

MORE THAN HUMAN RIGHTS

An Ecology of Law, Thought and
Narrative for Earthly Flourishing

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“The Jungle is a Living, Intelligent, and Conscious Being”¹:

A Conversation between
José Gualinga Montalvo and
Carlos Andrés Baquero-Díaz

The Sarayaku people of the Ecuadorian Amazon propose that human societies govern themselves according to the concept of *kawsak sacha*, or “living forest,” in order to change the destructive relationships that have led the planet to climate collapse.

1 The original version of this interview was published at Sumaúma, as part of the More Than Humans Project coordinated by MOTH and Sumaúma. To learn more about this project, visit: <https://sumauma.com/category/mais-que-humanos/>. The interview was conducted in Spanish, and the translation into English was done by Charlotte Coombe.

I. Introduction

The Sarayaku people live in the heart of the Ecuadorian Amazon² on the banks of the Bobonaza River. From the forest, they have historically fought to protect their territory. As part of their actions in defense of life, they succeeded in having the Inter-American Court of Human Rights condemn the Ecuadorian state for allowing the exploration of oil without consultation in their territory and for the violation of their rights.³ With this precedent, the Sarayaku people became an example for other Indigenous people who oppose extractive industries and the violent intrusion of extractors into their territories and their life plans.⁴

However, the fight did not end with the court decision. Since 2012, they have expanded their strategies to ensure their principles are respected by states and private actors who ignore Indigenous authorities and view their territory as a commodity.

One of these proposals is the *kawsak sacha* (living forest), a transversal axis in the struggle to defend the lives and existence of human and nonhuman beings in the Ecuadorian Amazon. The concept is part of the ancestral knowledge of the Sarayaku people and many other Amazonian peoples who have mobilized to maintain the interconnection between humans and nonhumans. Using multiple political, spiritual, cultural, and legal tools, the Sarayaku

2 “Pueblo Originario Kichwa de Sarayaku,” Sarayaku, accessed March 18, 2024, <https://sarayaku.org/tayjasaruta/pueblo-originario-kichwa/>.

3 Povo Indígena Kichwa de Sarayaku vs. Ecuador, Inter-American Court of Human Rights (2012), <https://www.cnj.jus.br/wp-content/uploads/2016/04/dd8acea6c7256808b84889d6499e6aaa.pdf>.

4 To find more information about this ruling, see CEJIL, press release, “Historic Decision in Favor of the Sarayaku People Orders Definitive Deadline to Comply with IACHR Ruling,” January 18, 2024, <https://cejil.org/en/press-releases/historic-decision-in-favor-of-the-sarayaku-people-orders-definitive-deadline-to-comply-with-iachr-ruling/>.

people want the Ecuadorian state to recognize their territory as a living being and guarantee the sovereignty of Indigenous people based on the balance that exists between humans and nonhumans.⁵

In this conversation, José Gualinga Montalvo—also known as Angun—a current advisor to the Tayjasaruta (Sarayaku Governing Council) and its former *Tayak Apu* (president), explains one of the most powerful proposals to put nature back into the center, a strategic move to confront the climate emergency that is now accelerating.

II. Conversation

Carlos Andrés Baquero Díaz (CA): What is the concept behind the *kawsak sacha* proposal?

José Gualinga Montalvo (JG): We have grown up with our grandparents, our parents, and the community, and in this process of life, our parents have always instilled in us that the forest is a living being—it is alive, and they always considered it as such. The forest and life depend on this connection; the existence of all of us depends on it. My ancestors had respect and procedures and rituals to be able to enter the jungle, to walk in this forest; that is how we grew up.

CA: How was the *kawsak sacha* proposal created?

JG: The proposal for the *kawsak sacha* declaration was created in 1986. When I was very young, I was walking with a group of people that included my dad, the wise Sabino Gualinga. We walked through the forest for eight days. And in that process, my dad was explaining to us the importance of the lagoons, the wetlands, the trees, and the mountains.

5 To learn more about this initiative, see <https://kawsaksacha.org/>.

There, he explained to us where they lived, where the beings were—the *Amazanga*, *Sacharuna*, and *Yashingu*, who are protective beings. During that walk and exchange, the concept of the *sisá ñampi*, also known as the *living path of flowers* or *border of life*, was born.

