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Buen Vivir

A brief introduction to Latin America's new concepts
for the good life and the rights of nature

By **Thomas Fatheuer**



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PREFACE

Germany is experiencing a boom in the year 2011. The financial crisis has almost been forgotten in the light of growth and export forecasts. Higher, further, faster – and above all, more of everything – is the order of the day. The growth paradigm remains unbroken. And yet more and more people are discussing ways out of the growth imperative. Climate change, financial and poverty crises, and most recently, the nuclear disaster in Japan are adding urgency to the search for alternatives to our current production and consumption model. Options for truly decoupling resource consumption and growth, or even a “post-growth society” are being thought about, discussed and published. The ideals of a united world and a desire for happiness and a good life lie at the heart of all debates about sustainable development – and such discussion has also been taking place in developing and emerging countries for some time. Numerous actors all over the world are looking for alternatives to the growth imperative, and the Heinrich Böll Foundation has made it its mission to raise awareness of them in Germany.

Latin America in the year 2011: working in the shadow of the giant Brazil, leftist governments in Ecuador and Bolivia have drawn up new constitutions. *Buen Vivir* – the right to a good life and the rights of nature – has been enshrined in those documents. *Buen Vivir* is based on indigenous traditions and values of the Andean region and sees itself as a new development concept that departs from Western paradigms of affluence. In the following essay, Thomas Fatheuer describes the political genesis of a complex concept: *Buen Vivir* – and a “concept under construction”.

He points out that achieving constitutional status is no means a guarantee for the implementation of *Buen Vivir* – harmony with nature or the culture of life. While there is no timetable for it, it has been the subject of lively debate in Latin America that has remained virtually unnoticed in Europe.

With this publication, we would like to introduce the *Buen Vivir* concept and get to know it better, and thus provide a further aspect with which to enrich our own debate about growth. We would like to invite you to a dialog, because all over the world, the search for a good life just begun.

We would like to warmly thank Thomas Fatheuer, the former head of our office in Rio de Janeiro, for his contribution. Fatheuer approaches the idea of *Buen Vivir* without preconceptions. He makes it clear that the concept deserves our attention, and that it must not end as mere propaganda or a new dogma.

We hope you find this publication enjoyable and enlightening, and we are looking forward to your feedback.

Berlin, June 2011

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Buen Vivir – the right to a good life

The political developments in South America in recent years have attracted considerable attention. “Leftist” candidates have gradually prevailed in elections and constituted new progressive alliances. Even a cursory look at the subcontinent, however, shows that this is a complex and heterogeneous process that does not amount to the formation of a new leftist block. The picturesque qualities of Hugo Chavez in Venezuela and the astonishing success of the former union leader Lula da Silva in Brazil have often distracted from developments in the smaller countries of the Andean region. In Ecuador and Bolivia in particular, developments have taken hold that strive for renewal, and have already brought forth notable successes.

After considerable internal political turmoil, the outsider Rafael Correa won the 2006 presidential election in Ecuador. Two demands were decisive here: the promise to put an end to the “long night of neoliberalism” (Correa), and the abandonment of party rule, the *partidocracia*.

In Bolivia, Evo Morales won the presidency in 2005. Here again, criticism of traditional parties and the neoliberal economic model played a central role. The Morales administration sees itself as a government of social movements and emphasizes its indigenous roots.

Both states recently adopted new constitutions. The constitutional processes were meant to signal a new beginning after authoritarian regimes and economic exploitation. Both countries had the courage to anchor unusual concepts in their constitutions. Both Bolivia and Ecuador have enshrined the concept of the “good life”, and both regard nature as a legal entity that can have rights. These two paradigm shifts will be of broad significance if they transcend constitutional rhetoric and have a true impact.

One element is fundamental to understanding the developments in Ecuador and Bolivia: both countries draw upon the indigenous tradition of the Andes. *Sumak Kawsay* is a Quechua expression that can be translated as *Buen Vivir* (good life) in Spanish. Proponents of *Buen Vivir* emphasize the indigenous – and in the South American context, thus also non-colonial – origins of the concept. The attempt to finally overcome the colonial past that has shaped South America’s history is also taking shape in the search for new guiding principles.

Buen Vivir appears to complement other efforts to seek new ideas in light of a general unease with traditional concepts of growth and progress. While gross

national product as an indicator of growth has been thoroughly repudiated in theoretical debates, it nevertheless remains politically dominant. Happiness is also being discussed as a new guiding principle, and the kingdom of Bhutan has become famous for the duty to promote happiness enshrined in its constitution. The developments in the Andean countries, however, run the risk of being carelessly subsumed into the Western search for new principles, or prematurely dismissed as nonsensical South American political folklore. I would therefore like to begin by outlining the historical and cultural context in which the new constitutions took shape, and then take a closer look at the new concepts, their potential and limitations.

A new start in South America

The victories of leftist electoral alliances in most Latin American countries are a striking phenomenon that has been given a variety of labels. Some see a new dawn in the South, while others imagine neopopulism and authoritarian tendencies at work.

It would be wrong to generalize about all of the countries in this new progressive¹ camp in South America. Nevertheless, there are some similarities that are fundamental to understanding the political and social processes in South America.

A common feature of all progressive governments is their demonstrative rejection of the neoliberal model. They are, in fact, a response to the failures or limitations of neoliberal reforms that dominated the South American political agenda in the 1980s and 90s. Policies aimed at macroeconomic stabilization plus privatization were obviously not in a position to improve the social situation of the poor and alleviate extreme social inequalities.

