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A multidisciplinary analysis

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ABSTRACT

The following thesis examines the intercultural bilingual education (IBE) model in public primary schools in Ecuador. I review its historical development and I assess the Right to Intercultural Bilingual Education (RtIBE) within the provisions of Constitution of 2008 and the Intercultural Education Act of 2011. To do so I employ a broad evaluative framework consisting of International Human Rights Law and the concept of interculturality. The analysis is conducted by looking at political, symbolic and material commitments of the State. I ask whether the IBE model displays proper participatory spaces, whether it gives the indigenous peoples a quality education required for maintenance of their cultures and languages, and how economic resources impact the access to and the quality of education for indigenous children. The latter question is considered using 3-As scheme covering accessibility, availability and acceptability of material commitments. Altogether, my findings indicate that although there has been an increasing economic coverage and a promising development in the Ecuadorian law, the uneven power relations and the over-legitimacy of the Hispanic mono-cultural and mono-lingual educational model partially restrict the full implementation of RtIBE.

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ABBREVIATIONS

Institutions

AB	Arturo Borja School
CONAIE	Confederation of Indigenous Nationalities of Ecuador
DINEIB	National Directorate of Intercultural Bilingual Education
MINEDUC	Ecuadorian Ministry of Education
MP	Mushuc Pacari School
OSC	Occasional Specialized Commission
UNESCO	United Nations Organization for Education, Science and Culture

Treaties/Declarations

CRC	Convention on the Rights of the Child
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO-169	International Labour Organization Convention concerning Indigenous and Tribal Peoples
UDHR	Universal Declaration of Human Rights

Other

IBE	Intercultural Bilingual Education
RtIBE	Right to Intercultural Bilingual Education
ISCED	International Standard Classification of Education

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1. INTRODUCTION

The gaining of independence did not resolve societal problems in Latin American countries. One of the severe marks left by colonialism was that class-based and ethno-racial domination inhibited the access to equal opportunities. For that reason, the claims for equality should not be handled separately from the recognition of diversity (Grijalya, 2008). Now, education strengthens the respect for human rights and fundamental freedoms (Article 13, ICESCR). If one acknowledges that cultural and linguistic particularities are at risk because of homogenizing intentions, properly planned education offers the possibility to reconfigure the mindset of societies. It would also be pivotal in leading to both the transformation of vertical sociocultural relations and to the reconstruction of unequally structured multicultural and multilingual societies. Ecuador is a country where we can try to find out whether this is really possible.

Since Ecuador was formed as an independent state in 1830, the country has experienced the enactment of 20 constitutions. In the first hundred years, the domestic law usually worded education as a privilege to be enjoyed only by mestizos (people of mixed European and indigenous descent) and whites, the two groups that were controlling the state. In 1929 education was for the first time constitutionally formulated as a guarantee (not a right) to be enjoyed by landowners, so practically speaking it remained exclusive to the two abovementioned groups (Vélez, 2008). The issues of land dispossession were obviously a part of a larger problem: the inferior sociocultural status of the indigenous peoples vis-à-vis the dominant segment of the society. The cultural dynamics imposed by mestizos and whites hindered the indigenous peoples from unbridled practice of their cultures and from speaking their languages (Vélez, 2002).

Nowadays, Spanish is the official language in Ecuador, whereas Kichwa and Shuar, the most widespread indigenous tongues, are official languages for intercultural relations. Still other ancestral languages, of which there are eleven, are official for the indigenous peoples in the territories they inhabit (Art.2, Constitution 2008). In fact, among the collective rights that indigenous peoples are entitled to according to Chapter IV of the most recent Ecuadorian Constitution of 2008, there is the right to intercultural bilingual education (RtIBE) – the topic of this thesis – regulated through the Intercultural Education Act (2011). Its recognition is a result of indigenous struggles that can be traced back to the 1930s.

In the 1930s some indigenous leaders, like Dolores Cacuango, reacted to the oppression by establishing clandestine schools for the indigenous children. There was a chance that the efforts towards the cultural recognition would merge with the efforts to reclaim the ancestral territories (El Telégrafo, 2014). However, these endeavors went apart in the 1940s due to disparate interests of different indigenous groups in the country. Nonetheless, something pivotal occurred in that decade: in 1945 Ecuador ratified the United Nations Charter, and the new Constitution formulated education as a right for everyone for the first time. Still, it took forty more years before the State started to actively promote formal education for indigenous children in their mother tongue reflecting on their cultural knowledge (Abram, 2004; Martínez-Novo, 2006). Only then intercultural bilingual education (IBE) began to gain space and support in the realm of public education – or so it seemed.

Generally speaking, IBE is one of the main instruments for promoting the sense of respect for diversity in the mainstream population through preservation and promotion of ancestral languages and cultures (De-la-Torre, 1998). It is born out of the concept of interculturality in education: a type of learning that is rooted in one's own culture, language, values, worldview and system of knowledge receptive and appreciative of other such systems (Trapnell; Vigil, 2011). Thus, in the Ecuadorian context IBE opposes the cultural invasion of the hegemonic Hispanic model carried out by a monocultural, monolingual type of instruction. It can be used as an instrument for emancipation from it, and even transformation of it (López, 2009). It is ostensibly a tool to voice indigenous protests against a school system imposed by the white and mestizo elites.

IBE meets several obstacles, though. The huge lingual diversity of Ecuador, although giving idealistic reasons for employing intercultural policies, poses practical problems for the implementation of the principle in education. In 2012, the Special Rapporteur on the right to education, Kishore Singh, after visiting Ecuador welcomed the initiatives taken by the government in order to improve the enactment of RtIBE. However, he also concluded that despite the presence of international and domestic legal framework, disparities persist in the guarantee for education on equal terms, and indigenous children are disadvantaged in comparison with their mestizo and white peers (OHCHR, 2013).

IBE may also be politically controversial. The indigenous thinker Mariano Morocho-Morocho (2012) believes that IBE is actually thought of by the government as a tool for assimilation of

Indians to the dominant norms and values of mestizos and whites – whose children are not necessarily required to learn native languages and cultures. The very cultural flexibility of the foundational concept of IBE makes it prone to becoming means for co-optation.

The following thesis aims at a multidisciplinary analysis of RtIBE in Ecuador in the context of public primary schools. In Ecuador, primary schools are attended by children in the age group 5-14 years (corresponding to ten grades of schooling). This grouping is in accordance with the International Standard Classification of Education (ISCED) designed by the United Nations Organization for Education, Science and Culture (UNESCO) in 1997 and adopted by Ecuador (SIBE's Secretariat, 2015).

Due to peculiar, culturally situated challenges of the IBE model, I believe that the potential problems must not be approached only from a legal perspective. Throughout the thesis, I will thus also try to determine whether IBE effectively supports the cultural and linguistic needs of indigenous peoples: I will specifically consider the questions of access to quality education for indigenous children.

1.1 Research question

Considering the facts presented above, the research question for my thesis is formulated as follows:

To what extent is the Ecuadorian law on RtIBE, nourished by IHRL and embracing the concept of interculturality, fulfilled in practice in intercultural bilingual public primary schools?

1.2 Researcher's motivation

There exists a vast research on intercultural bilingual education employing the linguistic and pedagogical approaches. However, there have been only a limited number of academic contributions investigating IBE in the context of IHRL (Skutnabb-Kangas, 2008). Even fewer researchers have looked from the human rights point of view at the dynamics of interculturality and its effects on bilingual education in a diverse society (Speiser, 2000).

In my attempt to provide the reader with a better understanding of RtIBE, I combine the legal and the social analysis to determine the challenges and outline possible improvements of IBE in Ecuador, so that it could enhance the regional development of the other rights of indigenous peoples. Indeed, the challenges of intercultural bilingual education are not only distinctive for Ecuador, but can be localized worldwide. (Vierecke & Peters, 2016; Mahajan, 2016). In this vein, my research wishes to advance the importance of survival and preservation of diversity threatened by disappearance.

Although universal human rights provisions entail that everyone is born free and equal in their opportunities (UDHR, 1948), it does not necessarily imply equal participation. This is mainly due to conflictual dimensions of power. These dimensions are (re)produced through cultural group practices (Van-Dijk, 1998). Hence, if the goal is to reach the marginalized groups with participation possibilities, obstacles to access must be unveiled and proper programmes formulated in response to them (ICAE, 2003). Revealing the problem allows one to confront the unfeasible monolingual and monocultural education imposed by elites in the dominant language, in this case Spanish. The intention must be neither to isolate indigenous societies nor assimilate them, but rather to build upon the idea of diversity of languages and cultures living in the same jurisdiction (Morochó-Morochó, 2012). Otherwise, governmental decisions may have negative impact on the education situation of mainly indigenous children, while the majority of mestizo and white children could be infused through education with discriminatory beliefs.

By uncovering political, symbolic and material state commitments that are possibly unfulfilled, I hope to contribute to the international and national legal spheres of indigenous peoples studies. I wish also to provide an argument that at the policy-making level sensitivity to culture should be clearly embraced. The survival of indigenous languages and cultures should be one of the top priorities in decision-making processes of which the indigenous society should be a part. Furthermore, if children, irrespective of their background, pursue education with a true intercultural focus, they must also grow up in a society much aware of its diversity. No group must be seen as superior or inferior (Vélez, 2002). The ultimate goal would be to thwart institutional structures tending to support the Hispanic educational model and making schools reproductive spaces for sociocultural inequalities.

1.3 Methodology

In my response to the research question, I will employ a multidisciplinary approach synthesizing legal, theoretical and empirical work. My primary sources are the binding legal instruments listed in the next paragraph. My secondary sources that support my broader evaluative framework (including interculturality) consist of non-binding documents, academic literature, interviews providing qualitative data, participatory observation, newspapers, the Hispanic and IBE curricula and school textbooks, and academic literature.

The domestic legislation – the Constitution of 2008 and the Intercultural Education Act of 2011 – is based on evaluative benchmark criteria set by IHRL. The binding documents that contribute to my research are: **a)** the International Covenant on Economic, Social and Cultural Rights (ICESCR, entered into force in 1976), specifically its Articles 1 (right to self-determination), 13 (right to education) and 15 (right to the participation in cultural life); **b)** Articles 29 and 30 of the Convention on the Rights of the Child (CRC, entered into force in 1990) wording guarantees concerning the relevance of language and culture in education for preserving indigenous children identities; **c)** the Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO 169, entered into force in 1991) that contributes to the particular entitlements of indigenous peoples, and which part VI states how education should be applied.

My analysis of the Ecuadorian law on RtIBE is framed through three types of commitments: political (Langford, 2014), symbolic and material (Rodríguez-Garavito, 2011). I link them respectively with participation and self-determination, culture and language, and access to and quality of education. The material commitments will be considered with the help of the 3-As scheme including the criteria of availability, accessibility and acceptability. The scheme is inspired by General Comment 13 based on Article 13 ICESCR on the right to education (entered into force in 1976). It mentions in fact yet another criterion – adaptability. However, I will omit it from this study since I consider it is implicitly covered by the discussion of symbolic commitments.

For the field work, I adopted a qualitative method with interviews. Prior to the conversations, the researcher had done literature review, choosing central topics to assess the accomplishment of the law. Semi-structured interviews give researcher flexibility and enable clarifying

questions according to the topic studied (Flyvberg, 2006). In order to avoid biased assertions, I talked with different representatives of the school sector. I interviewed two policy-makers working at the Ministry of Education, two Directors of intercultural bilingual schools and two teachers (see Appendix 2 for complete information about my informants). The two schools where I conducted the interviews were Mushuc Pacari and Arturo Borja. I hope that such a broad selection of interviewees allows me to synthesize an objective point of view. The interview's questionnaire is in Appendix 1, translated from Spanish to English. The information drawn from it has been used throughout the thesis, mainly in Chapter Five.

As a part of the field work, I also did participatory observation where “a researcher spend[s] time in an environment observing, behavior, action and interaction, so that he/she can understand the meaning constructed in that environment and can make sense of everyday life experiences” (Grbich, 1999). I had the opportunity to be an observer in both schools in the Second Grade. The observation consisted of observing the proceedings of some classes in order to verify what had previously been shared with me by the educational community.

There are of course certain limitations in the scope of this thesis. First, it addresses the challenges of IBE solely in the context of public primary schools. Second, only two IBE schools have been visited during the study. This might represent too small a sample, not truly representing the full reality of schooling. However, precisely in order to minimize biases, I interviewed different actors from the school community and evaluated some textbooks used in *all* IBE establishments. Third, other groups of the society facing similar problems in terms of education, for instance montubios and Afro-Ecuadorians¹, are not discussed in my thesis, although their rights might also be violated. Fourth, although another researcher might address the topic emphasizing discrimination, I choose to anchor my analysis in interculturality. I do so because I believe that the intercultural perspective is more constructive when discussing challenges of diverse societies in countries like Ecuador.

¹ Montubios are people of combined Spanish and aboriginal descent living in the Coast region. Afro-Ecuadorians are descendants of Africans brought to the American continent as slaves. See also Section 2.1.

1.4 Reader's Guide

This thesis is organized as follows:

The present Chapter has introduced the situation of IBE in Ecuador. Motivation, the research question, and methodology have been presented as well.

Chapter Two elaborates on the concepts of indigenous peoples and mestizo in the Ecuadorian context. It also provides the reader with the history of IBE from 1930s up till 2008.

Chapter Three presents the theoretical framework. It is divided in two parts. First, it employs the IHRL to clarify the core interconnected requirements of the right to education. They will be analyzed through the lens of political, symbolic and material commitments. Second, I include in that chapter the theoretical presentation of interculturality and bilingualism. Here we go beyond the law in order to flesh them out and explore further. We differentiate between functional and critical interculturality, and establish the concept of bilingualism using the ideas of first and second language.

Chapter Four engages in a legal and policy analysis of RtIBE in Ecuador. I employ both IHRL and the concept of interculturality in my discussion. The main documents are the Constitution (2008) and the Intercultural Education Act (2011). The content of these sources are examined taking into account the interconnection of political, material and symbolic commitments from a legal approach mainly.

Chapter Five examines how the requirements of RtIBE are being realized by the State on the material level. The analysis of material commitments is structured with the 3-As scheme. I analyze whether the actual state practice improves the access to and the quality of education in intercultural bilingual public primary schools.

Finally, Chapter Six provides conclusions.

2. MAIN DEFINITIONS AND THE HISTORICAL EVOLUTION OF IBE

The following chapter has as its goal to provide understanding of IBE in Ecuador. In the first section I will establish the relevant concepts. I will give a definition of “indigenous peoples” taking into account how they identify themselves in the Ecuadorian social context. I will also discuss shortly the social grouping of mestizos. In the second section, I will sketch the historical evolution of the indigenous revindication regarding RtIBE.

2.1. Definitions

2.1.1 ‘Indigenous’ in the Ecuadorian context

The ‘indigenous’ term is related to the presence of the native inhabitants of the American continent prior the arrival of the European invaders (Yumbay, 2007). Albó and Valarezo (1994) agree that the identity of an indigenous community can be determined through their cultural experiences, languages, communitarian linkages, sociocultural filiation and relation with nature. Others like Cobo (1987) and Kymlicka (2000) accentuate these shared attributes of indigenous peoples: 1) suffering from colonialization, 2) having a historical attachment to their lands or territories, 3) forming an inferior numerical (non-dominant) population vis-à-vis the rest of the community within an independent State.

