Constitutional Ambitions vs. Judicial Mobilization: Comparative Analysis of Rights of Nature Enforcement in Ecuador and Colombia

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INTS 499: Capstone

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May 2026

Abstract

Despite having the world's first constitutional recognition of the Rights of Nature, Ecuador has failed to meaningfully enforce these protections, while neighboring Colombia has achieved landmark environmental legal victories without equivalent constitutional provisions. This study uses a comparative historical and legal analysis of biocultural rights implementation in Ecuador and Colombia, examining why formal constitutional recognition has not produced effective environmental protection in Ecuador, while Colombia's court-driven approach has generated durable precedent. Drawing on constitutional texts, landmark court decisions, Indigenous movement records, and academic literature, this paper argues that the divergence is both structural and strategic: Ecuador enshrined rights without adequate enforcement mechanisms, while Colombia's Indigenous communities leveraged the tutela system to build precedent from the ground up. These findings suggest that the effectiveness of biocultural rights depends less on lofty constitutional innovation than on enforceable legal pathways and sustained mobilization through the courts.

Key terms: Rights of Nature, biocultural rights, environmental personhood, comparative law,

Indigenous rights

I. Introduction

In 2008, Ecuador became one of the first countries in the world to enshrine the inherent rights of nature into its constitution. Article 71 of the 2008 Constitution explicitly states that:

> "Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes. All persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature."[1]

Despite this bold initiative to recognize Indigenous epistemologies and beliefs about the environment within a Western legal framework, Ecuador's courts were unprepared to enforce these constitutional provisions. Paradoxically, in the aftermath of the 2008 Constitution, Ecuador saw accelerating Amazonian deforestation, oil expansion into Indigenous territories, and failure to remain committed to the Yasuni-ITT conservation initiative.[2] De jure, *Pacha Mama* (i.e., nature) was recognized as a subject of rights. De facto, the Ecuadorian state failed to meaningfully protect natural environments. President Rafael Correa's government (2007-2017) backslid on its many promises to Indigenous communities and failed to actually protect against environmental degradation that harmed the same communities the constitution claimed to uplift.

In stark contrast, neighboring Colombia's Indigenous communities have secured a multitude of accomplishments for themselves and the environment. Between 2016 and 2024, Colombia recognized the legal personhood of the Atrato, Magdalena, Cauca, Río de la Plata,

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[1] Ecuador, Constitución de la República del Ecuador (2008), arts. 71–74, 83–85, Registro Oficial no. 449, 20 de octubre de 2008.

[2] While there has been a 2023 referendum to reinstate the program, there has been no progress so far in renacting the initiative to keep oil deposits within the Yasuni park. As of 2024, the only thing the Daniel Noboa administration has achieved is founding a government agency to investigate the matter, with which the main Indigenous organization, CONAIE, is not involved.

Coello, Combeima, Cocora and Otún Rivers, as well as other ecosystems, such as Lake Tota, the Pisba Páramo, Los Nevados National Park, and even the entire Colombian Amazon.[3] According to Philipp Wesche, Colombia's legal victories have become emblematic of the globally emerging concept of ecosystem rights.[4] Remarkably, all these developments have been achieved without specific constitutional or legislative provisions recognizing nature itself as a subject of rights. Instead, these results have come through sustained activism by Indigenous people and youth movements who pursued environmental justice by working their way up through the courts, building precedent, and securing environmental protections over time. As a result, Colombia has built a series of institutions that empower the role of the Indigenous people in environmental stewardship. While nature is not formally recognized along the specific lines of native epistemologies, Indigenous communities have been afforded access to organizations within the state to facilitate the protection of their lands.

This study will conduct a historical and comparative law analysis of the application of biocultural rights (i.e., environmental personhood and non-anthropocentric Rights of Nature) in Colombia and Ecuador, seeking to understand why Ecuador has struggled where Colombia has succeeded, despite it possessing stronger formal legal protections and a more unified Indigenous movement. The first goal is to analyze the historical, social, and legal contexts in which Rights of Nature (RoN) discourse emerged, rooted in the demands of Indigenous peoples who, over the years, have sought recognition of their epistemologies regarding the relationship between humans and the environment. These Indigenous movements will be contextualized within the

[3] Philipp Wesche, "Rights of Nature in Practice: A Case Study on the Impacts of the Colombian Atrato River Decision," *Journal of Environmental Law* 33, no. 3 (2021): 533.
[4] Ibid.

broader political contexts of Colombian and Ecuadorian societies, and I will examine how movements with similar goals worked to achieve their goals within their respective states.

The second goal is to examine the distinct legal pathways Colombia and Ecuador pursued in response to Indigenous activism. It assesses how each state moved to enshrine biocultural rights protections in law, evaluates the effectiveness of those protections in practice, and identifies whether strong state institutions emerged that empower Indigenous communities as environmental stewards and provide legal mechanisms for territorial restitution and conservation.

Further, I argue that the reasons for this divergence are twofold: structural and strategic. Structurally, Ecuador enshrined rights without creating strong procedural mechanisms to enforce them in the courts, leaving legislative and corporate bodies free to continue extractive trends. Strategically, Ecuador's principal Indigenous federation (CONAIE) pursued top-down national lobbying rather than building precedent through lower-court litigation. Colombia's fragmented Indigenous communities, driven by necessity into the courts, used the *acción de tutela* – a mechanism established in the 1991 constitutions where citizens can petition a judge for immediate resolution of scenarios where constitutional rights are violated – to build a durable precedent that survived changes of government. Ultimately, these differences demonstrate that the effectiveness of biocultural rights depends less on formal legal recognition than on enforceable legal pathways and sustained judicial mobilization.

II. Background & Literature Review

A. Background

Central to both Indigenous movements in Colombia and Ecuador is the legal concept of environmental personhood. The theory originates from Christopher D. Stone’s 1972 article

"Should Trees Have Standing—Toward Legal Rights for Natural Objects," which argued, that in order to promote conservation, parts of the natural environment (e.g. rivers, forests, and oceans) should be granted holders of legal rights and given standing in court. In the same sense that Western legal rights have been expanded to women, children, formerly enslaved people, prisoners, and even corporations, rights should be extended to aspects of the natural environment.[5] According to Monishaa Suresh, environmental personhood could give environmental entities "the same status as a legal person, giving nature rights and asking courts of law to enforce those rights."[6] The first actual application of this concept came from the United States in 2006 in Tamaqua Borough, Pennsylvania, where an ordinance recognized local ecosystems as persons to prevent the dumping of sewage in them.[7] Community Environmental Legal Defense Fund (CELDF), the organization who fought for the RoN law in the U.S., would later play a pivotal role in the Andes, helping draft Ecuador's 2008 RoN law.