All progressive governments therefore share a reliance on a more active role of government. While the neoliberal reforms targeted the state as a source of inefficiency and corruption, the new administrations insist on an active role of the state in economic and social policy. The social program of the Lula administration in Brazil, which established general state assistance program for the poorest of the poor (*Bolsa Família*) and thus significantly reduced extreme poverty in a short time, is perhaps emblematic for the subcontinent. The *Bolsa Família* approach has been copied in other countries (in particular Bolivia). All progressive governments have stopped privatizations, and in some cases, reversed them. Yet the most conspicuous and surprising phenomenon common to these governments is perhaps their lasting success. All progressive governments in South America (with the exception of Paraguay, the newest member of the club) have since been confirmed by at least one election, and in general their popularity has tended to grow during their terms. And finally, all progressive governments are anchored in the popularity of their presidents. The concentration of democratic legitimacy in the figure of the president is a feature of South America's political culture that has become radicalized over the past ten years. Elections have taken on an increas-

1 Naturally, it is questionable to apply terms such as “leftist” and “progressive” to governments. They should therefore not necessarily be seen less as concrete descriptions of their platforms, but merely as commonly used labels. For example, the Economic Commission for Latin America and the Caribbean of the United Nations, ECLAC, uses the term “progressive governments”.

ingly plebiscite character via the political project embodied in the figure of the president. This is also an answer to the delegitimization of the political system, especially of the parties. In practically all South American countries, the possibilities for re-election of the president have been expanded. This is a trend that not only characterizes progressive governments, however. More or less pronounced authoritarian tendencies are connected with focusing on legitimization through the election of a president. While the processes vary greatly, progressive governments can generally be characterized by their lack of great love of the parliamentary system. Furthermore, the press – which often is in the hands of traditional oligarchies and vehemently opposes progressive governments – is often perceived as a political opponent rather than a guarantor of democratic rights.

It is virtually impossible to apply a single label to these complex developments in South America, even though “shift to the left” seems to have gained traction. We should beware of using it all too quickly for our own projections, however. The socialism of the 21st century that Chavez has proclaimed is hardly suitable for international identification projects – on the other hand, however, we should not let aspects of the processes in South America that may appear droll or dubious prompt us to prematurely write neopopulism off. Even the International Monetary Fund (IMF) has delivered a good verdict for the progressive Latin American countries (with the exception of Venezuela) and highlighted the relatively minor impact of the financial crisis on the region. Over the past decade, South America has experienced sustained economic growth that has led to a reduction in poverty, especially among those countries that have shifted to the left. Unlike some European countries that until recently were touted as models for the Southern Hemisphere (the ‘Celtic Tiger’ Ireland, for example), Brazil, Ecuador and Bolivia now look like paragons of macroeconomic responsibility. The systematic reduction of external dependence and the expansion of regional economic relations was obviously a successful strategy. While the progress of the Brazilian government in poverty reduction has garnered considerable international attention, Bolivia’s record has also been impressive. The nationalization of the oil and gas industry resulted in a tripling of the state budget in a short time (in the years 2005 to 2008) and let the country implement social programs for families with children and the elderly. Per capita income also rose by more than 50 percent during the same period.² However, the successes are not due solely to an economic policy that breaks with neoliberal recipes. Virtually all countries with progressive governments owe their growth to the rise in prices for commodities and agricultural products. While Venezuela, Ecuador and Bolivia profit from gas and oil exports, Brazil and Argentina benefit from increased demand for soy and other agricultural products. To cite an impressive figure: according to ECLAC, mining sector exports of the extended Mercosur (Argentina, Bolivia, Brazil, Chile,

2 Weisbrot and Johnston (2009) provide a good overview of the economic development. The authors conclude “In the last four years, Bolivia has achieved its best growth in three decades. It has also launched some innovative anti-poverty programs.”

Paraguay and Uruguay) increased from around 20 billion U.S. dollars in 2004 to 46 billion in 2007.

Eduardo Gudynas³ therefore coined the term “neo-extractivism” for the developments in South America – a concise and apt characterization of the ambivalences of progressive governments. The “neo” is quite important here: a greater share of the proceeds of the mineral and commodities boom than before are being appropriated by the state and used to finance an active social policy. The dependence on the exploitation of natural resources remains nevertheless and is currently especially pronounced among the progressive governments.

3 Eduardo Gudynas is the director of the Latin American Center for Social Ecology (CLAES) and an influential South American intellectual.

Bolivia and Ecuador: the Andes axis

Beyond the similarities outlined here, significant differences exist between the countries of the progressive bloc. Ecuador, Bolivia and Venezuela are often grouped as a bloc of “radical” governments. All three countries want to move beyond capitalism and develop a “socialism of the 21st century”. And in all three countries, the transformation processes have led to intense conflict. While Lula in Brazil relied on an alliance with elements of the traditional elite and integrated them into his coalition government, confrontation with the opposition has dominated the three countries of the radical bloc. In the case of Venezuela, this confrontation is an acknowledged part of government strategy.

In the context of the debate about good life, however, another point is fundamentally important. Ecuador and Bolivia are the countries of the progressive camp in which indigenous peoples represent a large proportion of the population. In Bolivia, indigenous peoples are even the majority. About 55 percent of the population is indigenous, mainly Quechua and Aymara. The country is home to no less than 36 ethnic groups. Only 15 percent of the population is white.⁴ The election of Evo Morales marked the first time in Bolivia’s history that a representative of the indigenous peoples became president. The Morales administration sees itself as a government of social movements – i.e. primarily of the indigenous peoples. In Ecuador, indigenous peoples make up 35 percent of the population, with mestizos making up the largest group. At ten percent, Ecuador’s white population is a minority; a further ten percent describe themselves as Afro-Ecuadorians.⁵

In their constitutional processes, Bolivia and Ecuador have redefined themselves as plurinational states – this is a true innovation in South America and an approach that is clearly distinct from the socialism of the 21st century in Venezuela. The conscious orientation toward the indigenous Andean tradition is *the* special feature of the processes in Bolivia and Ecuador. It also represents the historical and social context of the *Buen Vivir* concept.

