it is therefore a colonialist vision, a vision of development seen from capitalism, i.e. the concept of *buen vivir* is co-opted.

It is also pointed out that Ecuador is an underdeveloped country; 'a dependent country, and now we are more in debt than ever, and therefore they have to find a way to have the money to pay these debts' (*un país dependiente, que ahora estamos más endeudados que nunca, entonces tienen que buscar la forma para como tener el dinero para pagar esas deudas*) (Sarango, interview 05.08.2015). Categorising their country as underdeveloped functions as an explanatory factor for its oil dependency. The Ecosocialist discourse is critical towards the state, but it also sees the state's agency for substantial changes to the economic system as limited by the international economy. Their view on the state is therefore highly contradictory, providing an interesting tension within the discourse.

Ecuador is represented as dependent in two ways: as an underdeveloped and indebted country in a subject position to richer, developed countries, and as a result from this: dependent on oil extraction. This is in line with dependency theory, here Ecuador is represented as a 'periphery' country dependent on 'core' countries buying their commodities. According to proponents of dependency theory the solution to perpetual underdevelopment is to look inwards and nurture national industry, through import substitution industrialisation (ISI). This is not a factor in the Ecosocialist Discourse. Its articulators might be inspired by dependency

theory but they do not discuss industrial policies, solutions are instead provided on a more overarching level as a transformed relation between humans and nature.

### 5.1.3 The Rights of Nature as an Instrument for Continuous Struggle

The metaphor of 'struggle' or 'to fight' (*lucha/luchar*) is repeated numerous times within this discourse. It is used to describe the foundation for the rights of nature, Sarango (interview, 05.08.2015) explains that 'we the indigenous peoples have for many years tried to fight for respect for nature. As a matter basically of life. A matter of philosophy' (*Los pueblos indígenas desde hace muhos años atrás tratamos de luchar para que se respete la naturaleza. Por una cuestión básicamente de vida. Una cuestión filosófica*). The same metaphor is also evoked to interpret the process leading up to the incorporation of the rights of nature in the Constitution, portrayed by Yanza (interview, 01.09.2015) as 'the result of a long process of struggle from the indigenous organisations and nationalities, as well as a large sector of Ecuador's civil society' (*el resultado de un largo proceso de lucha de las organizaciones y las nacionalidades indígenas, como también de un gran sector de la sociedad civil de Ecuador*). Both of these quotes emphasise the role of indigenous groups' agency as a root cause for the existence of the constitutional rights of nature.

Several informants emphasise their own agency, or that of the organisation or institution they represent. In this case, the rights of nature are represented as a culmination of indigenous struggle and their identity politics. They see the separation of man and nature as originating from colonialism, and their struggle for recognition that they are a different people with different worldviews as directly related to the incorporation of the rights of nature in the 2008 Constitution. A sense of continuity is therefore apparent, underpinning the notion that a return to the original societal organisation of indigenous nationalities is a solution to environmental crises today.

The fact that the rights of nature are now a part of the Constitution is also represented as an 'inspiration or instrument for Ecuadorians to struggle for these rights to be respected' (*una inspiración o instrumento para que los ecuatorianos se pueda luchar para que se respeten esos derechos*) (Yanza, interview 01.09.2015). Informants say that there is a great deal of resistance to extractive activities in Ecuador today, and that the rights of nature should be deployed by everyone opposing extractive projects. This is summed up poignantly by Sarango (interview, 05.08.2015) who states that 'we are using the rights of the Mother Earth even just to shout' (*el derecho de la madre naturaleza lo estamos usando aunque sea para gritar*).

The rights of nature are not only seen as applicable in the struggle against concrete projects, but also against capitalism and neoliberalism in general, as discussed in more detail above.

Another struggle mentioned a lot is the endeavour to raise awareness. Although articulators of the Ecosocialist Discourse place a lot of blame on a state maintaining a capitalist notion of development, they also argue that change has to be pushed from the bottom-up, and a societal transformation needs to take place starting from attitudes changes in the population. They emphasise the need to educate and make people understand the importance of taking care of nature, aiming for a more harmonious co-existence with it, instead of a consumerist lifestyle accumulating material goods. Repeatedly, this is seen as a process that will take years, and it is hoped that providing nature with rights is something that will have an effect, but in the medium and long term.

A very illustrative metaphor is that of switching mind set, which also appears in the Transformative Discourse. In Spanish my informants talked about '*cambiar el chip*' more literally to change the hard drive. In the Ecosocialist Discourse it is argued that a new mind set is needed, people need to move away from the idea that the good life is a consumerist lifestyle in the city, to a new way of thinking that highlights the benefits of living in a community where there is no excessive wealth or poverty, but where everyone has enough. Sarango (interview, 05.08.2015) concludes that it is necessary to 'go back to our elders, and what they have told us. To understand that we are part of nature. We need to try to co-exist with her, with nature' (*Volver a nuestro mayores, y lo que nos han dicho. Entender que somos parte de la naturaleza. Tenemos que tratar de convivir con ella, con la naturaleza.*).

## 5.2   The Transformative Discourse

'To start talking about nature not as a thing, but as a subject, is a very strong change'

– Esperanza Martinez, interview, 12.08.2015

The second discourse I have named Transformative. The informants I have grouped within this discourse are mostly from the non-profit and academic sector. They express the idea that the rights of nature can represent the first step from an anthropocentric way of organising our societies towards a more biocentric co-existence with nature. They also have a more international outlook, using particularly climate change as an argument why our current way of existing on a global level needs to change, and how the rights of nature can contribute in this direction. They use strong rhetorical devices such as likening the provision of rights to nature

to that of giving rights to African-American slaves, and talking about how we are at a revolutionary point in history.

The articulators of the Transformative Discourse lament the lack of implementation of the rights of nature by the government, but highlight that the rights of nature have had a greater impact socially, on a cognitive level. This argument is also found to a certain extent in the Ecosocialist Discourse, but is argued even stronger here. Another similarity is the argumentation why nature deserves rights, the Transformative Discourse also includes the equation that nature consists of living entities, and that all life deserves rights. I find some differences in how these points are articulated however. The informants belonging to this discourse seem to reflect on the relationships between humans and nature from a more intellectual standpoint, with inspiration from indigenous worldviews. They elaborate on the legal and political sides to the rights of nature. Below I discuss four overarching characteristics of the transformative discourse.

### 5.2.1  All Living Elements as Deserving Rights

When asked about why nature should have rights, the argumentation is similar to that found in the Ecosocialist discourse. Essentially, the elements of nature have life, and therefore they should be respected, their wellbeing matters, and they deserve rights that can protect them. Patricio Benalcazar, associate on human rights and the rights of nature at the Office of the Ombudsman (interview, 08.09.2015) states that 'nature is the expression of life on Earth' (*La naturaleza es la expression de la vida en la tierra*). Alberto Acosta, former President of the Constituent Assembly (interview, 20.08.2015) argues that the Earth is a live being, and as such simply states that it has rights. It is an ethical question.

Although the argument in itself is the same as what is found in the Ecosocialist Discourse, it is framed slightly differently. The informants have carried out an ethical deliberation and come to the conclusion that certain aspects of an indigenous worldview make sense, also when linked to what modern science knows about ecosystems and interdependence. Their standpoints are more intellectual than spiritual. This is not surprising given that in this discourse I do not identify any indigenous actors, the informants that I group together here are intellectual mestizos, from the city.

While trying to emphasise how nature is a whole encompassing many live elements, I find that some of my informants are unable to escape the dualist ontology of Western modernism of which they are a part, still seeing nature as something other than, and outside

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of, themselves. Benalcazar (interview, 08.09.2015) continues his argument by saying that Earth 'is a being that allows, if there is a harmonious relationship with it, the life of others' (*[E]s un ser que permite, si hay una relación armónica con él, la vida de los otros.*) Acosta (interview, 20.08.2015) argues that 'we cannot live without nature. Nature can continue to exist without humans' (*No podemos vivir sin la naturaleza. La naturaleza puede seguir existiendo sin seres humanos*).

They are aware of their own identities however. Law professor Dr. Ramiro Àvila (interview, 07.08.2015) says that 'I do not have spiritual ties to the Earth […] but let us say that I have a relationship of respect' (*Yo no tengo vínculos espirituales con la tierra [...] pero si digamos tengo una relación con respeto*). He argues that the rights of nature therefore are not necessarily linked to an indigenous worldview. Dania Quirola, former advisor to the Presidency of the Constituent Assembly (interview, 08.09.2015) insists that the importance of the rights of nature is that they recognise a relational system within a biosphere, and that the spiritual side of it is less important, saying that we can call this biosphere "*la Pachamama*, Mother Earth or just the third planet from the sun." (*[L]e podemos llamar Pachamama, Madre Tierra o simplemente tercer planeta del sol.*)

## 5.2.2 The Rights of Nature as a Transformative Solution

A characteristic of this discourse is that the rights of nature and what they might imply is placed within an international context, where the global community is at a point where we have to change our ways radically, if not by will then by force due to looming environmental threats. Informants repeat that we are at a dramatic point, a threshold or a limit. This implies that major transformations need to occur, and that there is no time to lose. Law professor and environmental activist Mario Melo (interview, 07.08.2015) expresses that 'we are now at a radical point, of no return' (*ya estamos en un punto radical, de no vuelta*). He goes on to say that it is an 'immediate imperative' (*imperativo inmediato*), to change our ways and start to understand wellbeing as high levels of harmony between individuals and communities, nationalities and nations, instead of pursuing economic growth from unsustainable activities and increased purchasing power.

The rights of nature can be the instrument for this change; environmental lawyer Patricio Hernandez (interview, 11.08.2015) states that now that nature is a subject, we have an obligation to relate to it in a different way. He goes as far as to argue that the rights of nature can mean a 'civilizational change' (*cambio civilizatorio*), as the existence of the rights of

nature means to exit an anthropocentric framework where the human being is the centre and recipient of everything, and move on to a biocentric system where what is important is life itself. Ávila (interview, 07.08.16) chimes in with this, stating that 'it does not matter whether this is the life of a snake, of a forest, a river, the Earth itself or the human being' (*no importa si la vida es de una serpiente, de un bosque o de un río o de la tierra misma, o del ser humano*). He recognises that this is complicated, and that the majority of Ecuadorians have not come to this realisation yet.

The international situation of an impending climate crisis is used as an argument why people will need to think about nature differently, more aligned with the idea of it as a right-bearing entity. Hernandez (interview, 11.08.2015) argues that 'it is enough to realise what is going on right now in the international environment, the problems with climate change and the rest to see that we are at the limit, right?' (*basta darse cuenta de lo que está pasando ahora mismo en el ambiente internacional, los problemas que hay de cambios climáticos y lo demás para ver que estamos en el borde, no?*). Ávila (interview, 07.08.16) talks about the rights of nature in the context of climate change and says that 'it will be because we decide to, or by force, but we will have to respect nature' *([V]a a ser porque decidimos, o a la fuerza, nos va a tocar digamos, respetar a la naturaleza)*. Benalcazar (interview, 08.09.2015) goes on to say that 'I do not think much time will have to pass before a planetary consciousness will be adapted regarding that what surrounds us is more than things, more than simple resources' (*Yo pienso que no creo que tenga que pasar mucho tiempo para que se tome una conciencia planetaria respeto a que digamos, es más que cosas lo que está al alrededor, es más que objetos, más que simple recursos naturales*).

This transformative and visionary interpretation of the rights of nature culminates in the most prevalent metaphors in this discourse. It is repeated that every conquest of rights is a difficult process, and a development that previously would have been unthinkable. My informants mention the provision of rights to women, slaves and indigenous peoples as examples. This analogy has several aspects, it is also argued that the relationship between humans and nature is similar to the relationship in the Nineteenth Century between the white man and the African-American, and that extractive activities can be compared to slavery, because nature is considered as an object, which is exploited (Ávila, interview 07.08.2015).