This new argument appeared novel to Westerners during the environmentalist "golden age" of the 1970s.[8] However, these Western academic legal arguments had only just recognized truths that Indigenous groups across the world, specifically those of the Andean region, have known for time immemorial: that humanity was not ontologically superior to nature, but equal or subservient. With 115 different Indigenous groups in Colombia and 14 in Ecuador, no single account can capture the intellectual diversity of Andean environmental thought. The following

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[5] Christopher D. Stone, "Should Trees Have Standing—Tow. It .ard Legal Rights for Natural Objects," *Southern California Law Review* 45 (1972): 450

[6] Monishaa Suresh, "Environmental Personhood and the Rights of Rivers," *The GW Point Source* (blog), George Washington University Law School, March 17, 2023, https://blogs.gwu.edu/law-gwpointsource/2023/03/17/environmental-personhood-and-the-rights-of-rivers/.

[7] Community Environmental Legal Defense Fund, "Tamaqua Borough, Schuylkill County, Pennsylvania, Ordinance 612," (Tamaqua Borough, PA, 2006), cited in David Humphreys, "Rights of Pachamama: The Emergence of an Earth Jurisprudence in the Americas," *Journal of International Relations and Development* 20 (2017): 465.

[8] New York Times, "Environmentalists See End to a Golden Era," The New York Times, August 6, 1979, https://www.nytimes.com/1979/08/06/archives/environmentalists-see-end-to-a-golden-era-crucial-issues-listed.html.

case studies draw on several distinct groups not to catalogue their differences, but to illustrate the cosmological principles they share in common. Specifically, this study examines the U'wa people of Colombia and the Kichwa people of Ecuador to exemplify the Indigenous epistemologies across the region.

The U'wa people of Colombia, whose cosmology positions humans as subservient to and inseparable from nature, have maintained one of the most continuous and militant records of environmental resistance in the Andean region with their decades-long campaign against oil extraction on their ancestral territory.[9] Their core belief that every living thing has blood, including the earth, whose blood is oil, has been at the forefront of their fight for their land.[10] The U'wa view their territory not just as property or place, but the entire Earth as a body that they were born from, referring to it as their mother.[11] They see the forest as the connection between them and the Earth, providing the U'wa with life, existence, and survival, just as the umbilical cord does to a child from its mother.[12] They view humans as not above nature, but rather that they are a part of it and have a duty to keep a prosperous, symbiotic relationship between them and the land. When an oil company was set to drill on their land, many members of the group threatened mass suicide to avoid the destruction of their Mother Earth.[13]

In Ecuador, many similar values underpin the belief in *Pacha Mama* by the Kichwa, a group that comprises 40 percent of the Indigenous population. Pacha Mama (the name meaning

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[9] Project Underground, "Blood of our Mother: The U'wa People, Occidental Petroleum and the Colombian Oil Industry," (January 1, 1998), 3.
[10] Association of Cabildos and U'wa Traditional Indigenous Authorities, "Communique from the Pueblo U'wa", August 10, 1998, https://amazonwatch.org/news/1998/0810-communique-from-the-pueblo-uwa.
[11] Berito Kuwaru'wa, "Mensaje del pueblo U'wa al mundo." Speech presented at the National Forum on the Environment, Guadas, Colombia. January 10, 1997.
[12] Kuwaru'wa, "Mensaje del pueblo U'wa al mundo," 1997.
[13] David Hill, "Will the U'was Be Forced to Threaten to Commit Mass Suicide Again?" The Guardian, June 17, 2014,https://www.theguardian.com/environment/andes-to-the-amazon/2014/jun/17/will-uwas-forced-threaten-commit-mass-suicide-again.

"Mother Earth" in the language of the Kichwa) is a fertility goddess who was widely revered in the Andes before the conquest and colonization of the region by the Spanish. Many Kichwa believe that if they took too much from the land or did not treat it with respect, Pacha Mama would enact her revenge upon them in the form of earthquakes.[14] Another cosmology that many Kichwa people hold is *sumak kawsay*, translated into English as "good living." This philosophy highlights community and harmony with nature, which runs contrary to Western free market capitalist understandings.[15] Both Pacha Mama and sumak kawsay have deep roots in the beliefs of the Kichwa, and represent the deep connection Indigenous Ecuadorians have to their land.

The U'wa and Kichwa cosmologies are emblematic of the many Indigenous beliefs within the Andean region. However, these Indigenous people and their epistemologies exist under Western legal systems that view land simply as property and have allowed private industry to exploit it (e.g., Occidental Petroleum drilling on U'wa land). Therefore, the academic legal concept of environmental personhood meshes well with their worldviews and beliefs, and has been pursued by different groups throughout the region as a method of having their perspectives enshrined in law.

B. Literature Review

So far, indigenous biocultural rights enforcement in the Andes is an emerging field of scholarship, with the majority of research dedicated to the topic being done in the past several years. Academic discourse on the topic of Rights of Nature legal implementation in the Andean region has focused individually on Ecuador, Colombia, Peru, and Bolivia's implementation of

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[14] Tina Deines, "Pachamama," *Research Starters: Social Sciences and Humanities* (EBSCO, 2023), https://www.ebsco.com/research-starters/social-sciences-and-humanities/pachamama.
[15] Oliver Balch, "Buen Vivir: The Social Philosophy Inspiring Movements in South America," *The Guardian*, February 4, 2013, https://www.theguardian.com/sustainable-business/blog/bueto don-vivir-philosophy-south-america-eduardo-gudynasineffectColombia'sively.

biocultural rights law, with no rigorous research comparing the enforcement of these rights in Colombia and Ecuador. Scholars who have written on Rights of Nature enforcement in the Andean Republics are divided into two camps: those who focus on Ecuador's constitutional framework and its failures, and those who analyze Colombia's court-driven approach and its relative successes. What this study seeks is to combine research done on Ecuador and Colombia's biocultural rights enforcement and compare how their legal systems were able to effectively - or ineffectively - enforce protections for natural environments.

The earliest academic to analyze RoN law in Ecuador and the first to recognize complications in the country's biocultural rights enforcement mechanisms was Mary Elizabeth Whittenmore in her 2011 article "The Problem of Enforcing Nature's Rights under Ecuador's Constitution: Why the 2008 Environmental Amendments Have No Bite." In this article, Whittenmore argues that the successful execution of Articles 71–74 was unlikely from the start due to compounding political, procedural, and judicial barriers.[16] Namely, President Correa's continuation of resource extractivism and targeting of environmental NGO's who protested his hypocrisy was a complication that doomed the constitutional protections. Even further, Ecuador wrote Articles 71 and 72 in its constitution with no provisions on who could sue on behalf of the threatened environments, what burden of proof plaintiffs must provide to have standing, or who could hear the claims. Her research is relevant to my argument that Ecuador's constitutional provisions were futile in the face of a judicial system that lacked enforcement capabilities. She states bluntly that "these amendments will likely linger in the constitution without any real bite."[17]

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[16] Mary Elizabeth Whittenmore, "The Problem of Enforcing Nature's Rights under Ecuador's Constitution: Why the 2008 Environmental Amendments Have No Bite," *Pacific Rim Law & Policy Journal* 20, no. 3 (2011): 659–691,
[17] Whittenmore, "The Problem of Enforcing Nature's Rights under Ecuador's Constitution," 691.