4 According to country information by the German Federal Agency for Civic Education: www.bpb.de/themen

5 Also according to the German Federal Agency for Civic Education. Especially in Ecuador, the figures are disputed. Naturally, the indigenous and mestizo categories are not clearly delineated. “Indigenous” is most commonly used designation among native groups themselves, while the use of “original people” is becoming increasingly common.

The constitutional process and the constitutions of Bolivia and Ecuador

In the years 2006 to 2008, new constitutions were drawn up in both Andean countries. The constitutional processes were meant to mark a new political beginning, often after years of dictatorships. This has certainly become a tradition in Latin America – seven new constitutions have been adopted since 1990. With Chávez, however, a constitutional process that bears special characteristics was initiated. The constitution of Venezuela was developed in a highly politicized environment. It was not drawn up to unite Venezuelan society for a new beginning, but to provide a transformation with a legal foundation legitimized by popular vote. 72 percent of the population voted in favor of the Venezuelan constitution in 1999.

The constitutional processes in Ecuador and Bolivia also aimed at laying the cornerstone for new political projects. Yet in strong contrast to the “Bolivarian” revolution in Venezuela, the Andean countries’ focus was – as previously mentioned – on constituting “plurinational states”. Both countries see this as a definitive break with their colonial history. The presence of the indigenous movement in the constitutional process was therefore of fundamental importance. The constitutions of both countries strengthen communitarian structures and participatory models of democracy.⁶

The new constitutions of South America are of a transitive nature and are explicitly geared toward change. To paraphrase Beau Breslin, they are documents that create new worlds with words. Both constitutions are extensive and lengthy; they go into policy details and therefore intend to be much more than just a basic law. This extensive character, which is typical of many Latin American constitutions (and of the Brazilian constitution adopted much earlier), has made them the subject of criticism and even ridicule. The constitutions were seen as “shopping lists” mixing good intentions and laws, said the former ambassador of Bolivia in the United States, Jaime Aparicio. Detlef Nolte spoke of constitutional poetry and constitutional populism (Nolte 2009).

Indeed, discrepancies between the text and reality are a challenge for all constitutions, and extensive constitutions enlarge that gap. They should nevertheless not be underestimated, as they are process-oriented, transformative documents. The constitutional processes in both Andean countries were marked by considerable participation, and in addition to the specific constitutional

6 The concept of plurinational states strengthens the equality and autonomy of indigenous peoples, who are referred to as *naciones indígenas*. The development of recognizing plurinational elements already began before the transformation process and is not restricted to Bolivia and Ecuador: the rights of indigenous peoples have also been broadened in the constitutions of Colombia, Peru and Venezuela. The most striking feature thereof is the recognition of a legal dualism in which the indigenous peoples are permitted to apply their own standards and procedures insofar as they do not contradict the constitution or violate fundamental human rights. For a good overview of this controversial development, see Kuppe (2010).

amendments, they also had the character of self-orientation: Where do we want to go? What is our vision of our society? What rights do we want to prioritize? In the constitutional process, the societies developed a self-image that is obviously not a 100-percent fit to the present. In doing so, however, they created something of a road map for social transformation – and the constitutions should be read and discussed from that perspective. This is essential to ensure that the unusual features of both constitutions – commitment to the good life as a constitutional goal, and the recognition of nature as a legal entity – escape the premature verdict of lyricism and populism.

Ecuador – a constitution for good life

The constitution of Ecuador has defined *good life* as a central objective; one of its nine subsections deals exclusively with the right to a good life and lists the corresponding points. These include the rights to nutrition, health, education and water, for example. The wording is strongly reminiscent of third-generation human rights, the economic, social and cultural rights (ESC rights). Yet in other parts of the constitution it becomes apparent that the concept of the good life is more than a new name for ESC rights. In the section *Regimen del Buen Vivir*, the concept of the good life is defined as a basic principle that forms the foundation of a new development model (*régimen de desarrollo*). Article 275 states: “*Buen Vivir* requires that individuals, communities, peoples and nations are in actual possession of their rights and exercise their responsibilities in the context of interculturalism, respect for diversity and of harmonious coexistence with nature.”

In Ecuador and other countries, adopting this principle led to controversy from the outset. It is perhaps to the credit of the President of the Constitutional Assembly, Alberto Acosta, that the constitution of Ecuador has elements that go far beyond the political project of a president. For Acosta, who can be regarded as the spiritual father of *Buen Vivir* as a constitutional project, the importance of its inclusion lies in the reorientation of the development model of the constitutional state. For him and other *Buen Vivir* theorists, it is important to distinguish this concept from the Western idea of prosperity. *Buen Vivir* is not geared toward “having more” and does not see accumulation and growth, but rather a state of equilibrium as its goal. Its reference to the indigenous world view is also central: its starting point is not progress or growth as a linear model of thinking, but the attainment and reproduction of the equilibrium state of *Sumak Kausay*.

“*Buen Vivir* is a category in the life philosophy of indigenous societies that has lost ground due to the effects of Western rationality’s practices and messages. Nevertheless, without committing the error of false idealization, it makes an important contribution as an invitation to accept other practices and wisdom.” (Acosta 2009).

With the idea of the good life, a new development concept has thus been enshrined in the constitution.

“According to the philosophy of *Buen Vivir*, it is necessary to question traditional development concepts. From this perspective, the celebrated ‘sustainable development’ should be accepted as an interim goal on the way toward a new paradigm that encompasses ... the dimensions of equality, freedom and equal rights, as well as sustainability.” (ibid.)

Buen Vivir breaks with conventional concepts in several ways, in that

- it relies on indigenous traditions and visions of the cosmos;
- it breaks with traditional concepts of development;
- it focuses on the relationship to nature.