In addition to likening the rights of nature to the abolition of slavery, the sense that this is an historic moment is further accentuated by Hernandez (interview, 11.08.2015) as he argues that because we are at a moment in time where something has to change, we are at a point similar to the period of the American and the French revolution, we are at a breaking

point where something has to happen. The rights of nature is a step forward in a more biocentric direction, he argues that they signal 'this is where we have to go' (*por acá hay que ir*) and that they make you mobilise. Interestingly, Hernandez (interview, 11.08.2015) also likens the provision of rights to nature as a switch in mind set (*cambio de chip*) and that they represent a 'step within a conflictual process of civilisation' (*paso dentro de un proceso conflictorio de la civilización*). He cautions that despite the revolutionary potential of the rights of nature there are always steps backwards as well.

### 5.2.3 Varying Effects of a Contradictory Constitution

When describing the process leading up to the incorporation of the rights of nature in the Constitution, several informants call it a 'unique conjuncture' (*una coyuntura única*). It was a quick, hopeful process, and it is argued that it would be very difficult to repeat the process; the political climate is now a much less open to new proposals. Articulators of the Transformative Discourse highlight the participation of civil society, and how they had worked for years to put environmental issues on the political agenda. The Constituent Assembly provided an exceptionally receptive environment for new ideas and proposals. A result is that the Constitution has many contradictions. Ávila (interview, 07.08.2015) describes it as 'a bit schizophrenic' (*un poco escisofrenica)*, and argues that this reflects the complexity of the myriad of actors that were present at the Constituent Assembly, and domestic politics. The contradictory nature of the Constitution is very apparent in its treatment of nature, in one part it is conceived as natural resources, in another part it is a subject of rights. This is not necessarily a bad thing in itself, and it represents a political reality.

The informants that I place in the Transformative Discourse regret the fact that they do not see the environmental issues as high on the political agenda of the country today. The case of the Yasuní-ITT Initiative, which I will discuss further in the next chapter, is a point of reference, seen as a turning point for my informants. Up until the point where the President allowed for oil extraction in the national park there was a favourable political environment for the rights of nature, but this is no longer the case. My informants argue that this oil exploitation in a protected area clearly compromises the rights of nature, and when the President then allowed for this, he chose to misunderstand the rights of nature to reduce their complexity. He started attacking and ridiculing the rights of nature for equalling the life of a butterfly or a tree to that of a human. In reality, my informants argue, the rights of nature are

not about not touching nature at all, it is about avoiding activities that break with the vital cycles of natural systems (Ávila, interview, 07.08.2015).

The lack of implementation of the rights of nature is lamented. The environmental legislation of the country, executed by the Ministry of Environment, is seen to be regulation that would be in place regardless of the existence of the rights of nature or not. The lack of further-reaching consequences is seen in relation to the economic development model of the Ecuadorian government. Informants agree that a development model based on intense extractive activities are not compatible with the rights of nature, and it serves as evidence that they have had very limited practical political impact. The economic model has not undergone transformative changes in the eight years of the Constitution's existence, extractivism has actually increased (Melo, interview 07.08.2015).

There was a great deal of disagreement about the government's policies regarding nature and the environment. Acosta (interview, 20.08.2015) says plainly that the President does not believe in the rights of nature, and rainforest activist and filmmaker Carlos Andrés Vera (interview, 18.08.2015) calls Ecuador a bipolar country, as it gives nature rights but also violates them. Mining and oil extraction is prioritised over development of an economic model more compatible with the rights of nature, based on e.g. bioknowledge (Quirola, interview, 08.09.2015). Martinez (interview, 12.08.2015) argues that this intensive extractive economic model is coupled with an increasing concentration of power in Ecuador, making it a difficult climate for further implementation of the rights of nature.

Despite being critical to the economic model of the government and its extractive policies, the actors in the Transformative Discourse do see oil extraction as a bare necessity for the country for the time being. They agree that oil extraction is not compatible with the rights of nature, because it disrupts natural processes. They do however recognise the need to be realistic about Ecuador's oil dependency. Acosta (interview, 20.08.2015) describes it as a 'bad thing we cannot get out of immediately' (*es un mal del que no podemos salir inmediatamente*). Despite agreement on the necessity of oil extraction at the moment, my informants argue that a decision should be made to change this, there should be active planning for a diversification of the economy moving away from this economic model in the medium-term. In addition, they are against the expansion of the frontier of extractive activity, as they are very aware of the detrimental effects oil extraction has on the surrounding areas, both environmentally and socially.

Melo (interview, 07.08.2015) argues that the problem is not oil extraction in itself, it is the economic model defined as extractivism, retaining extractive activity as the main

source for economic growth. He reasons that 'the problem with extractivism is not whether there is oil extracting activity or not. There can be. The problem is to base all hope of development, growth, prosperity, in this activity, or in mining' (*El problema del extractivismo no es que haya o no haya actividad petrolera. Puede haberla. El problema es basar todas las esperanzas de desarrollo, de crecimiento, de prosperidad, en esa actividad, o en la minería*). He likens oil extraction to a magic act, which is to 'absolve the wealth from the soil, convert it into money, and this money goes to international markets and capitals' (*absolver la riqueza a su suelo, convertirlo en dinero, y ese dinero parte hacía los mercados internacionales y capitales*). What stays behind he says, is waste, pollution and violence. What my informants agree upon is that they have no clear answer to how Ecuador can change from a development model based on the extraction of natural resources, but that it is necessary to find one. An answer should therefore be looked for with the highest priority.

### 5.2.4  The Rights of Nature as an Instrument for Awareness Raising

Despite sharing a somewhat bleak outlook on the economic and political effects of the rights of nature, the informants that articulate the Transformative Discourse are more positive when it comes to the social impacts of the rights of nature. Hernandez (interview, 11.08.2015) argues that you could look at Ecuador's economic model and easily have a sceptical perspective arguing that the rights of nature are meaningless. Nonetheless he argues that 'having declared nature as a subject of rights has awoken an enormous ecological conscience, in Ecuador and I also think it has had an international impact' (*haber declarado la naturaleza como sujeto de derechos ha despertado una consciencia ecológica enorme, en Ecuador y también creo que hay un impacto internacional*). This points back to the international outlook the Transformative Discourse has regarding the potential of the rights of nature.

Martinez (interview, 12.08.2015) argues the same thing, saying that 'the legal is very important, but it is not the only thing' (*es muy importante lo legal, pero no es lo único*). She applies the same analogy of giving women or slaves rights, saying that just because there are laws against sexism or racism, it does not make it disappear from society, it needs to be internalised by the population. She is worried about the legal situation of the application of the rights of nature, but says that from a social point of view the balance is very positive, and that 'there has been an increase in the interest of topics related to nature' (*se ha dado un aumento del interés de los temas de la naturaleza*). She also talks about how they have led to a cognitive change, which is that they 'allow you to place yourself in a much more complete context.

That is, to start talking about nature not as a thing, but as a subject, is a very strong change' (*te permiten ubicarte a ti en un context mucho más global. Es decir, ponerte a hablar de la naturaleza no como cosa, sino como sujeto, es un cambio fuertísimo*).

Melo (interview, 07.08.2015) concurs with this, saying that simply having certain rights in the Constitution does not solve the problem. What will solve the problem is that 'people appropriate the rights as a tool, and start to demand them in a political, social and law-enforcing manner' (*la gente se apropie de los derechos como una herramienta, y comienza a exigirlos de manera política, social, policial*). He goes on to say that what the rights of nature attempt is for people 'to see nature, now not as an unlimited reserve of resources, but as our common home, like a mother, that deserves our respect and our valuation' (*ver la naturaleza, ya no como una reserva inacabada de recursos, sino como nuestro hogar común, como una madre, que merece nuestro respeto y merece nuestra valuación*).

This focus on the cognitive and awareness-raising effects of the rights of nature can also imply an individualist understanding, highlighting their possible effects on personal choices and people's habits. When asked how the rights of nature are applied, Quirola (interview, 08.09.2015) tells me: 'How are they applied? I'll tell you about me. I have realised that I am part of nature, and being part of nature I need to take care of myself' (*¿Cómo se aplica? Te voy a hablar de mí. Yo me he dado cuenta de que yo soy parte de la naturaleza, y que siendo parte de la naturaleza tengo que cuidarme*). She argues that political change presupposes cultural change, and that this change 'departs from a spiritual condition of connection with nature' (*parte desde una condición spiritual de conexión with nature*). This will influence your life and lifestyle choices.

This is an interesting point, albeit not valid for the discourse as a whole, as other informants do not see the rights of nature as a personal topic to the same degree. For this informant, transformation is perceived as happening at the individual level, and individuals as able to exercise political agency, influencing structural factors through their activities (cf. O'Brien, 2015). In this case I see this as a neoliberal language highlighting individual responsibilities and choices, underemphasising structural limitations for human agency. Clearly, not everyone is in a position to choose for example organic food, and not everyone can choose a career based on how it can help them contribute to a sustainable transformation, not least in a developing country such as Ecuador. Financial limitations are not the only factor; this also presupposes knowledge and awareness, placing high expectations on the education system.

On the other side of the spectre, informants articulating the Transformative Discourse also argue that the social or cognitive change has had an outcome in civil society. Social

movements are fighting for the protection of nature, and now have stronger ammunition with the existence of the rights of nature. Martinez (interview, 12.08.2015) says that it is with these sectors that one has to keep working, 'because here nature has the best allies in the world. Which are exactly the people that mobilise, the peasants, the indigenous, even the workers are talking about nature' (*aquí la naturaleza tiene los mejores aliados del mundo. Que son justamente la gente que se mueve, los campesinos, los indígenas, hasta los trabajadores están hablando de la naturaleza*). The rights of nature are thus represented as less of a legislative tool than an instrument to change how people act and think.

## 5.3   The Anthropocentric Developmentalist Discourse

'It is very difficult to strengthen a concept of nature coming first, before the economic growth and development of the country, and before man himself'

– Fernando Benalcázar, interview, 13.08.2015

The third and final discourse I have identified in my data I name Anthropocentric Developmentalist. The informants I group within this discourse are mostly from the government, some are from the non-profit sector. This discourse highlights how nature needs to be protected because of its many functions vital to human survival. This discourse is very similar to the sustainable development discourse, which famously states that the needs of the present generation should be met 'without compromising the ability of future generations to meet their own needs' (World Commission on Environment and Development, 1987, p. 8). This means that natural resources should be used sustainably, but from an anthropocentric reasoning of not affecting the standard of living of future generations. Similar discourses are green growth and ecological modernisation, as all are a way of having your cake and eating it too, the idea is that it is not necessary to compromise on economic growth to protect the environment (Dryzek, 2013). The reason for not simply labelling this discourse as sustainable development is the order of discourse. The order of discourse that I analyse concerns the particular topic of Ecuador's rights of nature, and it is therefore limited in geographical scope. Sustainable development is global in its reach, the Anthropocentric Developmentalist discourse has thematic and geographical limits.

The dualist Western ontology with its divisions of humans and nature is discernable in many of the articulations of this discourse. Nature is mostly seen as a sum of its parts, encompassing resources, goods and services. Ecuador is represented as a poor country with

many needs, which can be taken care of by revenues from natural resources. The country is seen as having no choice but to continue to extract oil, due to both internal needs and a hegemonic international economy. These informants do not see the probability of the rights of nature leading to transformative changes as very high, they can at best provide extra leverage to already existing environmental regulation and legislation.

### 5.3.1 Humans First, Then Nature

The Anthropocentric Developmentalist Discourse is permeated by the human need for natural resources. Environmental protection is taken for granted as very important, but from an anthropocentric perspective. Francisco Prieto, National Director of Biodiversity at the Ministry of Environment says that 'the degradation of nature […] obviously degrades us as well' (*la degradación de la naturaleza [...] obviamente hace que también degrademos*) (interview, 21.08.15). He states that nature has rights 'obviously to continue to produce the goods and services that generates and gives us life in the country' (*tiene derechos, para que obviamente sigue produciendo los bienes y los servicios que nos genera y nos da vida en el país*). The value of the protection of nature clearly lies in its functions that are necessary for human survival. Law scholar Verónica Potes (interview, 03.08.2015) sees how nature is represented as less important than the human consequences of continued environmental degradation, arguing that 'mother or not, what is coming is disastrous. So we need to be a bit more responsible, and here I appeal more to the responsibilities we need to have between human beings within our generations, and with future generations' (*Sea madre o no sea madre, lo que nos viene es fatal. Entonces tenemos que tener un poco más responsabilidad, y ahí yo apelo más a la responsabilidad que tenemos que tener entre seres humanos dentro de nuestra generación, y con las generaciones futuras*). This statement is aligned with the already mentioned notion of sustainable development, with inter-generational and intra-generation well-being as its focal point (Dryzek, 2013).