David Humphreys's 2016 article "Rights of Pachamama: The Emergence of an Earth Jurisprudence in the Americas" examines how Rights of Nature received legal recognition in Ecuador and Bolivia, and argues that formal constitutional recognition has failed to translate into meaningful environmental protection due to both countries' continued commitment to extractivist economic models.[18] While Humphreys identifies the enforcement gap in Ecuador that is central to my argument, his analysis is limited to Ecuador and Bolivia and does not extend to a comparative examination of why enforcement has succeeded in Colombia.

Craig M. Kauffman and Pamela L. Martin's 2017 article "Can Rights of Nature Make Development More Sustainable? Why Some Ecuadorian Lawsuits Succeed and Others Fail," offers an analysis of Rights of Nature litigation in Ecuador up to 2017. Comparing thirteen RoN lawsuits filed between 2008 and 2016, Kauffman and Martin find that civil society pressure through the courts was paradoxically the least successful pathway for enforcement, while instrumental government action and professional judicial interpretation produced more durable legal outcomes.[19] Their findings directly support this study's structural argument that enforcement depends less on the existence of constitutional provisions than on the procedural pathways and strategic choices available to those seeking to invoke them. However, Kauffman and Martin's analysis remains confined to Ecuador's internal legal dynamics and does not extend to a comparative examination of how a neighboring country without equivalent constitutional protections has nonetheless achieved stronger enforcement outcomes.

The first research to evaluate Colombian biocultural rights enforcement was done with Elizabeth Macpherson, Julia Torres Ventura, and Felipe Clavijo Ospina's 2020 article

[18] Humphreys, David. "Rights of Pachamama: The Emergence of an Earth Jurisprudence in the Americas." *Journal of International Relations and Development* 20 (2017): 459–484.
[19] Craig M. Kauffman and Pamela L. Martin, "Can Rights o,f Nature Make Development More Sustainable? Why Some Ecuadorian Lawsuits Succeed and Others Fail," *World Development* 92 (2017): 130–142.

"Constitutional Law, Ecosystems, and Indigenous Peoples in Colombia: Biocultural Rights and Legal Subjects." This study looks at how Colombia's courts built up biocultural rights ruling from scratch using the tutela mechanism, despite the lack of an explicit constitutional provision recognizing nature as a holder of rights.[20] By utilizing the 1991 Constitution's provisions for the protection of communities' life, health, water, and culture, the Atrato River was granted rights of a legal subject. Despite the successes the tutela system has had in building precedent for environmental rights, the authors note that the courts have sometimes ignored or obscured Indigenous perspectives and rights to their territories in their decisions.[21]

Phillip Wesche's 2021 article "Rights of Nature in Practice: A Case Study on the Impacts of the Colombian Atrato River Decision" gives an empirically grounded examination of what the Atrato ruling produced on the ground in the four years following its adoption. Utilizing implementation reports and qualitative interviews with river guardians, state officials, and NGO representatives, Wesche concludes that the main effect of the proceedings was the elevation of community guardians to the table of the Ministry of the Environment in drafting restoration plans.[22] However, his research provides a challenge to my central argument; In the four years since the Atrato ruling, Colombia has not been able to stop the illegal mining due to the dysfunctional institutions of the state, and the environmental conditions of the river have not improved.[23] However, the aspect of elevating the Indigenous people as custodians of their

[20] Elizabeth Macpherson, Julia Torres Ventura, and Felipe Clavijo Ospina, "Constitutional Law, Ecosystems, and Indigenous Peoples in Colombia: Biocultural Rights and Legal Subjects," *Transnational Environmental Law* 9, no. 3 (2020): 521–540.
[21] Macpherson, Torres Ventura, and Clavijo Ospina, "Constitutional Law, Ecosystems, and Indigenous Peoples," 539.
[22] Philipp Wesche, "Rights of Nature in Practice: A Case Study on the Impacts of the Colombian Atrato River Decision," *Journal of Environmental Law* 33, no. 3 (2021): 531–556.
[23] Wesche, "Rights of Nature in Practice," 554.

environment in a legal sense is maintained in the spirit of the ruling and admits that fours years is too short a time period to judge the progress of a court ruling.

Tănăsescu, Macpherson, Jefferson, and Torres Ventura's 2024 article "Rights of Nature and Rivers in Ecuador's Constitutional Court" offers the most recent and empirically grounded analysis of Ecuador's RoN jurisprudence, examining a wave of Constitutional Court decisions issued after 2019 that represent a significant departure from the enforcement failures documented by earlier scholars. Namely, the article details RoN law in the context of conserving water ecosystems. The article argues that activist judges have been influential in changing power dynamics in regard to water use and have been building RoN precedent from within the Constitutional Court. While this article shows that certain Ecuadorian judges have been able to finally put the constitutional provision to work, the enforcement of biocultural rights is still limited. Namely, the Indigenous communities, which Biocultural law is supposed to protect and uplift, have not been influential in these recent decisions. Further, the granting of legal personhood to water bodies is progress, but it is limited compared to what Colombia has done without explicit RoN constitutional protections. Recent developments do show progress, but it is limited progress.

The research analyzing the intersection of legal mobilization and social relationships in Colombia is significantly advanced by Markus Ciesielski, Carlos Andrés García Carvajal, and Juliette Vargas Trujillo’s 2024 article "Shortcuts and detours of environmental collective legal mobilizations: the cases of the Atrato River and the Amazon region in Colombia." This study, which interviewed members of NGOs and grassroots organizations involved in the Atrato and Amazon cases, investigates how the interdependence between litigating NGOs and local

collectives shaped the landmark rulings that granted legal personhood in the two cases. By examining the use of the tutela, the authors argue that these ecocentric judgments were not the primary goal of the litigants, but rather a "shortcut" taken to address urgent social and environmental crises. However, the study highlights that while these collective efforts successfully bypassed traditional procedural barriers, they created "detours" in the post-litigation phase, where the judicial focus on nature's rights sometimes creates friction with the immediate social and political expectations of the communities involved.