A look at the other constitutional processes in South America and especially Venezuela underscores the special nature of the Ecuadorian and Bolivian paths. They are an attempt to develop a new approach extending beyond traditional leftist perspectives. Strengthening social rights while encouraging growth is the traditional leftist priority in Latin America. Brazil and Venezuela share this path – even if the forms differ completely. Compared with classic development models and traditional leftist discourse, *Buen Vivir* represents a genuine conceptual innovation. It is therefore not surprising that leftist forces in particular – which Acosta describes as the “autistic Left”, were critical of *Buen Vivir* as a constitutional principle.

Bolivia: *Buen Vivir* and *Pachamama*

The parallels between the constitutional processes in Bolivia and Ecuador are quite apparent: both countries see their constitutions as the reestablishment of their states in a postcolonial context. Both are committed to the concept of plurinationalism, and the concepts of *Buen Vivir* and the rights of nature also occur in both. Nevertheless, there are substantial differences between the two constitutions.⁷

The Bolivian constitution clearly follows the tradition of third-generation human rights (ESC rights), which also include the preservation of nature. The oft-quoted Article 335 shows the extent to which traditional development concepts have also been incorporated into the constitution, by declaring the “industrialization and commercialization of natural resources a priority of the state”.

The *vivir bien* concept⁸ is introduced in Article 8, which covers the basic principles and orientation of the state. The state promotes the ethical and moral principles of pluralistic society: *amaqhilla*, *ama llulla*, *ama suwa* (do not be lazy, do not lie, do not steal), *suma qamaña* (*vive bien*), *ñandereko* (*vida armoniosa* – harmonious life), *teko kavi* (*vida buena*), *ivi maraei* (*tierra sin mal* – Earth without

7 Gudynas (2011) provides a good illustration of the differences. The following section relies heavily on Gudynas’ analysis.

8 While Bolivians speak of *vivir bien*, the term *Buen Vivir* has become widely accepted internationally.

evil, also translated as ‘intact environment’), and *qhapaj ñan* (*Camino o vida noble* – the path of wisdom).⁹

Improving the quality of life and *vivir bien* remain listed in Article 306 as the basis of Bolivia’s economic model.

Yet *Pachamama* and the rights of nature play a special role in the political rhetoric developed before and after the constitutional process in Bolivia. The “Law on the Protection of the Earth” was adopted in December 2010. The law refers to the Universal Declaration of the Rights of Mother Earth, which was passed during the alternative climate summit in Cochabamba, Bolivia. Álvaro García Linera, Bolivia’s Vice President and key theorist of the ruling party, sees the new law as a virtually epochal event: “For the first time in the world, the relationship between man and nature is being put on a foundation of originality, mutuality and dialog.”¹⁰

“The law provides for the establishment of a state authority (*Defensoría de la Madre Tierra*), whose responsibilities and tasks are yet to be established. It will monitor the validity, promotion, dissemination and implementation of the rights of *Madre Tierra*. The legal text emphasizes the necessity of maintaining a balance in nature as a precondition for the regeneration of *Madre Tierra*, respect for it and the protection of its rights. The law also provides for a prohibition of the marketing of “Mother Earth” and the promotion of interculturalism. The rights of the Earth include clean air and freedom from pollution” (*Blickpunkt Lateinamerika*, 9 December 2010).

The right to regeneration is a key concept that can be operationalized and goes far beyond general statements of intent. However, it is interesting to note that a major indigenous organization, CONAMAQ, criticized that the law was not coordinated with the indigenous peoples.¹¹

9 The constitutional text contains both the terms from different indigenous languages (primarily Aymara) and the Spanish translations, emphasizing the pluricultural character of the constitution. A good overview (in German) of Bolivia’s constitution can be found in the online magazine Quetzal: <http://www.quetzal-leipzig.de/lateinamerika/bolivien/auf-der-suche-nach-einer-neuen-ordnung-19093.html>

10 <http://www.adital.com.br/site/noticia.asp?lang=ES&cod=52963> (in Spanish)

11 CONAMAQ stands for *Consejo Nacional de Ayllus y Markas del Qullasuyu*, an influential indigenous organization that campaigns for the restoration of traditional institutions and which is in conflict with the Morales government due to its rejection of political parties. For more information, please refer to Almut Schilling Vacaflor (2008), who highlights the diversity of indigenous organizations and positions. On the criticism of the law mentioned above: http://www.lostiempos.com/diario/actualidad/nacional/20101209/conamaq-evo-solo-busca-protagonismo-con-ley-madre-tierra-en_103060_200817.html (in Spanish)

Buen Vivir – a closer examination

Buen Vivir – “the good life” – sounds familiar. But it is precisely this apparent familiarity that makes misunderstandings all too easy. Many make the association to *dolce vita* or assume that it is merely the latest iteration of the search for quality of life. It is only possible to understand the South American debate on *Buen Vivir*, however, if we take the specific context in which it originated into account. *Buen Vivir* is deeply rooted in indigenous Andean tradition, and this does not make it easily accessible for outsiders. It is also crucial not to underestimate the concept and its considerable complexity. In Bolivia in particular, *Buen Vivir* prompted a diverse and lively debate that was scarcely noticed in Europe.

Like any complex concept, *Buen Vivir* eludes simple definitions. Eduardo Gudynas rightly points out that *Buen Vivir* is “a concept under construction” that is unfolding in a wide variety of contexts and that is characterized precisely by its plurality (Gudynas 2011).

The indigenous traditions are an obstacle to an immediate understanding of *Buen Vivir* for those who do not share in them. Yet the constitutional processes in Bolivia and Ecuador can also be seen as an attempt at communication between indigenous and Western concepts thanks to their intention of integrating indigenous concepts in the design of the state.

Buen Vivir is sharply distinct from the idea of *individual* good life. It is only conceivable in a social context, mediated by the community in which people live.

Buen Vivir incorporates the human relation to nature, aiming for harmony with nature and condemning the excessive exploitation of natural resources. As Bolivian Foreign Minister David Choquehuanca Céspedes puts it, “the excessive and unbridled industrialization resulting from Western accumulation models does not offer humanity a solution” (Céspedes 2010).