This discourse does not highlight the interconnectedness of natural systems, and how humans are part of a larger whole. Nature is represented as a source of goods and services necessary for humans, i.e. it is seen as a sum of its parts. Like the other two discourses, oil extraction is seen as indispensable to Ecuador's economy for the time being. The notion that it should be used with a long-term goal of developing an economy based on other principles is repeated. Unlike the other two discourses this is not mainly a source of criticism, it is viewed as the only viable option. A community relations representative from a public oil

company stated that 'we need oil, it is necessary, while other things are not discovered' (*necesitamos el petróleo, se necesita, mientras no se descubre otras cosas*) (interview, 17.08.15). The invincibility of oil as an energy source for decades to come, and its principle role in the country's economy is also expressed by other informants. Prieto (interview, 21.08.2015) says that 'no one of us likes [oil extraction]. But as the President said: 'we do not like it, but we like less that poverty exists'. And the poverty indexes in the country have decreased. The [inequality] breach has decreased' (*Nadie nos gusta [la extracción de petróleo]. Pero como decía el Presidente: "No nos gusta, pero nos gusta menos que exista pobreza". Y los índices de pobreza de país han disminuido. La brecha ha disminuido*). While emphasising these economic benefits to the country's population, he does underline that 'what we want is to find a mechanism that is not dependent on oil' (*Lo que queremos es finalmente encontrar un mecanismo no dependiente del petróleo*).

The necessity of oil extraction for the socio-economic development of the country is a main emphasis of the Anthropocentric Developmentalist Discourse. Some of the main discursive staples of the government are repeated, such as 'use the extraction of raw materials in order to stop the extraction of raw materials' (*extractivismo para salir del extractivismo*). This notion is explained by Patricio Suarez, analyst in Senplades, through the metaphor 'we should plant petroleum' (*debemos sembrar petroleo*) (interview, 27.08.2015). He explains that the government's posture is that the resources from oil extraction should be directed towards capacity building amongst the population. Another oft-repeated governmental catchphrase in this discourse is the 'change of the productive structure' (*cambio de matriz productiva*). This is the idea that revenues from extractive industries should be used for Ecuador to develop alternative revenue-generating activities, and to eventually become a knowledge-based economy. The transition period needed for these great transformations is highlighted by Tania Dávila, director of the Department for the Plan for Good Living in Senplades (interview, 27.08.2015) who says that 'it cannot be something from night to morning saying 'ok now we are not dependent on oil anymore', this is an impossible thing' (*no puede ser algo de la noche a la mañana que decimos "ok ya no dependemos del petróleo", eso es algo imposible*).

**Unclear Incorporation of the Rights of Nature into a System with a Modernist Ontology**
Through the argument that revenues from oil extraction are necessary for human development, and the way nature is mostly talked about as resources, goods and services for the human population, a dualist modern ontology separating man and nature is clearly visible. It is

the Anthropocentric Developmentalist Discourse that articulates the tensions that arise when the rights of nature with their relational ontological roots are tried incorporated into a system with a dualist ontology. Suarez (interview, 27.08.2015) states that the rights of nature are a delicate topic, because there is a lack of practice and experience. Former government official Tarzicio Granizo (interview, 18.08.2015) concurs, explaining that 'we still do not understand how to link the principle to the legal framework, the work of public and private institutions, etc. So there is a gap still, a gap between the concept, the principle and its application. And it is gap that I do not see as closing' (*[T]odavía no entendemos como vincular el principio al marco legal, al trabajo de las instituciones públicas y privadas, etc. Entonces hay un gap todavía, un vacío entre el concepto, el principio y su aplicación. Y es un gap que yo no veo que se esté cerrando*). This is echoed by Suarez (interview, 27.08.2015) who says that for example judges do not have the capacity to understand the rights of nature within the ordinary processes of justice.

Potes (interview, 03.08.2015) justifies my whole master project by exclaiming that 'everyone likes to talk about the rights of nature, but what are they really?' (*[T]odo el mundo le gusta hablar de los derechos de la naturaleza, ¿pero qué mismo es?*). Granizo (interview, 18.08.2015) agrees that they still do not know really what it means to apply the rights of nature, and because of this he is especially concerned with the total lack of dialogue between the state and civil society, saying that 'it is necessary to sit down and debate' (*hay que sentarse y debatir*).

**Good in Theory, but Hard to Comprehend**

Several informants express that the rights of nature are a concept that is good in theory, but hard to comprehend. Advisor for extractive industries Fernando Benalcázar (interview, 13.08.2015) tells me that 'as a moral and ethical principle I think it is fantastic. It is an innovative topic, it is a topic that has placed Ecuador at the forefront of the environmental debate' (*Como principio moral, ético, me parece fantastico. Es un tema inovador, es un tema que le ha puesto al Ecuador en la vanguardia de la discusión ambientalista*). He finds it nice-sounding in principle but harder to see how it can be applied in practice. This is mirrored by Suarez (interview, 27.08.2015) reflecting upon governmental planning processes. He says that 'it is quite complicated to generate projects that are coherent with the political discourse' (*es bastante complicado generar proyectos que sean coherentes con el discurso político*). Potes (interview, 03.08.2015) elaborates on how she has conceptual problems with the rights of nature, but not with the idea of protecting nature itself. She finds the notion of right to res-

toration and existence to be strange, as 'one exists without right or with right. Nature is there, if tomorrow we decide that nature does not have rights, it will not care' (*uno existe sin derecho o con derecho. La naturaleza está allí, si mañana decimos que la naturaleza no tiene derechos, le va a dar igual*).

The confusion surrounding the rights concept is expressed by several informants. Benalcázar (interview, 13.08.2015) argues that obligations come with rights, so that nature also has obligations towards man. This is an interesting point that could warrant thorough philosophical investigations. Is giving nature rights a step towards giving it some sort of citizenship, also with obligations? How is this possible when it is a non-human entity, not speaking any language? These are extremely complex questions, but they do show how difficult the notion of the rights of nature really are, and how they can be taken to imply very different things. The advisor in the oil company thinks that everything should have rights, everything should be cared for and respected, but 'to an appropriate extent' (*en la medida que debe ser*) (interview, 17.08.2015). It is also expressed by my informants that the majority of the population is positive towards improvements of social rights, and that they might not at all agree with a sudden move to a post-petroleum society, and that this is not a debated topic (Potes; Benalcázar). Benalcázar (interview, 13.08.2015) sums up the Anthropocentric Developmentalist Discourse by stating that 'it is very difficult to strengthen a concept of nature coming first, before the economic growth and development of the country, and before man himself' (*es muy difícil reforzar un concepto en que la naturaleza está primero, sobre el crecimiento económico y desarrollo de un país, y sobre el hombre mismo*).

**Rights in Conflict With Each Other**

The importance of other rights imposed by the Correa government is another characteristic of this discourse's ontological point of departure of humans first, then nature. The rights of nature are represented as in conflict with other rights of the Ecuadorian population. Granizo argues that in Ecuador today 'you have the rights of nature, but you also have people's right to have what they need to have' (*tienes derechos de la naturaleza, pero también tienes el derecho de la gente de tener lo que tiene que tener*) (interview, 18.08.2015). This is elaborated upon by Enrique Torres Castro, advisor to the National Assembly. He states that the provision of rights to nature can only be seen within the framework of the development model of *buen vivir*, which is an alternative development model incorporating indigenous concepts, one of which is the rights of nature. This development regime is based on a greater provision of social rights, and other sectors have been prioritised before the rights of nature. He justifies

having to prioritise, and sees it as unlikely that the rights of nature will be properly developed into rights in the short-term, also due to the complexity of the notion.

On oil extraction, he argues that 'there is a contradiction between the rights of nature and exploitation, but there is no contradiction between exploiting these resources and other axes on the level of public policies within this development model (*hay una contradicción, efectivamente entre los derechos de la naturaleza y la explotación, pero no hay contradicción entre explotar estos recursos y otros ejes a nivel de política públicas dentro de este modelo de desarrollo*) (Torres Castro, interview, 19.08.2015). The revenues from oil extraction allows the Ecuadorian government to finance social programmes, infrastructure development and improved public education and health care. This complies with social rights of the population. The lack of implementation of the rights of nature is the price that needs to be paid at the moment.

This development model necessitates a huge amount of resources. Granizo (interview, 18.08.2015) sees this as a reason for an increasing gap between the indigenous discourse and the official discourse. He states that as the government 'has a great necessity for resources to be able to do the things it wants to do, good or bad, among them the change of the production structure, it needs resource now, for today, for tomorrow' (*tiene una necesidad muy grande de recursos para poder hacer las cosas que quieren hacer, buenas o malas, entre otras cosas el cambio de matriz productiva, necesita recursos ya, para hoy, para mañana*). He goes on to state that this is not just due to the development model of *buen vivir*, but also because of 'a series of historical, social and economic contradictions between the conservation of nature, the necessity for renewable and non-renewable natural resource exploitation, in a country which depends on oil for half its economy' (*una serie de contradicciones históricas, sociales, económicas entre la conservación de la naturaleza, la necesidad de explotación de recursos naturales, renovables y no-renovables, es un país que depende la mitad de su economía del petróleo*).

Benalcázar (interview, 08.09.2015) argues that the only way is to clearly delimit rights, so that they can co-exist. This could be achieved through developing and implementing secondary legislation, to establish parameters. It would be particularly important to have limits for economic activities, to guarantee vital cycles and the regeneration of nature. These limits should be reasonable, and lead to an equilibrium and harmony between the myriad of rights. Unfortunately he says 'this ethical voice does not rise, it does not have a lot of strength' (*esa voz ética no surge, no tiene mucha fuerza*).

### 5.3.2 Ecuador as Small Country in International Economic System

The second main characteristic of the Anthropocentric Developmentalist Discourse is that Ecuador is represented as a small country completely immersed in an international economic system that provides clear limits for the country's agency. This is a similar point to that found in the Ecosocialist Discourse of Ecuador being a dependent country. These two discourses are the discourses most different from each other, with opposing fundamental notions and different ontologies. On this point they converge however. In the Anthropocentric Developmentalist Dicourse the rights of nature are represented as in a tragedy of the commons-like international game. It is impossible to apply them in a strong manner limiting extractive activities in the country, while the rest of the world continues as before, with a traditional economic development model of resource-based economic growth. Suarez (interview, 27.08.2015) explains that giving nature intrinsic rights has to be a shared idea, and that Ecuador 'cannot be the only country that functions as a useful idiot I would say, because you are giving environmental services to the world, through not emitting $CO_2$ or keeping your forests intact, but if you are the only country to do so on an international level, at some point your ideals will succumb to your real needs' (*no puede ser el único país que sirva de tonto útil diría yo, porque tú estás dando servicios ambientales al mundo, mediante la no emisión de $CO_2$ por ejemplo, o mantener tus bosques intactos, pero si es que eres el único país que lo hace a nivel internacional, en algún punto tus ideales van a sucumbir frente a tus necesidades reales*).

The international systemic limitations, and the need for the rest of the world to follow suit are emphasised by several informants. Benalcázar (interview, 08.09.2015) states that 'I would want an ideal world, but it is not possible. It is not possible that a country says 'stop exploiting' because it will not be able to survive' (*Yo quisiera un mundo ideal, no es posible. No es posible que un país diga 'deja de explotar' porque no va a poder sobrevivir*). Granizo (interview, 18.08.2015) simply states that 'the country needs to pay its bills. It is that easy' (*El país necesita pagar sus cuentas. Así de simple*).