In IHRL the most developed definition of indigenous peoples is provided in Article 1, ILO 169 (1989): “Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country [...] at the time of conquest or colonization [...].” One of the crucial parts of this provision is that the self-identification as indigenous peoples is constituted as a fundamental criterion to determine these groups. Sánchez-Parga (1996) agrees that it is precisely this sense of belonging that represents the traditional association of indigenous peoples. Thus, it is the pivotal point for the preservation of their culture and for the construction of political space that allows them to maintain their particular characteristics. The preservation of their identity is secured through safeguarding their cultures and vernacular languages. This sociocultural outlook is so to speak the point of departure for my thesis.

In Ecuador, indigenous peoples prefer to identify themselves as ‘indigenous peoples and nationalities’. The full description was born as an indigenous initiative as part of their plea for equal rights and for the State’s recognition of their diversity. The term ‘indigenous nationality’ was used for the first time by the indigenous movement CONAIE (see Section 2.2) in 1984 as part of their political project. The existence of indigenous nationalities and peoples has been officially recognized since the 1998 Constitution and the term is present also in the Constitution of 2008.

An indigenous nationality maintains its own language and culture. Inside each indigenous nationality we may find peoples attached to it. Several groups can share the same language and culture, but what makes them different from each other are their customs, dialect, geographic location and economic activities (CONDEPE, 2001). As Table 1 shows, there are fourteen indigenous nationalities in Ecuador speaking thirteen different languages. The biggest nationality, the Kichwa from the Andes region, includes as many as thirteen peoples or groups, all speaking the same Kichwa language. However, most other nationalities consist of only one group of peoples. Sometimes two or more nationalities might share the same language, as in the case of Secoya and Siona from the Amazon region.

However, for reasons of consistency, I choose to use the term “indigenous peoples” in the remaining of this study.

TABLE 1
Indigenous nationalities and peoples of Ecuador

Nationality	Peoples	Language	Number of self-identified members	
Coast				
Awá	Awapit	Awapit	3,082	
Chachi	Cha'palaa	Cha palaa	8,040	
Epera	Sia Pedee (Wamuna o Epena)	Siapede	250	
Tsa'chila	Tsa'fiqui	Tsa'fiqui	2,640	
Andes				
Kichwa	Karanki	Kichwa (Andes region)	6,360	
	Natabuela		10,154	
	Otavalo		70,472	
	Kayambi		147,000	
	Kisapincha		40,708	
	Kitukara		80,000	
	Panzaleo		58,738	
	Chibuleo		12,000	
	Salasaka		12,000	
	Waranka		53,921	
	Puruhá		200,000	
	Kanari		150,000	
Saraguro	48,500			
Amazon				
Amazonian Kichwas	Napo-Kichwa, Kanelo-Kichwa (Pastaza)	Kichwa (Amazonian Kichwa)	80,000	
A'i Cofán		A'ingae	800	
Secoya		Paicoca	380	
Siona			375	
Huaorani		Huaorani	2,200	
Shiwiar		Shiwiar Chicham	697	
Zápara		Zaparo	200	
Achuar		Achuar Chicham	5,440	
Shuar		Shuar	110,000	
Total of indigenous peoples in Ecuador				1,103,957

Source: López et.al. Rojas (2006): La EBI en América Latina bajo examen
Own elaboration

2.1.2 Who is mestizo in Ecuador

There is no static definition of mestizo applicable in different countries. Here we have to limit our discussion strictly to the Ecuadorian context. In general terms, mestizo refers to a person of combined European and native genes. Due to their skin color, some mestizos identify themselves as whites. Belonging to the mestizo population has been associated with the idea of superiority due to European genes. Mestizos that are economically advantaged will often position themselves within the white societal imaginary. The financial situation of the person might thus be perceived as a criterion; whereas a wealthy mestizo is called white, a poor mestizo remains in the mestizo category (Dennis, 1989).

In the effort to define an Ecuadorian mestizo more precisely, I choose to anchor my definition in demographics based on self-identification. Following the latest census in 2010, Ecuador has a population of 14,483,499 inhabitants that are:

- 71,9% mestizos,
- 10,5% whites (immigrants from the northern hemisphere or their descendants of unmixed blood),
- 7,4% montubios (of combined Spanish and aboriginal descent living in the coastal region who do not think of themselves as indigenous peoples),
- 7,2% afro-Ecuadorians (descendants of Africans brought to America as slaves),
- 7% indigenous peoples,
- and 0,4% others.

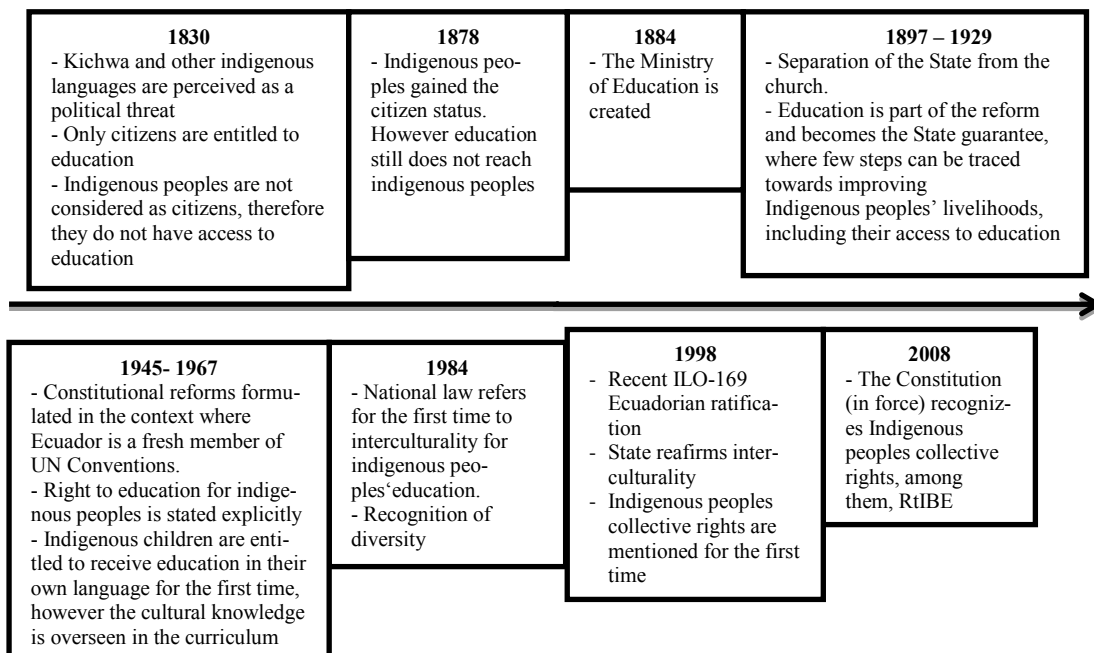
As we see, mestizos are at the top of the demographics (INEC, 2010). Together with whites they are most likely to occupy the state seats and make decisions concerning the other groups of society, including indigenous populations (El Costanero, 2011; El Telégrafo, 2011; Kingman, 2002).

2.2 Historical background: Towards the recognition of RtIBE

One of the marginalized social groups in Latin America – and Ecuador – are indigenous peoples, who despite being oppressed during the colonial and post-colonial period, preserved their cultures, languages, and their ways of organization. The path towards the recognition of their rights (with emphasis on IBE) is given in a concise presentation in these pages.

Ecuador has enacted 20 constitutions since the moment it became an independent state in 1830. The right to education in the constitutional texts has evolved from a privilege enjoyed only by mestizos and whites to a right guaranteed for everyone. However, the equity of the right to education for indigenous peoples emerged from a bottom-up initiative led by indigenous movements themselves who had managed to influence the legal development in the State.

Timeline of constitutional changes towards the recognition of RtIBE, period 1830-2008



Own elaboration

Article 68 of the Constitution of 1830, proclaimed right after the emancipation from Spain, named catholic priests as the official custodians of the indigenous peoples. The mestizos and whites owning land and having a profession were considered citizens receiving the privileged

access to education. Indigenous peoples could not fulfill either of the citizenship conditions, and therefore education was denied for them. Besides, to speak Kichwa or other of the vernacular languages symbolized a threat to the recently constituted Republic, and thus Spanish was the official language used in all public spheres (Llasag, 2013).

The following nine Constitutions from between 1835 and 1884 contained similar dispositions as the 1830 one (Salvador, 2010). It was first in the Constitution of 1878 that indigenous peoples achieved the citizen status, yet education did not reach them because this Constitution guaranteed education in Spanish, while most of the indigenous population lived in the rural areas and spoke indigenous languages (Art.17, Constitution 1878). The text of the next Constitution of 1884 was kept similar to the previous one, except for the endorsement of the creation of the Ministry of Education (abbreviated as MINEDUC in the following).

In 1895 a reform with the intention to divorce the State from the Catholic Church foreshadowed changes, also in education. Between 1897 and 1929 the separation of education from the church took place (Salgado, 1985). The 1929 Constitution marked now the State, not the clergy, as the protector of the Indian race with the purpose of improving their livelihoods in relation to educational and economic matters. Still, the paternalistic notion of indigenous peoples as a population to be taken care of instead of individuals seen as active actors in issues concerning them, did not only show patterns of power unbalance, but also exemplified how socioculturally speaking the indigenous collective was seen as inferior (Llasag, 2013).

In reaction to this, indigenous communities came forward with their own initiatives in order to secure access to education for themselves. We can name some of them: In the 1930s Dolores Cacuango, an indigenous woman leader, was the first to promote indigenous schools in Cayambe, an Andean town densely populated by indigenous peoples (El Telégrafo, 2014). Later, in the 1960s, the Integral Plan of Shuar radio schools in the Amazon region, and the Intercultural Bilingual Education System of Cotopaxi were implemented in one of the Andean provinces (Conejo, 2008; González, 2011; Vélez, 2008).

Meanwhile, the normative evolution continued. The 1945 and 1946 Constitutions were formulated in the important moment when Ecuador became a member of the United Nations. This marked a milestone in the history of education for indigenous peoples as for the **first time public education was formulated as a right to be free and compulsory for all. Moreover,**

indigenous children were entitled to receive education in their own languages (Art.143, Constitution, 1945). It also meant the first step towards the acknowledgment of the existence of different ethnic groups (apart from whites and mestizos) and cultures speaking different languages (Terán, 2000). The Constitutional text of 1967 was even more specific in terms of the right to bilingual education for indigenous children, emphasizing this time the learning of the national culture in Kichwa and other vernacular languages. Yet, this reform oversaw the significance of cultural knowledge (*pertinencia cultural* in Spanish), a key demand of the indigenous communities. Consequently, bilingual education was inoperative at the implementation level (García, 2005).

Up until then, the enactment of the domestic law was visualized from a top-down perspective. The curriculum of IBE was developed based on the western knowledge. This in the long run deprived indigenous peoples of their languages and knowledge, and impeded practice of their cultural traditions (Salazar, 2009). The disappearance of their ethnical identity was exacerbated. At the same time, such discursive bias promoted a social structure that neglected diversity and furthered interests of the dominant groups, mestizos and whites.

To reverse this questionable process, indigenous peoples of Ecuador developed during the end of the 1960s and the beginning of the 1970s concrete mechanisms for revindication through social movements. Among the most active, there were (still existing) FENOCIN² demanding an agrarian reform and ECUARUNARI³ striving for recognition of their economic, social and cultural rights by the State, in particular recognition of the right to education including learning in indigenous languages with cultural significance (Macas, 2009). By the 1980s, the indigenous movements of Ecuador managed to create political spaces for their participation.

In the second half of the 1980s, all the Ecuadorian indigenous movements constituted what is, up to date, known as the Confederation of Indigenous Nationalities of Ecuador (CONAIE for its acronym in Spanish). CONAIE was founded in 1986 and legally established in 1989. The Confederation mainly fought for the construction of an intercultural state, the recognition of indigenous collective rights, the return of land, the legalization of indigenous territories and the right to education (CONAIE, 2015). Thanks to a combination of successful protests and

² National Confederation of Indigenous Peoples and Afro-Ecuadorian Organizations.

³ Ecuadorian Confederation of Peoples of Kichwa Nationality.

attempts to create dialogue with the official representatives, the organization finally changed the participation panorama and achieved several reforms within the sphere of public affairs. **The 1984 Constitution illustrates the indigenous influence regarding the prohibition of discrimination in education and the enforcement of instruction in indigenous languages (Art.27, Constitution 1984). For the first time, domestic law referred to the term interculturality when addressing education for indigenous peoples.**

The introduction of the concept of interculturality in the legislative agenda gave rise to some challenges, and was used ambivalently in the political sphere. From the beginning, there was a political disagreement on how it should be understood and implemented (Krainer, 2012). It is not of surprise that between the end of the 1980s and the beginning of 1990s, IBE policies were mainly focused on the linguistic component, overlooking other aspects of indigenous cultures. Since 1990s, interculturality has been promoted differently by indigenous peoples and by the State due to conflicted socio-political interests. On the one hand, indigenous peoples claimed the recognition of diversity, and of indigenous cultures, knowledge, and languages through the intercultural approach. On the other hand, apparently the State was engaging with interculturality in the purpose of deploying democratic processes to grant protection and equality before the law to the indigenous collective. Unfortunately, this deployment remained within the discourse of tolerance and coexistence, without really changing the societal structure (Walsh, 2009).

The IBE initiative in the end of the 1980s and during the 1990s finally gained state support enabling leeway for development policies, among them policies regarding indigenous groups (Walsh, 2009). In 1988 CONAIE presented to the legislative the proposal that gave birth to the National Directorate of Intercultural Bilingual Education (DINEIB) through the Executive Decree 203. The organism functioned independent from and outside the MINEDUC (Abram, 2004). It was the representatives of all the indigenous movements gathered in CONAIE that were electing DINEIB's leaders (Chisaguano, 2005; DINEIB agreement, 1999). This gave an opportunity to indigenous peoples to represent themselves and frame appropriate policies with cultural significance.

The responsibilities of DINEIB were the organization, direction, control, coordination, and evaluation of the education of indigenous communities. The entity autonomously decided on the training of teachers in different languages and produced curriculum materials in these lan-

guages taking culture into proper account (Executive Decree 203, 1988). The Directorate actions began to be regulated in 1993 by the Intercultural Bilingual Education System Model (MOSEIB, for its acronym in Spanish). The main goals of MOSEIB were: to strengthen indigenous identities, to systematize traditional knowledge embedded in language and culture, to involve indigenous productive activities in the education system, to improve professionalism of teachers and to develop academic materials (MOSEIB, 1993).

The criteria for schools to join the IBE project were accordingly: a) it had to be schools from communities far from main roads (highways), b) less remote communities where mestizos lived, and c) places where Spanish was not spoken or minimally spoken (Krainer, 1996). These criteria served to initiate pilot projects in different provinces where some schools were part of the already functioning national regular education for mestizos, while other schools were specifically created aiming at providing education to as many indigenous children as possible. The enrollment of indigenous children to primary schools has significantly increased between 1989-1990 and 2000-2001 (*ibid.* pp.49-65)

During 1989-1990, primary IBE started to run in eleven out of the twenty-two Ecuadorian provinces⁴. At the national level 1,843,519 children were registered from which 38,722 were attending IBE institutions. During 2000-2001 the national schooling population reached 3,112,709 students, of which 93,048 children were attending IBE entities. In this period IBE schools reached seventeen out of the twenty-two provinces where 4,361 teachers were hired under the intercultural bilingual programme of DINEIB (Krainer, 1996).