The only study that cross-analyzes law and Indigenous rights in both Colombia and Ecuador was Jonathan Karlo Martínez Ojeda and Jessica Valentina Bolaños' 2024 article "Comparative Law Study of the Application of the Special Indigenous Jurisdiction in Colombia and Ecuador," which examines the concepts of multiculturalism and plurinationalism as they relate to Special Indigenous Jurisdiction in both countries.[24] While their work covers themes surrounding the area of this study, it remains unrelated in its scope to biocultural protection, leaving the specific question of why Rights of Nature protections have succeeded judicially in one country and failed in the other entirely unaddressed. It is precisely this gap that the present study seeks to fill.

My research aims to fit into a more nuanced view that bridges the Ecuador-focused camp and the Colombia-focused camp by treating their findings as two halves of a single comparative argument. Neither the Ecuador scholars nor the Colombia scholars explored the divergence between the two countries' enforcement outcomes in direct relation to one another. Whittenmore, Humphreys, and Kauffman and Martin each diagnose Ecuador's failures without asking why a

[24] Jonathan Karlo Martínez Ojeda and Jessica Valentina Bolaños, "Comparative Law Study of the Application of the Special Indigenous Jurisdiction in Colombia and Ecuador," *Linguistic and Philosophical Investigations* 23, no. 1s (2024): 324–340.

neighboring country with weaker constitutional protections succeeded, while Macpherson, Torres Ventura, and Clavijo Ospina document Colombia's court-driven successes without situating them against Ecuador's constitutional approach as a point of contrast. I hope to expand upon both camps by combining their empirical findings into a unified comparison, using Ecuador's enforcement failures and Colombia's tutela-based precedent-building together to prove this paper's central argument that the effectiveness of biocultural rights depends not on lofty constitutional language but on the procedural pathways and litigation strategies available to the communities seeking justice.

III. Method

This study employs a comparative historical and legal analysis to examine the divergent outcomes of biocultural rights enforcement in Ecuador and Colombia. Specifically, it utilizes primary legal documents, landmark court rulings, Indigenous movement records, and peer-reviewed secondary literature to construct a systematic comparison of how each country has translated Indigenous environmental demands into enforceable legal protections, or, how they have failed to do so.

Primary legal sources form the backbone of this analysis. Constitutional texts, namely Ecuador's 2008 Constitution and Colombia's 1991 Constitution, are examined for their treatment of environmental and Indigenous rights. Key court decisions analyzed include Colombia's *Centro de Estudios para la Justicia Social "Tierra Digna" et al. v. Presidency of the Republic* (2016), commonly known as the Atrato River case, which granted legal personhood to the Atrato River, and *Future Generations v. Ministry of Environment and Others* (2018), in which the Colombian Supreme Court recognized the Colombian Amazon as a subject of rights. These rulings are read

alongside Ecuador's comparatively sparse Rights of Nature jurisprudence, including the 2011 Vilcabamba River case, to trace how effective biocultural rights enforcement has been asymmetrically pursued. Indigenous movement records, including organizational statements and documented advocacy strategies from Ecuador's CONAIE and Colombian Indigenous and Afro-descendant communities, are also incorporated to capture the strategic dimensions of legal mobilization that formal legal texts alone cannot convey.

Secondary literature provides a broader analytical and theoretical framework. Academic scholarship on comparative constitutional law, Rights of Nature theory, biocultural rights, and Latin American Indigenous politics contextualizes the primary sources and situates this study within existing debates about environmental legal personhood and enforcement.

Ecuador and Colombia were selected as comparative cases as both countries are Andean nations with significant Amazonian territories, large and politically active Indigenous populations, and constitutional frameworks that nominally commit to Indigenous and environmental protections. Both have also faced sustained pressure from extractive industries and have had Indigenous-led resistance movements oriented around land and environmental rights. These shared features make the two neighboring countries comparable, meaning that the differences in their legal outcomes cannot be due to broad geographic or demographic differences, but must instead be explained by the specific legal variables, such as the design of enforcement mechanisms and the litigation strategies of Indigenous movements.

This comparative design does carry certain limitations. Since it depends on legal documents and secondary sources, this study does not incorporate original fieldwork or interviews with Indigenous community members, legal practitioners, or state officials. The

perspectives of the communities most directly affected by these legal frameworks are therefore mediated through existing scholarship and organizational records rather than captured firsthand. Additionally, the legal landscapes in both countries continue to change, and developments beyond the scope of this study's sources may affect the conclusions drawn here. Finally, while Colombia and Ecuador are regionally comparable and have demographic and legal similarities, this study cannot fully account for the role of certain idiosyncrasies, such as the political environments of the respective countries. The resolution of the Cold War intrastate conflict between the state and leftist insurgents subsided in 1991 in Ecuador, and continues still in some capacity in Colombia. These circumstances mean that political organization was much easier for Indigenous communities in Ecuador than in Colombia. As a result of the continued conflict resulting from the Cold War, Colombia is the most deadly country in the world for environmental activists, with at least 79 activists killed in 2023, and at least half of those being Indigenous, Afro-Colombian, or rural working poor.[25] The contrast between Colombia and the relatively peaceful organizing environment of Ecuador at the time of these historical and legal movements is something that this study does not take into account. Despite these limitations, the comparative historical and legal approach remains well-suited to the central research question, as it allows for evidence-based examination of how legal institutional design and strategic choices shape the effectiveness of biocultural rights frameworks across two closely related national contexts.

IV. Findings

A. Ecuador

[25] Global Witness, "Missing Voices," accessed March 11, 2026, https://www.globalwitness.org/en/campaigns/environmental-activists/missing-voices/.