According to the Anthropocentric Developmentalist Discourse, Ecuador has its hands tied until other countries choose to divert its income-generating activities form natural resource extraction for the sake of the rights of nature. The international economic system provides no incentives to be more environmentally friendly and decrease resource extraction, and Ecuador has no choice but to play by its rules, until the rules are changed, for everyone. This status quo is enhanced by the many needs of the country, where 22.5 % of the popula-

tion live below the poverty line (The World Bank, 2016b). Because such a substantial amount of the national budget comes from revenues from resource extraction, there is a lack of desire by the government to change its economic model. Torres Castro (interview, 19.08.2015) says that in theory there are many reasons why oil extraction is bad, but that it is impossible to move away from it because of global economy *and* national needs. A gradual, long-term transformation of the Ecuadorian economy to one based on knowledge is talked about, but it is not very concrete, and Benalcázar admits that there is not a favourable national or international environment at the moment (interview, 08.09.2015).

### 5.3.3 The Rights of Nature as Environmental Regulation

As systemic change is not seen as likely in the Anthropocentric Developmentalist Discourse, the Rights of Nature are at best represented as a stronger form of environmental regulation. Torres Castro argues that he only sees the rights of nature as possible at the moment as a stronger protection of nature (interview, 19.08.2015). Pótes concurs with this, saying that she is not sure at all whether the granting of rights to nature can be a foundation for another form of development, or something different than development. What the rights of nature more realistically could imply, if there were willingness from the government she argues, is a stronger form of environmental regulation, where licences and permits could be withdrawn in the case of environmental destruction (interview, 03.08.2015).

Informants from government agencies (Prieto; Dávila) highlight the comprehensive penal code (*código integral penal*) and how it now includes some crimes against nature, such as invading and causing destruction to protected areas, and trafficking of endangered species (Ministerio del Ambiente, no date). Dávila (interview, 27.08.2015) talks about a 'stronger constitutional justification' (*justificación más fuerte constitucional*) and says that 'although there already were regulations and policies that encouraged a decrease of environmental impact, the fact that the rights of nature are recognised does strengthen them' (*si bien antes también existían reglamentos y políticas que aplentaban a disminuir el impacto ambiental, el hecho de reconocer los derechos de la naturaleza si les fortalecen*). This is echoed by Prieto (interview, 21.08.2015). He says that the strategies and regulation stemming from the Ministry of the Environment were developed from much earlier than 2008, but that the current Constitution does give them more authority.

This is confirmed by the community advisor for the national oil company, who elaborates on the process to receive licences for oil drilling in an area. When asked about the ex-

tent to which they have to take the rights of nature into considerations in their activities the informant replies that 'the nature law is really quite new […] within the considerations a company takes, really, I'm sincere, no. That is, we do not have this law as part of the list of laws we have to follow' (*la ley de la naturaleza realmente es bastante nueva […] dentro de las consideraciones que toman una empresa, realmente, te estoy sincera, no. O sea, nosotros no tenemos esa ley como parte de nuestro esquema de leyes que debemos seguir*) (interview, 17.08.2015).

## 5.4  Discussion

Deconstructing the data and grouping it into three discourses with different main features have made the differences and similarities between them apparent. What is common across all discourses is that no one is against the rights of nature. Their scope and potential is however interpreted to be very different. The Ecosocialist Discourse sees the rights of nature as a justification for continued struggle against the capitalist system. The Transformative Discourse sees the rights of nature as a potential instrument for a necessary global transformation of the human-nature relationship. The Anthropocentric Developmentalist Discourse finally sees the rights of nature as a possible form of stronger environmental regulation.

Behind these discourses ontological differences can be glimpsed. The two first discourses argue that nature is an interconnected whole including humans, where everything has life, and therefore should be given rights. The Ecosocialist Discourse has a more spiritual, immediate understanding of this relational co-existence, the Transformative Discourse a more intellectual approach. The Anthropocentric Developmentalist Discourse has a modernist dualist ontology with the separation of man and nature as a foundation for their argument that nature should be conserved to an appropriate extent, but the needs of humans should come first.

Another commonality is that all discourses agree on the absolute necessity of continued oil extraction in Ecuador in the short-term. Theory on critical discourse analysis states that discourses are interwoven with political realities, and that existing discourses and other structures limit what is possible to articulate (Jørgensen & Phillips, 2002). In this case, the international economic system influences discursive practice as it is impossible to argue that Ecuador should stop extracting its oil in the short-term.

There is however also agreement on the need to eventually have a more diversified economy, less dependent on resource extraction and export. While the Anthropocentric De-

velopmentalist Discourse mentions the government's long-term plans for these transfor-
mations to take place, the other two discourses mostly critique the lack of concrete measures
to decrease Ecuador's dependency on revenues from oil extraction.

The articulations of most of my informants I have been able to put completely within
one discourse. Although they might have very different opinions on for example the govern-
ment, I find that their ontologies, and their views on the specific issues that are most im-
portant for my analysis, are similar. Some of my informants employ a hybrid discourse
however, mixing characteristics from the Ecosocialist and Transformative Discourse, and the
Transformative and the Anthropocentric Developmentalist Discourse. Deconstructed and
then sorted, my data can almost be seen as a continuum that I have grouped into three, with
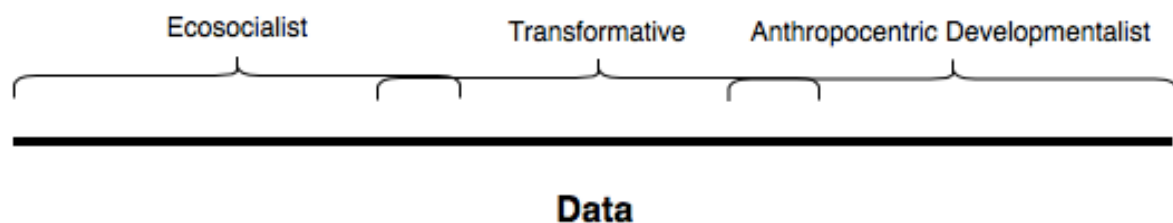some overlap (figure 5.1).



Figure 5.1: Continuum of Discourses. Author's own figure, 2016.


As it is the Ecosocialist Discourse and the Anthropocentric Discourse that is the furthest apart
in their way of seeing the rights of nature and what they can entail, it is very interesting to see
that both emphasise that Ecuador is a developing country dependent on an international polit-
ical economy that highly limits its agency for substantial transformations. They reach this
conclusion through different points of departures however, and this is therefore not reflected
in figure 5.1 above. For the Ecosocialist Discourse this is one argument in their anti-capitalist
stance that the whole system needs to change for the rights of nature to have any ground. For
the Anthropocentric Developmentalist Discourse it represents a reason why only a limited
application of the rights of nature is possible at the moment, as they are dependent on the
revenues from their commodity exports.

The Ecosocialist and Transformative Discourse have another common opinion, in ad-
dition to arguing that all living beings deserve rights, as mentioned above. They also high-
light the importance of awareness raising. Both argue that a change in mind set is necessary.

The Ecosocialist Discourse sees this as a struggle that will take time. They argue that people need to realise that a good life is not a consumerist lifestyle in the city, but rather learn from their traditional societies. The Transformative Discourse frames this in a slightly different way. They emphasise that we are at a point in time where we have to change, as environmental degradation has come so far. The idea that nature is a subject should therefore be internalised, and influence how individuals exercise their agency. The Transformative Discourse argues that the rights of nature can be used as an instrument for awareness raising, making people transform society towards something else, something unprecedented. The Ecosocialist Discourse argues that a change in mind set will make people realise that a more traditional lifestyle is beneficial, to themselves and nature.

The three different discourses all talk about what the rights of nature should entail, and could lead to. This is of course also due to the way I collected data, the way I asked questions in the interview sessions. Nonetheless it is a point that most informants most likely do not live out their discourses. The Ecosocialist and Transformative Discourse are mostly normative and presuppose transformations at a societal level. My sample does include activists, but I do not think many of them have for example rejected a modern lifestyle, or changed their way of living radically. It is the Anthropocentric Discourse that most directly deals with the status quo, and argues for the present system and why big changes seem unlikely in the short-term. That is probably the reason why it is in this discourse that the personal choices of the actors are most aligned with their articulations.

## 5.5  Summary

I have carried out an assessment of the potential of the rights of nature in Ecuador through analysing the discourses articulated in personal interviews with relevant actors. The rights of nature and what they entail for development model are interpreted very differently. I have elaborated on these differences in this chapter, dividing my data into three discourses, which I have named Ecosocialist, Transformative and Anthropocentric Developmentalist, for their defining features. Table 5.1. summarises the main features of each discourse. To find out the influence of the rights of nature on Ecuador's development model I will now use these discourses as a frame through which I will analyse a few aspects of its development model in its current form. This can provide some indication on which discourse has the most weight in policy-making, shedding light on how transformative the concept of rights of nature can actually be.

Table 5.1: Summary of Discourses. Author's own table, 2016.

| | **Ecosocialist** | **Transformative** | **Anthropocentric Developmentalist** |
|---|---|---|---|
| **Actors** | • Indigenous movement<br>• Environmental NGOs | • Academics<br>• Environmental NGOs | • Government<br>• Academics<br>• Industry<br>• NGOs |
| **Main features** | • Mother Earth as an interconnected whole.<br>• The rights of nature as anti-capitalist.<br>• The rights of nature as an instrument for struggle. | • All living elements as deserving rights.<br>• The rights of nature as a transformative solution internationally, leading to societal transformation.<br>• The rights of nature as instrument for awareness raising. | • Nature seen as a sum of its parts, which are natural resources necessary for development.<br>• Ecuador is a small country in an international system.<br>• The rights of nature as environmental regulation. |
| **Main issue** | • Modernist dualist ontology separating man from nature, allowing capitalist exploitation of nature. | • International situation of impending climate crisis. | • Poverty and social needs of population.<br>• Conceptual understanding of the rights of nature and how to apply them. |
| **How to address main issue** | • Return to an indigenous, communal co-existence in harmony with nature. | • Transformation, civilizational and cognitive change of seeing nature not as an object, but a subject. | • Use oil revenues for social development, capacity building and ultimately to diversify economy. |

# 6 Assessing The Discourses' Influence

According to the critical discourse analysis model, it is necessary to involve also social practice for a complete analysis, to assess how discourse and social practice mutually influence each other. This is also in line with what Adger *et.al.* (2001) consider to be necessary for their discourse analysis of global environmental issues, which in addition to an analysis of discourse also include an analysis of the actors producing and reproducing discourses, and the social impacts and policy outcomes of discourses. It is this policy outcomes I look into in this chapter. This will therefore answer my second research question: *To what extent do the different discourses seem to influence development policy?*

In the previous chapter I established that I found three discourses in my data on the perceptions of the rights of nature, oil extraction and development in Ecuador. This chapter will provide a probing analysis of the discourses' social and political effects, through the use of secondary literature and data.[1] To understand the extent to which the discourses I have identified are present also in an economical and political sphere, my analysis has three components. First I examine the national development plan, to see which discourses are present there. I then go on to analyse the Yasuní-ITT Initiative. It became very apparent that this is a point of reference for my informants. It is arguably the most emblematic case where the rights of nature have been evoked, and where development priorities, resource extraction policies and protection of nature all came together in an innovative, yet concrete proposal. I look at this ground breaking initiative of leaving the oil in the ground through the lenses of my discourse analysis, attempting to recognise which of these discourses' perceptions and beliefs gained the most ground. Finally, I look at some data regarding Ecuador's oil extraction and export, to gain an idea of the influence of the discourses on the rights of nature on government policies regarding resource extraction.

## 6.1   The National Plan for Good Living

The national development plans constitute a main instrument for state-led development in Ecuador since the election of Rafael Correa in 2006. The current National Plan for Good Living (*Plan Nacional de Buen Vivir*) is the third in a row, running from 2013-2017. These plans

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[1] A more in depth political and economic analysis of Ecuador's development since nature was given rights in 2008 would be very interesting, but is unfortunately outside the scope of this thesis.

are clearly structured, with detailed goals and guidelines for how they should be achieved, in addition to more ideological analyses on national and international issues and the ways through which the socialism of *Buen Vivir* and the Citizens' Revolution can provide solutions to these. The development plans are developed by Senplades, which has the rank of a Ministry, and all other Ministries and more local government entities need to demonstrate that they work according to the plan (Suarez, interview, 27.08.2015). As the introduction to the first chapter states: 'the good living is planned, it is not improvised' (*el Buen Vivir se planifica, no se improvisa*) (Senplades, 2013b).

