

DECLARATION

KAWSAK SACHA-THE LIVING FOREST

**A LIVING AND CONSCIOUS BEING: THE
SUBJECT OF RIGHTS**

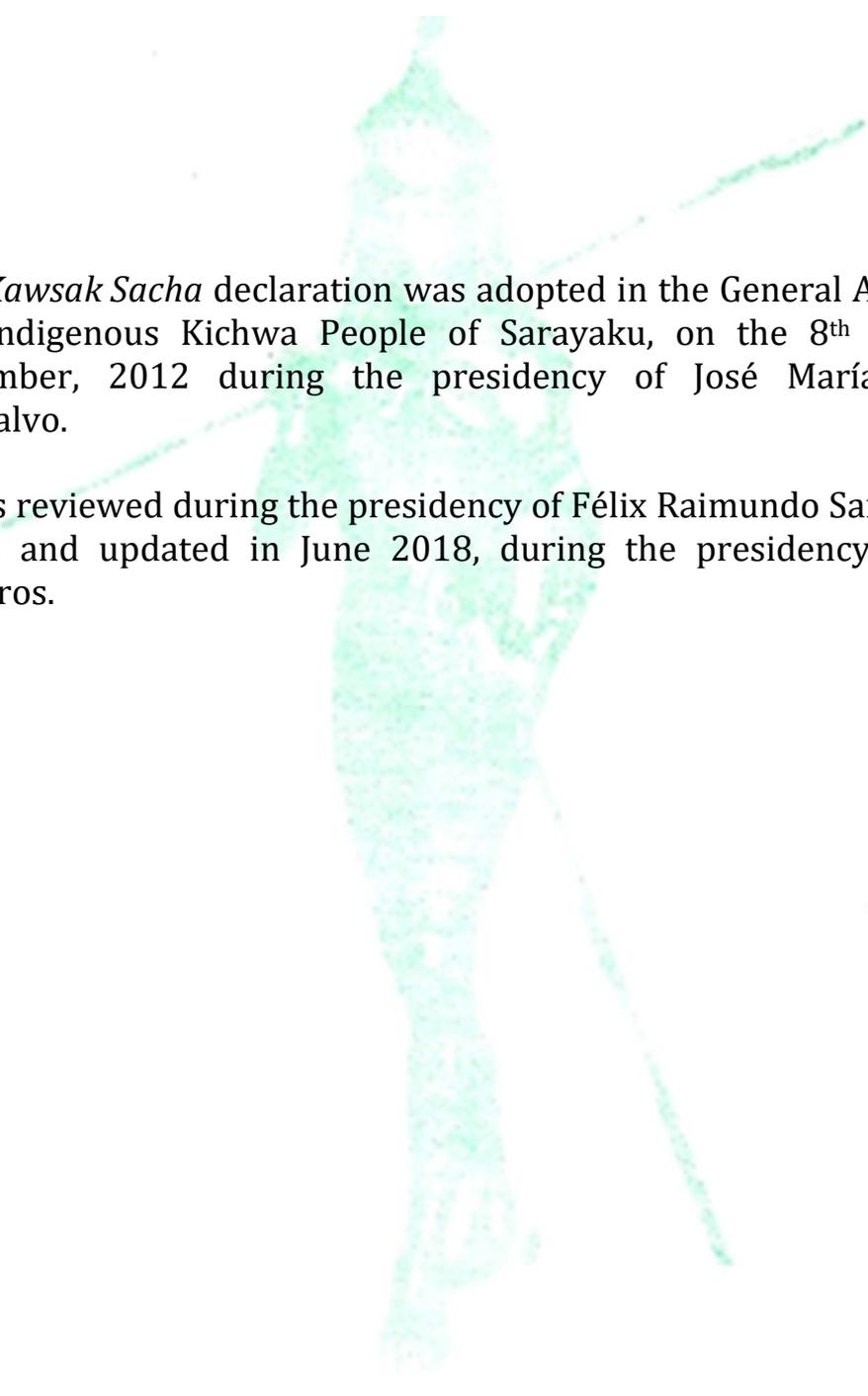
PUEBLO ORIGINARIO KICHWA DE SARAYAKU



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The *Kawsak Sacha* declaration was adopted in the General Assembly of the Indigenous Kichwa People of Sarayaku, on the 8th and 9th of December, 2012 during the presidency of José María Gualinga Montalvo.

It was reviewed during the presidency of Félix Raimundo Santi Santi, in 2016, and updated in June 2018, during the presidency of Mirian Cisneros.