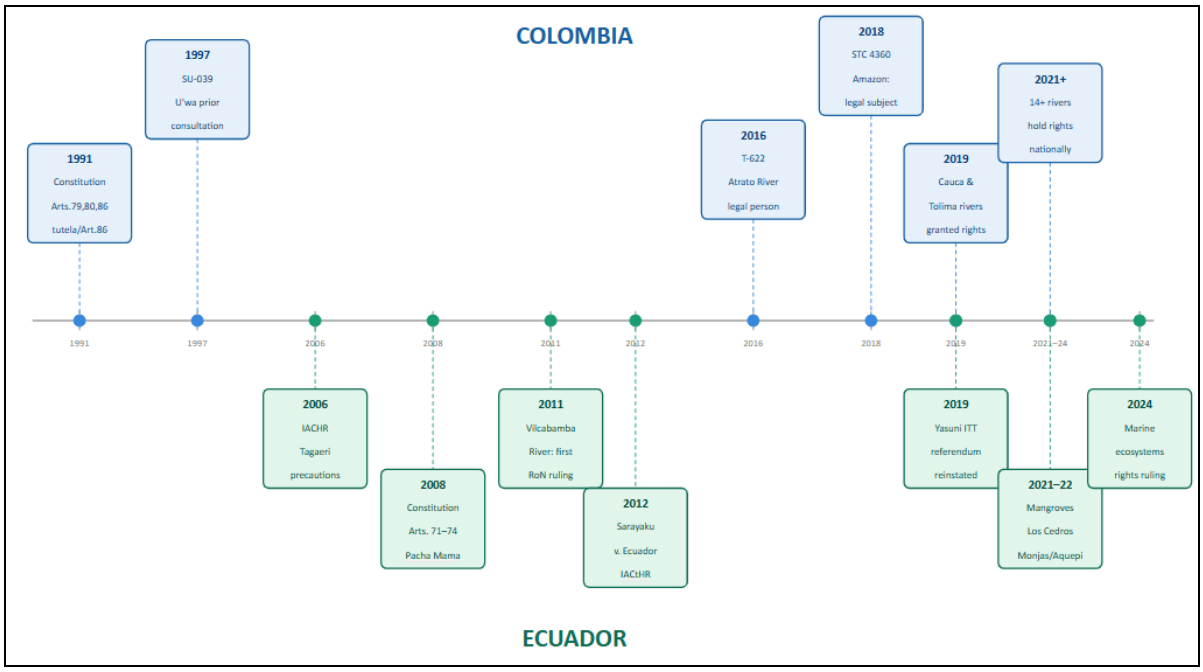

Figure I: Indigenous Biocultural Rights Timeline, 1991-2024

Before detailing the provisions that Articles 71-74 established regarding the RoN, it is important to detail the development of Indigenous activism in Ecuador, as the movement for environmental person and Indigenous activism are inseparable and the former cannot be understood without the context of the latter. The most influential body for Indigenous political advocacy in Ecuador is the Confederación de Nacionalidades Indígenas del Ecuador (CONAIE). While there were and are a variety of relevant Indigenous (and Afro-Indigenous) organizations fighting for similar means, CONAIE was the largest and most involved in drafting constitutional change. CONAIE formed in 1986 out of a variety of Indigenous organizations as a functional governing body that could articulate the needs and wants of the Indigenous communities of Ecuador – which were mainly agricultural reforms, recognition of themselves as an independent nation, multilingualism support and education, and the recognition of Ecuador as a plurinational

state.[26] CONAIE organized an uprising in 1990 where campesinos (rural, Indigenous working poor) would blockade the streets of Quito and occupy the Church of Santo Domingo in Quito, demanding the state institute 16 legal, political, agrarian, economic and cultural demands. From this moment we see a trend that would continue into the 20th century – Indigenous demands for national change, and a state deaf to demands.[27] We see in the formational days of the organized Indigenous movement in Ecuador that a top-down change was the demand of a variety of organizations. Advocating for constitutional provisions regarding plurinationalism and pluriculturalism was what large swaths of organizers fought for, with other reforms coming after this initial goal. This makes sense, as without proper legal protections for courts to interpret in the first place, Indigenous people would be fighting an uphill battle. However, a side effect would be that top-down organizing would be the most prominent function of the movement, leading to future ramifications.

The 1990 Uprising planted CONAIE as a recognizable figure in national politics. By 1998, CONAIE was involved in drafting the new constitution that would recognize the collective rights of the Indigenous peoples.[28] The 1998 Constitution, namely articles 83-85 of the document, provided a variety of new protections for Indigenous and Afro-Ecuadorians such as recognition of their indivisible ties to the Ecuadorian state, their human and collective rights to culture and language, recognition of their ancestral land rights, and most relevant for this study, the right “to conserve and promote their biodiversity management practices and their natural environment.”[29] Articles 86-91, coming right after the sections for Afro-Indigenous rights,

[26] Ana del Rosario Padilla Oquendo, Emilio Moyano Díaz, and José Padilla Villacís, "El camino del Sumak Kawsay hacia la Constitución del Ecuador del 2008: el rol del movimiento indígena," Estado & comunes, revista de políticas y problemas públicos 2, no. 5 (2017): 95–118, https://doi.org/10.37228/estado_comunes.v2.n5.2017.54.
[27] Ibid, 97.
[28] Ecuador, Constitución Política de la República del Ecuador, art. 84, Registro Oficial no. 1, June 11, 1998, translated by the author.
[29] Ecuador, *Constitución Política de la República del Ecuador*, Registro Oficial no. 1, June 11, 1998.

which provided for the conservation and preservation of ecosystems as well as the right of the population to a clean environment. The 1998 Constitution proved to CONAIE and many indigenous organizations that top-down mobilization and constitutional activism was a manner in which they could have their rights recognized, especially regarding the environment.

In 2000, the Indigenous movement was influential in launching a coup détat that removed President Jamil Mahuad from power during an economic crisis, replacing him with a triumvirate for democratic reform in which Kichwa Luis Macas, a CONAIE founding member, was a third of.[30] Initially, CONAIE was against having their members pursue political seats in the legislature. However, with the rise of the group to a national level, it became a reality where Indigenous people could integrate themselves into the political system. Within 14 years of its founding, CONAIE had gone from a fringe movement on the outside of politics to being an irreplaceable part of Ecuadorian politics that had overthrown the state and established national political leaders.

By the time that 2008 came around, it would be impossible that CONAIE and the Indigenous movement would not be included in negotiations. Under the leadership of Marlon Santi, Sumak Kawsay would be a chief political goal of CONAIE in drafting the new constitution.[31] Article 71 of the 2008 Constitution, which was written in consultation with CONAIE and environmental NGOs, established nature as a holder of rights, recognized Indigenous worldviews regarding nature, positioned the state as an agent of environmental protection, and spelled out the right of communities (e.g. Indigenous pueblas and NGOs) to petition the authorities for the protection of nature's rights.[32] With the incorporation of Sumak

[30] Oquendo et. al., "El camino del Sumak Kawsay."
[31] Ibid.
[32] Ibid.

Kawsay and Pacha Mama in the 2008 Constitution, many of the Indigenous movement saw it as a final victory of their prolonged fight for recognition.[33] However, the Ecudorian state under President Rafael Correa, held merely a nominal appreciation for Indigenous biocultural rights.