Buen Vivir is a culture of life based on the ancestral knowledge of indigenous peoples that aims to strike a balance, striving for harmony between humans and nature alike, and which foresees a return to a way of life that had been suppressed by colonization. “We must return to **being**, because colonization has made us into “wanting to be”. Many of us want to be, but as of yet, we are not. We now want to return to our own path to our being” (ibid).

The recognition of the plurality of the indigenous communities is a fundamental building block of the concept. *Buen Vivir* is a rejection of cultural and legal monism. It relies on the much longer tradition of indigenous thinking over the Western Christian tradition, which it rebuffs as self-centered and Eurocen-

tric. “There is more than a single universal, Western paradigm. Western thinking annuls the existence of other systems” (Macas 2010). The recognition of diversity in the concept of plurinational states also explicitly includes non-indigenous groups (people of African descent, mestizos).

Buen Vivir derives its strength especially through its critical demarcation vis-à-vis the Western paradigm that has fallen into crisis. For all representatives of *Buen Vivir*, it is part of a process of decolonization and the creation of a new hegemony based on the diversity of cultures.

The demarcation from the Western tradition is not meant to create a new monism, but to allow pluralism. This very fundamental commitment to pluralism shows that *Buen Vivir* cannot and should not be a simple return to ancestral, traditional thinking. Bolivian intellectuals like Silvia Rivera Cusicanqui – who defines herself as both European and Aymara – and Javier Medina add the concept of *ch'ixi* to the mix: “*Ch'ixi*, like many other concepts, subscribes to the Aymar idea that something simultaneously is and is not and thus incorporates a third state ... Our option for modernity is based on the idea of *ciudadanía*, which does not seek out homogeneity, but difference” (Rivera Cusicanqui 2010).

For Javier Medina, this ability to accept differences is fundamental, and he draws a parallel to quantum mechanics: “Both – development and *Suma Qamaña* [Aymara for *Buen Vivir*] – coexist as paradoxically as Schrödinger's cat; its collapse depends on us. After all, both are required to “live poetically on Earth” – as the Romanticist poet Friedrich Hölderlin put it (Medina 2011).¹²

So while excursions into *Buen Vivir* lead us far away into the world of the Andes, they also bring us back to our Western debates. The Andean thinkers certainly communicate with other cultures and (dissident) Western thinkers. Bloch and Benjamin occur there, as does Aristotle and “deep ecology” (see below).

Pachamama and the rights of nature

Particularly in Bolivia, political rhetoric is being increasingly marked by *Pachamama*, a term that is coming to considerable prominence next to *Buen Vivir*. *Pachamama* is usually translated as “Mother Earth”. The Bolivian government has even managed to have the 22nd of April declared International Mother Earth Day by the United Nations. *Pachamama* or Mother Earth rhetoric gained a

¹² Stephen Hawking famously once said, “When I hear of ‘Schrödinger's cat’, I reach for my gun.” In 1935, Erwin Schrödinger devised a thought experiment to illustrate that the assumptions of quantum mechanics are not applicable to objects in the environment. In quantum mechanics, it is conceivable for something to exist and not exist at the same time; it grapples with paradoxes and decoherence, thus the reference by Aymar thinkers. Schrödinger's imagined cat is both alive and dead at the same time. Yet it is not necessary for Stephen Hawking to shoot Schrödinger's poor cat to solve the problem. Schrödinger specifically wanted to point out the absurdity of applying the observations of quantum mechanics to macroscopic objects. Ultimately, it is not possible for a cat to be both living and dead at the same time. (Wikipedia has a good illustration of the thought experiment: http://en.wikipedia.org/wiki/Schr%C3%B6dingers_Cat)

wider audience when the Bolivian government, citing the “Rights of Mother Earth”, rejected the compromise at the climate talks in Cancun. The adoption of a “Declaration on the Rights of Mother Earth” was an important part of the alternative climate summit organized by the government of Bolivia in Cochabamba in 2010, an event that received broad support from NGOs and social movements in Latin America.

Pacha is a key concept in Andean culture.¹³ It is an ambiguous term that refers to the totality of being. It not only encompasses space and time, but also “a form of life that overcomes the nature of space and time. *Pacha* is not only space and time, it is the ability to actively take part in the universe, to immerse one’s self in it, to be in it”. *Manqhapacha* is the telluric (Earth-related) dimension of *Pacha* that refers to the interior of the Earth as the source. “With regard to humans, *Manqhapacha* is the inner world, and in perception it represents the subconscious” (both quotes: Huanacuni 2010).

Mama is the Quechua word for mother that is now also used in other indigenous languages. *Pachamama* is therefore the telluric mother of the world and being.

Images of the *Pachamama* were unknown in the Andean religion. The figurines offered for sale today are an influence of the Catholic Mother of God, Mary.

Slogans such as “*Pachamama o muerte*” (Evo Morales) can be disturbing for Europeans. In the *Le monde diplomatique* dated 11 February 2011, Renaud Lambert expressed understandable reservations in a pithy and impassioned argument. He fears that “under the influence of the NGOs, the indigenous people’s movements will gradually be monopolized by ecological concepts and the political and social significance of their demands will be forgotten. The Pachamamization of thinking is taking shape as a phenomenon that basically amounts to nothing more than the latest incarnation of the centuries-old search for the ‘noble savage’ of Latin America”.

Naturally, the term “noble savage” should set off alarm bells, being a myth that has already been deconstructed many times and is now truly stone-dead. Yet such a polemic hardly does justice to the sophistication and variety of the debate; it is an example for how its complexity can be underestimated. Dismay at the attempt to establish “Pachamamism” as a para-religion is not only being voiced in Europe, however. The above-mentioned Javier Medina is also criticizing *Pachamamicos* in the government who want to proclaim a new religion, with priests and a monotheistic perspective.