According to Luis Montaluisa, DINEIB's first Director, one of the main problems during the first years of IBE was the lack of trained indigenous teachers. Besides, most of the school personnel were Spanish speakers trained in Western-mestizo educational strategies not suitable for the type of education needed by indigenous languages speakers (L. Montaluisa, personal communication, February 14, 2016). This drove in 1993 Montaluisa to hire high school indigenous graduates as teachers for primary schools. However, they were poorly prepared pedagogically speaking. Through MOSEIB, the cooperation between DINEIB and national

⁴ Before 2008, Ecuador was divided in 22 provinces. In 2008, Santa Elena and Santo Domingo de los Tsáchilas were constituted as two new provinces, leaving Ecuador geographically divided in twenty-four provinces.

universities such as the Pontifical Catholic University and the Salesian University, some teachers were financed by the Directorate, yet it was not enough to deliver enough educators

The lack of budget to finance school personnel trainings is an illustration of how IBE faced challenges since the start of its implementation. It happened not necessarily because of DINEIB's inefficiency, but rather because of inadequate governmental political will to fully support the project. Walsh (2009) believes that at first glance DINEIB seemed to be self-ruling, but at closer examination it was state-dependent through budget. To maintain financial stability, the intervention of other national bodies and even international cooperation were necessary, and somehow depreciated its autonomy. Furthermore, the educational reforms of the 1990s had an overall neoliberal tint and as confirmed by Montaluisa (1990) IBE was not exactly the public priority expense of the government. Unfortunately, due to making DINEIB a budgetary-conditioned institution, the full implementation of its programmes was stalled.

According to Granda (2003), the main problems of autonomy were reflected in the schools in the poor quality of curricula, school texts, and human resources training. For instance, the incorporation of indigenous peoples and afro-Ecuadorians images in books was advertised as interculturality, yet this only strengthened stereotypes because no explanation was given of how all these groups of society interact in the daily life. The training of teachers was limited to the folklore, and a true revitalization of indigenous cultures was almost inexistent (Vélez, 2008).

Therefore, the reforms seemed to be not truly intercultural, but rather a part of a multicultural wave. According to Walsh (2009), the multicultural bias had here a tendency to assimilate the indigenous collective in order to show national unity, while the Ecuadorian imaginary was limited to a mestizo-white population which hindered the full realization of the right to education. However, at that point Ecuador had just become a fresh member of the Indigenous and Tribal Peoples Convention (ILO-169, adopted 1989). This had an impact on the 1998 Constitution, which besides reaffirming interculturality **for the first time mentioned indigenous collective rights, among them RtIBE** (Arts. 66 and 69, Constitution, 1998). This formulation was paramount in terms of equality: a document that allowed for concrete demands from indigenous populations.

The domestic legal improvement and its application that took place later, in the wholly new Constitution of 2008 and Intercultural Education Act of 2011, are a main focus of this study to be discussed in Section 4.1. First, however, we need to review the legal basis for RtIBE and to conceptualize interculturality.

3. THEORETICAL FRAMEWORK

RtIBE – the main topic of this paper – pays particular attention to the intercultural bilingual component, a state commitment in fulfilling the right to education for indigenous children (GC No. 11, CRC, 2009). However, the concept of interculturality, which is occasionally employed in international law, has not been truly defined. It comes then as no surprise that there are no clear guidelines for states on how to convert this jargon into practice. Thus, interculturality allows various perspectives.

We need to take a closer look at this topic, starting with a review of international legal standards about education that provide the yardsticks for evaluating state compliance with respect to the right of education as such. In the first section of the present chapter, I describe what the right to education for indigenous children encompasses under IHRL. Having provided the normative authority, I subsequently consider the current formulation of interculturality in the right to education in different legal sources. However, we need to go beyond the law and try to approach the concept from another complementary angle. I do this in the second section where I connect the concept of bilingualism with the concept of intercultural education.

3.1 Can interculturality be a part of the Right to Education? The legal basis for RtIBE

Education is a right, both as a means and as an end. It is an end in the sense of being a social good creating opportunities on equal basis and giving people freedom to make their own decisions. But education as a means also mobilizes the eradication of poverty, and the promotion of democracy (Watkins, 2000). Therefore, education embodies standards laid down in IHRL. Whereas ICESCR, inspired by Article 26 UDHR on the right to education, has formulated the most wide-ranging provisions concerning the right to education, CRC and ILO-169 have elaborated on the more specific state commitments regarding the education for indigenous children.

However, the implementation of the right in practice, at the domestic level, is decidedly discussable. Inspired by Rodríguez-Garavito (2011), I frame my analysis through the material and symbolic commitments. He defines material commitments as all tangible outputs deriving from the worded normative aiming at the policy transformation, e.g. the legal and administrative guarantees of economic resources enabling the right. Symbolic commitments, however, are directed at changing cultural and ideological patterns in order to shift the mainstream perceptions having a negative impact on the marginalized groups of the society.

Notwithstanding these two commitments, Gaventa (2006) and Crawford (2003) advocate to bring to the debate possible power reconfigurations in the relations between civil society and the state. Overlooking power relations could namely limit our understanding of the factors affecting the full implementation of a right. In this regard, Langford (2014) proposes to expand the material and symbolic commitments of Rodríguez-Garavito by adding political commitments to the analysis. They are pivotal in grasping the structure of power relations and participatory processes of the right-holders.

Therefore my broad evaluative framework includes material, symbolic and political commitments. Let us now take a more detailed look at each type of commitments in the context of RtIBE. Because of the above-mentioned expansion of the categories, it seems most natural to start the theoretical presentation with the material commitments. However, I will begin my analysis in Chapters Four with the political ones.

3.1.1 Material commitments

ICESCR establishes the most comprehensive provision regarding the scope and obligations embedded in the right to education. Regarding the scope, Article 13(1) binds state parties 1) to recognize the right of “everyone to education” in order to 2) achieve the “full development of the personality” and “the sense of dignity” of each individual. Regarding state obligations, Article 13 (2(a)) dictates that primary education shall be “compulsory” and “available free” without discrimination. The Covenant considers the possible economic constraints a country may experience, and it dictates that in any case the state has to prove that it has set in motion the maximum of available resources – “economic and particularly legislative measures” –

towards achieving “progressively”⁵ the realization of the respective right (Article 2(1), ICESCR).

In this regard, General Comment 13 ICESCR on the right to education establishes three inter-related, crucial features that shall accompany the process of the right’s implementation. Adaptability is omitted, as explained shortly in Section 1.3.

- **Availability**, especially availability of sufficient (in terms of quantity and quality) educational institutions, programmes and properly trained teachers that are priority-financed by the government (GC No. 13 ICESCR, para.6-a).
- **Accessibility** mainly involves: 1) education must be accessible to all, both in law and in practice; and 2) schools have to be affordable – effectively free – for everyone. At the level of primary education affordability is a *de facto* state obligation (GC No. 13 ICESCR, para.6-b).
- **Acceptability** of the quality of education. It can be understood as the extent to which curriculum, textbooks and teaching methods are culturally appropriate and acceptable for students and parents (GC No. 13 ICESCR, para.6-c).

Availability and accessibility are to a greater degree linked with the quantitative part of material commitments. However, the mere access to educational institutions, challenging to realize as it may be, does not necessarily entail that the right to education can be fully enjoyed by the right-holders. Acceptability represents the quality (or the impact of resources in the delivery of education) of material commitments. This quality could be also seen as a symbolic commitment. However, acceptability in the specific case of RtIBE contributes to a larger extent to the evaluation of the qualitative impact of school models.

3.1.2 Symbolic commitments

According to Babaci-Wilhite (2012), the right to education sets the necessary conditions for the protection of the learners’ values embodied by cultures and languages. Due to the tight linkage between education and culture, Article 15 ICESCR elaborates on the right of every-

⁵ The progressive element is a reminder of the continuing obligations to within a limit of time realize all components of education (General Comment No. 13: The right to education (article 13), 1999)

one – alone or in community – to participate in an active cultural life that is intrinsically linked to the right to education mentioned in Articles 13 (GC No. 21, ICESCR). Through education indigenous peoples are able to pass on to future generations their values, languages, and other cultural manifestations (Corntassel, 2003).

The UN Committee on Economic, Social, and Cultural rights has reaffirmed that cultural and linguistic manifestations within an indigenous community is one of the main conditions for its existence. Yet, going beyond the protection of the cultural practices, General Comment No. 21 ICESCR emphasizes that one of the main advantages in promoting indigenous peoples' cultural identity is that by recognizing diversity, "interculturality" emerges allowing different groups to truly interact with each other (para.16(a)). Thus, state parties are bound to create the necessary measures to develop intercultural relationships between persons of different cultural backgrounds on the grounds of respect, understanding and tolerance (para.52(h)). Specifically, regarding intercultural education, para.54(c)(d) establishes that one's own culture and cultures of others should be non-discriminatorily accessible at every level in curricula.

Although interculturality is worded in connection with the right to participation in cultural life in schools, there is no explicit statement that societies of different ethnic backgrounds are supposed to agree on the aims and meaning of interculturality. Thus, one of the possible problems arising from this document is that interculturality is given a vague definition that impacts on its applicability and is not necessarily tailored to the fulfilment of indigenous peoples' needs.

As to the attempt to explain further the cultural aims of education, CRC indicates what education is meant to instigate through the interactions between children from different ethnicities as well as interactions within a determined indigenous community. On the one hand, Article 29(1)(d) mentions "the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin". This provision contains two key points. First, it lays the necessary foundations for the development of all children without giving exclusive preference to certain groups. Preparing a child for living in a free society presupposes the respect and protection within an educational system that does not put at stake his or her cultural identity, and that at the same time enables the child to be aware of knowledge, languages and values of other civilizations different from his or her own, as to

be able to interact with them in accordance with the principles of the above Article. Second, by meeting this condition, education can actually have an impact on the improvement of relations in a diverse society (CRC GC No. 11, 2009). Although the word ‘interculturality’ is not explicitly mentioned in this provision, the elements of the concept seem to be expressed implicitly.

On the other hand, Article 30 CRC invokes in particular the protection of indigenous cultures and languages as a right “in those States in which [...] persons of indigenous origin exist, a child [...] who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture and to use his or her own language”. This guarantee has been aligned with ILO-169 Article 28 where indigenous children might learn through their indigenous mother tongue besides being taught the country’s official language (GC No. 11, CRC). The Committee on CRC has conveyed that, likewise in ILO-169, by giving priority to the cultural and linguistic components through education, the achievement of an effective participation in the wider society is viable (GC No. 11, para. 57-60, CRC). In light of the latter, the Committee has agreed that the access to education with cultural and linguistic appropriateness is an imperative to the education for indigenous children (para. 62). However, in order to secure that symbolic commitments might convey the right of indigenous children to receive education in their own language with cultural significance, the latter components need to obtain legitimacy within an educational model where all cultures and languages receive the same respect and value.

Having shortly reviewed the provisions laid in IHRL with respect to the linguistic and cultural elements (symbolic commitments) of education for indigenous children, we have localized some ambiguous usages of the interculturality concept. They give an objectionable leeway to the State parties when they apply the above-mentioned conventions to create the IBE model. There is some likelihood for confusion or even abuse of the term by dominant groups of the society. The prevailing legal order certainly makes several strong statements about the school system for indigenous peoples, but is limited when it comes to pointing towards strategies to be employed in order to eradicate prejudices and discriminatory practices.

3.1.3 Political commitments

So far we have reviewed what it takes from a state to comply with the right to education in terms of material and symbolic commitments. However, the latter depend on political commitments related to the power dynamics. A considerable degree of participation and autonomy of indigenous peoples has to be proven existent so that the recognition of their rights by the state is genuine. Article 1 ICESCR clearly establishes that “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”. More specifically, ILO-169 dictates that collective indigenous rights encompass two pivotal elements, self-determination and participation, framed as rights and related to the educational context in this specific study.

First, self-determination is recognized in the preamble of ILO-169 as the “aspirations of these peoples to exercise control over their own institutions, ways of life and development”. In particular, self-determination has been expressed in the United Nations Declaration on the Rights of Indigenous Peoples (adopted in 2007) where “by virtue of that right indigenous peoples freely determine their political status and freely pursue their economic, social and cultural development”. Opposing all assimilationist ideologies, self-determination or autonomy (interchangeably used in this study) seeks a balance between the integration of these groups to the national society and their emancipation from historically dominant malpractices. Self-determination also contributes to participation of the indigenous population in policy making. The extent of their participation enables in turn a positive evaluation of the State political commitments.

Second, regarding enforcement of the participatory processes, a range of procedures are to be undertaken by state parties that have recognized indigenous peoples in their territories. Article 2 of the Convention formulates that governments looking after the rights of indigenous peoples shall guarantee their participation. In turn, Article 6 (a-b) of the Convention indicates that consultations should be undertaken “whenever consideration is being given to legislative or administrative measures which may affect them directly”. More specifically, the drafting of education policies and programmes must be consented and agreed between the state and indigenous peoples (Article 27). Education resulting from these programmes should conceive competences that allow the maintenance of indigenous peoples’ languages and cultures, altogether with skills preparing them to interact in the mainstream community (Articles, 28, 29).

Nonetheless, the Convention also foresees educational initiatives that permit the non-indigenous population to acquire indigenous knowledge counteracting prejudices towards indigenous persons (Article 31). Therefore, the participation of indigenous communities injects meaning into the human-oriented development, development that is inclusive, not assimilationist, and contributes to the progressive realization of human rights.

Having reviewed the legal framework using the vocabulary of material, symbolic, and political commitments, we are basically ready to proceed with examination of the current condition of IBE in Ecuador. However, as noticed in the beginning of this chapter, the current international norms fall short in describing the spirit of interculturality. Therefore, there is a merit in exploring the concept of interculturality beyond the legal margins. Language, being one of the carriers of culture, is a crucial part of the intercultural perspective. Thus, we will also discuss bilingualism in the final section of this chapter.

3.2 Understanding interculturality in Education: Beyond the normative

The concept of interculturality builds on the concept of the culture. Culture can be defined in multiple ways, most generally as the way of life of a society (Tintaya-Condori, 2003; Ruiz-de-Lobera, 2004). Bhikhu (2006) argues for three levels of culture. On the first level, culture is constructed and shared through language. Here we can mention myths, rituals and traditions, all articulated through language. In the next level there are artistic expressions, the moral code, and visions of life that constitute a given culture. The third level of culture refers to rules and norms that regulate basic activities and social relations. In summary we can also say that cultural practices are the compound of expressions through which an individual or a community can express their identity (Meyer-Bisch, 1993; Symonides, 2000; Hansen 2002).

The multitude of cultural practices coexisting in today's societies due to globalization leads us to the concept of multiculturalism. It has been employed in different settings, i.e. in United States when dealing with the dynamics of immigration, in post-colonial states of the southern hemisphere struggling with the recognition of diverse ethnic backgrounds, and in Europe when discussing migratory flows and minority issues (Baber, 2012). "The term 'multicultural' is often used as a descriptive term to characterize the fact of diversity in a society", but often "the focus is on its prescriptive use in the context of Western liberal democratic societies." (Song, 2016).