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FOREWORD

We, Amazonian indigenous peoples, have a holistic vision of **Pachamama**. We are a part of her. We live together with all the beings that are a part of the Living Forest. This relationship is not simply an aesthetic one; it is the embodiment, of the vitality inherent to the living beings that surround us. We live together with the **Sacha runakuna**, the visible and invisible inhabitants of the rainforest, and with them we establish reciprocal relations, and by doing so, put into practice the principle of **Sumak Kawsay** (life in harmony, *buen vivir*).

The Pueblo Originario Kichwa de Sarayaku, has been and always will be a symbol of the resistance of indigenous peoples of the world because we are **Sarayaku runakuna**, descendants of the jaguar, or **Puma**, that inhabits the Bobonaza, Pastaza and Marañón watersheds. Along these rivers the **Tayakkuna**, bearers of a millennial wisdom, navigated, naming all the places they found along the way.

Our territory has been and is being defended by our **Ayllukuna**, past and present. We are heirs to a history of resistance and struggle against colonizing systems, invasions, and external aggressions that threaten our freedom.

Sarayaku is located in the Amazonian region of Ecuador, on the Bobonaza River, in the province of Pastaza. It is composed of seven communal centers: *Kali Kali, Sarayakillu, Chuntayaku, Shiwakucha, Puma, Kushillu Urku* and *Mawka Llakta*. Its territory extends over approximately 135 thousand hectares of great biodiversity: *Sacha* (forest), *Yaku* (rivers), *Allpa* (topsoil and subsoil) and *Wayra* (air), which sustain a wide range of ecosystems, as well as fauna and flora of transcendental importance for the subsistence of our **Ayllukuna**, for indigenous peoples more generally and for the planet as a whole.

For these reasons, our mission is to take care of and to use, in a respectful manner, that which allows the sustainability of life in our territory, in order to strengthen this way of living in harmony (*Sumak Kawsay*) and to ensure the continuity of *Kawsak Sacha* or the Living Forest. We have grounded our efforts, as an indigenous people struggling to defend our rights, in the search to manage our territory autonomously, and in the conservation of the Amazonian ecological systems that contribute to the maintenance of hydrological and climatic cycles that matter greatly for the planet. All of this is based on the profound knowledge that grows out of *Sacha Runa Yachay* (the wisdom of the peoples of the rainforest).

Our Life Plan aims to strengthen *Sumak Kawsay* on the basis of a relation of harmony between the *ayllukuna* and all of the beings that make up the Living Forest. This plan has been created to keep terrestrial and aquatic ecosystems free of contamination, a fertile land of abundant animals, diverse and healthy forests, and clean waters that can ensure food sovereignty and the reproduction of life. *Sumak Kawsay* emerges from and is sustained by our autonomous form of social organization, with an economy based on principles such as reciprocity and a harnessing of the elements of our surroundings. It is rooted in our ancestral wisdom and knowledge and is part of our commitment to upholding traditional practices and customs and to strengthen Kichwa identity.

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The Sarayaku territory is not just a physical and geographical space. It is, rather, the place from which we elevate our emotions by entering in connection with the world of The Guardians of the Living Forest. The relationships we maintain with them allow us to reproduce our economic systems, our own technologies, our knowledge and science; our social, cultural, and spiritual life; and our organizational and political systems, in order to build our own future, decide our destinies autonomously and ensure our continuity as an indigenous people.

For indigenous peoples and nations inhabiting the Amazon, the rainforest is alive. It is *Kawsak Sacha*, a living forest. It is inhabited by The Guardians that diligently ensure equilibrium in the frailty of ecosystems and relations with human beings. The waterfalls, the lagoons, the rivers, the swamps, the *moretales*, the salt licks, the great trees and mountains have their own Guardians: they are **Runayuk**. These sites are settlements (*llaktakuna*) made up of beings that carry out their lives in a manner similar to human beings.

The perpetuity of *Kawsak Sacha* depends on the continual relationship with the Guardians of the Forest. The upholding of life's diversity therefore depends on it too. This, in turn, makes possible the natural equilibrium and vital harmony among beings, as well as our own continuity as indigenous peoples. The Living Forest is where the life of indigenous peoples begins and takes place. *Kawsak Sacha* is, in itself, a being with whom the **Yachakkuna** (shamans) communicate to receive and transmit knowledge, with the further support of wise women and men. This ongoing learning orients and guides Amazonian peoples toward *Sumak Kawsay*. *Kawsak Sacha* is the primordial source of *Sumak Kawsay* and, as such, it offers a space of life for its diverse populations and revitalizes them emotionally, psychologically, physically and spiritually.