With the same pen that ratified the constitution, Correa used to sign laws that opened up further capacities for extractive agencies and targeted environmental NGOs and Indigenous agencies. Despite championing the 2008 constitutional RoN provisions as his "brainchild," Correa consistently prioritized extractive industries over RoN enforcement.[34] This makes sense, as Ecuador is structurally dependent on oil and mining revenues, which in 2008 comprised 27 percent of GDP. He publicly dismissed critics as "absurd" people who would "want to force us [Ecuadorians] to remain like beggars sitting atop a bag of gold."[35] He critiqued protest against extractive industries even though it was himself who had argued in favor of the 2008 constitutional protections. Nonetheless, in 2009 he passed a new mining law that opened up the country to large-scale metal mining by foreign companies.[36] Further, in the months following the Indigenous anti-mining protests, Correa closed down several influential Indigenous institutions and environmental organizations, such as the Development Council of the Indigenous Nationalities and Peoples of Ecuador (CODENPE), the National Directorate of Intercultural Bilingual Education (DINEIB), and Acción Ecológica.[37] This suggests that he viewed the constitutional RoN provisions as political rhetoric rather than enforceable law. In a sense, no one can call upon the public authorities to enforce RoN provisions if the institutions that would have been able to do so are shut down. These actions by Correa show that even just months after the

[33] Ibid.
[34] Whittenmore, "The Problem of Enforcing Nature's Rights under Ecuador's Constitution," 662.
[35] Ibid, 663.
[36] Ibid.
[37] Ibid, 664-5.

constitutional RoN provisions that the state had no interest beyond nominal progressivism of protecting natural environments.

There were certain landmark cases that occurred in the aftermath of the 2008 Constition, namely, *Wheeler v. Director de la Procuraduria General de Estado de Loja*, or as is used in secondary literature, the Vilacamba River case. The government of the Ecuadorian state of Loja intended to widen Vilcabamba-Quinara road, a project that would deposit large quantities of rock and excavation material in the Vilcabamba River.[38] The plaintiffs, Richard Frederick Wheeler and Eleanor Geer Huddle, claimed that the project violated rights of nature. The Constiutional Court of the State of Loja agreed, and issued an injunction that the government should first have to survey whether the project would harm the local environment before continuing on with a project. While this case carries important local precedent, it did not transfer across jurisdictions in Ecuador, and considering the impressive language of the 2008 Constitution, is rather underwhelming for a landmark case.

While indigenous people, their land, and nature were given rights in name, exploitation continued along the same lines as it had before 2008. The continued exploitation of indigenous enviroscapes forced Indigenous activists to pursue a case at the Inter-American Court of Human Rights (IACHR), as domestic attempts failed. The case *Kichwa Indigenous People of Sarayaku v. Ecuador* concerned the Ecuadorian government's authorization of oil exploration activities on the ancestral lands of the Sarayaku Indigenous community without obtaining their free, prior, and informed consent.[39] The oil company entered the territory and carried out seismic exploration

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[38] Natalia Greene, "The First Successful Case of the Rights of Nature Implementation in Ecuador," *Global Alliance for the Rights of Nature*, May 21, 2011, https://www.garn.org/the-first-successful-case-of-the-rights-of-nature-implementation-in-ecuador/

[39] *Kichwa Indigenous People of Sarayaku v. Ecuador* (Merits, Reparations, and Costs), Inter-American Court of Human Rights, Series C No. 245, Judgment of June 27, 2012.

activities that damaged the environment and disrupted the community's way of life. These activities included deforestation, destruction of culturally significant sites, contamination of water sources, and the placement of explosives in the ground. The Court found that Ecuador violated several rights protected under the American Convention on Human Rights, including the rights to communal property, cultural identity, and judicial protection. A major contribution of the ruling was its recognition that Indigenous communities have a special spiritual and cultural relationship with their land that must be legally protected. The Court also emphasized that states have positive obligations to protect the right to life and integrity of Indigenous peoples by safeguarding the environmental resources essential to their survival and health.

The Correa government and CONAIE shared from 2007 to 2017 what should have been similar goals — conservation of natural and Indigenous rights. However, as shown before, Correa only had a nominal interest in preserving natural environments, a fickle commitment that Alexandra Jima-González argues to be cooptation and appropriation of the Indigenous movement's influence for the purpose of personal political gain.[40] This had the effect, they argue, of stealing away indigenous resources and souring the general movement. As a result, the Indigenous movement lost much of its steam under Correa with very little practical gain.[41]

No example proves Correa's active cooptation and appropriation of the Indigenous movement than the doomed to start Yasuni-ITT initiative. The Yasuni-ITT Initiative was launched by President Rafael Correa at the United Nations General Assembly in 2007, proposing that Ecuador permanently forgo oil extraction from the Ishpingo-Tambococha-Tiputini (ITT) oil field (also known as Block 43) within Yasuni National Park. Yasuni is one of the most biodiverse

[40] [1] Alexandra Jima-González and Miguel Paradela-López, "The Indigenous Movement in Ecuador: Resource Access and Rafael Correa's Citizens' Revolution," *Canadian Journal of Latin American and Caribbean Studies* 44, no. 1 (2018): 3.
[41] Ibid.

places on earth, with a single hectare containing more trees than the entirety of North America, meaning that it functions as a global sink for carbon and oxygen production.[42] Besides the importance to the ecosphere, it is home to the Tagaeri and Taromenane peoples living in voluntary isolation as they have only been in contact with dominant society and are at risk to the same diseases that European colonizers brought to the Americas. Correa demanded in exchange for forgoing the exploitation of Yasuni, that the international community pay Ecuador the impossibly large $3.6 billion to conserve one of the most important ecosystems in the world.[43] This initiative originated from a CONAIE-led call for a drilling moratorium in 1995, later developed by Indigenous organizations and environmental groups into a broader vision for a post-petroleum Ecuador that would not exploit lands considered sacred to the communities living there.[44]

While this radical plan appeared to be novel and promising, just like every other Indigenous environmental initiative under Correa, the plan was politically preformative. His administration simultaneously doubled Amazon oil concessions between 2007 and 2011, and the Yasuni-ITT initiative was completely abandoned in 2013, citing the lack of international funding as a failure of the international community, not his preformative and empty “radical” policies.[45] As Aguillar argues, ¨Correa’s government struggled to maintain a coherent environmental policy, oscillating between conservation rhetoric and extractive expansion… While his administration positioned itself as a defender of indigenous rights and nature, its policies often prioritized oil

[42] International Rights of Nature Tribunal, “Yasuni ITT Case,” accessed May 8, 2026, https://www.rightsofnaturetribunal.org/cases/yasuni-itt-case/
[43] Rafael Correa, address to the United Nations General Assembly, United Nations General Assembly, New York, September 24, 2007.
[44] Amazon Watch, "Ecuador President Pulls Plug on Innovative Yasuni-ITT Initiative, Authorizes Drilling in National Park," August 17, 2013, https://amazonwatch.org/news/2013/0817-ecuador-president-pulls-plug-on-innovative-yasuni-itt-initiative.
[45] Edgar Aguilar, "Balancing Conservation and Extraction: Governance Challenges of Ecuador's Yasuni-ITT Initiative," AULA Blog, February 26, 2025, https://aulablog.net/2025/02/26/ecuadors-yasuni-itt-initiative/.

revenues over sustainability."[46] The extractivist model and false commitment of the Correa government once again showed that top-down methods of enshrining RoN failed.