Multiculturalism promotes the principle of non-discrimination on the grounds of race or culture. It serves as a model for public policy and as a social philosophy that criticizes the homogenization of cultures (Kymlycka, 1995). However, the multicultural approach have also been heavily criticized as too naïve, simplistic or even adversary to the stated goal of protecting marginalized groups (Song, 2016). Amartya Sen warns that multiculturalism might collapse into ‘plural monoculturalism’ where different cultures live beside each other without any sincere interaction (Sen, 2007, Ch. 8). Furthermore, multiculturalism does not explain in depth how different cultures should be granted symmetrical opportunities (Dussel, 2005). Glen Coulthard has argued that, even worse, “the politics of recognition in its contemporary form promises to reproduce the very configurations of colonial power that indigenous peoples’ demands for recognition have historically sought to transcend” (Coulthard, 2007, pp. 438-9).

The doctrine of interculturality is a possible solution. Contrary to multiculturalism, interculturality encompasses the reconstruction of the societal imaginary that goes beyond tolerance for and simple recognition of cultural particularities of marginalized groups. The main goal would be to counteract the negative impact that the ‘dominant’ cultures might have on policies of equality and eradication of poverty. Interculturality, in the spirit of liberal egalitarianism and freedom from domination, would actively redistribute the power in the society (Erickson, 2001).

In order to counteract such entrenched unbalances, interculturality proposes a shift in how we understand cultural interactions by bringing emphasis on legitimate negotiations, participation, and legal recognition of diversity and rights on equal footing (Medina-Lopez-Portillo and Sinnigen, 2009). Homi Bhaba (1994:1998) argues that interculturality becomes an intermediary space where cultures are introduced to each other and negotiate while holding on the essential elements of their cultural substance (Albó, 1999; Rivera, 1999).

However, interculturality can be construed **functionally** or **critically** with substantial differences between both approaches. The former has a tendency to dovetail with multiculturalism, while the latter becomes an important tool in eradicating the discriminatory practices rooted in the societal imaginary.

Functional interculturality, as defined by Fidel Tubino (2005), is grounded in the recognition of diversity and cultural differences aiming at inclusion of all cultures in a pre-organized so-

cial structure. Participation becomes a pre-condition in the promotion of dialogue, coexistence and tolerance. Still, the employment of this type of interculturality seems to create a dependency on a prevailing system. This type of interculturality is thus said to be employed in the contemporary logic of global capitalism aiming at securing the state order and neutralizing possible conflicts by co-opting marginalized people's demands (Muyolema, 1998). One of the main critiques points at the lack of discussion about neither distribution of public goods nor asymmetries based on sociocultural practices (Tubino, 2005). In applying functional interculturality in educational policies, the government will usually enter into an agreement with the community. Nonetheless, this type of education will prepare pupils to integrate with the dominant society without a possibility to develop to the fullest their cultural expressions and particular identity (Chodi, 1990).

The second way to look at interculturality is critical, as suggested by Catherine Walsh (2009). **Critical** interculturality avoids starting from the problem of diversity, but rather begins the analysis of the cultural dynamics with the structural, colonial and racial issues. It presumes the principle of participation grounded in respect and symmetrical relations. The type of participation proposed by critical interculturality would effectuate both a shift in political affairs aiming at horizontal negotiations, and construction of an inclusive world-view embracing both the mainstream society and indigenous groups. It does not only reinforce tolerance, but it also activates the heterogeneous rethinking of a societal imaginary.

Critical interculturality responds to the project of decolonizing the political and knowledge-related dimensions of a society. At the political level, as previously mentioned, it tries to redistribute power accumulated in hands of the predominant group. At the knowledge level, Quijano (2000) explains how it aims at deconstructing historical identities built on a cultural ideology of superiority claiming that race determines roles in a society installing a monotype of knowledge and political order of the dominant culture (Rivera, 1999). Critical interculturality promotes the awareness of historical factors that have shaped the attitude and somehow wrongful discriminatory practices towards i.e. indigenous peoples. This behavior can be reversed by a new imaginary based on respect and participation in equality of all actors of a diverse society. **I choose critical interculturality as an attempt to provide a better understanding on how this concept could be put in practice.**

In reaching the intercultural ideal, the linguistic element of education does not only play a role at the cultural level, but also at the socio-political level where the dominant language pre-determines the access to public services. Furthermore, the linguistic element in education policies is crucial in the cognitive process of learning, as well as in the development of logic, reason, and critical thinking. The next subsection therefore provides a theoretical understanding of the importance of language and bilingualism in the context of intercultural education.

3.2.1 The linguistic elements in intercultural education

The protection of linguistic diversity is laid down in international legal standards. Linguistic identity, being one of the carriers of cultural identity, should embrace the possibility of both: a) using one's own language, and b) having others making use of it. Therefore, bilingualism is inextricably linked to the intercultural discussion.

Before defining bilingual education, let me first describe shortly the concepts of language, so-called first language (L1) and second language (L2). Language, overall, is an enterprise of sounds, words, signs, and rules looking for generational transmission; storage and development of cultural knowledge and values; and construction of the individual and community identity (Skutnabb-Kangas, 2008). L1 is equivalent to the mother tongue and/or primary language of the learners; it is possible for someone to have two of them. As for the indigenous case, they have the right to claim their ancestral language as L1 on the grounds of identifying with it (Skutnabb-Kangas, 2008). L2 indicates a language which is likely to have a national, official, or international status and/or is used as a medium of learning at the expense of L1 (Crandall, 1997). To what regards indigenous peoples, L2 is usually acquired after learning L1, and it is most likely to be taught and used in school (Skutnabb-Kangas, 2008).

Keeping in mind these concepts, the simultaneous employment of two languages is referred as bilingualism. Bloomfield (1933) ascertains that bilingualism is seeing as native-like control of two languages. Disagreeing, Muysken (1987) says that it is difficult to define bilingualism in terms of proficiency due to the lack of a common standard for it, while Haugen (1953) maintains that bilingualism starts when a speaker is able to produce complete, meaningful expressions in the other language. Haugen's concept meets the functional intercultural perspective as to some extent it is necessary for indigenous peoples to master the national official language. They have to do so in order to restore balance within power relations in formal settings where

indigenous peoples interact with the mainstream population. However, using the critical intercultural approach, Navarro and Rodríguez (2009) insist that bilingual policies in education should embrace the reciprocal recognition of existing diversity.

Bilingual education can be defined as a system where the minority language has been implemented together with the majority language in the curriculum (Appel & Muysken, 1987). In some cases, however, the mother tongue of indigenous communities is only partially integrated in the curriculum, and remains inferior to the dominant language (Skutnabb-Kangas, 2000).

Skutnabb-Kangas (2000) points out that bilingualism still relies on educational projects most commonly defined by the dominant group. Thus, when sustained by the latter, there is a tendency to favor the learning of L2 at the cost of competences in L1. Conversely, successful bilingual educational programs involve the mother-tongue of indigenous children as the main medium of instruction (MOI) combined with the learning of L2.

Having in mind that the role of language plays a significant role in the preservation of indigenous cultures, the recognition of the linguistic factor in intercultural education is pivotal in breaking down the homogenizing societal structure. Buenaventura-de-Sousa (2010) agrees that in the long term education should not only involve the distinct indigenous peoples, but also the non-indigenous individuals. Skutnabb-Kangas (2008) agrees that in promoting and protecting this type of education, the linguistic element should be placed at the center stage so that a two-directional linguistic policy really connects with the reality of the society.

We are now ready to embark on an analysis of RtIBE in Ecuador. We have seen how material, symbolic and political commitments, starting from the international level, may be used to frame the domestic compliance towards universal, free and non-discriminatory education at the primary school level. We have also expanded on the idea of interculturality, so that our analysis may be suffused with the critical interculturality approach. Finally, through the concepts of first and second language, we have given a precise meaning to bilingualism. Metaphorically speaking, we have put all three letters of IBE on a firm foundation, on which we can now erect the main part of our study.

4. LEGAL AND POLICY ANALYSIS OF RtIBE IN ECUADOR

In the following two chapters, containing the crux of my thesis, I analyze and comment on the State's political, symbolic and material commitments regarding Intercultural Bilingual Education. I continue to use the vocabulary established in Section 2.1, and I make several explicit and implicit connections with the theoretical apparatus introduced in Chapter Three. I analyze: a) the extent of participation and self-determination with regards to IBE (political commitments); b) how IBE meets the cultural and linguistic demands of Ecuadorian indigenous peoples (symbolic commitments); and c) whether the state allocations satisfy RtIBE with respect to the 3-As scheme (material commitments). These three commitments are meant to mirror IHRL as described in Section 3.1. Through the analysis we probe the research question of this study from different angles (Section 1.2). The present chapter mainly considers political and symbolic commitments. The evaluation of access to and quality of IBE (material commitments) is left for Chapter Five.

This chapter begins with a short, but necessary discussion of the fundamental documents: the Constitution of 2008 and the Intercultural Education Act (2011) (Section 4.1). Then I analyze the structure of decision-making and show how it limits the participatory spaces of the indigenous collective. Also, I briefly discuss how political commitments might influence the material ones (Section 4.2). The symbolic commitments are then examined by looking at the design of the school system and curriculum (Section 4.3).

4.1 Constitution of the Republic of Ecuador (2008) and the Intercultural Education Act (LOEI) (2011)

As we have seen, the right to education for indigenous peoples has evolved slowly in Ecuador until being officially recognized by the government. The latest Constitution of 2008 seems to be the most progressive in terms of indigenous rights. Its Chapter IV is specifically dedicated to the collective rights indigenous peoples entitled to, RtIBE being one of them (Article 57.14, Constitution 2008). But what type of education? For what purpose? We have to analyze the national normative in order to respond to these essential questions.

The constitutional text is nourished by the doctrine of human rights and the understanding that education is a fundamental right determining the condition of other rights. The mere compli-

ance with international compromises regarding public primary education – as stated in Article 13 ICESCR (see Section 3.1.1) – does not necessarily result in the actual improvement of it for indigenous children and the elimination of inequalities.

In order to assess the fulfillment of RtIBE we have to evaluate how the Constitution formulates political, symbolic and material commitments. It is important to keep in mind that both IBE and the Hispanic models embrace the intercultural concept (Arts. 343, 347) understood as critical interculturality explained in Section 3.2.

In the attempt to streamline interculturality in education, the state has created a sense of duality. On the one side, the stated goal of IBE is to develop the languages, cultures and knowledge of each indigenous nationality without giving up on the achievement of Spanish proficiency and knowledge belonging to the mainstream culture of mestizos. On the other side, the Hispanic system is supposed to raise awareness about the Ecuadorian cultural and linguistic diversity. During the interview with the current SIBE's Director⁶ he reported: “the state is working on closing the gaps between the two systems, yet the main challenge remains the full application of intercultural practices, particularly in Hispanic schools” (P. Cabascango, personal communication, February 15, 2016). While in IBE learning from the other is a common proceeding, the proper exercise of interculturality in Hispanic schools remains a challenge for the state.

The regulation of these two models – the Hispanic and IBE – through the Intercultural Education Act (LOEI, 2011 for its acronym in Spanish, *Ley Orgánica de Educación Intercultural Bilingüe*) should contribute to the eradication of linguistic and cultural and knowledge dominance in the context of education so to improve intercultural relations among the different populations. However, LOEI has received criticism from the indigenous movement which does not accept the validity of the Act. During the interview hold with Luis Montaluisa, the first Director of DINEIB, he says that LOEI is not necessarily a law that includes autonomous indigenous mechanisms regarding the design of educational policies for IBE primary schools.

⁶ SIBE (SEIB for its acronym in Spanish) corresponds to the name given by the state to IBE, therefore SIBE, SEIB and IBE are used interchangeably.

To understand the reasons why the indigenous movement disagrees with what LOEI stipulates, it is relevant to briefly review how the Act was formulated. With this background, the reader will find it much easier to sympathize with the challenges faced by IBE.

In April 2010, Ecuadorian Constitutional Court mandated that any project of law concerning indigenous peoples must meet a pre-legislative consultation engaging all possible mechanisms of participation by indigenous peoples (Constitutional Court of Ecuador, 2010, p.19). Hence, the Occasional Specialized Commission⁷ (OSC) of the National Assembly, responsible since 2009 for drafting the Intercultural Education Act, was required to follow the Court's decision at all levels of decision-making. However, the OSC reports of 2010 showed that no formal participatory processes with the indigenous peoples' representatives were ever held (Constitutional Court of Ecuador, 2010, p. 25). Despite the lack of consultation with the indigenous collective, there is an attached memorandum to the 2010 report dated from 2009. The memorandum said that Marlon Santi, Humberto Cholango, Mariano Morocho, Luis Montaluisa, and Carlos Manzano (members of CONAIE) had informed OSC that the indigenous peoples would prefer creation of a separate law and continuation of DINEIB (kept independent up to that moment) as an autonomous institution promoting IBE for the indigenous population (National Assembly, 2009). Nonetheless, their view was not taken into consideration. The Assembly sent the final proposal of LOEI to the Executive that approved it and signed it into law in March 2011.

The indigenous point of view regarding IBE was not considered at all by OSC. The centralized decision-making strategies of the Assembly's Commission left few if not none possibilities for indigenous peoples to participate in this formal setting. The way LOEI was worded might consequently also hamper the autonomy that indigenous peoples are meant to possess in the context of education. Moreover, the cultural dominance exercised by mestizos had had a strong impact on how the linguistic provisions were formulated in LOEI.

⁷ *Comisión Especializada Ocasional*, in Spanish

4.2 Participation and self-determination at stake?

The constitutional recognition of interculturality represents the creation of participatory spaces. RtIBE is constitutionally affirmed as a collective right (Chapter IV, Constitution, 2008) that is to be enjoyed by indigenous peoples. This provision needs to be read together with the right to participation as embraced in Article 57(16) (Chapter IV of the Constitution, 2008). The latter establishes the right for indigenous peoples: “to participate through their representatives in official organisms determined by the law in the definition of public policies concerning their lives [...]”. In the context of education, at first glance this provision seems to reflect on Article 27(1) ILO-169 which mainly emphasizes the involvement of indigenous peoples in matters concerning their lives, and in this specific case, their right of their children to be educated in their L1 with cultural significance. Thus, the Constitutional provision is evidenced as a legal improvement due to the clear formulation of indigenous peoples to participate in their educational system.

Notwithstanding the consistency between the international and law, in practice the application of participatory mechanisms was contested by actions where the state seemed to be reproducing contexts that limited the involvement of the indigenous collective concerning the educational programme. The main reason for claiming so is the formulation of the Executive Decree 196 (2009) eliminating the independency of DINEIB and incorporating it to MINEDUC (El Universo, 2010). CONAIE’s former president, Marlon Santi, manifested complete disagreement with the Decree affirming that indigenous peoples had not accepted the validity of the document because it clearly proved the regression concerning their participatory entitlement they had had before the Decree (SERVINDI, 2010). Thus, the Decree appears to minimize the meaningful cooperation between the state and the indigenous collective.