The great mountains of the Sarayaku territory, such as: *Kushillu Urku*, *Wamak Urku*, *Wayusa Urku*, *Tarapichi Urku*, *Ingaru Urku*, *Chililla Urku*, *Jatun Urku* and *Supay Urku*, are beings in themselves, and they are also the homes of the Guardians of all vegetable and animal species. They communicate with each other through spiritual connections similar to vines and paths.

In *Sarayaku* territory there are rivers and lagoons where the beings who control and maintain the equilibrium and the abundance of water species make their homes. These beings, *Yaku runa*, *Yaku mama*, *Atakapi*, *Runa lagartu*, *Purawa*, *Yaku puma*, travel through waterfalls, lagoons, and great rivers.

In the Forest, there exist ancient trees that are indispensable for spiritual equilibrium and with which the entire people of Sarayaku communicate and relate, especially the *Yachakkuna*. Immense trees such as the *Uchuputu* and the *Kamaktua* are the homes of the *Sacha runa*, of the *Yashinku*, and of other beings who offer plentiful energy and vital strength. These trees manifest themselves to us, in visions and dreams, as persons. They are nodes of biodiversity that ensure the life of the Forest and of its inhabitants.

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The earth or **Alpa mama** is our mother, the origin of life and of existence. She is our home, she protects us, feeds us, and keeps us warm. She teaches us responsibility and solidarity; she offers us wisdom, emotional wellbeing, and freedom –everything that is needed to keep living beings close to their own and to their family, who she loves. Through great effort and by complying with the rules of life, this is what is needed to live into the future.

Amazanka is the Guardian of the Forest, bearer of wisdom, health, beauty and vital energy; he is the most important being and the most respected by all the Beings of the Forest. Together with *Sacharuna*, *Yashinku*, *Juktusupay*, *Urkuruna* and *Yakuruna*, he teaches us the most elemental rule of Amazonian life: respect for the equilibrium of the Living Forest. *Nunkuli* is also a Guardian, *Chakra mama* or *lumu mama*, is the feminine power of the earth, who grants the fertility that allows the ground to grow good and abundant fruits.

Each of these strands comes together to make a single body. Life itself permeates the lagoons and the rivers, the trees and the plants, the mountains and the caves, the soil and the air, the animals and the fish, men and women. *Kawsak Sacha* gives us the energy and breath of life; it is fundamental to our worldview, knowledge, and our sense of being an indigenous people. To break this structure is to cut the vital links between the Guardians and the human beings they support.

Taking this philosophical preamble into consideration we hereby state that the knowledge and wisdom we have inherited from our ancestors concerning how to live well with the living systems that support us, puts us in a unique position to respond to current and future threats to our territory and to contribute concretely toward a new proposal for facing worldwide environmental problems.

CONSIDERING

That Sarayaku is an Amazonian indigenous people legally recognized in the year 1979 as “Centro Alama Sarayacu” (C.A.S) by means of the agreement N° 0206 of the Ministry of Social Welfare. Its statute was reformed and approved as “Pueblo Originario Kichwa de Sarayaku or **Tayjasaruta**” on the 10th of June, 2004, by the Council for the Development of the Indigenous Nations of Ecuador (CODENPE), by means of the agreement No. 024¹.

That the Sarayaku territory was legally recognized by the Ecuadorian State in the year 1992, that it extends over 135,000 hectares of tropical forest², and is the home of the Pueblo Originario Kichwa de Sarayaku.

¹ The People of Sarayaku have a mixed political and administrative organization, including traditional authorities (Kurakas and Likuatis) as well as leaders depending on the national governmental regime. They exercise self-government and the management of their own justice system in their own territory, as per articles 57 and 171 of the Ecuadorian Constitution (2008).

² In the year 1992, the Ecuadorian state recognized that the Kichwa People of the Bonanza watershed owned 254 thousand hectares of tropical forests out of which 135 thousand hectares belong by common law to the People of Sarayaku.

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That the Pueblo Originario Kichwa de Sarayaku has its own territorial and natural resource management plan, which ensures and promotes the protection of *Kawsak Sacha*.

That in this territory there exist aquatic ecosystems, including rivers and lakes, free of contamination, such as the *Bobonaza*, *Rutunu yaku*, *Kapawari yaku*, *Landa yaku*, *Sara yaku*, *Chuya yaku*, *Churu yaku*, *Landalla yaku*, *Pinkullu yaku*, among others, as well as a hundred black lagoons, unique in the world, with a great diversity of plants, terrestrial animals, birds, and fish.