The current plan has twelve national objectives for good living, and each sector includes a diagnosis of what needs to be achieved to reach the good living, specific policies and the goals that shall be attained through these. Objective seven concerns the environment, and is called 'To guarantee the rights of Nature and promote environmental sustainability globally'. Immediately, the global dimension of the objective relate it to the Transformative Discourse, and how it represents the rights of nature as an instrument for the transformation in societal organisation globally. This is also apparent in the Plan, as it characterises the rights of nature as a 'decisive response to Nature's current status' (Senplades, 2013a, p. 70). It is emphasised that Ecuador is the first country in the world to recognise the rights of nature, and this is represented in the Plan as Ecuador taking 'the lead worldwide' (Senplades, 2013a, p. 70). It also states that 'Ecuador intends to continue leading internationally in universalising Nature's rights and consolidating innovative environmental proposals to address climate change' (Senplades, 2013a, p. 70).

The notion that it is life that should be protected, regardless of whether it takes a human form or not, is a characteristic of the Transformative Discourse. This is echoed in the same Objective 7, which states that the rights of nature allow a 'shift in the predominant vision of Nature, usually seen solely as the provider of resources, to a more holistic Life-centred approach, in which Nature is defined as the 'place where Life happens'' (Senplades, 2013a, p. 70). This is also aligned with the Ecosocialist Discourse, especially as it sees the rights of nature firmly embedded in *Buen Vivir,* where the Plan states 'inter-cultural understanding and harmonious coexistence with Nature are fundamental' (Senplades, 2013a, p. 70). These two quotes demonstrate that the National Development Plan is influenced by a different ontology, and that the country has heterodox development goals which could push their development model towards something quite different from a modernist notion of progress and economic growth.

Interestingly, in the actual policies to achieve Objective 7 as laid out in the document, the most visible discourse is the Anthropocentric Developmentalist. Policy 7.1 'To ensure promotion, enjoyment and full enforcement of Nature's rights' does in fact state that institutional and legal mechanisms should be developed to implement the rights of nature. Most of the other policies however are detailed goals on environmental protection and natural resource management, including *inter alia* a strengthening of the National System of Protected Areas, sustainable forest management and pollution control. This does not presuppose any systemic or cognitive changes, and I see it as most aligned with the Anthropocentric Developmentalist idea of the rights of nature as environmental regulation. These are environmental policies that see nature as something differentiated from humans, who can manage and choose to preserve certain parts of it, i.e. it is firmly placed within a modernist ontology of nature as an object for human use.

The same tendency is also apparent in Chapter 5. Titled 'Planning our Future' it presents the long-term visions for Ecuador's development. Here I identify aspects from the Transformative Discourse, as its overarching aim is to 'turn an economy based on finite natural resources into one based on infinite resources, through scientific, economic and industrial appropriation of the knowledge that will build the Ecuadorian people's capacities' (Senplades, 2013a, p. 37). The language is visionary, and the statement in itself is in agreement with the Transformative Discourse, which sees oil extraction as a necessary evil at the moment, but active planning to diversify the economy and move away from an extractivist development model as completely necessary in the medium-term. In the second chapter, which outlines the ideological foundation for 'The Socialism of Good Living' a development model is outlined that will address the social and economic needs of the population, but simultaneously limit 'human activity to those that fall within the biophysical limits of local ecosystems and taking responsibility for the well-being of future generations' (Senplades, 2013a, p. 23).

Intertwined with this transformative language is also the Anthropocentric Developmentalist Discourse. The long-term strategy of accumulation, distribution and redistribution sees environmental sustainability as dependent on a diversification of the economy, where services with high value added constitute a larger proportion of exports (figure 6.1). Extraction-based production will have a proportional decrease. This is similar to the articulations of the Anthropocentric Developmentalist Discourse, where informants told me that it would be very hard to have a strong implementation of the rights of nature at the moment, but that in the long-term, with the changing of the production structure, and a diversification of the economy, then environmental concerns will follow.
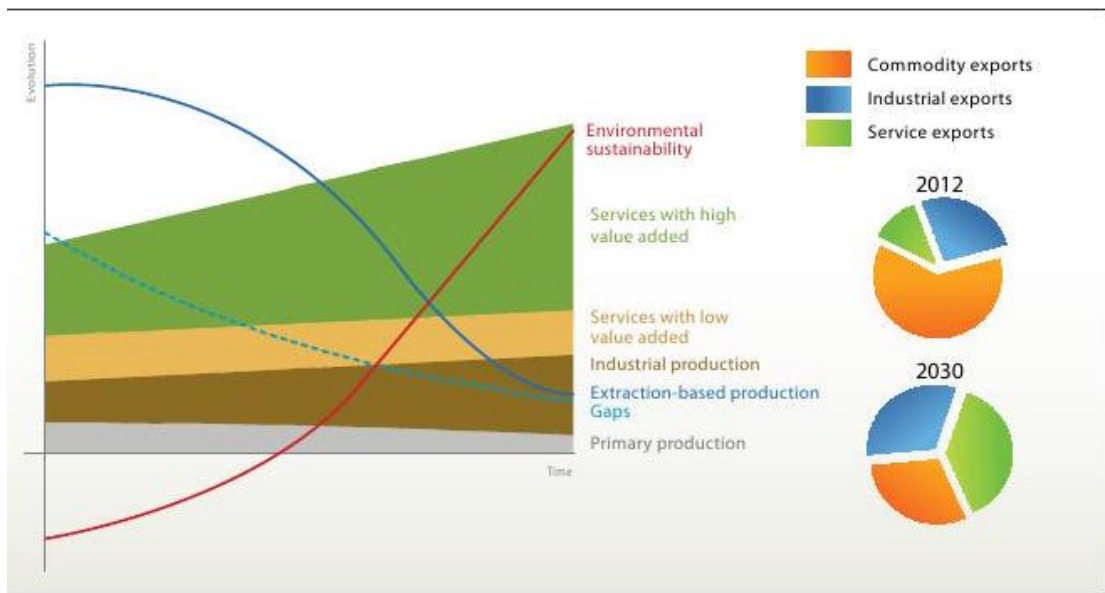
Figure 6.1: Long-term Strategy of Accumulation, Distribution and Redistribution. Reprinted from *National Plan for Good Living. Summarized Version* (p. 37), by Senplades, 2013. Copyright 2013 by National Secretariat of Planning and Development (Senplades).

One conclusion from analysing Ecuador's latest National Development Plan, and particularly the sections concerning the rights of nature and development model, is that there is a discrepancy between the parts concerning overarching development goals and the more detailed policy prescriptions. I find features from the Transformative Discourse in the former, and here I argue that this does actually constitute development planning that could be classified as an alternative development model. It is influenced by concepts from a different worldview, with a different view on the relationships between humans and nature. Yet the sections that are more practical and applied are more traditional and less transitional. They are quantifiable and managerial, concerning conservation and sustainable use of their 'Natural Heritage', including forest and water reserves, and energy efficiency. These are mainstream environmental policies. I assume that the rights of nature probably has given them a higher prioritisation on the national development agenda, but I do not think their design has necessitated intrinsic rights of nature, these are policies that also can be found in other countries that do not see nature as a subject of rights.

A stronger implementation of the rights of nature through detailed policy measures that continue to rely on a division between humans and nature does not necessarily constitute a contradiction. They could be pragmatic instruments through which transformations in accordance with nature's rights could be implemented. Yet the change in discourses proves that

there is a tension in the Plan. The Transformative Discourse is left behind in visions, the discourse has changed at the level of policy formulation. It seems difficult to translate the transformative language into policies.

It appears challenging to incorporate the notion that nature does not constitute resources, but life in a myriad of forms, all interconnected into the political and legal system of Ecuador. This system is still based on a modernist and dualist ontology with a differentiation between humans and nature. Another factor is the frameworks within which public officers apprehend the world and formulate policy. The rights of nature make apparent the limits to bureaucrats' and technocrats' creativity. There is a mismatch caused by path dependency in methods and approaches to policy formulation. This was also expressed by informants from government, who said that it was hard to figure out how to apply the rights of nature to policy-making (e.g. Suarez, interview, 27.08.2015). Therefore, policies rely on tried and tested methods of environmental regulation, and as such is more in line with the anthropocentric notion of humans' rights to a healthy environment than nature as a bearer of intrinsic rights.

## 6.2   The Yasuní-ITT Initiative

The most emblematic case where the rights of nature have been involved is the Yasuní-ITT Initiative, Ecuador's novel and original attempt at leaving oil in the ground. The Yasuní is a national park in the Ecuadorian Amazon region, and is one of the most biodiverse hotspots in the Amazon and in the world. It is also home to two indigenous cultures living in voluntary isolation, the Tagaeri and Taromenane. These two groups have chosen to avoid contact with the outside world, to continue their traditional way of life consisting of hunting, gathering and semi-nomadic agriculture. It is estimated that they consist of 150-300 people. In addition, there are 3000 contacted indigenous peoples within the park (Larrea & Warnars, 2009).

The ITT, short for Ishpingo-Tambococha-Tiputini, is an oil field within the Yasuní that contains eight hundred million barrels, or twenty per cent of Ecuador's proven petroleum resources (Martin, 2011). In 2007 President Correa launched the Initiative to keep the oil underground indefinitely, if the international community contributed with an amount equalling half the opportunity cost of foregoing the revenues from exploiting these oil reserves, an amount of 3.6 billion US dollars. This would be set up as a trust fund governed by the United Nations Development Programme, and invested in conservation, renewable energy and social development.

The idea stemmed from Ecuadorian civil society, but was adopted by the government and seen as an alternative well aligned with the framework of *Buen Vivir* and the rights of nature. It was argued to be a concrete and achievable way of accomplishing sustainable development within the limits of biodiversity conservation, and a transition towards a post-petroleum society (Larrea & Warnars, 2009). Contributions were asked for from countries, institutions, organisations and other actors from the Global North, in a context of climate change and environmental justice. It would prevent $CO_2$ emissions in a way consistent with the common but differentiated responsibility of post-Kyoto international climate governance, as developed countries would pay and as such abate for their historical emissions. The Initiative would simultaneously address biodiversity loss and poverty.

President Correa launched the Initiative at a UN meeting, declaring that 'for the first time in history, an oil producing country – dependent on oil export for one third of its budget – proposes to forgo this income for the well-being of humanity' (Correa 2007, cited in Martin, 2011). This statement is a clear articulation of the Transformative Discourse. President Correa evokes the global dimension of environmental problems and how we are at a point where something radical has to be done. It is implicit that we need to change the current way of existing on a global level, a 'change in mind set', as was articulated in the Transformative, but also Ecosocialist Discourse.

At the same time as the Initiative was established and funds pursued, the Ecuadorian government also developed a Plan B, to extract the oil. They negotiated with several international oil companies, and made contingency plans for future bidding for the ITT blocks (Martin, 2011). In January 2009 then Minister of Mining and Petroleum, Derlis Palacios announced this, stating that 'we will make every necessary attempt to protect the environment, but the country needs money' (Diario Hoy, 2009, quoted in Martin, 2011). The Minister clearly articulates the Anthropocentric Developmentalist Discourse, in this quote all of the three main features of the discourse is visible. Nature is represented as natural resources that are necessary inputs to the country's development. Ecuador is represented as a small and dependent country in an international economic system. Environmental protection is contingent on financing. I interpret this quote as nature not having intrinsic value or rights, but valuable only for what it can contribute to human welfare. Environmental regulation is possible, but nothing more transcendental to the human-nature relationship is laid on the table. Nature clearly constitutes our surroundings, i.e. it is separated from us.

In the Constitution's article 407 it is stated that '[a]ctivities for the extraction of non-renewable natural resources are forbidden in protected areas' (República del Ecuador, 2008,

unpaged). It goes on to say however that '[e]xceptionally, these resources can be tapped at the substantiated request of the President of the Republic and after a declaration of national interest issued by the National Assembly, which can, if it deems it advisable, convene a referendum' (República del Ecuador, 2008, unpaged). This is what occurred in August 2013, when President Correa announced in a public speech to the nation that he had signed an executive order to liquidate the trust fund and end the Initiative. Only 336 million out of the 3.6 billion USD had been pledged, and only 13.3 million USD had actually been delivered.