As seen in Section 3.1.3, participation under the interpretation of the Convention ILO-169 Article 6(b) means that the state is bound to guarantee sufficient means so that indigenous peoples can “freely participate” in equal terms as non-indigenous persons in all instances concerning their lives. Notwithstanding that the governmental move can be presumed as suppressing the influential voice of indigenous peoples in their educational policies, it seems to be difficult to determine the degree of participation they should actually be given. On that, the Expert Mechanism on the Rights of Indigenous Peoples pronounced: “it is difficult to define what actually constitutes a ‘good’ practice involving indigenous peoples’ participation in de-

cision-making and, second, to assess whether a practice meets the definition of ‘good’” (OHCHR, 2011, para.9). On that, Maldonado-Ruiz and Jijón (2011) argue that the entitlement of free participation means that it should not be vitiated by coercion, intervention, or fragmentation methods that could jeopardize the legitimacy or independency of indigenous peoples regarding themselves.

Therefore, we have to be aware that the employment of ‘participatory’ mechanisms imposed by the government can be ambiguous due to its practice in an environment where indigenous peoples are politically, socially, and economically non-dominant. For instance, in the interview with Luis Montaluisa, the first Director of DINEIB, he reported: “it is only a selected group of indigenous peoples co-opted by the government working for MINEDUC. This is part of the apparent agenda to promote IBE, but under the state political conditions” (L. Montaluisa, personal communication, February 14, 2016). According to the government, the incorporation of DINEIB to MINEDUC aims at strengthening IBE as well as spreading the intercultural concept to the entire society. The government also defends that before 2008 Ecuador's IBE was severely underfunded and lacked of regulation. To this, the indigenous movement CONAIE responded that the state focusing on the budgetary investment has overlooked participatory mechanisms that can actually contribute to improve the quality of linguistic and cultural needs in the context of education (Telesur, 2016).

In Section 1.1, I have signalized after Morocho-Morocho (2012) that the mechanisms of IBE are prone to co-optation. In the above, we have seen that these fears are not ungrounded. The regulatory and financial deficiencies may easily serve as an excuse for failing participation. The implementation of IBE will be easily delayed; in the worst case it might even be used in a political game. We will explore this problem further in the next paragraphs.

If indigenous participatory mechanisms in terms of education are currently under governmental control, certainly this will have consequences for their autonomous performance and structural organization. Article 57(15) of the Constitution says that the Ecuadorian state has a strong obligation to respect and ‘maintain the organizations’ representing indigenous peoples. In other words, the state should guarantee the direct and independent administration of IBE. This, however, has not been necessarily institutionalized. In fact, after the incorporation of DINEIB to MINEDUC restricting the indigenous collective’s direct participation, **the possi-**

ble consequences on self-determination can be seen well through the structural changes regulated by the LOEI (2011) that we now move on to consider in detail.

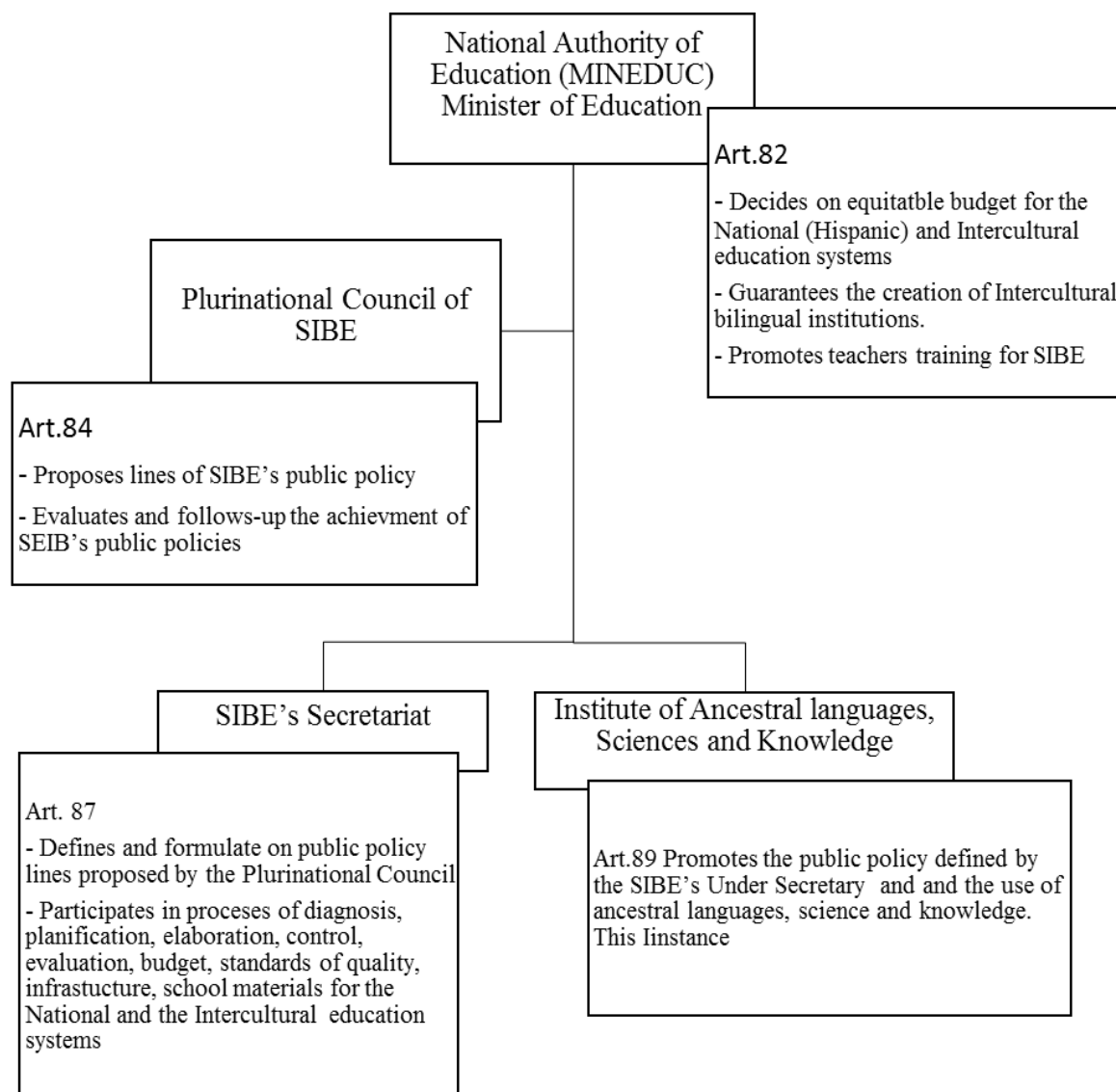
The structure of SIBE is currently regulated by LOEI. Under this law, the Hispanic and IBE models are unified. For purposes of regulation, since 2011 IBE has been denominated as the System of Intercultural Bilingual Education (SIBE). Article 77 LOEI establishes that SIBE from now on is part of the National System of Education inside MINEDUC.

Chart 1 shows how IBE has been inserted inside MINEDUC. Currently, SIBE seems to be part of a political commitment within an administrative framework headed by the state with a limited degree of indigenous involvement. The administrative hierarchy presented in Chart 1 could be read as letting indigenous peoples lead SIBE. In fact, The Plurinational Council of SEIB is made up by the Minister of Education or a delegate, a representative of each indigenous nationality (14 representatives), the Director of SEIB's Secretariat, and the Director of the Institute of Ancestral languages, Sciences and Knowledge, and the Director of DINEIB. While the Plurinational Council welcomes a representative of each indigenous nationality as an apparent demonstration indigenous participation, it remains unclear how exactly indigenous peoples are to take independent decisions. Indeed, all decisions seem to be canalized from the top, as defined by the National Authority.

Indigenous peoples view this political project as illegitimate for two main reasons:

The first one has to do with the incorporation of DINEIB to the MINEDUC. While the official political discourse supports autonomy of indigenous peoples in their educational matters, the practice indicates the cooptation of some members of the indigenous peoples, among them even representatives of CONAIE. This has resulted in internal tensions and fragmentation inside the indigenous collective; a struggle for the control over the administration of their educational model. As seen in Section 3.2, opposite to what critical interculturality proposes – spaces for negotiation and interactions on equal terms and the participation of the entire indigenous collective – the state has challenged the indigenous organization. Currently, it is the Minister of Education who nominates the heads of the three departments of SIBE, Institute of Ancestral Languages, Sciences and Knowledge, and even of DINEIB (see Chart 1). Such dynamics of power have put indigenous peoples in a functionally dependent situation suppressing their political agency.

CHART 1
MINEDUC's structure



Resource: LOEI (2011)
Own elaboration

As mentioned in Section 3.1.3, the interpretation of Article 27 ILO-169 (guaranteeing the right to self-determination in educational programmes) involves the “progressive transfer of responsibility” from the National Authority to indigenous peoples. In other words, even if in the beginning the government and the indigenous collective co-operate to build the educational system, at some point the educational the programme has to be taken over by the indigenous collective. However, after revising the domestic legal framework, it appears to be inex-

istent the possibility indigenous peoples to deliver autonomous policies regarding the education of indigenous children. Hence, I believe that such a vertical structure of decision-making restricts the political involvement of the indigenous collective in the matters of IBE.

Second, IBE relies on budgetary and administrative resolutions from MINEDUC. Taking into account the restricted participation and self-determination of indigenous peoples, we see how the drafting of **political commitments could have shaped the wording of material ones**. Like the situation of dependency grounded in the new hierarchical structure where MINEDUC politically speaking dictates IBE decisions, a financial dependency is introduced as well.

The Ecuadorian Constitution reaffirms education an ineludible and inexcusable state obligation (Article 26); thus, in Article 28 of the Constitution the state guarantees free and compulsory education even up to secondary level (age group 14 to 18 years). For this purpose, the state settles to increase progressively 0.5% of the GDP each year for public education until achieving the rate of 6% of the GDP (18th transitory disposition, Constitution 2008). Yet, here is where material commitments are juxtaposed with the political ones. It is relevant to investigate how resources are canalized for SIBE.

Article 82 LOEI stipulates: “It is a state and MINEDUC obligation to guarantee the equitable distribution of funds [...] to secure the functioning of SIBE aiming at improving the quality of IBE”. In turn, SIBE’s Secretariat decides how to allocate the expenditure (Article 87, LOEI). However, the decision on how to best distribute these resources is not necessarily defined by SIBE’s Secretariat, but actually by the National Authority. This was confirmed during an interview with Pedro Cabascango, SIBE’s current Secretary. When, I shared my concerns about the lack of budget for teachers of indigenous languages training⁸, he replied that the training programmes were only institutionalized since 2013, since they had been considered expensive by the National Authority (P. Cabascango, personal communication, February 11, 2016).

Overall, we observe two closely related challenges here. The political content in the Constitution in principle guarantees the participation of indigenous peoples in planning their education. However, when considering LOEI, it remains ambiguous how in the vertical structure

⁸ I expand on this topic in Chapter Five

seen in Chart 1 this population may make autonomous decisions. Thus, on one hand participation and self-determination risk of being hampered due to the way SIBE is regulated under the domestic law. Additionally, the resulting shifts in power dynamics might impact material commitments, i.e. funding for IBE and the quality of education.

Such a linkage should not be surprising, since I have already explained (Section 3.1) that the three type of commitments are interconnected. Before moving on to the discussion of the material ones (Chapter 5), we need to see how the state symbolic commitments enter into the equation. Going beyond the buzzword ‘respect for diversity’, it is essential to analyze the possible dynamics hidden in a hegemonic sociocultural structure that still supports a monolingual and monocultural pedagogy. In the following section I analyze whether indigenous cultures and languages might be threatened by an educational system tending to legitimize the Hispanic type of education at the loss of knowledge promoted by the intercultural bilingual model.

4.3 Culture and language: A matter of hegemony?

The principle of interculturality, as currently formulated in the Constitution, allows its usage in education in two contexts that need to be clarified.

First, as stated in Article 57.14 (Constitution, 2008), IBE is meant to be strengthened for the preservation of indigenous identities according to the indigenous conception of knowledge and teaching. The uniqueness of their identity is safeguarded by the promotion of indigenous cultures and languages enjoyed through formal education comprising their particular needs. Thus, in principle, the constitutional provision seems to mirror Article 15 ICESCR (see Section 3.1.2) regarding the right of everyone to participate in cultural life, where education plays a major role because it is a space in which indigenous children learn about their culture and language. Here, interculturality addresses specifically the indigenous collective.

The second possibility of using interculturality – as worded in the Constitution – concerns the entire national system of education. Article 27 of the Constitution spells out education as intercultural, while Article 343 dictates that “the national system of education will integrate an intercultural approach”. In other words, intercultural practices should be implemented in both Hispanic and IBE schools. Article 29(d) CRC (Section 3.1.2) says that a child’s education should promote “tolerance” and “understanding” towards “all peoples”, “ethnic groups” of

“indigenous origin”. To do so, the educational system should entail the promotion of knowledge, culture and history diversity leading to intercultural relations on equal footing in a diverse society (CRC GC No. 11, 2009). Thus, the Constitution expounds the right to education with intercultural approach and therefore, in law the state has the obligation to implement in the Hispanic school the understanding for indigenous cultures and knowledge as a way to advance mutual respect (Tubino, 2005).

Because of these two contexts, the wording of interculturality in the Constitution regarding education creates an ambivalence. On one side, Article 57.14 seems to declare indigenous cultures and languages as important for indigenous children only. On another side, the wordings in Articles 27 and 343 of the Constitution try to bring back balance to the education by implementing intercultural practices across the schooling models. This duality could hamper the full application of IBE as sketched in the following.

To analyze the effectiveness of the IBE model from the intercultural perspective as it has been carried on by the state, we can for example analyze how the IBE vis-à-vis the Hispanic model are framed. Comparing the curricula is the most appropriate way to do so, as these documents represent the main tool to structure the pedagogical content in schools.

Whereas the programme of IBE appears to be fulfilling the learning needs of indigenous children, the programme’s legitimacy faces some challenges. In the table on the next page we see how IBE’s curriculum is functional and adapts to its counterpart. Luis Montaluisa gives an illustration: though courses such as ethnomatematics and ethnosciences could correspond more closely to the cultural practices to be maintained, the cultural context in the current IBE curriculum has not been fully deployed. Indeed, the mentioned courses mirror the counterpart system (L. Montaluisa, personal communication, February 14, 2016).

TABLE 2
Hispanic curriculum vis-à-vis IBE curriculum

Main focus of IBE	IBE curriculum	Hispanic curriculum (all classes DS ⁹)	Main focus of Hispanic school
Focused on strengthening ancestral indigenous knowledge and worldview, also in the universal sciences inherited from the Hispanic school	Mathematics and Ethnomatematics (DIL) ¹⁰	Mathematics	Based on western pedagogy that legitimizes universal sciences as the main source of knowledge with no reference to the indigenous world
	Nature and Society (DS)	Social Studies	
	Natural sciences and ethnoscience (DIL)	Natural sciences	
	Social Studies and ethnohistory (DIL)	Arts	
	Physical education (DS)	Physical education	
	Elective (DS)	School projects	

Source: Ministry of Education, Agreement No.0311-13 (2013)
Agreement No. MINEDUC-ME-2016-00020-A (2016)

Own elaboration

The Hispanic curriculum has a strong influence on the IBE one. For example, currently children attending IBE schools still receive the same materials as in the Hispanic model. These are in Spanish and based on the Hispanic curriculum prioritizing that type of education. Although IBE curriculum includes in most of its courses the word ‘ethnos’¹¹ (implying the incorporation of indigenous knowledge), IBE nonetheless tends to adapt to the Hispanic type of instruction. We could presume that the current IBE curriculum is practiced as functional to Hispanic model, creating dependency and cooptation of indigenous peoples’ demands rather than a condition on equal terms. I elaborate on the flaws of the textbooks in Chapter Five.