CA: What is *sisá ñampi*?

JG: *Sisá ñampi*, the *living path of flowers* or *border of life*, is an idea that was born with the objective of showing part of what our grandparents and great-great-grandparents had taught us and society in general, in Ecuador and internationally, through the action of planting flower trees to surround our territory. The border of life is a symbol of flowers, an invisible border between life and death, a symbol of life.

After many years, we had another deep expedition. We were carrying out our ancestral practices, such as hunting. I was with several of my brothers and other friends in the sacred areas of the black lagoons, in a retreat zone. On this journey, each one of us was located at a different point in order to hunt some guans⁶ for our families.

At that moment, it was my turn to go back, back to where we came from. For us, going back is negative energy and it is a bit worrying and frightening. However, I was the leader of the group at the time, so I was the person who had to risk going back. The rest walked forward at the important points where the guans were singing. That was in the early morning, about 4:00 a.m.

Then, at dawn, around 5:30 a.m., the first breezes started to appear. I had caught four guans; everything was very quiet and calm—only the songs of eagles, crickets, frogs, and night monkeys could be heard. Suddenly, at that moment, I heard

6 Guans are a bird genus that live in the Ecuadorian Amazon, among many other regions.

a thunderous noise—a noise that surprised me because it was not a normal, simple sound but that of a drum. It sounded like a giant drum with a heavy vibration. It sounded very close, about 100 feet (30 meters) away. The noise began to rumble all around. Then there was no longer just one, there were more than 100 coming from different places, then about 1,000. And the sound began to surround us on all sides.

At that moment, I was afraid—I was worried because the daytime had not yet arrived, it was dark because the treetops were still blocking the light. I wanted the sun to rise. So I tied the four guans up with a vine. However, because I was nervous, I tied them wrong, and when I started to walk, the four birds broke free. After a few minutes, I managed to tie the birds correctly and continued walking towards the other people, but panicking, I lost the small trail. And I was getting more and more desperate! Sometime later, I found our trail again.

In the group there, we had a wise man with us. I found him first and asked if he had heard that sound. He responded that we had to get out of there quickly. I went out and met my brothers and the rest of the group.

When I returned to the center of the territory, I began to wonder about this noise. How to go deeper into the concept of the *kawsak sacha* [living forest]. I understood the existence of *kawsak sacha*, and the whole mystery began to revolve around this amazing and incredible sound. That was when I started researching and writing about *kawsak sacha*.

CA: And what are the concepts you wrote?

JG: Talking with the elders, with my father, in the ayahuasca ceremonies and walking in the jungle, I asked about the life of *kawsak sacha*; I was curious to discover what that mysterious and phenomenal sound was. After a while, I put everything together, and that is when the proposal of *kawsak sacha*, living

forest, the jungle of the protective beings, came about. That was my first writing on the subject. I spent more than ten years studying it.

Later, at the first Congress of the Original Kichwa people of Sarayaku, following the fight against the oil company, after we had already gone to the Inter-American Court of Human Rights, I proposed that the Assembly of the People take up the *kawsak sacha* proposal. This is one of the avant-garde proposals regarding the resistance of the Sarayaku people, in which we seek to have our territory declared a living being. And we are making progress.

After many trips, for example, to Brussels and Paris, we published the first statement in 2012. The statement proposes that our territory is alive. In 2018, for the first time, we made the statement public.

In the declaration, we explain that the forest is alive—it is a living, intelligent, and conscious being. We presented that statement in the city of Quito, and it was one of our first major events. This is a proposal for the vindication of territorial rights; it also offers a transformation and an inner change for human beings.

CA: What are these changes you are referring to?

JG: What we propose to humanity, to citizens, is to understand that we are nature—nature itself is alive and is part of us, and we are part of it. Everything we call nature, the lagoons, the trees, the marshes, the dens and burrows, everything is interconnected. And we are interconnected, our ancestors, our parents, our grandparents—we are all interconnected. This is the *kawsak sacha*—it is the jungle, the forest that is alive.

CA: Could you say a little more about the idea of interconnection?