That according to scientific estimates³, this territory, thanks to Sarayaku's conservation efforts, absorbs more than 189,545 tons of carbon per year, thus contributing to mitigate climatic change affecting the planet.

That among the fundamental objectives of the Pueblo Originario Kichwa de Sarayaku is the management and conservation of this territory, the preservation of its biodiversity and the maintenance of environmental quality throughout its surroundings⁴.

That articles 56 to 60 of the Constitution of the Republic of Ecuador (2008) recognize and guarantee for indigenous communes, communities, peoples and nations collective rights including the right to identity, to non-discrimination, to reparation, to property, to administration and conservation of the territory, to consultation and to participation in decision-making processes, to intellectual property, to bilingual and intercultural education, and to freedom of speech.

That article 14 of the aforementioned Constitution recognizes, "the right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and good living (*sumak kawsay*)."

That article 71 of the Constitution establishes that "Nature, or *Pachamama*, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes", and that, as a consequence, "all persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature," or *Pachamama*.

That article 7 of ILO Convention No. 169, in points 1, 2 and 3 and 4, states that indigenous peoples, "shall have the right to decide their own priorities" and that, "governments shall [ensure and] take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit."

That articles 13, 14 and 15 of ILO Convention No. 169 establish that governments shall take measures to guarantee and safeguard the territory of indigenous peoples.

³ Feasibility study: carbon compensation for the valorization of sustainable and respectful management of the forests of the People of Sarayaku.

⁴ Article 5 of the Statute of the People of Sarayaku.

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That articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples establish that indigenous peoples have the right to self-determination and of exercising their right to autonomy or self-government.

That articles 25, 26 and 29 of the United Nations Declaration on the Rights of Indigenous Peoples, establish that, “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, [and] waters”, and that indigenous peoples further have, “the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources” that they have traditionally possessed.

That article 380 of the Constitution of the Republic of Ecuador pledges, “to safeguard, by means of permanent policies, the identification, protection, defense, preservation, restoration, dissemination and growth of the tangible and intangible cultural heritage, historical, artistic, linguistic and archeological wealth, the collective memory and the set of values and manifestations that constitute the plurinational, pluricultural, and multiethnic identity of Ecuador.”

That the Ecuadorian State subscribes to national and international conventions, treaties, codes, plans and goals to protect biological diversity, ensure the variety of life of the planet, and contribute to human wellbeing and to the eradication of poverty.

That according to the right of self-determination of the peoples, recognized in international instruments such as ILO Convention No. 169, the United Nations Declaration on the Rights of Indigenous Peoples, and the American Declaration on the Rights of Indigenous Peoples, the autonomy of indigenous communities must be respected, as well as their right to consultation and prior, free and informed consent, before any State decision is taken that might affect their territories and rights.

That this historical declaration vindicates Kichwa identity and wisdom, and reaffirms the sovereign will to maintain a mode of life ancestrally exercised, with which we have successfully maintained the ecological equilibrium of our territory. This model has ensured the continuity of our society in symbiosis with the Living Forest, a concept central to the culture of Mother Earth. Through the present *Kawsak Sacha* declaration, we propose a mechanism of natural-social harmony, applicable to the different cultures of the world. In this way, we promote an interrelation between *Pachamama*, *Kawsak Sacha* and *Sumak Kawsay*, recognizing the memory of our ancestors and offering them this proposal for life as a true historical reparation.

That the present *Kawsak Sacha* Declaration has been shared, discussed and agreed upon by the Sarayaku people, and has been presented at national and international levels before the peoples and nations of Ecuador: in the Congress of CONFENIAE, held on September 2016; the Congress of CONAIE, held on September 2017⁵; the National Assembly of Ecuador, held on October 2013⁶; the meetings of the Conference of the Parties to the

⁵ See attached document

⁶ <https://www.youtube.com/watch?v=Zj-WvhPyXmg>

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Convention on Biological Diversity, COP21 and COP23, held in Paris and in Bonn on December 2015 and November 2017 respectively; in the World Conservation Congress of the International Union for the Conservation of Nature, IUCN, celebrated in Hawaii on September 2016; before the Inter American Court of Human Rights, in the audience celebrated in San José de Costa Rica on July 2011 before different international governmental representatives accredited in Ecuador.