In addition to the cultural problem faced by the IBE curricula when confronted with the Hispanic system, indigenous languages – carriers of culture, as described in Section 3.2 – might be impacted by the dynamics in IBE schools where Spanish is most likely used as the medium of instruction. The Constitution declares Spanish as the state’s official language. Kichwa, and

⁹ (DS) Acronym meaning that the class is dictated in Spanish

¹⁰ (DIL) Acronym meaning that the class is dictated in Indigenous language

¹¹ Relating to the study of different societies and cultures, combined with another area of study Cambridge Dictionary. Available at: <http://dictionary.cambridge.org/dictionary/english/ethno>, [visited 30th March 2017]

Shuar – tongues spoken by the biggest indigenous nationalities – are languages for intercultural relations, and the rest of other ancestral languages are in official use in the territories where the indigenous nationalities live (Art. 2).

In order to guarantee the constitutional provision, LOEI establishes some measures. Article 6(k) of LOEI mentions that it is a state obligation to secure an education in L1 of the child to strengthen the maintenance of language. Article 30 CRC and Article 28 (1-2) ILO-169 (Section 3.1.2) mention the entitlement for receiving education in L1 for indigenous children as well as the possibility of the instruction in the state’s official language. Therefore, we should examine whether the domestic law promotes the creation of strategies in order to confront the present sociocultural dynamics favoring Spanish as the main medium of instruction (see Section 3.2.1).

TABLE 3
Language in IBE and Hispanic curriculum

Main focus of IBE	Intercultural bilingual Education curriculum	Hispanic curriculum	Main focus of Hispanic school
Emphasis on indigenous children (L1) and Spanish (L2). Minimum hours dedicated to foreign language	Language of the indigenous nationality	Spanish and literature	Reliance on Spanish and Foreign language
	Spanish and Literature		
	English	English	

Source: Ministry of Education, Agreement No. 0311-13 (2013),
Agreement No. MINEDUC-ME-2016-00020-A (2016)

Own elaboration

Indigenous children are indeed entitled to learn in their L1 and have most likely the possibility to learn Spanish (as shown in Table 3). However, this says little about the impact of education on the day-to-day sociocultural interactions related to linguistic hegemony. IBE relies on the idea that indigenous peoples have the right to maintain their distinctiveness through unique ethnic identities, but without isolating themselves from the majority of the population. However, practically speaking, indigenous languages are threatened by the imposition of Spanish, and even foreign languages such as English (see Section 3.2.1).

TABLE 4
Language percentage in IBE curriculum

Grade	1	2	3	4	5	6	7	8	9	10
% of classes in Indigenous language	75%	50%			45%			40%		
% of classes in Spanish	25%	40%			40%			40%		
English	-	10%			15%			20%		

Source: MOSEIB (2013)
Own elaboration

When it comes specifically to the SIBE, if we look at Table 4 we could naively affirm that the curriculum of IBE is complying with international and national law concerning RtIBE. However, a closer look reveals that although in the First Grade of primary school the indigenous language occupies 75% of the courses, from the Second to the Tenth Grade the percentage drops drastically. Here, the main problem is that Spanish is taught while depriving indigenous children of their L1. It happens when two languages are put in competition with each other instead of fulfilling the initial purposes of intercultural interaction. According to Hamers and Blanc (2000), the reason for that is that L2 carries more sociocultural prestige in comparison with L1. The high percentage of courses in L2 could be hindering both: the full development of the child's oral and written skills in their L1 and their linguistic and cultural identity. Therefore, this practice of favoring Spanish at the expenses of the indigenous language can be considered as a possible challenge where under the interpretation of Articles 30, CRC and Article 28 (1-2) ILO-169 (see Section 3.1.2) the state could be currently infringing the linguistic guarantee in the right to education for indigenous children.

Moreover, indigenous peoples' language identity is threatened by the Spanish hegemony imposed through the mainstream school model. When comparing IBE's linguistic content in the curriculum with the Hispanic one (see table curriculum), on the one side indigenous children have to learn Spanish on the justification that they should not be isolated from the mainstream society (see Section 3.2.1). On the other side, in Hispanic schools the main languages of instruction are Spanish and English anyway. The way the Hispanic curriculum is presented,

overlooks often the awareness of indigenous languages considered as official for intercultural relations (Art.2 Constitution, 2008). Thus, the provisions concerning language in the domestic law (Constitution and LOEI) have not been able to counteract the unwelcome language supremacy of Spanish vis-à-vis indigenous languages. Similarly to what happened with cultural dynamics, it seems that the linguistic dominance is a pending challenge to be tackled by the state.

Overall, the Constitution and LOEI present challenges to be overcome by the Ecuadorian State in relation to its international obligations towards fulfilling RtIBE. The first of these challenges is grounded on the reduced participatory mechanisms that in turn diminish autonomous indigenous decision involvement in IBE (political commitments). As a result of the insertion of IBE in MINEDUC the strategies of control leave narrow spaces for indigenous legitimate decisions. Second, the political commitments impact how the material ones are worded in the Constitution and LOEI. The way the National Authority distributes resources does not necessarily improve the quality of education in IBE. Although I explain in Chapter Five that the resources have certainly improved over time, we need to keep in mind that material commitments concern not only the way resources are guaranteed in domestic law, but also whether these resources provoke an actual destabilization of the dominant monocultural and monolingual education. Third, through symbolic commitments we can indicate that the Hispanic type of education continues to be imposed by the mainstream society as the most 'valuable' at the loss of the indigenous knowledge and languages.

In this chapter we have examined the political commitments of the Ecuadorian law concerning RtIBE. We have analyzed in depth some political parameters of the situation surrounding IBE in Ecuador, paying special attention to the malfunctioning participatory mechanisms influencing in turn the true possibilities of self-determination. We saw how the close connection between the political and the symbolic commitments is exemplified through curriculum of the two educational models. Here, it was necessary to touch upon material commitments as well. We continue our analysis of the latter in the following chapter where the 3-As scheme will be employed.

5. IMPACT OF ECONOMIC RESOURCES ON THE IMPLEMENTATION OF RtIBE

In the attempt to address further the research question of this study, the following chapter is focused on the material sphere of RtIBE. The economic funding in general ensures the availability and quality of education. In the case of indigenous children, it should thus also promote teaching about cultural knowledge and vernacular languages as a way to protect and strengthen their identity. In order to evaluate material commitments, I propose the 3-As scheme comprising the Availability, Accessibility and Acceptability of the right – based on Article 13 General Comment of ICESCR – as described in Section 3.1.1.

This chapter builds on data collected through field work. I chose the qualitative method with semi-structured interviews conducted with different actors in the school community. The questions examine the challenges faced by the state. Moreover, I engaged in the study as a participative observant in the two schools visited, to confirm the testimonies shared by the informants. The methodology employed has been justified in Section 1.3.

The two IBE schools where I conducted the interviews and observations are Muchuc Pacari¹² (school MP) and Arturo Borja¹³ (school AB). Appendix 2 gives the full description of the school interviewees. Apart from the school actors, other experts on IBE as well as public servants have been interviewed. The participatory observation took place in school MP on the 2nd of February, 2016; in school AB on the 24th of February, 2016. The observation had the main purpose of confirming the utterances said by the Authorities as well as evaluating whether the international legal framework presented in Chapter Three is put into practice in the classrooms. Moreover, through the 3-As scheme we will be able pinpoint possible inconsistencies that might affect the full realization of material commitments in the context of IBE.

¹² Mushuc Pacari School was founded in 1997, and since that time has been considered an IBE institution. It is located in Calderon, one of the peripheral areas of the Province of Pichincha Quito. As of February 2016 the school had 762 students aged 3 to 17

¹³ Arturo Borja School is an IBE establishment founded in 1948. Its location is Cangahua, Province of Pichincha, Cayambe. The number of students in February 2016 was around 1200, aged 3 to 17.

5.1 Availability

Let me begin by discussing availability of IBE through the lens of the budgetary allocations dedicated to it, that is, to the school infrastructure and installations¹⁴ and the teachers' training. Based on the constitutional guarantee securing the provision of resources, the state has disbursed in the period 2008-2014 41,125,959 USD in total for the infrastructure, while for improvement of installations 2,284,836 USD have been spent (SIBE's Secretariat, 2015). The table below breaks these sums down into years:

TABLE 5
Resources allocated to IBE infrastructure and installations, period 2008-2014
Values in USD

Description	2008	2009	2010	2011	2012	2013	2014	TOTAL
Infrastructure	2,322,681	-	2,447,483	-	3,346,559	9,869,538	23,139,698	41,125,959
School ammenities	323,401	-	204,754	-	-	614,263	1,142,418	2,284,836

Sources: SIBE's Secretariat, Education legal framework of SEIB, 2015
Own elaboration

This tremendous progress in the investment in schools' infrastructure must be acknowledged. The two schools where the interviews took place have gained from it as well. Angel Chocho, Director of MP, mentioned that the school was initially built with community funds, but the state provided in 2013 7,000 USD for infrastructure improvement. "The money was employed for the recreational spaces the Ministry required us to have, as well as for a small greenhouse", he reported (A. Chocho, personal communication, February 2, 2016). The Director of AB, Nelson Ipiales, mentioned that their school had been built with funds from the church and from the German Technical Cooperation Agency (GTZ). Likewise MP, AB was not originally built with state funds. The Director mentioned that although they have not received funds for infrastructure, the MINEDUC reequipped the school with new desktops and computers (A. Chocho, personal communication, February 24, 2016).

¹⁴ Infrastructure stands for the set of elements or services that are considered necessary for building any kind of engineering project. Installations is used when furnishing a place i.e. with electronic devices or installing other type of services needed so the place can fully function (Diccionario ABC).

However, both Chocho and Ipiales affirmed that though in MP and AB the infrastructure of the schools as well as installations are quite satisfactory, this is not the case for all IBE schools, especially not for the ones in rural areas of high concentration of indigenous populations in the Andean region. Having attended for three consecutive years (2014-2016) the annual meetings organized by MINEDUC, Chocho has heard a lot of complaints regarding the precarious condition of these schools (A. Chocho, personal communication, February 2, 2016). In the interview hold with Luis Montaluisa, a functionary of MINEDUC and first Director of DINEIB, he explained:

The government has to concentrate on remodeling and providing school equipment, especially in the Andean and Amazonian regions, so no children are left out of school. So far, I will not say the government has not provided funds for IBE schools, but it has promoted the development of IBE schools close to the capital of Ecuador, Quito, as it is the case of the school Mushuc Pacari and in the main cities. Yet during the last visit I made in 2015 to rural schools of Chimborazo and Cotopaxi [provinces of Andean region], I saw IBE schools that still lack of desktops, and in general the conditions are not necessarily the most optimal ones (L. Montaluisa, personal communication, February 14, 2016).

From the contrast between the raw numbers presented in Table 5 and these perspectives, we can infer monetary allocations mismatches between the urban and the rural areas. The lack of available resources for the rural areas puts at stake the enrollment and permanence of indigenous children in schools.

The second theme to be discussed is teachers. Pedro Cabascango affirmed that SIBE up to December 2015 consisted of 8,672 teachers. “However, not all of them speak the vernacular languages and neither all have a pedagogical training allowing them to fully assist the children attending IBE schools. Indeed, only 30% of IBE teachers of primary school level are bilingual and trained to teach in the indigenous language” (P. Cabascango, personal communication, February 11, 2016). The table below shows how the State has worked towards the progressive increase of allocation to increase the number of available trained teachers for IBE during the period 2012-2014.

TABLE 6
IBE's Teachers Trainings, period 2012-2014
Values in USD

Year	2012	2013	2014
Number of trained teachers	612	350	512
Investment (Value in USD)	31,680	16,128	336,600
Trainings	Evaluation, indigenous language, mathematics, natural sciences, didactics and Psychology	Evaluation, indigenous language, mathematics, natural sciences, didactics and Psychology	Ethno-mathematics, indigenous worldview, intercultural bilingual psychology and history of indigenous peoples

Sources: SIBE's Secretariat, 2015
Own elaboration

Pedro Cabascango mentioned that only since 2014 the teachers' training has been institutionalized as one of the main cornerstones for improving available trained teachers for IBE. This has taken place in cooperation between MINEDUC and the Ecuadorian public and private universities so that teachers can improve their linguistic and pedagogic competences. In previous years the training involved sporadic short-period workshops that did not contribute to a continuous development of teachers skills working for IBE (P. Cabascango, personal communication, February 21, 2016). Certainly, in the years to come we will witness more results since for the period 2015-2017 the government allocated 3,029,400 USD solely for workshops, while for IBE teachers' scholarships the amount is 15,769,800 USD (SIBE's Secretariat, 2015). According to Cabascango, these scholarships aim at professionalizing teachers in the thirteen indigenous languages spoken in Ecuador (personal communication, February 21, 2016).

Formal instruction and funds have thus been institutionalized only since 2014. Although the Constitution and LOEI guarantee the right to education in the L1 of the indigenous children, the lack of teachers able to instruct in vernacular languages increases the chances that indigenous children are not taught in their mother tongue and still represents a violation of availability. Moreover, when it comes to the cultural and linguistic content of this type of education, it is prone to be marginalized without teachers having gained the proper understanding and internalized the values contained in the indigenous knowledge. We continue the discussion in the forthcoming section concerning acceptability.

5.2 Accessibility

The state is obliged to secure free and mandatory access to primary education as mentioned in Article 13 ICESCR (see Section 3.1.1). The Ecuadorian normative reflects on this particular provision in Articles 26 and 28 of the Constitution of 2008 (see Section 4.2). Therefore, the Ecuadorian state is compelled to eliminate all sorts of barriers that impede school enrollment and attendance, including school attendance of indigenous children.

TABLE 7
Investment in school materials, period 2009-2014
Values in USD

	2009	2010	2011	2012	2013	2014
Uniforms	1,564,471	2,015,950	2,882,874	3,137,737	3,544,025	4,683,699
Texts	1,855,328	1,847,439	1,959,023	2,077,582	2,811,345	3,993,852
Meals	5,385,933	7,948,990	8,989,297	13,584,613	13,661,146	14,038,195

Sources: SIBE's Secretariat, 2015
Own elaboration

As seen in Table 7 there has been an increasing investment to cover the school expenses that otherwise could be difficult to handle by the parents. For example, while in 2009 the state allocated 1,564,471 USD to uniforms, throughout the next years we observe an almost three-fold increase of this amount. Similarly, we have to applaud the state efforts done for betterment of access to school texts and school meals.

It is important, however, to scrutinize the kind of books indigenous children are given. Although the quality of the textbooks content is relevant for the discussion of acceptability in the next section, it is important to clarify already here that these do not seem to be strengthening the language and cultures of indigenous children, and thus develop their personality as formulated in Article 13 ICESCR.