JG: Yes, in our language, in our communication, firstly through dream visions, we communicate with the protective beings, with the *kawsak sachá*. In that form of communication, it is language between humans, between women, men, children—it is a communication that also connects with the jungle. Communication in dreams is with plants, with trees. This can be with the tree itself; it can be with the jaguar itself; and it can be the forest itself with the sacred lagoons. This is the first form of communication.

The second form of communication is through the ayahuasca rituals, the reality of the living beings—of the Indigenous peoples. There, we learn that the Sarayaku people are one inhabitant but that there are also others—we see that peoples similar to us live in the lagoons. We make friends with them—we communicate with the *Kuracas*, with the chiefs.

In that process, we find interconnectivity, and so we have made friends, and we live through that energy and that strength. That is more or less our idea.

Is our connection made through communication? Not alone—it is not simply about saying that the forest is a living being but also that it is similar to us—it is equal, and it is greater. And so with all beings, like the anaconda, for example, it is a being just like us. And, well, when do you want that communication to happen? When you come across the anaconda.

Do humans represent this being, or might it be the other way around? Yes. You can also dream of having the vision of communication with the anaconda, and you can also meet a second being at any time—for example, when a new person arrives in the community.

So we understand, for example, if a person is spiritually powerful and has positive energy. Sometimes, they bring communication with the anaconda—the message of the connection

of that anaconda is also the energy of a person and the jungle. And it is the same with the jaguar.

This is the way we coexist and connect to understand how we are—in other words, coexisting with the world, with the territory.

CA: What are the changes you seek by promoting the *kawsak sacha* proposal?

JG: With the proposal, we seek the recognition and legitimization of Indigenous governance in the territories of life/*kawsak sacha*. We seek the creation of a special category that recognizes our governance in Indigenous territories to protect our autonomy and self-government.

We also seek the recognition of the territory as a living, conscious, and intelligent being. We are looking for a special title—something that represents to us that this territory is sacred, where there is life, where there are lagoons, waterfalls, mountains, marshes, and huge trees, and where we coexist with protective beings.

This recognition of the living forest is truly the space that guarantees the intrinsic relationship we have with the non-visible world that, in our philosophy and worldview, is living territory.

In addition, this recognition allows us to possess and manage national and international funds directly to implement our life plans according to our worldview. This space is where we shape our own solutions and also develop the *sumak kawsay* [good living], finding solutions for health, education, and economic problems and for basic needs that are not being met. In other words, we seek to generate a model of community—a model of society with a high cultural level—so that our history and existence will continue.

We also seek that, within the forest, within the jungle, there is a different form of settlement: an urban development that is different from the big cities and protected beneath the canopy of trees, where roads, bridges, social life, communication, and technology are present and well developed. And our main goal is the conservation of the territory, the conservation of the living forest.

This is what we are putting forward in our proposal to legitimize the recognition of the Sarayaku territory as *kawsak sacha*. And it is also what we propose to other peoples who do not yet understand that the *kawsak sacha* proposal is a universal vindication of the territorial rights of Indigenous peoples and a transformative proposal to coexist with nature.

CA: One of the elements you have mentioned is self-governance and the connection with the *kawsak sacha*. Could you tell us about this?

JG: We have been working to generate a new model of governance, a new way of managing the territory, in which we are conscious that the territory is everything, is living. The territorial being defines governance and ways of implementing life plans and conserving the territory.

Self-governance lies in strengthening our wisdom, knowledge, practices, ancestral techniques, and so on.

In order for this proposal to be legitimized before the state, some type of law must be passed. Will it be a ministerial decree or an ordinance? We have to recognize this territory as a living territory, *kawsak sacha*. We do not want the forest to be classified within protected areas or protective forest areas or within the legal structures that already exist, such as natural parks. No, we do not want to fit into the categories that are already in use. We explicitly want the territories to be declared living forest territories, sacred territory—a living and conscious being. In

this context, we propose that our territory is a living being, and we must exercise governance according to our worldview.

Our government project includes autonomy and self-government. We are putting forward this proposal to strengthen the *kawsak sacha*, the *sumak kawsay*—the good living linked to the conservation and preservation of biodiversity, history, and the culture of all beings that inhabit the forest and life.

CA: What is the relationship of the *kawsak sacha* proposal with other Amazonian peoples?