In this speech the President stated that 'the world has failed us' (*'el mundo nos ha fallado'*) (Presidencia República del Ecuador, 2013). He argues that Ecuador did not ask for charity, but for co-responsibility in the common fight against climate change, and that the Initiative was a clear example of payment for environmental services. He goes on to criticise the global community, saying that 'the fundamental factor of this failure is that the world is a big hypocrisy' (*'el factor fundamental del fracaso es que el mundo es una gran hipocresía'*) and that the 'prevailing logic is not justice, but the logic of power (*'la lógica que prevalence no es la de la justicia, sino la lógica del poder')* (Presidencia República del Ecuador, 2013). He continues his argument by saying that the polluting countries are also the richest and strongest.

After having discussed the limits placed on Ecuador's agency by international power relations, President Correa complimented this by arguing that 'we need to overcome poverty' (*'tenemos que vencer la pobreza'*). In his speech he details how much money oil extraction in the ITT will generate, and the many needs the country has. The President goes so far as to imply a direct relationship between the six years of the Yasuní-ITT Initiative, and millions of Ecuadorians without access to drinking water, children dying of preventable causes, and lack of access to health services and educational infrastructure (Presidencia República del Ecuador, 2013).

This speech is a very strong articulation of the Anthropocentric Developmentalist Discourse. Environmental protection is framed as at the expense of development and an increase in human wellbeing, i.e. the government can choose to prioritise humans or nature, either or. The value of nature is measured by what it can offer humans; environmental services such as the absorption of $CO_2$ is mentioned. This demonstrates very well that a dualist ontology separating humans from nature is the foundation for his political views. As mentioned in the previous chapter, the Anthropocentric Developmentalist Discourse emphasise that the development framework of *buen vivir* consists of different rights, with contradictions

between them. In this speech the President highlights how oil revenues will ensure rights to health and educational services, the rights of nature are not seen to be as pressing.

Oil extraction in a protected area is therefore justified by internal needs. Complementing this is the representation of Ecuador as an underdeveloped country dependent on an international system shaped after countries more powerful than themselves. In accordance with the Anthropocentric Developmentalist Discourse, Ecuador's agency is seen as limited by an external system and internal needs, making oil extraction not only the only viable option, but also a moral one. The country takes no blame for the failure of the Yasuní-ITT Initiative. Despite their limited space for political agency they managed to present an innovative proposal. The rest of the world could prevent them from drilling for oil in one of the most biodiverse places in the world, but they did not do so.

## 6.3 Economic Indicators of Oil's Contribution to Development

The last indicator I examine to assess the influence of the three different discourses on the rights of nature is the role of oil extraction and export to Ecuador's national economy. I see this as a feature of a traditional development model based on extraction and export of natural resources. In all three discourses there is agreement that the extraction of oil from the rainforest is not compatible with the rights of nature, as it does disrupt its vital cycles. There is also agreement that it is an activity that is nonetheless unavoidable in the short-term, but the Eco-socialist and Transformative Discourse emphasise to a greater extent the need for active planning to diversify the economy, and that there should be no expansion of the oil frontier. In addition they criticise the government for not doing enough to achieve this.

The Anthropocentric Discourse also includes a discussion on the diversification of the economy, but the rights of nature are seen as of less importance than continued revenues from oil export. Statistics on oil extraction could therefore imply which discourse has had the greatest political effect. If there are not any noticeable changes since 2008, when the current constitution was adopted, it can be seen as an argument for the Anthropocentric Developmentalist Discourse having the greatest political influence. This is by no means a statistical analysis, and I will not infer any causal explanations from financial data. It will only be taken as a pointer for the role of oil in the Ecuadorian economy, and whether this is changing or not.

Data from the Central Bank of Ecuador shows that petroleum consistently represents approximately half the export earnings of Ecuador. Figure 6.2. shows the percentage of crude

oil of total exports, in earnings. There is clearly some fluctuation, as this measures income and commodity prices are volatile, dependent on global demand, which shrunk for example with the global financial crisis in 2008. The importance of oil as the biggest export article by far is nonetheless clear. In 2014 crude oil represented 52.3% of total exports, with the second largest export, banana, only totalling 10.5% (CEPALSTAT, 2016). Figure 6.3. illustrates that the measure of total petroleum production is also consistently high, despite fluctuations in oil prices.
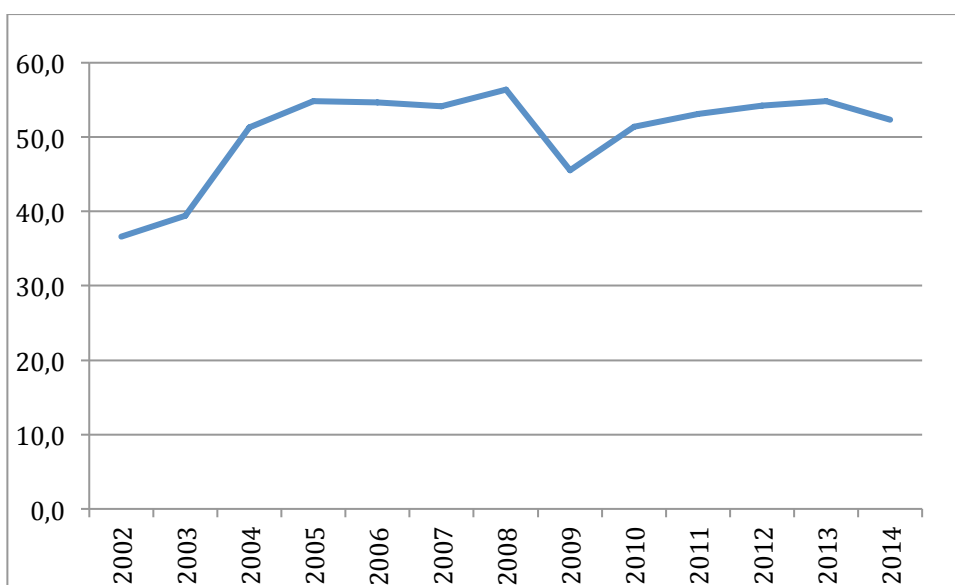


Figure 6.2: Crude oil as percentage of total export earnings. Derived from *Ecuador: National Economic Profile*, by CEPALSTAT. Copyright United Nations 2016.
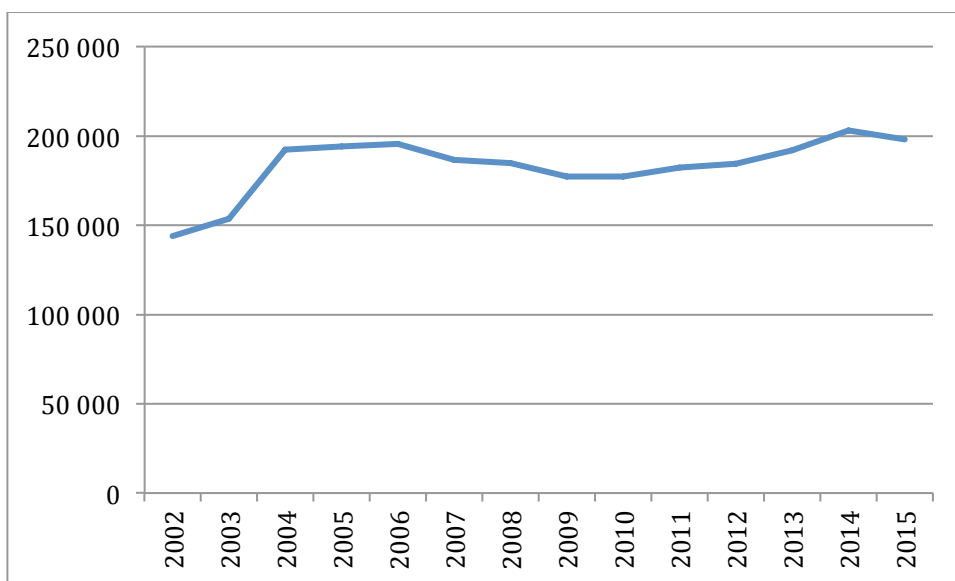


Figure 6.3: Total production of crude oil (thousand barrels). Derived from *Monthly Statistial Information*, by Central Bank of Ecuador.

A non-statistical viewing of these diagrams shows two things. The first is what all three discourses agree upon, that oil extraction and export is an indispensable necessity for Ecuador's current economy. It would be impossible for a country to suddenly forego half of its export earnings. The second thing it demonstrates is that the rights of nature seem to have no transformative effect on Ecuador's current development model. Production has remained high in the eight years since the implementation of the Constitution. During the recent years of the Correa government petroleum has accounted for approximately twenty-five per cent of public sector revenues (CIA, 2016). It is clear that the government continues to rely extensively on incomes from oil to finance the expansion and maintenance of a welfare state. This is apparent as it upholds the same production rate despite fluctuating prices and a new Constitution.

Resource management seems to be another field that illustrates that the rights of nature are deprioritised for other rights of the population. The rights of nature represented as in a struggle with other rights within the development framework of *Buen vivir* is a feature of the Anthropocentric Developmentalist Discourse. As this discourse also represents nature as resources necessary for development and Ecuador as a small country in an international system, the economical reality of Ecuador's development model is most aligned with this discourse.

The Anthropocentric Developmentalist Discourse is clearly reproduced in important institutions, where actors have decision-making power. The Anthropocentric Developmentalist Discourse is therefore in a position of privilege, as its representation of nature as resources necessary for Ecuador's economic development is the basis for policy formulation. These policies will sustain this representation, and an institutionalised discourse can therefore be illustrated as a positive feedback cycle (figure 6.4). In this case, the representation of Ecuador is that it is a poor country dependent on oil exports, inserted into a global system it cannot change. As policy-makers see no alternative revenue sources that can compete with oil, they will not implement policies that challenge oil production either. This demonstrates the mutual dependency and the dialectic relationship between the discursive practice and the social practice, and how institutionalised discourses have an inertia that helps sustain its representations. The complete necessity of continued oil extraction is a foundation for institutional activity in Ecuador, and an outcome of the activities of the same institutions.
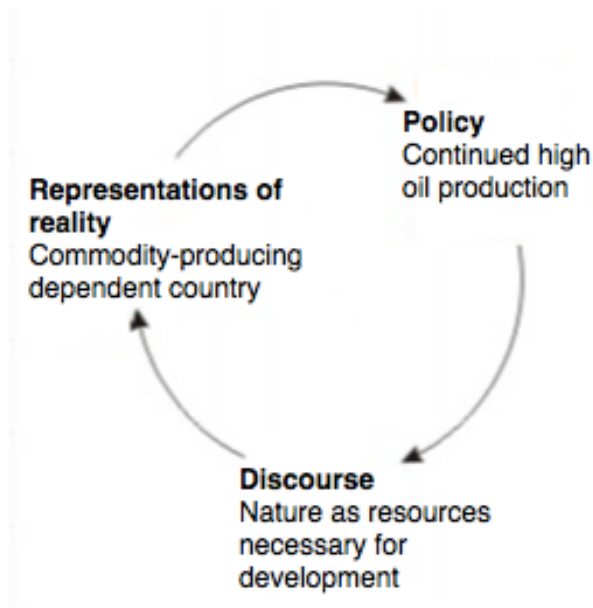
Figure 6.: Self-fulfilling cycle of the Anthropocentric Developmentalist Discourse. Author's own figure, 2016

## 6.4 Different Spheres of Influence

In this chapter I have done an analysis of the political effects of the three different discourses on the rights of nature. This I have pursued through a triangulation between the written development plan, the actual occurrences surrounding the Yasuní-ITT Initiative and through looking at some quantified indicators of the role of oil in the Ecuadorian economy. I find that when it comes to the overarching and long-term development ambitions, the Transformative Discourse is evoked. Ecuador has grand ambitions of transforming the relationship between humans and nature, and to pursue a course whereby nature is no longer seen as resources for human consumption, but as the place where Life itself happens. This notion can be defined as border thinking, and as such the Plan constitutes an institutionalisation of knowledge from the margins of modernity.

The National Development Plan also states that it wants Ecuador to take a leading role in promoting this paradigmatic shift globally, and this is mirrored in how President Correa first framed the Yasuní-ITT Initiative. These objectives are clearly in line with the Transformative Discourse, as its main features are that it sees all living elements as deserving rights, it frames the rights of nature as a transformative solution internationally, and it also sees them as an instrument for awareness raising.