In very few of the cases involving environmental personhood were the needs of the Indigenous people addressed. In many of the landmark cases such as Vilacamba, Los Cedros, Mangroves, Monjas, Aquepi substantial outside assistance was needed by the communities, Indigenous and not, who launched these cases. The legal process is an expensive one, and since many Indigenous groups in Ecuador have depended on NGOs and non-profits for assistance, the mechanisms for equitably protecting nature are rather absent.

The current environment of RoN enforcement in Ecuador is the bleakest it has been since the 2008 constitution was ratified. Under President Daniel Noboa, Ecuador has accelerated its dismantling of environmental protections, most dramatically by abolishing the Ministry of Environment in July 2025 and absorbing its functions into the Ministry of Energy and Mines – a restructuring that environmental advocates have condemned as "a direct attack on the rights of nature."[47] While there are certain gestures toward change, such as the 2023 referendum to reinstate the Yasuni-ITT initiative and many constitutional court victories for environmental personhood, the underlying truth is that Ecuador lacks the fundamental institutions that communities can leverage to enact sweeping change.

B. Colombia

[46] Edgar Aguilar, "Balancing Conservation and Extraction."
[47] Brandi Morin, "Free Against All Odds: The 'Hidden People' of Pakayaku Fight to Keep Extractives Out of Ecuador's Amazon," Cultural Survival, January 6, 2026, https://www.culturalsurvival.org/publications/cultural-survival-quarterly/free-against-all-odds-hidden-people-pakayaku-fight-keep.

The 1991 Constitution of Colombia lacked any specific language referring to RoN law. What Colombia did have were a variety of constitutional provisions that, decades later, would allow for the concept of RoN to be developed and interpreted in the courts. Article 8 of the constitution obliges the state and individuals to "protect the cultural and natural assets of the nation."[48] Articles 79-81 detail a handful of provisions that recognize the right to a healthy environment, require the state to ensure the sustainable use and conservation of natural resources, and prohibit the introduction of harmful substances such as toxic waste and weapons that could damage ecosystems.[49] While these constitutional provisions established certain protections for the environment, they stopped short of granting legal personhood to the environment.

Further, as the Ecuadorian example shows, constitutional protections are meaningless without a manner of enforcing them. This is where the most important part of the constitution comes into play – *la acción de tutela*. Article 86 provides that:

> Every individual may claim legal protection before the judge, at any time or place, through a preferential and summary proceeding, for himself/herself or by whoever acts in his/her name, the immediate protection of his/her fundamental constitutional rights when the individual fears the latter may be jeopardized or threatened by the action or omission of any public authority.[50]

It is the tutela mechanism which translates abstract constitutional provisions into enforceable guarantees. Once someone petitions a judge for resolution in a case where they reasonably view

[48] *Constitution of Colombia*, 1991 (rev. 2015), subsequently amended, trans. Max Planck Institute for Comparative Public Law and International Law, updated by the Comparative Constitutions Project (New York: Oxford University Press).
[49] *Constitution of Colombia*, 1991 (rev. 2015)
[50] Ibid.

their constitutional rights to be infringed, a judge has 10 days from receiving the request to make a binding decision.

For Indigenous communities in particular, the tutela was a critical mechanism which would allow them to seek environmental justice. Since Indigenous communities are often without resources for legal representation, fleshed out trials are not accessible and timely enough to reverse environmental damage. However, with the tutela, a fast acting legal option that can create legal results is within their grasp.

We would see in 2016 the first scenario of the tutela being used to protect natural environments. In the landmark 2016 Atrato River decision issued by the Constitutional Court of Colombia. In *Center for Social Justice Studies et al. v. Presidency of the Republic et al.* (commonly referred to as the Atrato River case), Indigenous and Afro-Colombian communities argued that illegal mining and environmental degradation in the Atrato River basin violated their constitutional rights to life, health, water, food security, and a healthy environment.[51] The Court agreed and issued one of the world's most influential Rights of Nature rulings by recognizing the Atrato River as a legal subject possessing rights to "protection, conservation, maintenance, and restoration." Importantly, the Court also appointed joint guardianship over the river to representatives of the state and affected Indigenous communities, embedding local participation directly into environmental governance. [52]

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[51] Centro de Estudios para la Justicia Social "Tierra Digna" et al. v. Presidency of the Republic et al., Constitutional Court of Colombia, Judgment T-622/16 (November 10, 2016), translated by the Dignity Rights Project (2019).
[52] Inter-American Court of Human Rights, *Opinión Consultiva OC-23/17 solicitada por la República de Colombia sobre medio ambiente y derechos humanos* [Consultative Opinion OC-23/17 Requested by the Republic of Colombia on Environment and Human Rights], Advisory Opinion OC-23/17, November 15, 2017, para. 62, http://www.corteidh.or.cr/docs/opiniones/seriea_23_esp.pdf.

The legal victory of environmental personhood in the Atrato River case directly built the precedent that two years later would be utilized to grant the Amazon environmental personhood.[53] The 2018 *Future Generations v. Ministry of Environment* case had a group of 20+ Colombian youth successfully argue that widespread deforestation in the Colombian Amazon threatened their constitutional rights and the rights of future generations. The Court recognized the Colombian Amazon as a rights-bearing entity to protect the Amazon and ordered the government to create plans to halt deforestation and address climate change.

Unlike Ecuador whose representative floundered trying to explain why it could not protect natural Indigenous lands, Colombia proactively went to the IACHR in 2017 to get an opinion on the duties of states in providing environmental justice. The Inter-American Court of Human Rights further expanded the relationship between environmental protection and human rights in *Advisory Opinion OC-23/17 on Environment and Human Rights* (2017). Citing Colombia's Atrato River decision, the Court emphasized that environmental protection extends beyond purely human-centered concerns:

> This Court considers it important to highlight that the right to a healthy environment as a standalone right, in difference … [from] other human rights, protects all the components of the environment, like forests, rivers, oceans and others, as a legal end in itself, even in the absence of certainty or evidence of risk to individual persons. In this sense, the Court notes a tendency to recognize legal personality and, ultimately, the rights of nature not just in judicial decisions but also in constitutional laws.[1]

[53] Ciesielski et. al., "Shortcuts and detours," 90.

The language used by the IACHR recognized RoN and indigenous perspectives on the environment that would have large ramifications for the region. Using the court driven precedent that Colombia set, the IACHR established further recommendations that in subsequent years have the potential to revolutionize RoN law across the Western Hemisphere. This landmark advisory opinion with hemispheric importance resulted due to the democratic legal tool of *tutela*.