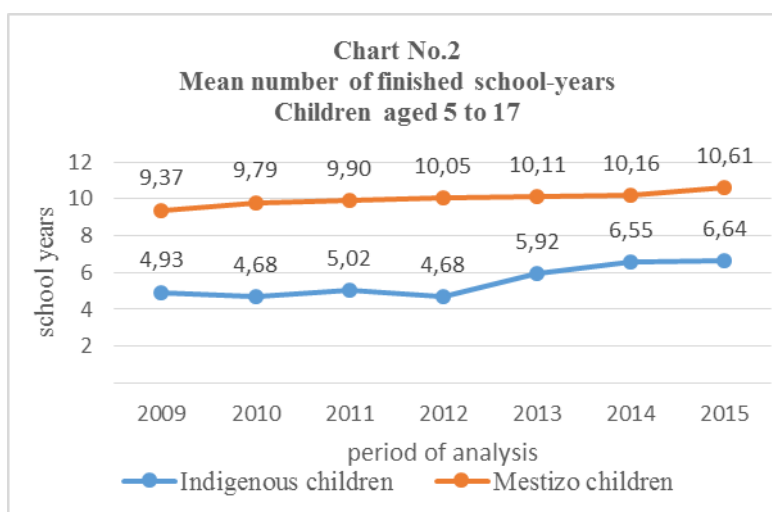
Angel Chocho mentioned that the students have received the textbooks provided by MINEDUC, yet these are in Spanish. This leaves a difficult task for teachers who are responsible to instruct classes in L1 of the children. Therefore, this specific investment on textbooks cannot be justified as the accomplishment of IHRL, as the reality beneath contradicts the preservation of indigenous linguistic and cultural spectrum (A. Chocho, personal communication, February 2, 2016).

TABLE 8
Number of enrolled indigenous children aged 5 to 14, period 2009 -2015

	2009	2010	2011	2012	2013	2014	2015
Enrollment	223,308	232,813	232,448	224,537	259,570	264,098	332,267

Source: MINEDUC, Available at: <https://educacion.gob.ec/indicadores/>
[Visited: March 10, 2017]
Own elaboration

Let us now look at another potential accessibility indicator (see Table 8). The school enrollment among indigenous children is on the rise, from 223,308 registered students in 2009 to 332,267 in 2015.



Source: MINEDUC. Available at: <https://educacion.gob.ec/indicadores/>
[Visited: March 10, 2017]¹⁵
Own elaboration

Obviously, the crucial thing is whether the state has simultaneously improved other policies so that indigenous children despite the high enrolling rate do not experience an early drop-out. As already mentioned, the Constitution and LOEI guarantee mandatory and available free education for children aged 5 to 15 years. Indeed, while in 2009 the total of number of years an indigenous child stayed in school was only five years, in 2015 this attendance rate reached almost seven years of primary education (see Chart 2). This can be certainly seen as a proof for state accomplishments towards making education accessible for indigenous children.

¹⁵ This chart includes the two years of high-school for children aged 15-17 years.

Nonetheless, as mentioned by the Special Rapporteur on the right to education, Kishore Singh, during his visit to Ecuador in September 2012, disparities in access to education are still persistent. Especially in communities living in poverty, indigenous peoples do not enjoy educational opportunities fully (OHCHR, 2013). Notwithstanding the fact that the school attendance gap between indigenous children and mestizo children is closing (see Chart 2), economic conditions of indigenous families might endanger the child's education achievement. In 2015, the National Directorate of Analysis and Educational Information released a report providing the main causes for why indigenous peoples' permanence in school is still low in comparison to the mestizo population (MINEDUC – INEC 2015)¹⁶. Among 15 reasons the main three were: lack of economic resources, work, and household responsibilities.

Though we observe a significantly increasing **quantitative** trend in availability and accessibility of funds towards fulfilling material commitments for RtIBE, their **quality** is thus raised as our main concern. In other words, in addition to the provision of means, education has to be directed so that the child can enjoy of their mother tongue – as formulated in Article 28 ILO-169 (Section 3.1.3). Regarding culture, Article 30 CRC (Section 3.1.2) states the undeniable right of the child to enjoy of their culture and language. However, the acceptability of the state efforts might be questioned.

As seen in Section 3.1.2, regarding the state symbolic commitments, securing the means for IBE does not automatically re-structures an educational system still shadowed and dominated by the Hispanic model. The concern arises whether the government after the formulation of the newest Constitution and LOEI has been able to give the same opportunities to indigenous children as it does for mestizos.

Hence, the following section of acceptability examines some aspects of IBE's quality in the classrooms.

¹⁶ Report based on a study of three years, 2012-2014.

5.3 Acceptability

Acceptability is a feature connected to both symbolic and material commitments. The classroom pedagogics must be acceptable in the symbolic sense since they have profound impact on the children identity (emphasizing language and culture). Yet acceptability plays a major role for assessing material commitments. After all, the latter has to do with the enforcement of the international and domestic law for securing funds so that education of indigenous children comply with the minimum standards for good quality of schooling (Babaci-Wilhite, 2015).

This is why in this section we go deeper into the evaluation of the aforementioned minimum standards in order to gain a better understanding of the material quality of the indigenous education. These are numerous from the human rights approach, ranging from standards of health and safety to the learning in the children's L1. Yet, the three specific features acceptability of which I choose to evaluate in this section are **1) the content of textbooks, 2) the medium of instruction in the classroom, and 3) the impact these two elements have on culture.**

The three textbooks to be evaluated are: 1) Spanish and Literature (Mena-Andrade, 2016); 2) Natural Sciences (Lasso, 2016); 3) Social Sciences (Procel-Alarcón, 2016), all updated up to 2016. The material corresponds to the second year of primary instruction. Due to the word limit, I was unable to include the didactic material for Mathematics and Nature, and Society. On the other hand, Cabascango mentioned that SIBE is still working on the respective 13 Indigenous Language and Literature textbooks, as of that date unavailable for IBE schools. Before proceeding with the proper evaluation, I wish to highlight that SIBE receives the same material for students as the Hispanic system. Pedro Cabascango recalls that up to 2011 IBE schools worked with *Kukayos*¹⁷. The content of *Kukayos*, however, also did not reflect the reality of all the indigenous peoples (P. Cabascango, personal communication, February 21, 2016).

¹⁷ *Kukayos* were bilingual textbooks (Spanish and Kichwa) created by DINEIB when independent. These include didactic material for the courses of Mathematics, History and Geography, Sciences, Art and Kichwa (Krainer, 2012).

In the following we examine whether the chosen textbooks comply with the linguistic and cultural standards. To highlight again the main issue: None of the books employed in IBE schools are in indigenous languages; they are all in Spanish. Let us list some other features:

1. Spanish and Literature. The illustrations throughout the book reflect the pluriethnic and floricultural reality of Ecuador, meaning that the illustrations include all the groups of the population. Looking at the content, Unit 3 of the textbook makes reference to the linguistic and cultural diversity of the country. The book exemplifies the linguistic diversity by giving the children the task of sharing in the class how to say greetings in their mother tongue.
2. Natural sciences: It contains a few pictures of indigenous peoples, but pictures of mestizos, whites and even Afro-Ecuadorians are prominent. When it comes to content, any indigenous knowledge or practice that could enrich the curricula in the natural sciences is non-existent. The examples of indigenous knowledge that could enrich the content are the connection between nature and human beings, conservation of the soil through crop care, ritual festivities for planting and harvesting.
3. Social Sciences: Illustrations of indigenous peoples are included in this book. What calls my attention, however, is the fact that the pictures in Units 1 and 6 about interculturality show pictures of indigenous festivities that in my opinion focuses in a biased way on indigenous traditions and worldviews. In other words, the illustrations tend to show the folklorized version of indigenous traditions not emphasizing their inherent value. In terms of content, both of these chapters are limited to a superficial presentation of traditions of only few cultures. Some mention of the Constitution and LOEI is present.

Textbooks in the mother tongue of the child are an essential tool for class learning (Kaya, 2009), yet the findings show that these are not provided in the case of Ecuador. Except for the Spanish and Literature textbook coherently covering the learning of this language, the Natural Sciences and Social Sciences textbooks are inconsistent with the native language of children. In the previous section of accessibility we saw that though the government showed a significant increase of textbooks investment for IBE schools, these might actually complicate the learning process. Referring to the provision described in Section 3.1.2, Article 28 ILO-169, the State is bound to respect and promote the enjoyment of language learning. Hence, from a human rights approach it is not acceptable to have textbooks in Spanish when these are the

main tools used by teachers and students to develop the linguistic skills of the child in his/her mother tongue. Therefore, this current practice is contradictory to the enjoyment of language in formal schooling.

Moreover, using a critical intercultural viewpoint, we can presume that the textbooks as a pedagogical tool show us a continuing dependence of the IBE on the Hispanic model and a curriculum that supports it. The lack of examples of indigenous knowledge in “Natural Sciences” is disturbing, and the mention of Constitution and LOEI in “Social Sciences” seems insufficient. This dependence is visible not only through these and other deficiencies of textbooks, but also through the potential problems with the medium of instruction, in other words with the language used by teachers and students.

As noticed in Table 4, courses in L1 of the child in the Second Grade occupy 50% of their time schedule per week. These courses according to the curriculum for the Second Grade are: the Indigenous Language, Natural Sciences, Social Sciences, and Mathematics. Thus, the textbooks used there should be in accordance with the language demand. Yet, since the textbooks are in Spanish, the language used in class might obviously be strongly influenced by this.

The interviews and participatory observation in the two schools can help us to understand better the linguistic situation. In the school MP, the Director confirmed that Kichwa is used in the classes of Natural Sciences, Social Sciences, Kichwa and Literature (textbook still inexistent), and Mathematics (A. Chocho, personal communication, February 2, 2016). The Director of school AB said that Kichwa and Literature as well as Social Sciences are the only courses children have in their mother tongue due to the lack of personnel trained in that language (N. Ipiiales, personal communication, February 24, 2016).

During my observation I could perceive the following: Overall, teachers must translate simultaneously and make notes on the blackboard in both languages, Kichwa and Spanish. At some moments educators prefer to transmit the information in Kichwa, and at others they explain textbook content in Spanish. Trying to make sure my perceptions were representative of the situation, I asked teachers about the linguistic dynamics (researcher observation, February 2 and 24, 2016). Ana Aguinda, teacher of Natural Sciences at school MP, said: “I am a Kichwa

native speaker; however I have decided to transmit the information in Spanish to avoid the constant translation” (A. Aguinda, personal communication, February 2, 2016).

Maria Flores Chiguano, teacher of Natural Sciences working in school AB, informed:

Unfortunately I have to translate all the time because children seem to be confused about this language duality; textbooks are in Spanish and I am supposed to instruct in Kichwa. I cannot wait MINEDUC provides us with the right pedagogical material so I can teach my children without constantly delaying the class (M. Flores Chiguano, personal communication, February 24, 2016).

In the interview held with Anita Krainer, IBE researcher at FLACSO¹⁸, she reported:

The fact that the textbooks are written in a foreign language and that the medium of instruction seems affected by it, has two possible consequences: Either children become more prone to failure because they are not able to interact in a viable way, or they end up adapting to the linguistic duality; but since Spanish remains the dominant language, there is a big probability that teachers and children will start using Spanish more frequently at the expense of abandoning their mother tongue”. (A. Krainer, personal communication, February 5, 2016).

In both schools there was a tendency to permanent translation, sometimes given up for a full employment of Spanish. And yet the cultural indigenous component is even less developed than the bilingual factor. Since the textbooks correspond rather to the mestizo cultural reality, schools and teachers can have a hard time trying to follow the textbook content while adapting the classes to the indigenous children’s needs and IBE requirements.

For instance, in the class of Social Sciences at MP, children were learning the national anthem in Kichwa, although in the book the information about it was in Spanish. I could observe how the teacher copied on the blackboard a fragment of the book and children repeated after her (participatory observation, February 2, 2016). Of course, since the true practice of interculturality should engage with learning from each other, the presentation of the national anthem in this way is in fact not negative (as it is taught in the L1 of the child). On the contrary, it basically accomplishes the objective of preparing the child to interact with the mainstream society. Generally speaking, however, according to Krainer, children learn better about their own

¹⁸ FLACSO is the Faculty of Social Sciences of Latin America. The FLACSO International System has universities, programs and projects in different Latin American countries, being one of these Ecuador.

cultural practices when the medium of instruction is their mother tongue (A. Krainer, personal communication, February 5, 2016). Therefore, it is in the state interest to provide children with the possibility of using textbooks in their mother language with significant cultural content according to the indigenous nationality to which they belong.

The cultural content in textbooks involves the incorporation of indigenous knowledge in formal education. From the evaluated textbooks, we can infer that this practice is quite ambivalent since indigenous children study with books that prioritize the learning in Hispanic schools. However, the books contain illustrations of indigenous peoples, as means to show sociocultural inclusion and the value of diversity. Yet, this does not really take into full account the cultures of indigenous children. As seen in Section 3.1.2, according to Article 30 CRC, indigenous children have the right to enjoy of their own culture, where only by giving priority to it in the context of education they will be able to participate in the wider society (CRC GC No. 11 para.57-60). We see that the state practice might be breaching IHRL due to the fact that indigenous children are currently not entirely enjoying their RtIBE. The minimum standards of acceptability are here challenged because of the impaired textbooks.

To conclude, although material commitments do not seem to pose major problems at the first glance, the application of 3-As scheme helps us to uncover some problems. The guarantee resources for establishing new schools, training teachers and providing uniforms, textbooks, etc. is without a doubt a significant factor towards making public primary education available free and compulsory for indigenous children. Therefore, we could ascertain that the Ecuadorian state is complying with material commitments as far as availability and accessibility are concerned.

However, troublesome practices are discovered when it comes to acceptability. Political and symbolic commitments – analyzed in Chapter Four – have a determinant impact on the acceptable standards related to the linguistic and cultural factors. On the one side, the lack of participation and of autonomous decisions from indigenous peoples in IBE instills a dependent model of education to the Hispanic one. On the other side, the state symbolic commitments might be affected by the actions taken at the political level. These symbolic commitments represent the guarantee of learning an appropriate cultural content in the child's L1. Yet, since the process of building the IBE model appears to failing at the political and symbolic levels, the quality of IBE is injured.

Acceptability, being one of the evaluated features of material commitments, demonstrates how the quality of IBE is impacted by the factors explained above. Having analyzed textbooks, we can conclude that these are becoming more inclusive, specifically when we talk about the illustrations. Yet the textbooks are in an unfamiliar language to the child and often lack of indigenous cultural content. Proven to be contradictory to IHRL as well as with domestic law, this has a negative result in classrooms where the medium of instruction is quite ambivalent and certainly has an impact on the child. This impact is not only connected with the violation of normative, but affects the child as such: their identity and therefore their full development.

6. CONCLUSIONS

The thesis aimed at answering this research question:

To what extent is the Ecuadorian law on RtIBE, nourished by IHRL and embracing the concept of interculturality, fulfilled in practice in intercultural bilingual public primary schools?

In Ecuador, the State did not give an integral support to RtIBE until 1998. Only then, the Constitution introduced the concept of interculturality which is inherently linked with the said right. As I have shown, interculturality conceived critically is also useful when one examines the sociocultural dynamics that affect the full implementation of RtIBE. For instance, it directs our attention to participation as a crucial factor presupposing all law formulation and public policies implied by RtIBE. It also challenges the states to refrain from homogenizing society through monocultural and monolingual practices which persist as a result of post-colonial domination (Section 2.2).