JG: As Sarayaku people, we have promoted actions to share our experiences in the defense of our territory, as well as the proposals we have been putting together, above all, with the mission to ensure that all territories of Indigenous nationalities in the Amazon are recognized under the category of *kawsak sacha*. Many brothers and sisters have already come to Sarayaku to learn about these experiences.

We are also currently working on a proposal to present to the new government, requesting that our governance be respected as legitimate. We will continue with our efforts so that, throughout the Amazonian territory of Ecuador, all our brothers and sisters have the same strength and energy we have been building.

To be able to exist as an Indigenous people, to be able to respond to the adversities of globalization, to the financial policies of extractivist megaprojects that threaten our territories. For us, *kawsak sacha* is a proposal for peaceful resistance, and it is also a political, legal, and scientific strategy.

CA: What kind of relationships have you established with non-Indigenous sciences?

JG: Lately, in the context of this climate and the social and political crisis we are going through globally, some very interesting

things have been happening. Today, let's say, science is getting closer. We have also grown closer with scientists so that they can learn from ancestral knowledge, that we can listen and share—to tell them about our wisdom and knowledge.

Our aim is to achieve a link between scientific knowledge and Indigenous wisdom. We have been making progress in this; we are very interested in how we can share our wisdom on the philosophy that the forest, the Pachamama, is a living being and how this can be understood within the framework of non-Indigenous science.

We want not only to reach academia but also for our knowledge to be seen as a contribution to the fight against the climate crisis we are experiencing. We want to achieve a significant convergence between science and ancestral knowledge.

CA: You have already won a case in the Inter-American system and are now litigating a case before the Constitutional Court of Ecuador, precisely on these issues. In this process, what is the role of law?

JG: In the case that we brought before the Inter-American Court of Human Rights, one of the significant and compelling arguments was the *kawsak sacha* proposal. The relationship, connection, and coexistence that the Sarayaku people have with the territory—with the living jungle. This was one of the most important arguments when it came to the court considering our case and recognizing the rights violations we had suffered due to the interference of the state and the CGC oil company in our territory without consultation. And it condemned Ecuador as a violator of collective rights.

However, part of the international judgment has not been followed. Therefore, we have filed a non-compliance lawsuit before the Constitutional Court of Ecuador, and we have already had a first hearing.

We are waiting for the government to comply with the ruling of the IACHR, especially the removal and neutralization of the 1,400 kg of explosives that are still in our territory and that were placed there for the purposes of exploration without consultation. We also seek compliance with the measures of non-repetition ruled by the court.

There are still many oil blocks affecting parts of the Sarayaku territory. When there are concessions or bidding actions to tender these oil blocks, territories are affected, and non-repetition measures are violated.

Also, free, prior, and informed consent should be protected. We want the court to recognize that our territory is a living forest: it is sacred, it is a living being, and it is being affected by the violations that have been made against it, for example, with the planting of explosives.

CA: How might other people get involved with the *kawsak sacha* case?

JG: Our proposal as Sarayaku has always been aimed at joint action. We have designed a strategy—a platform to share with other peoples—not only in Ecuador, not only in Latin America but throughout the continent—on all continents where Indigenous and non-Indigenous peoples live.

We want to, and want others to, bring this proposal that our territories are subject to rights—that they are intelligent and conscious from a spiritual, philosophical, and scientific point of view. And to protect this balance, we call for models of governance, autonomy, and self-determination in which Indigenous peoples and their authorities play a fundamental role.

It is vital to unite under the platform of the idea of the *kawsak sacha* philosophy so that we can all take action: call for the various governments in office and authorities, ministries,

and multilateral organizations to recognize that our territories are living beings.

I believe that this platform—this unity—will give us strength in the struggle that all Indigenous peoples are facing. This is my call to unity, to consolidate the thousand-year-old vision that does not belong solely to the Sarayaku people but to all peoples. In other languages, in other Indigenous languages, I know that there is this philosophy of a living, conscious, and intelligent being that is the *kawsak sacha*.

We, as Sarayaku, have decided that this is the beginning of all things, that all the programs and projects and the entire vision must be framed within the global platform of the *kawsak sacha* philosophy. In this process, extractivism is excluded, and we seek other alternatives inspired by the life of the *kawsak sacha*, the living forest.