In the same chapter in the same plan, the Anthropocentric Developmentalist Discourse becomes the most influential discourse when it comes to concrete policy directives. They are mostly top-down, mainstream environmental policies. The rights of nature might

represent a greater argument for the importance of strong environmental policies, but the shift in how nature is viewed presented earlier in the same chapter is not very visible in this section. The policies imply that nature is something that can be managed by humans, i.e. it is something outside of and different from humans. The Anthropocentric Developmentalist Discourse was also employed by the President when terminating the Yasuní-ITT Initiative. This discourse is the one that mostly constitutes and is most constituted by the current economic realities of Ecuador. The sustained high levels of extraction and exports of oil demonstrates that nature is first and foremost represented as natural resources, and that the rights of nature are less prioritised than the social rights of the population that can be financed by oil revenues.

Both the Transformative and the Anthropoentric Developmentalist Discourse are institutionalised, albeit in different ways. The Transformative Discourse is institutionalised in the Constitution and political ambitions for the long-term development of the country. The Anthropocentric Developmentalist Discourse is institutionalised in policy. The Constitution might have more symbolic power, but policy measures are implemented, giving them stronger immediate political and social effect. No one discourse totally dominates thinking throughout, and all three discourses have a political influence, but in different spheres. The Ecosocialist Discourse is the language of resistance. It has therefore not been very present in this analysis of political measures, as it is mostly articulated by civil society actors with a strong political presence outside of official political spaces.

It may appear from this analysis that the Anthropocentric Developmentalist Discourse is hegemonic, and that the other two discourses are in a position of opposition. According to Adger *et.al.* a discourse is hegemonic if it 'dominates thinking and is translated into institutional arrangements' (2001, p. 5). The Anthropocentric Discourse does dominate thinking in institutions, but the Transformative Discourse is also institutionalised, and has been able to raise awareness of different approaches to development and nature's role in it. The Transformative Discourse is struggling for influence, and as it is also institutionalised it does have some influence, but not on the level of implementation. It therefore does not have the same self-sustaining effect as the Anthropocentric Developmentalist Discourse. The Anthropocentric Developmentalist Discourse is not completely hegemonic, but it has the most power, and as such there is a clear imbalance of power between the three discourses. There is no hegemonic power of representation of the rights of nature, but the Anthropocentric Developmentalist Discourse clearly has the greatest power of influence.

The presence of the Transformative Discourse means that a different idea of development exists in Ecuadorian development planning, it is an example of border thinking that has been institutionalised. The country's development model is influenced by a different ontology, with ambitions to transform the human-nature relationship, in theory. It is present in visions, but not in any concrete policy measures. This points towards the difficulties of incorporating transformational concepts based on a different ontology into a system with a modernist and dualist foundation in an applicable manner. This applies to the political system of Ecuador, as the representation of nature as resources exploitable for human needs is institutionalised.

The same representation of the human-nature relationship is also the foundation for the international system of global supply and demand of commodities. As informants represented Ecuador as a small country dependent on the international economic system, it is difficult for the country to do anything else than continue to rely on revenues from commodity exports, which presupposes the separation between humans and nature and nature as exploitable resources. This representation of the international system adds to the notion of Ecuador as dependent, not only economically, but perhaps also ontologically. The international system is a clear example of discursive practice and social practice working together and mutually influencing each other, as the second and third dimension of the critical discourse analysis model. Together they represent limits to the incorporation of concepts stemming from different worldviews.

# 7 Conclusions

This thesis has assessed whether the incorporation of a concept from a different worldview is able to influence a country's development model. I have used the constitutional rights of nature in Ecuador as case. Ecuador was the first country in the world to make nature a subject of rights, and they did this by invoking nature as *la Pachamama*, the Kichwa Mother Earth deity. According to this indigenous worldview, Earth and all its elements have life, and they co-exist and are mutually dependent on each other. Humans are seen as part of this equilibrium, and not set apart from it.

This therefore challenges the modernist vision of humans as separated from nature, and nature as subject to human use. This is especially pertinent in Ecuador, as it has historically been completely economically dependent on extraction and export of natural resources, and usually one main commodity at a time. This development model would not be compatible with the rights of nature, as it sees nature as a sum of its parts, i.e. its natural resources, and these as readily exploitable for human activities. Any possible influence of the rights of nature should therefore be discernable through examining aspects of Ecuador's current development policies.

The rights of nature have still not been codified into secondary legislation, and have not been a political priority in the eight years since the ratification of the Constitution. What they have the potential to mean, and how they can be implemented, therefore remain unclear. I argue that placing a concept from an ancestral and indigenous ontology into a system based on a modernist ontology has led to confusion about its meanings and possibilities for implementation. The rights of nature represent an order of discourse, a discursive battlefield. Discourses are inherently incomplete and open-ended, with their exterior limits comprised of other discourses that are similarly unstable. They can therefore offer a range of possibilities. Meaning can be temporarily fixed, but it is only interpretable through language. Language is full of preconceptions, and meaning is therefore contingent and changeable. In this order of discourse different actors are struggling to temporarily fix the meaning of the rights of nature according to their worldviews and political agendas.

# 7.1 Revisiting the Research Questions

Based on my data consisting of semi-structured interviews with a variety of actors active in the public debate on the rights of nature in Ecuador, I have answered my two research questions: What are the different discourses on the rights of nature in Ecuador? How are these constructed? And, to what extent do the different discourses seem to influence development policies?

The first research question is answered in Chapter Five. I identified three main discourses in the data. These I named the Ecosocialist Discourse, the Transformative Discourse and the Anthropocentric Developmentalist Discourse. The first discourse represents the rights of nature as necessitating a new way of organising the economic system, as they cannot be implemented in a capitalist economic system based on environmental destruction. The second discourse emphasises how the rights of nature can mean a first step towards a more biocentric way of understanding the world, also internationally, where we are at a point in time where something has to change. These discourses both see nature as an interconnected whole, where everything has life and therefore should be given rights. The final discourse sees the rights of nature as only possible if they constitute a form of stronger environmental regulation, while more systemic changes are deemed impossible. This representation is based on the modernist dualist worldview of nature as separated from humans.

The second research question was answered in Chapter Six. After having analysed Ecuador's national development plan, the innovative Yasuní-ITT Initiative which ultimately failed, and some quantified indications of the role of oil in the Ecuadorian economy, I find that the discourses' influence on development policies depends on scale. Elements from the Transformative Discourse are used to articulate Ecuador's overarching and normative development ambitions, which include a paradigmatic shift of seeing nature no longer just as resources for human consumption. Moving towards a more concrete, administrative scale of policy directives and implementation, there is a shift in discourse. Policies still consist of mainstream environmental regulation, presupposing that nature can be managed by humans.

This is firmly placed within the Anthropocentric Developmentalist views on the rights of nature. The Anthropocentric Developmentalist Discourse is the language of policy-making and discourse closest aligned to the current economic model of Ecuador. It has a self-sustaining effect due to its institutionalisation, and it clearly is the most influential discourse and the discourse with the most power. There is as such an imbalance of power between the different discourses. I argue that the Ecosocialist Discourse is not very visible in the analysed

secondary data, as it is invoked as the language of resistance, and is mostly found outside of official political spaces. The views of the Ecosocialist Discourse are however also mostly on an overarching scale. Articulations of this discourse include arguments for a paradigmatic civilizational move away from a hegemonic global capitalist system towards a more traditional, communal way of life.

The main contribution of this thesis is the identification of these three different discourses. Here they have been identified within the order of discourse on the rights of nature specifically. They can however function as analytical categories to deconstruct interpretations of environmental issues and suggested solutions, at all levels. Climate change, resource depletion, biodiversity loss and other significant ecological problems can be interpreted and represented through the use of the Ecosocialist, Transformative or Anthropocentric Developmentalist Discourse. They could also function as analytical categories for discourse analyses on international processes of environmental governance, for example the UNFCCC process on an international agreement on climate change abatement, or other United Nations conventions.

## 7.2  Partial Institutionalisation

The research findings presented in Chapter Five and Six provide an answer to my research aim. In this case, a concept stemming from an ancestral and indigenous worldview has had a rhetorical influence on a country's development model. Ecuador's s almost utopian ambitions of transformations incorporate indigenous ways of seeing nature. This can be defined as border thinking, Mignolo's term for knowledge at the margins of modernity, in opposition to 'core' countries' modernist and dualist understanding of the world (Mignolo, 2011b). This ambition has not been able to influence concrete policy-measures however. These measures are still limited to environmental regulations based on an epistemology understanding nature as something that can be managed by humans, stemming from an ontology based in modernity. Economic indicators also show an unchanging extraction rate of crude oil, and its continued unsurpassed importance to the national economy. In practice therefore, the concept of the right-bearing Mother Earth has not really influenced Ecuador's development model. The discourses' political and social effects are constrained by the international economic system together with existing discourses and ontologies which limit policy innovations on a cognitive level.

## 7.3   Implications for Theory

My aim has been to assess whether the rights of nature as a concept from an indigenous on-
tology can influence Ecuador's development model. This could constitute an empirical ex-
ample of post-development approaches, as converting nature to a subject of rights implies a
transformation of the human-nature relationship, and a rejection of the very notion of devel-
opment as growth and progress. This is most clearly articulated in the Ecosocialist Discourse,
but it also exists in the Tranformative Discourse. As post-development theory also emphasis-
es local traditions and non-modern ways of seeing the world, I argue that the Ecuadorian
Constitution represents the closest thing to an empirical example of post-development think-
ing. This case can therefore contribute to theory advancement.

I find that in practice, Ecuador's current development model is mostly influenced by
the Anthropocentric Developmentalist Discourse. This discourse continues to represent na-
ture as natural resources, subject to human use. This means that the development model is
mostly orthodox, it is completely dependent on the exploitation of their current comparative
advantage, which is their natural resources, for economic growth. Even though they have
tried to implement concepts from an alternative worldview, it just does not seem possible that
these concepts can transform the development model, due to political and economic path de-
pendencies, working in tandem with the most institutionalised discourse, the Anthropocentric
Developmentalist Discourse.

## 7.4   Pragmatic Middle-Ground

It is hard to fault Ecuador for their resource dependency, and it can be questioned whether the
idea of nature as a subject of rights can at all influence a country's development model when
it is submerged into a global economy which most definitely continues to see nature as ex-
ploitable resources. Perhaps the most that can be expected from the concept of nature as a
right-bearing entity is that it can be applied in a diluted form, where policy formulation is
inspired by the idea of humans and nature as part of the same system. More concretely, this
can be achieved by actively limiting activities with a harmful effect on nature and the envi-
ronment, while still ensuring continued economic growth. A pragmatic middle ground seems
more attainable. Some informants underlined the idea of limiting rights, both the rights of
nature and economic and social rights, so that they can co-exist. The implementation of the
rights of nature seems more likely if their interpretation allows for limited resource extrac-
tion, so that social rights can be assured through public spending on welfare.

These limitations can only be sustainably implemented if they are the result of dialogue and debate. A more participatory system where civil society actors would be included in negotiations on large-scale extractive projects, could possibly ensure this. If they were allowed voice through free, prior and informed consent for example, and a main concern were the rights of nature, then this could lead to greater implementation. This is an indirect way of institutionalisation however, and outcomes would vary from project to project.

The current political climate in Ecuador does not seem to provide the most favourable conditions for dialogue. The relationship between the government and civil society is very polarised, and instead of dialogue, there is a mutual delegitimisation of claims. President Correa has stated publicly that although he agrees with an article in the Constitution that gives indigenous communities the right to consultation on the exploration for and eventual extraction of natural resources, the government should have the final say (Conaghan, 2011). This is problematic in a country such as Ecuador. They have a substantial minority population who has a close spiritual and physical relationship to nature. Indigenous groups live in areas subject to large-scale extractive projects, and they depend on the land for subsistence purposes. This is for example the case in the ITT in the Yasuní (see Chapter Six). This case is further problematized due to the indigenous groups who have chosen to remain in voluntary isolation, leading to a whole range of ethical questions regarding self-determination. More overarching, the state's decision-making power over natural resource extraction is problematic in Ecuador due to historic and intrinsic inequalities. Local populations have seen only the negative effects of resource extraction, and none of the benefits. Revenues have historically disappeared, either to an incompetent state or transnational corporations. The Chevron-Texaco case (see Chapter Four) is an extreme example of this.