Since *Atrato*, Colombia has been able to recognize a series of important natural elements, such as the Río Cauca, the Páramo de Pisba, the Río de la Plata, the Río Coello, the Río Combeima, the Río Cocora (Tolima rivers), the Río Otún, and Colombia's most strategically important river, the Río Magdalena.[54] The legal landscape has plentiful precedent for effective environmental personhood that can incorporate Indigenous communities into the stewardship process. While concrete effects in terms of conservation have not yet manifested, the legal environment and political landscape is promising.

V. Analysis

The divergence between Ecuador and Colombia comes down to one structural fact: Ecuador wrote rights without writing enforcement guidelines, and Colombia formed enforcement mechanisms without writing rights, and the enforcement won. Articles 71–74 gave Pacha Mama legal personhood but answered none of the procedural questions that make a right real — who can sue, before what court, with what burden of proof, and with what remedy. Colombia's tutela vulnerable communities a tool that could address all of those questions before anyone ever thought to apply it to a river and other natural elements. When Tierra Digna filed the Atrato petition in 2015, they were not executing a theory of environmental personhood — they were

[54] Macpherson et. al., "Constitutional Law, Ecosystems, and Indigenous Peoples in Colombia," 523.

using the only fast, accessible, binding legal tool available after every other avenue had failed. The ecocentric result was a shortcut, not a plan (see Ciesielski et. al). But it built precedent, and that precedent spread across court levels and ecosystems until fourteen Colombian rivers held legal rights by 2020. No single executive decision can undo a body of distributed tutela precedent the way Correa ignored a constitutional provision or Noboa ignored a popular referendum.

The strategic failure compounded the structural one. CONAIE won the 2008 constitutional provision and then stopped building, returning to national political organizing rather than constructing the lower-court litigation infrastructure that could have made Articles 71–74 real. When Correa closed CODENPE, DINEIB, and Acción Ecológica, restructured the judiciary, and passed the 2009 Mining Law, and Noboa dismantled the Ministry of the Environment, there was nothing to fall back on, and decades of organization and process was essentially wasted. Colombia's communities never had the top-down option — fragmented, under-resourced, and organizing amid demographic diversity and active armed conflict, they were pushed into the courts by necessity. What appeared to be weakness produced durability. The Yasuni-ITT arc makes this concrete beyond any theoretical argument: Ecuador proposed the world's most innovative conservation initiative in 2007 that originated from Indigenous advocacy, backed it with the world's first constitutional RoN provisions in 2008, abandoned it in 2013, watched its citizens pass the world's first fossil fuel referendum in 2023, and then ignored that result too. At every stage the de jure commitment was real. At every stage the de facto outcome was extraction. This is the ultimate result for when rights exist without institutional machinery to enforce them.

The final lesson is a critique of both countries — the persistent lack of Indigenous voices in adjudication and governance. As Macpherson et al. (2020) and Tănăsescu et al. (2024) find, Indigenous epistemologies have remained outside the legal reasoning of even the most successful RoN rulings in both Ecuador and Colombia. Indigenous communities appear as civil society actors in these proceedings, not as legal authorities whose own cosmological and legal traditions are recognized as sources of law. Pacha Mama holds rights in Western procedural terms. The Kichwa understanding of what Pacha Mama actually is does not. This is the frontier neither country has reached, and it is where the next generation of biocultural rights frameworks must go if they are to fulfill the promise of recognizing Indigenous peoples not merely as environmental stakeholders but as legal authorities over their own territories. While Colombia has elevated certain Indigenous actors to the level of the Ministry of the Environment, the state and its commitment to environmental protection is ineffective. For now, the practical lesson is simpler: enforcement design is the determinative variable. A fast, accessible, binding procedural mechanism will outperform the most eloquent constitutional declaration every time. Rights without enforcement are not rights. They are suggestions, and suggestions do not stop oil drills, river polluting mining operations, nor continued degradation of the environment.

VI. Conclusion

It is necessary to state that despite both Ecuador and Colombia having attempted to protect their natural environments, and Indigenous people leading the charge in both scenarios (top-down, bottom-up), the results of this activism are inconclusive in real effects on stopping environmental collapse. Even though Colombia has succeeded in having the Atrato River recognized as a subject of rights, the dysfunctional state apparatus has been unable to stop illegal mining activities or assist in the restoration of the river ecology. Even though both the top-down

and bottom-up pathways of enshrining biocultural rights have so far been unable to have concrete results, the system of biocultural rights enforcement has a greater potential to elevate Indigenous communities and recognize their rights and epistemologies than in Ecuador.

It must also be clarified that while this paper argues that RoN constitutional provisions were ineffective in Ecuador, RoN constitutional frameworks are not useless. Local, national, community, and environmentalist actors should pursue these protections and rights. We see that in Ecuador the RoN provisions were argued by activists and Indigenous organizers, and could have had real results as long as there was an enforcement mechanism in place. In retrospect, it is surprising that Colombia was able to build RoN legal status without official constitutional provisions, legislative infrastructure, nor national precedent. The recognition of Pacha mama in law provided a voice and representation for Indigenous people was real, and recognized by the communities as real recognition that was long fought for. However, as this paper cannot stress enough, recognition without action is symbolism, and symbolism does not stop destruction of Indigenous lands.

This study has major implications for environmental NGOs and indigenous communities the world over. For one, constitutional provisions are useless without enforcement mechanisms to give the law “bite.” The tutela mechanism in Colombia was, without any strong constitutional RoN provisions, able to be used by Indigenous communities to enforce their rights and build RoN precedent, with the Atrato River case as a leading example. If Ecuador had written the constitutional RoN provision alongside with a similar fast-acting judicial mechanism like Colombia’s tutela, enforcement of biocultural rights would have been much more impactful sooner, and perhaps might have outpaced Colombia’s successes. Rights without structure and enforceability are merely suggestions. While Ecuador is seeing some progress with new judicial

decisions regarding the environment, these decisions are not likely to be sustained through changes in government and judicial turnover. In order to fully protect the environment, indigenous communities must be given cheap, fast-acting, and impactful mechanisms of rectifying abuses of their, and Pacha mama's, constitutional rights. Until strong institutional changes come within Ecuador's system, the constitutional provision will function as an aspirational suggestion.

While this study focused on Colombia and Ecuador specifically, the Andes and RoN law is a field prime for further cross-comparison and in-depth analysis. Indigenous resistance, foreign extractivism, and unresponsive Western legal systems are all factors in common with the states of this region. Bolivia and Peru have similar policies, and similar failings, as Ecuador which could serve as lessons for future organization and enforcement efforts. Research comparing the legal pathways these two other Andean republics pursued could provide further context for Indigenous biocultural rights enforcement regionally, and RoN enforcement globally. If RoN are not only established as legal provisions, but are also given pathways for affected communities to seek justice and retribution, the future of Indigenous people and their native ecosystems looks bright.

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