13 *Pacha* is an Aymara word. Thanks to its propensity for abstraction and complexity, the language of the Aymara has long been a popular field of study for linguists. Umberto Eco mentioned the language in his book *La ricerca della lingua perfetta nella cultura europea* [The search for the perfect language in European culture] and quoted Raimiro Beiran: Thanks to its algorithmic nature, the syntax of Aymara facilitates translation from any language into Aymara – but not vice versa. A truly unfortunate circumstance for us, indeed (Eco 1995).

The politically significant point for us is that the Andean debate is incorporating a new understanding of nature into policy – and explicitly questioning the concept of nature in Western thought. Both in Ecuador and Bolivia, nature has been granted the status of a legal entity.

And with that we leave the realm of Pachamamism and arrive at a point that is quite present in the European tradition. It affects two dimensions, however: the understanding of nature in our Western tradition, and secondly, the legal debate. Both are closely interconnected.

Kant's words, "The mind does not draw its laws from nature, it dictates them" are fateful for the European tradition. For Kant, man is "the lawmaker of nature". This essentially sums up the Western understanding of nature and its nature dilemma. This understanding also has great impact because it meets the needs of the economy. Nature thus becomes an exploitable mine; nature can be defined as a quantity of natural resources. From Kant to Max Weber to Talcott Parsons, the belief that "all things – in principle – can be mastered through calculation" (Max Weber) is decisive. And in the Marxist tradition, Friedrich Engels set out the vision that the people are the masters of nature, because of being and through becoming, they are masters of their own socialization."¹⁴

Andean thinkers do not simply counter the dominant anthropocentric tradition with a nature-centered worldview. Let us recall the idea of *ch'ixi*, the ability to permit the simultaneous existence of contradictory states without the need for resolution toward a given pole. The "biocentric worldview"¹⁵ postulates a unity of life that has not been shaped by the opposition of nature and humans.

Of course, there are also dissenting voices in the Western tradition that argue for a different relationship with nature. Alberto Acosta refers specifically to the Norwegian philosopher Arnes Naess, one of the founders of "deep ecology". Naess is famous for two quotes: "The earth does not belong to humans," and "The right of all forms to live is a universal right that cannot be quantified."

But how can the idea that nature has rights actually be integrated into the legal system? Again, we need not go as far as the Andes for answers.

In the Anglo-Saxon tradition, a groundbreaking book has shaped the debate about the rights of nature. In 1972, Christopher Stone published the classic work on nature and the law: *Should Trees Have Standing?* He thus gave the issue of the rights of nature in legal tradition, at the very least, a firm presence in form of a footnote. Stone advocated the recognition of intrinsic rights of nature, a

¹⁴ All quotes in the German source text taken from Görg 1998. Görg provides a good, brief overview of the history of the Western understanding of nature.

¹⁵ This is, of course, stepping onto thin ice. Jutta Ditfurth argued against biocentrism in a brilliant pamphlet, *Entspannt in die Barbarei* [Relaxed into barbarism]. If it truly comes down to biologism, reservations are in order. I do not intend to promote any new "isms" here. But it is probably not being overly bold to assert that the anthropocentric worldview has reached its limits. How we redefine the relationship between man and nature is an open question that needs to be negotiated politically. The debate over *Buen Vivir* is striving in this direction. The indigenous visions of the cosmos have nothing to do with a dogmatic veganism.

currently unthinkable position. This would be of immediate practical importance, because the legal balancing of interests would thus go beyond attempts to merely optimize the exploitation of nature by humans. Constituting nature's intrinsic rights would not mean preventing all exploitation (and related damage), but recognizing the rights of nature as a distinct asset. That will not be possible without a legal advocate (in the way that other legal goods such as ships can be represented by advocates); those campaigning for the rights of nature are thus aware of an inescapable anthropocentric paradox: the rights of nature are being championed and represented by humans. Nevertheless, recognizing the rights of nature would be a significant and powerful change of perspective. The starting point would no longer be the regulation of environmental protection – and thus the exploitation of nature by man – but a genuine right of existence for nature. In fact, our legal system already contains elements of the “rights of nature” paradigm. Class-action law was a step in that direction. Section 20a of the German Basic Law has stated the following since August 2002: “Mindful also of its responsibility toward future generations, the state shall protect the natural bases of life and the animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order.”

The section was amended to include “the animals”, which are thus granted a dedicated right within the context of state goals. Section 1 of the German Animal Welfare Act establishes animals' right to protection due to their nature as “fellow creatures”. The idea of the protection of species also goes beyond the traditional concept of environmental protection in many respects.¹⁶

An example for steps in this direction is a pact proposed by the IUCN and ICEL¹⁷ for a new legal foundation for sustainable development (Draft International Covenant on Environment and Development). Article 2 states: “Nature as a whole and all life forms warrant respect and are to be safeguarded. The integrity of the Earth's ecological systems shall be maintained and where necessary restored.”

It is surely no coincidence that the Oxford University Press reissued Christopher Stone's book in 2010. Today, thinkers and initiatives are working worldwide to enshrine the rights of nature in constitutions. One of their most important representatives, Cormac Cullinan, attended the alternative climate summit in Cochabamba and was involved in drawing up the Declaration of Rights of Mother Earth. The Community Environment Legal Defense Fund (www.celdf.org), for

16 A statement by Germany's Green parliamentary group on 10 March 2009 accentuated animal welfare from the perspective of the rights of animals: “Animal welfare respects the rights of animals. We have strengthened the protection of animals in recent years by enshrining animal welfare in the Basic Law and abolishing battery cages for hens. Despite our resistance, the Grand Coalition repealed the latter. We are fighting for the protection of animals as living beings and for the preservation of their habitats and biodiversity.” (<http://www.gruene.de/einzelansicht/artikel/tierschutz.html> – in German)

17 The International Union for Conservation of Nature (IUCN) and the International Council of Environmental Law (ICEL) are semi-official organizations that are made up of government institutions; the organizations are thus unlikely to be suspected of pursuing radical biocentrism.

example, is a U.S. NGO that has made strengthening the rights of nature in legal systems its main concern. The organization was invited to Ecuador for consultations on the constitution.