Moving forward to the broader evaluative framework (of which IHRL is a part), we can analyze RtIBE through the State's political, symbolic and material commitments (Section 3.1). First, having briefly described the Constitution and LOEI (Section 4.1), I discovered organizational irregularities that may put political commitments at risk (Section 4.2). Assimilating DINEIB to MINEDUC and leaving it with no responsibilities under LOEI does not preserve indigenous mechanisms of participation. This has a direct negative impact on the right to self-determination that indigenous peoples are entitled to. Thus, state practice is currently infringing the provisions in ILO-169 (described in Section 3.1.3). I argued also that interculturality is not fully embraced by the State. Vertical relations based on class and ethno-racial domination has been installed by the current MINEDUC structure. This rather reduces to possibility to reconstruct the Ecuadorian society and recognize its diversity using IBE as a tool (Section 4.2).

Second, I pondered the intercultural implications of the Constitution and LOEI when analyzing the symbolic commitments. Although RtIBE does not take from indigenous children the opportunity to learn from the Hispanic curriculum, ultimately priority should be given to the instruction of indigenous cultures and languages. To assess whether the Ecuadorian law com-

plies with its international legal obligations and embraces the precepts of critical interculturality, I thus proposed in Section 4.3 to compare the IBE curriculum with the Hispanic one. The findings unfortunately reveal that IBE curriculum remains in functional dependency to its counterpart overshadowing the indigenous languages and cultural knowledge.

The overrated legitimization given by MINEDUC to the Hispanic curriculum at the expense of the indigenous cultures and languages endangers the identity of the children attending IBE primary schools. They are not only unable to cultivate the cultural knowledge of their indigenous nationalities, but also risk growing within an educational system where indigenous knowledge is considered inferior (Section 4.3). Thus, the Ecuadorian state could be currently hampering the provisions invoked mainly in CRC regarding symbolic commitments (Section 3.1.2). More generally, although RtIBE is guaranteed in the Constitution and in LOEI – both documents being nourished by IHRL – in reality its implementation is impeded by a dominant sociocultural pressure to be exposed by critical interculturality.

Now, the challenges of political and symbolic commitments will not necessarily influence the quantitative component of material commitments, but rather the qualitative one. When it comes to the school infrastructure and installations, we have seen that the governmental investments have increased in the period 2008-2014 in comparison to prior years. Pending improvements in the rural areas are expected to be brought to completion in the upcoming years. Also, the teachers training programme for IBE schools has been financed by MINEDUC since 2014, which demonstrates that the government is willing to improve availability of IBE establishments for indigenous children (Section 5.1). Nonetheless, far from all IBE schools are staffed with teachers versed in both the indigenous languages and the indigenous cultural knowledge. However, the material commitments are being fulfilled at a reasonable pace – as seen through the lens of availability.

Nonetheless, what was crucial for me was to examine whether these economic resources for making education freely available – according to Article 13-2.a ICESCR (see Section 3.1.1) – and accessible (Section 5.2) have a truly positive impact on the classroom practice, specifically when it concerns its quality. For that, I employed the acceptability criterion (Section 5.3). Through my field work and the analysis of textbooks I identified several challenges in this area. As it happens, the textbooks given by the MINEDUC easily distort classroom dynamics. Though the teacher might be bilingual in Kichwa and Spanish (as was the case during my

participatory observation), the incessant translation from textbook to blackboard confuses the communicative environment between teachers and students. This complicates both the learning of the indigenous language and the acquisition of the cultural knowledge. In addition, the texts used in primary IBE schools are heavily dependent on the Hispanic curriculum. My assessment shows that they carry a limited reference to the indigenous cultural knowledge (Section 5.3). Thus, the Ecuadorian state fails also in this respect in complying with the CRC provision regarding the child enjoyment of his/her own culture and to use his/her own language.

I consider that the **Ecuadorian law on RtIBE is not entirely fulfilled in practice in intercultural bilingual public primary schools**. The failings are due to the challenges that domestic law meets when it comes to the political, symbolic and material commitments of the State. These are: **a)** the lack of participatory measure and autonomous processes allowing indigenous peoples to contribute to the IBE model; **b)** the linguistic and cultural hegemony of the mainstream society that over-legitimizes the monocultural and monolingual Hispanic type of education at the cost of the indigenous cultural and linguistic inheritance; and **c)** the deficient didactic materials that constrain the teaching and the learning in the intercultural bilingual classrooms.

When examining the situation from the perspective of critical interculturality, we see that the further advancements in IBE must advisably occur together with improvements in the realm of intercultural relations. In other words, the State must address the three challenges above by reducing the assimilationist practices and to some degree overcoming the cultural hegemony still visible in the educational system.

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- CRC Convention on the Rights of the Child. Adopted in November 20, 1989, entry into force 2 September 1990
- ICESCR International Covenant on Economic, Social and Cultural Rights. Adopted in December 16, 1966, entry into force January 3, 1976
- UNDRIP United Nations Declaration on the Rights of Indigenous peoples. Adopted in September 13, 2007
- UDHR Universal Declaration of Human Rights. Adopted in December 10 1948

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APPENDICES

Appendix 1: Interview guide

Guía de entrevista (Spanish version)

Introducción

- Presentarme: nombre y apellido, universidad, maestría.
- Propósito de la entrevista: introducir mi tema de tesis, objetivo, contenido de la entrevista. Explicar la estructura de la entrevista y el tipo de preguntas.
- Confidencialidad: informar acerca de la confidencialidad y proporcionar la opción de anonimidad al entrevistado. Clarificar que la información es de uso exclusivo para mi trabajo de investigación que no tiene ningún fin de lucro.
- Autorización: asegurar al informante que la entrevista es voluntaria y que en cualquier momento de la misma el informante puede parar la entrevista en cualquier momento si sintiese que su integridad puede verse en peligro por la información proporcionada.
- Grabación: preguntar si es posible grabar la conversación llevada a cabo entre el entrevistador y el entrevistado. Aclarar que la grabación sirve únicamente para la transcripción de información relevante para mi tesis y además del entrevistador nadie más tiene acceso a esta. El audio será destruido al finalizar mi tesis.

Una vez que todas las dudas del informante han sido resueltas y que todos los términos de la entrevista han sido aceptados por el mismo, empezamos con la guía de preguntas referentes al tema de la investigación.

Antecedentes

1. ¿Podría presentarse brevemente, su cargo responsabilidades?
2. ¿Podría explicar cómo la institución a la que representa está relacionada con el sistema de educación intercultural bilingüe?
3. ¿Puede comentar desde su perspectiva el proceso histórico en la formación del derecho a la educación intercultural bilingüe para los pueblos y nacionalidades indígenas del Ecuador?

Compromisos políticos

4. ¿Cuáles han sido las reformas a partir de la Constitución de 2008 y de LOEI referente a la EIB? ¿Cómo se concibe en términos legales?
5. ¿Cómo se dio el proceso participativo de los pueblos y nacionalidades indígenas y de otros actores no gubernamentales en la formación de la Constitución y de la LOEI en cuanto a la EIB? ¿Fue un proceso legítimo?
6. ¿Cuál es el nivel de participación y autonomía reguladas actualmente por LOEI?
7. Además de los representantes de los pueblos y nacionalidades indígenas ¿Existe la posibilidad de que otros actores de la comunidad educativa sean escuchados por el Ministerio de Educación?
8. Desde su perspectiva ¿cuáles son los mayores retos que enfrenta la EIB en la actualidad?

Compromisos culturales

9. ¿Qué significa interculturalidad en el contexto de educación? ¿Cómo se concibe interculturalidad desde el punto de vista indígena?
10. ¿Cuál ha sido el impacto que ha tenido la inclusión de interculturalidad en la Constitución para los pueblos indígenas y los demás habitantes del Ecuador? ¿Cómo esto influye en la educación?
11. ¿Qué representan las demandas del derecho a la educación para los pueblos y nacionalidades indígenas?
12. Dado que LOEI actualmente regula el sistema de educación hispano y el de educación intercultural bilingüe ¿existe algún tipo de riesgo referente a la imposición curricular de uno de los dos sistemas en el otro?
13. ¿Qué tipo de percepciones culturales, (re)creados por la población mestiza pueden afectar la implementación integral de la EIB? ¿Cómo esto influye en el derecho a la educación intercultural bilingüe?
14. ¿Cuál es la percepción de la mayoría de la población frente a las lenguas y culturas ancestrales?
15. ¿Piensa usted que en la práctica las escuelas interculturales bilingües cumplen con el propósito de mantener y revitalizar las cultural y lenguas indígenas? A largo plazo ¿A qué tipo de relaciones sociales la actual practica de EIB conduce?

Compromisos materiales

(Preguntas específicas para los directores de escuelas entrevistados)

16. ¿Cómo y cuándo se fundó la escuela?
17. ¿Quién(es) y/o que organismo(s) financiaron la construcción de la escuela?
18. ¿El MINEDUC a través de la Subsecretaría de EIB se ha responsabilizado por la infraestructura e instalaciones de la escuela (tomando en cuenta que esta escuela pertenece al sistema de escuelas públicas)?
Si sí, determinar las mejoras realizadas por el Estado
19. ¿Los estudiantes reciben textos escolares? ¿Los textos se encuentran en la lengua indígena del grupo estudiantil de esta escuela? ¿Contienen estos contenidos culturales pertinentes?
20. En general ¿Puede comentar si todas las escuelas interculturales bilingües cuentan con los mismos beneficios respaldados por el Estado?

(Preguntas para todos los informantes)

21. ¿Cuáles son los principales actores e financiamiento de EIB?
22. ¿Cómo se canaliza el presupuesto?
23. ¿Cuál ha sido el impacto presupuestario luego de que DINEIB pase a ser parte de MINEDUC?
24. ¿Se han visto propuestas de la Subsecretaría limitadas por falta de recursos?
25. ¿Existen suficientes profesores capacitados que cumplan con los parámetros de lengua y cultura para las escuelas interculturales bilingües?
26. ¿Cuál es el porcentaje de profesores bilingües que trabajan en escuelas interculturales bilingües?
27. ¿Cuáles son los principales retos que la Subsecretaría y las escuelas interculturales bilingües, en términos económicos, enfrentan en la actualidad?

Resumen

28. ¿Desea añadir algo más, algo que no se ha mencionado y crea relevante para esta investigación?
29. ¿Es posible contactarlo vía correo electrónico en caso de tener preguntas adicionales?
30. ¿Tiene algún tipo de documentos o literatura que pueda compartir y que considere de importancia?

Agradecer al informante. Apagar la grabadora.

Interview guide (English version)

Introduction

- Introduce myself: name and last name, university, Master's degree
- Aim: Introduce my thesis topic, objective, content of interview. Explain the structure of the interview and the type of questions.
- Confidentiality: Inform about the confidentiality and give the option of anonymity to the informant. Clarify that the information is of exclusive use for my research which does not have a lucrative purpose
- Consent: Reassure the informant that the interview is voluntary and that in any moment the informant can stop the interview if he/she feels that his/her integrity could be at risk because of the information provided.
- Recording: Ask if it is possible to record the conversation between the interviewer and the interviewee. Clarify that the recording will be used only for transcription of the relevant information for my thesis. Apart from the interviewer no one else has access to it. The recording will be destroyed after concluding my thesis.

When all doubts the informants might have are explained, and when all terms of the interview have been accepted by him/her, we proceed with the set of questions.

Background

1. Could you please present yourself briefly, your position and the responsibilities under it?
2. Could you explain how the institution you represent is related to the intercultural bilingual education model?
3. Could you comment on the historical process of the evolution to the right to intercultural bilingual education for indigenous peoples and nationalities of Ecuador?

Political commitments

4. What have been the legal reforms since the Constitution of 2008 and LOEI concerning IBE? How IBE is conceived in legal terms?
5. How was the participation of indigenous peoples and nationalities and non-governmental actors handled in the formulation of the Constitution and LOEI regarding IBE? Was it a legitimate process?
6. What is the level of participation and autonomy indigenous peoples are entitled to under the current regulation of LOEI?

7. Apart from the representatives of indigenous peoples and nationalities, is it possible for other actors from the school community to be heard by the Ministry of Education?
8. From your perspective, what are the major challenges that IBE currently confronts?

Cultural commitments

9. What does interculturality mean in the context of education? How interculturality is understood from the indigenous viewpoint?
10. How has the incorporation of interculturality in the Constitution impacted indigenous peoples and the rest of the Ecuadorian inhabitants? What is the effect on education?
11. What are the demands regarding the right to education from indigenous peoples and nationalities?
12. Given that LOEI currently regulates both systems, the Hispanic and the intercultural one, is there any risk that one curriculum will impose itself on the other one?
13. How can mestizo cultural perceptions affect the integral implementation of IBE?
14. What is the perception the majority of the population has about indigenous languages and cultures?
15. Do you think that in practice intercultural bilingual schools achieve the purpose of maintaining and revitalizing ancestral cultures and languages? In the long term, to what social relations the current IBE practice could lead?

Material commitments

(Specific questions for interviewee school directors)

16. How and when was the school founded?
17. Who and/or what organisms financed the construction of the school?
18. Has MINEDUC through the Subsecretariat of SIBE taken responsibility since 2008 for the infrastructure and installations of the school (taking into account that the school is a part of the system of public establishments)?

If yes, determine the improvements made by the State.
19. Are students receiving school textbooks? Are these in the mother tongue of the child? Do they contain significant cultural knowledge content?
20. Could you comment if all IBE schools receive similar benefits as this school from the government?

(Questions for all informants)

21. What were the main actors funding IBE when DINEIB was an independent entity?
22. How is the budget for IBE currently canalized?
23. What was the budgetary impact after DINEIB became a part of the Ministry of Education?
24. Have the Subsecretariat's proposals been limited due to the lack of resources?
25. Are there enough trained teachers reaching the parameters of languages and culture as required by IBE schools?
26. What is the percentage of bilingual (speaking Spanish and the indigenous language) teachers working in IBE schools?
27. What are the main challenges, in economic terms, the Subsecretariat and IBE schools currently face?

Summing up

28. Would you like to add something else, something that has not been mentioned and you consider of relevance for this research?
29. Is it possible to contact you via email in case I have additional questions?
30. Do you have any type of documents or literature that you could share and consider of importance?

Thank the informant. Turn off the recorder.

Appendix 2: List of informants

Name	Date and place of the interview	Position	Institution
Angel Chocho	02.02.2016 Quito-Ecuador	Director	Mushuc Pacari School
Ana Aguinda	02.02.2016 Quito-Ecuador	Natural Sciences teacher	Mushuc Pacari School
Anita Krainer	05.02.2016 Quito-Ecuador	Professor and IBE researcher	Faculty of Social Sciences of Latin America (FLACSO)
Pedro Cabascango	11, 15, 21.02.2016 Quito-Ecuador	Director	Subsecretariat, System of Intercultural Bilingual Education (SIBE), Ministry of Education
Luis Montaluisa	14.02.2016 Quito-Ecuador	Pedagogy's Expert and first Director of DINEIB	Subsecretariat, System of Intercultural Bilingual Education (SIBE), Ministry of Education
Nelson IpiALES	24.02.2016 Quito-Ecuador	Director	Arturo Borja School
María Flores Chiguano	24.02.2016 Quito-Ecuador	Natural Sciences teacher	Arturo Borja School