Having presented these considerations, in exercise of their right to self-determination and buttressed by their Statute, the Constitution, and international instruments, the Pueblo Originario Kichwa de Sarayaku,

DECLARES:

Art.1.- That the territory of the Pueblo Originario Kichwa de Sarayaku, located in the province of Pastaza, in the Ecuadorian Amazon, is *KAWSAK SACHA – THE LIVING FOREST, A LIVING AND CONSCIOUS BEING: THE SUBJECT OF RIGHTS*. This is something that we, an ancestral nation, have recognized since time immemorial.

Art.2.- The *Kawsak Sacha* declaration has as its objective the sustainable preservation and conservation of our territory. This includes the material and spiritual relations that we establish with the Living Forest and the other beings that inhabit it. Our living territory is and will continue to be free of any kind of extractive activities such as oil exploitation, mining, logging, and bio-piracy. What we are proposing is a way of life based on criteria that come from the immaterial wealth that surrounds us, namely: the existence in our territories of clean rivers with abundant fish; the ability to live well with our many relations (*ayllu*); and the ongoing strength of our political organization.

Art.3.- That the guiding principle of the present Declaration is the following:

KAWSAK SACHA is a living conscious being made up of all the other beings of the rainforest, from the smallest ones to those supreme ones –the Guardians– that protect the forest. It includes within it, beings from the animal, vegetal, mineral, as well as spiritual and cosmic realms. The ongoing communication these beings maintain with us revitalizes us emotionally, psychologically, physically, and spiritually, and, more generally, it helps reestablish the energy, life and equilibrium of indigenous peoples.

The Guardians of the Living Forest make their homes in the waterfalls, lagoons, swamps, mountains, rivers and trees, and carry out their lives in a manner similar to human beings. *Kawsak Sacha* transmits its knowledge to the *Yachaks* who interact with the Guardians with the goal of maintaining *Pachamama's* equilibrium, and healing individuals and society. This knowledge is methodically maintained and transmitted to every new generation.

The natural equilibrium of the universe, the harmony of life, our cultural survival, the ongoing existence of living beings, and the Living Forest itself, all depend on the persistent power of the Guardians of the Forest and their ability to continue to transmit it. It also

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depends on the possibility that these beings and our *Yachaks* can maintain a respectful relationship that seeks equilibrium between human beings and the beings of the forest.

Kawsak Sacha is the place where our kallari rukukuna (ancestors), apayayakuna (grandfathers) and apamamakuna (grandmothers), and fathers and mothers lived. Kawsak Sacha is where we continue to live and where our future generations will go on living. It is the place where the Guardians –of the forest and of all the indigenous peoples who live there– will continue to live.

Art. 4.- Bolstered by the constitutional recognition of the intrinsic plurinationality of the Ecuadorian State, the Pueblo Originario Kichwa de Sarayaku urges the Ecuadorian government to recognize *Kawsak Sacha* as a **living and conscious being, the subject of rights**, whose vital and legal existence sustains and protects the rights of Amazonian indigenous peoples and their territories as a cultural, biological and spiritual value, and as a foundation for living well in harmony (*Sumak Kawsay*). We take this recognition to be another form of protection that is currently needed in our territory as well as in the territories of other Amazonian indigenous peoples. Protecting the life and environmental integrity of our territories is a human right and a non-negotiable principle. We are calling for national and international peoples and nations to unite in the struggle to protect and guarantee in an unflinching manner this *Kawsak Sacha* – Living Forest Declaration. Likewise, the Pueblo Originario Kichwa de Sarayaku is here proposing international organisms to adhere to and endorse this declaration of protection for the territories governed by indigenous peoples. This conservation proposal, that originates in our own worldview, coincides with the Convention on Biological Diversity CBD (Aichi Target 11 2020), the resolutions of the Parties (COP), The Other Effective Conservation Measures OECM, and a great number of resolutions from various commissions of the United Nations.

Art.5.- Sovereignty resides in the people, and self-determination is the fundamental right of peoples, therefore prior, free and informed consent before any decision that might affect the territory and life of the People of Sarayaku is an inalienable and imprescriptible condition, consecrated in international instruments concerning human rights.

Art.6.- The cultural justification, the Life Plan and the glossary are part of this Declaration, and are attached to this document.

Delivered and signed in the house of the Assembly of the Pueblo Originario Kichwa de Sarayaku,

Mirian Liduvina Cisneros
PRESIDENT OF SARAYAKU

Néstor Félix Gualinga Aranda
VICE-PRESIDENT

Yacu Félix Viteri Gualinga
LEADER OF EXTERNAL RELATIONS

Colombina Estrelina Aranda Gualinga
LEADER OF WISE WOMEN

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