The already-established debate over the rights of nature is facilitating a dialog between the Andean traditions and Western alternative discourses. The examples of Ecuador and Bolivia a great encouragement for Western critics of a development model destructive to nature who are striving to legally protect alternatives. Different paths can be taken if the political will can be mustered.

Buen Vivir in day-to-day politics: conflicts and new horizons

Of course, the new constitutions and the idea of *Buen Vivir* have not created islands of salvation in the Andes. The concrete social processes are contradictory – inevitably so. And the differences between the two countries are striking.

In **Bolivia**, the Morales administration continues to see itself as a government of social movements. The movements – especially those with indigenous roots – were central political forces in recent decades, especially in resistance against the governments then in office. When social movements ascend to power, however, considerable turmoil usually results before the administration settles in as a largely “normal” trustee of the common good. This took place in Brazil, although the ordeal was not so pronounced there. In Bolivia, however, the government continues to pursue its transformation goals and plans to realize them together with the social movements. Jason Tockman, who recently presented a comprehensive analysis of social movements in Latin America, summed up the situation in Bolivia as follows: “Nowhere else in Latin America has a grassroots party maintained such close ties to social movements after taking office. And nowhere else have the boundaries between the party and the social movements been so confused.”¹⁸

These confused relationships were long concealed by a unified front against the opposition. However, once the government wanted to push through an oil price increase in December 2010, the contradictions within the pro-Morales camp broke open for the first time. Protests flared, particularly in government strongholds. Representatives of social movements openly criticized government policies: “Since you came to power, your faults – but not your virtues – have increased by a factor of ten. What ever became of ‘governing by obeying the people?’”¹⁹

¹⁸ <https://nacla.org/node/6845>

¹⁹ cf. Papacek 2011 *Lateinamerika-Nachrichten* No. 440 contains articles by Papacek and Nehe that provide a useful overview of the current situation in Bolivia (in German).

Bolivia – the lone voice in Cancun

The countries of the world agreed to accept the climate compromise of Cancun. Only Bolivia's delegate, Pablo Solon, cast a vote against the results of the negotiation.

Most commentators condemned Bolivia's lack of a sense of *realpolitik*, and Jörg Haas went as far as to consider the country's position to be immoral.²⁰

Bolivia itself did not feel quite so alone: It saw its position backed by the scientific community – which asserts that the compromise would not achieve the 2-degree goal – and supported by many social movements around the world. The country's stance demonstrated at least one thing: Bolivia is one of the few countries in the world that actually take the issue of climate change seriously; it has developed its own position and is trying to win support for it. In this respect at least, its orientation toward the objective of preserving Mother Earth is showing an effect. Bolivia has also taken a clear stance in the debate about the reduction of deforestation through financial compensation (REDD) by strictly rejecting the inclusion of forest certificates into an international emissions trading scheme.

Due to the protests, the government retracted the price increases and is once again highlighting the slogan “governing by obeying the people” in its propaganda.

The exploitation of nature and mineral resources is central to the question of whether *Buen Vivir* will be able to gain political traction. It therefore seems an irony of fate that in Bolivia, of all places, hopes are revolving around a new commodities boom. Bolivia has the world's largest lithium deposits. Lithium is required for the manufacture of batteries for mobile phones and electric cars, and is therefore a strategic resource of the future. According to the Economist Intelligence Unit, a corporate consultancy, the exploitation of its lithium deposits could provide the country an income of around €20 billion a year. Faced with such prospects, leaving the lithium to Mother Earth is not easy. The lithium reserves are located in the vast Salar de Uyuni salt flat, and mining them would not adversely affect the country's indigenous peoples or biodiversity.

In February 2011, the Bolivian government negotiated with a high-level Japanese business delegation on a strategic partnership. Bolivia emphasized that it was not interested in the simple exploitation of commodities and a replay of the resource curse, but that it wanted to develop its own lithium-based industry. Morales even proclaimed the vision of a Bolivian-made electric car.²¹

²⁰ <http://klima-der-gerechtigkeit.de/2010/12/13/cancun-klimagipfel-cop16-ergebnis-analyse/#more-7130> (in German)

²¹ cf. Beutler (2011).

The overall direction of such a commodities strategy certainly makes sense, even if the goal of car manufacturing sounds very ambitious. Yet it does not leave the paths of traditional development strategies, but remains within the context of neo-extractivism.

Unlike Bolivia, the Correa administration in **Ecuador** does not see itself as a representative of social movements. “It sees itself rather as the protagonist of social change, pointing out the weakness and non-representative nature of existing movements, and offering only limited opportunities for access and dialog” (Wolf 2010). The governing style of President Rafael Correa, which has frequently been criticized as authoritarian and personality-based, has led to a rift between him and many of his former supporters, including Alberto Acosta. Although the critics still acknowledge the government’s progress in social policy, Correa has been accused of making a citizen’s revolution without citizen participation (cf. Lang 2010).

In terms of *Buen Vivir*, two conflicts were emblematic: the 2009 mining law, which met with fierce resistance by the social movements during its deliberations. The movements criticized the lack of participation opportunities in the awarding of licenses – and did not prevail. A draft water law provoked a similar confrontation in 2010. Here the social movements were able to achieve a partial success. The parliamentary adoption was postponed to permit time for further consultations. In all these conflicts, the social movements are relying on the new constitution to back their arguments, accusing the government of violations against its letter and spirit.

Leaving the oil in the ground – the Yasuni initiatives: Buen Vivir in action?