## 7.5 An International Issue

Yet another challenge to the implementation of the rights of nature is that when talking about nature, it automatically becomes an international issue: environmental degradation has global implications. Perhaps the rights of nature need to be a concept that also has impact internationally, to really have an impact in Ecuador? Two of the three discourses emphasise how Ecuador's hands are partially tied due to Ecuador's insertion into the global economic system. They argue that they cannot be the only country in the world to actively change their relationship to nature. The Transformative Discourse argues that the rights of nature could lead to a global environmental consciousness. For the rights of nature to really mean some-

thing, perhaps a general conception that we need to change how we consider our relationship to nature is necessary.

There are examples of civil society activities internationally advocating the provision of rights to nature. There is e.g. a Global Alliance to the Rights of Nature, which has been present at COPs in the UNFCCC process. There they have participated as civil society actors, holding symbolic international rights of nature tribunals, applying the jurisprudence of the rights of nature on real cases of environmental destruction (Global Alliance for the Rights of Nature, 2016). To trace and analyse discourses on the rights of nature internationally, and how civil society actors evokes the Ecuadorian rights of nature in this forums, would be an interesting line of further inquiry.

## 7.6  Summary

Despite having been made a subject of rights, nature is still treated mainly as an object. The idea of nature as a subject of rights has been institutionalised in the Ecuadorian Constitution, but its influence is limited as it seems impossible to properly implement it in policy-making, due to both discursive and non-discursive limitations. Eight years after Ecuador became the first country in the world to give nature intrinsic rights, it seems as if this is still only a partial incorporation of a concept from a different non-modern ontology, into a political system based on a Western dualist ontological framework. This has opened up space for discursive agency, but in the discursive and socio-political practice an anthropocentric worldview continues to dominate representations of nature and subsequent political and social effects.

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# Appendix I: List of Informants

**Dra. Verónica Potes, interview 03.08.2015**

Law professor at the Universidad Internacional del Ecuador specialising in plurinationality, activist on behalf of Amazon indigenous peoples.

**Dr. Luis Fernando Sarango, interview 05.08.2015**

Lawyer, director of the indigenous university Pluriversidad Amawtay Wasi.

**Dr. Mario Melo, interview 07.08.2015**

Law professor, part of the closed down Fundación Pachamama and advisor to the indigenous movement during the Constitutive Assembly. Now coordinator of the Centre for Human Rights at the Pontificia Universidad Católica del Ecuador.

**Dr. Ramiro Ávila, interview 07.08.2015**

Law professor at the Universidad Andina Simón Bolivar.

**Patricio Hernandez, interview 11.08.2015**

Environmental lawyer at the ECOLEX foundation.

**Esperanza Martinez, interview 12.08.2015**

Integral member of the NGOs Acción Ecológica and OilWatch, former advisor to the Presidency of the Constituent Assembly.

**Fernando Benalcázar, interview 13.08.2015**

Sustainable development advisor for extractive industries in Latin America.

**Community relations representative from oil company, interview 17.08.2015**

**Tarsicio Granizo, interview 18.08.2015**

Former government official, now working in environmental NGO.

**Carlos Andrés Vera, interview 18.08.2015**

Filmmaker and activist concerning protection of rainforest and indigenous populations.

**Enrique Torres Castro, interview 19.08.2015**

Advisor to the National Assembly

**Dr. Alberto Acosta, interview 20.08.2015**

Professor of economics at FLACSO Ecuador, former Minister of Energy and Mines and former president of the Constituent Assembly.

**Francisco Prieto, interview 21.08.2015**

National Director of Biodiversity at the Ministry of Environment

**Humberto Cholango, interview 25.08.2015**

Indigenous leader and politician, former president of ECUARUNARI and CONAIE.

**Agustin Cachi Puendo, interview 25.08.2015**

President of Confederación del Pueblo Kayambi

**Patricio Suarez, interview 27.08.2015**

Analyst, Plan Nacional de Buen Vivir, Senplades

**Tania Elizabeth Dávila Paredes, interview 27.08.2015**

Director, Plan Nacional del Buen Vivir, Senplades

**Humberto Piaguaje, interview 31.08.2015**

Executive Coordinator of the Unión de Afectados y Afectadas de las operaciones de la Petrolera Texaco

**Luis Yanza, interview 01.09.2015**

Co-founder of the Amazon Defence Front, spearheaded the lawsuit against Chevron-Texaco

**Patricio Benalcázar, interview 08.09.15**

Associate on human rights and the rights of nature at the Office of the Ombudsman (*Defensoría del pueblo)*

**Inés Arias, interview 08.09.15**

Environmental analyst in the Division of Management of Public Companies, Senplades

**Dania Quirola, interview 08.09.15**

Advisor to the Presidency of the Constituent Assembly

# Appendix II: Interview Guide in Spanish

**1) Introducción**

   a) ¿Cómo fue el proceso hacía la incorporación de los derechos de la naturaleza en la Constitución?

   b) Según Usted, ¿por qué la naturaleza debería tener derechos?

**2) La aplicación de los derechos de la naturaleza**

   a) ¿Cómo se aplican los Derechos de la Naturaleza en la práctica? ¿Tiene ejemplos?

   b) Según Usted, ¿cómo se podrían aplicar los Derechos de la Naturaleza?

   c) ¿Los derechos de la naturaleza han tenido un efecto transformativo en la manera de pensar sobre la naturaleza?

**3) Modelo de desarrollo**

   a) ¿Los derechos de la naturaleza forman parte del debate sobre modelo de desarrollo? Si es el caso, ¿en qué manera?

      i) *Probe*: Hasta qué punto basado en extracción, cuánta protección.

   b) ¿Cómo ve Usted la relación entre la cosmovisión indígena y la política en Ecuador? Considera que los derechos de la naturaleza y las menciones a la *Pachamama* en la Constitución significan una aceptación de la cosmovisión indígena? ¿O tal vez una transformación? ¿Positiva, negativa?

**4) Extracción de petróleo**

   a) ¿Es necesario la extracción de petróleo para el Ecuador? ¿Por qué/por qué no?

   b) ¿La extracción de petróleo es compatible con los derechos de la naturaleza?

   c) ¿Según Usted, cuáles consideraciones deben ser tomadas en cuenta en proyectos extractivos?

      i) *Probes*: su definición de buen vivir, derechos de la naturaleza, efectos locales, beneficios nacionales.

   d) ¿Hay mucha resistencia contra la extracción de recursos naturales en el Ecuador en este momento?

   e) ¿Los derechos de la naturaleza pueden tener una función en la resistencia contra extracciones de recursos naturales?

**5) Otro**

   a) ¿Usted quiere añadir algo?

   b) ¿Debería haber preguntado sobre otra cosa?

   c) ¿Usted tiene preguntas para mi?

# Appendix III: Interview Guide Translated to English

1) **Introduction**

   a) How was the process towards the incorporation of the rights of nature in the Constitution?

   b) According to You, why should nature have rights?

2) **The application of the rights of nature**

   a) How are the rights of nature applied in practice? Do You have examples?

   b) According to You, how can the rights of nature be instrumentalised?

   c) Have the rights of nature had a transformative effect in how nature is thought about?

3) **Development model**

   a) Do the rights of nature form a part of the debate on development model? If this is the case, in which way?

      i) Probe: To what point based on extraction, how much protection.

   b) How do You see the relation between an indigenous worldview and politics in Ecuador? Do you think that the rights of nature and the mentions of the *Pachamama* in the Constitution have meant an acceptance of an indigenous worldview? Or maybe a transformation? Positive, negative?

4) **Oil extraction**

   a) Is oil extraction necessary for Ecuador? Why/why not?

   b) Is oil extraction compatible with the rights of nature?

   c) According to You, which considerations should be taken into account in extractive projects?

      i) Probes: Your definition of *buen vivir*, the rights of nature, local effects, national benefits

   d) Is there a lot of resistance against natural resource extraction in Ecuador currently?

5) **Other**

   a) Do You have something to add?

   b) Should I have asked about anything else?

   c) Do You have questions for me?

# Appendix IV: Formulario de Consentimiento Informado

Soy estudiante de maestría de geografía humana en la Universidad de Oslo en Noruega. Para mi tesis de maestría deseo analizar los diferentes discursos acerca de los conceptos indígenas incluidos en la Constitución Ecuatoriana, la *Pachamama* y el buen vivir, y como los actores que participan en el debate público del modelo de desarrollo y las políticas de extracción de recursos naturales interpretan estos conceptos y consideran su aplicabilidad.

Por lo tanto deseo entrevistar representantes de entes de gobierno y la sociedad civil, además de otras partes interesadas relevantes. También analizaré documentos escritos. Espero poder realizar aproximadamente veinte entrevistas. Las preguntas tratan de los derechos de la naturaleza, como los entrevistados definen buen vivir, los diferentes temas y perspectivas en el debate de modelo de desarrollo en Ecuador, y la extracción de recursos naturales, particularmente el petróleo.

Prefiero utilizar una grabadora de audio y tomar apuntes durante la entrevista. Seré la única persona que puede acceder los datos grabados, que guardaré en una computadora protegida con contraseña y/o en un pendrive guardado en una habitación cerrable. La entrevista no durará más que una hora, y los participantes y yo decideremos juntos la hora y el lugar. La entrevista es voluntaria y participantes pueden retirarse en cualquier momento durante la entrevista. Si participantes deciden retirarse del proyecto, todos los datos prevenientes de ellos serán borrados imediatamente. Participantes pueden decidir conservar el anónimo si desean.

Este proyecto de investigación será concluido dentro del fin de 2016, y todos los datos serán guardados en un servidor seguro ofrecido del servicio noruego de datos de ciencias sociales. Yo los acedería únicamente en el caso de que los podré utilizar por estudios adicionales.

Si Usted tiene cualquier pregunta, por favor no dude en contactarme en: [correo electrónico]/[número de teléfono]. Usted también podría contactar mi supervisora, profesora asociada Jemima García-Godos al Instituto de Sociología y Geografía Humana en la Universidad de Oslo: [correo electrónico] / [número de teléfono]
El servicio noruego de datos de ciencias sociales ha sido notificado del estudio.


Declaración de consentimiento:
He recibido información del proyecto de investigación y estoy dispuest@ a participar.
Firma y fecha ..............................................................................................

# Appendix V: Translated Informed Consent Form

I am a master student of human geography at the University of Oslo in Norway. For my master thesis I wish to analyse the different discourses on the indigenous concepts included in the Ecuadorian Constitution, the *Pachamama* and *buen vivir*, and how actors participating in the public debate on development model and policies on natural resource extraction interpret these concepts and consider their applicability.

I therefore wish to interview representatives from governmental agencies and civil society, in addition to other relevant stakeholders. I will also analyse written documents. I hope to be able to carry out approximately twenty interviews. The questions are about the rights of nature, how the interviewees define *buen vivir*, the different topics and perspectives in the debate on development model in Ecuador, and the extraction of natural resources, especially oil.

I prefer to use a recorder and take notes during the interview. I will be the only person that can access the recorded data, which I will save on a password-protected computer and/or a USB stick kept in a lockable room. The interview will not last more than one hour, and the participants and I will together decide the time and the place. The interview is voluntary and participants can withdraw at any moment during the interview. If participants decide to withdraw from the project, all the data originating from them will be erased immediately. Participants can decide to remain anonymous if they wish.

This research project will be concluded by the end of 2016, and all data will be saved in a secure server offered by the Norwegian Centre for Research Data. I will only access them in the case that I will be able to use them for additional studies.

If You have any questions, please do not hesitate to contact me at: [Email] / [Phone number]. You can also contact my supervisor, Associate Professor Jemima García-Godos at the Institute of Sociology and Human Geography at the University of Oslo: [Email] / [phone number].

The Norwegian Centre for Research Data has been notified of this study.

Declaration of consent:

I have received information about the research project and I am willing to participate.

Signature and date …………………………………………………………………….