Yasuni National Park is located in the middle of Ecuador’s rainforest. Significant oil reserves – the so-called ITT fields – were discovered there, yet their extraction would destroy the forest. Under the auspices of Alberto Acosta, the Minister of Energy and Mines at the time, Ecuador developed a plan in 2007 to leave the oil in the ground. While it envisages that Ecuador would receive compensation for doing so, it would be significantly less than the oil revenues at the world market price.

Ecuador’s proposal goes against the grain of current trends in commodity policy that focus on the development of new, unconventional oil resources. Parallels exist to climate policy initiatives designed to provide compensation for avoiding deforestation (REDD). Ecuador, however, does not want to fund the avoided emissions (414 million tons of CO₂) through an international emissions market: emissions are to be prevented, not compensated for.

While Ecuador’s proposal goes beyond day-to-day realpolitik, it is quite feasible. It is within the context of the *Buen Vivir* by rethinking the conservation of nature while simultaneously positing a concrete agenda.

A concluding acknowledgement

It goes without saying that the concept of the “good life” is not a new doctrine of salvation. But does that mean that it is a hollow phrase? The answer to this question depends on several assumptions. Firstly, the Andean debate does not intend to contribute to the booming happiness debate. The exciting thing is that it lets us observe a concrete social and legal process. However, our evaluation thereof initially depends on the importance we place on constitutions and constitutional processes. “Constitutions matter”, Beau Breslin said at the beginning of his book about new constitutional processes in South Africa. There are many indications that he is right. Constitutions are completely ineffective if the rule of law is not even rudimentary. One example can be found in the history of the Soviet Union, which put a largely democratic constitution in place in 1938 – at the height of the Purges, as the mass killings by the ruthless state power came to be known. There is no evidence that the rule of law has been suspended in Ecuador or Bolivia. Nor is there any doubt that the redefinition of the countries as “plurinational states” will have tangible effects. Yet critics are complaining of precisely that. Both countries, have introduced dual legal systems.

No one can expect *Buen Vivir* to be enacted by decree. After all, we also do not expect that “steady and measured economic growth” will be realized simply because it is stipulated in Section 1 of the German Stability Act of 1967. The important point is that such provisions condition the state and serve as an orientation. The value of the constitutions in Ecuador and Bolivia is that they do not gear the actions of the state primarily toward growth and stability as in the EU, but toward satisfying the basic needs of life, which have been formulated as rights. That, for example, would prohibit the highly controversial and contested privatization of access to water in both countries.

Naturally, *Buen Vivir* is not a simple roadmap to a better future. It is important that the concept does not degenerate into a propaganda slogan of the state, and that it remains open and the subject of dialog, without becoming a new dogma of salvation.

The processes in Bolivia and Ecuador show that new approaches are being sought in Latin America that differ significantly from the reiterations of old socialist ideas. The fact that countries that are among South America’s poorest and that are highly dependent on the extractive sector would attempt to establish a new relationship to nature – at least in terms of their constitutions and laws – is quite remarkable. Not too long ago, the conviction prevailed on the continent – across the political spectrum – that development could only be realized

at the expense of the environment. In the 1970s, Delfim Netto, the Minister of Economy of the Brazilian military dictatorship, announced that Brazil was willing to “import the pollution” – an emblematic statement with regard to the problem. The idea of facilitating development through low environmental standards and easy access to commodities was long dominant. While the discourses have since changed, the practice – when relocating steel mills, for example – often still corresponds to the old approach. Not only Brazil, but also Chile and Argentina based their development policy on large-scale projects and an export-oriented agriculture – and thus ultimately on the forced exploitation of natural resources. The fact that countries like Ecuador and Bolivia refuse to accept the old “environment versus development” dilemma is of fundamental importance. It shows that criticism of the antiquated growth model is not a luxury that only has its place in the developed North. The fact that two states of the South are going as far as Bolivia and Ecuador is an important and encouraging element in the global search for alternatives to growth. And we have seen that we should not pursue this debate without a dialog with stakeholders from the South. It is only possible to seek alternatives to growth within the context of the global challenge and without ignoring the structural injustices of the world order. The developments in Ecuador and Bolivia, but also the voices of social movements in the social forums show that there are important actors in the South who are also engaged in this debate, and who are taking it even further than the “old world”.

And last but not least, the approach of regarding nature as a legal entity and the reliance on indigenous concepts of nature raise different issues than the debates on sustainable development or the green economy. Recognizing the intrinsic rights of nature is quite different from optimizing its exploitation in a sustainable manner, or even declaring decarbonization as a central goal, only to have massive dams and sugarcane monocultures for ethanol spread across Latin America in its name. The developments in the Andes should encourage us to question the tradition of modernization by increasing control over nature in a more radical manner. None of these debates are truly new – but Ecuador and Bolivia have moved them from academic and NGO circles into the middle of the political arena.

The experiences of Latin America should invite us to dialog. We are only at the beginning of the new routes we are exploring. In our dialog, we should be aware of the specific context from which the idea of *Buen Vivir* arose. But it should also be clear that we do not need to convert to Pachamamism and establish Mother Earth cults in our allotments in order to take part in that dialog.

Remembering *ch'ixi* can encourage us not only to open our minds, but also our souls, to accept contradictions and to explore new avenues.

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Climate change, financial and poverty crises, and most recently, the nuclear disaster in Japan are adding urgency to the search for alternatives to our current model of production and consumption. The ideals of a united world and a desire for happiness and a good life lie at the heart of all debates about sustainable development – and such discussion has long been taking place in developing and emerging

countries. Numerous actors all over the world are looking for alternatives to the growth imperative.

Latin America is no different. Ecuador and Bolivia have enshrined the right to a good life in their constitutions. Buen Vivir is based on indigenous traditions and values. Thomas Fatheuer's essay describes a concept that has remained virtually unnoticed in Europe.

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