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The Sovereign and its Shadow: Constituent Assembly and Indigenous Movement in Ecuador*

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Abstract. A crucial development in current Latin American politics is the growing involvement of indigenous movements in democracies grappling with the challenges of regime consolidation. This article examines how Ecuador's indigenous movement consecrated new rights and national constitutive principles in the 1997–8 constitutional assembly. It argues that the indigenous movement defined the legitimacy and purpose of the assembly through an ideological struggle with other political actors, in turn shaping the context and content of constitutional reforms in Ecuador. The article concludes that softening the boundary between 'cultural politics' and 'institutional politics' is necessary in order to understand the impact of social movements in Latin America.

Indigenous rights have recently gained unprecedented recognition in Latin America. Nowhere has this been more evident than in Ecuador, where one of Latin America's most powerful indigenous movements has formed around the Confederation of Indigenous Nationalities of Ecuador (CONAIE). This confederation has united indigenous peoples across regions and classes, forged alliances with other social movements, and staged mass mobilisations that have forced the government to address its demands.

CONAIE also called for a constitutional assembly that would validate indigenous rights and restructure Ecuador as a 'plurinational state'. Such an assembly took place in 1997–8, sparked by a legitimacy crisis that led to the fall of President Abdalá Bucaram in February 1997. Social movement pressure contributed to Bucaram's ousting and ensured the realisation of the constitutional assembly despite obstruction by some political elites. When the

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assembly ended in May 1998, the new constitution included new indigenous rights, citizen rights and constitutive principles.[1]

This article submits that the Ecuadorean indigenous movement influenced the new constitution through cultural struggles over the meanings of political institutions, concepts, and actions. These struggles and their outcomes were conditioned by three factors: a) the legitimacy of the polity; b) the ability of social movements – versus that of their opponents – to rally around a common agenda; and c) the presence of ideologies offering potentially valid meanings of democracy, nation, and development. Because the impact of the Ecuadorean indigenous movement was effected through political institutions, this article also argues for taking a constructivist perspective on interaction and institutions in order to soften the analytical boundary between 'cultural politics' and 'institutional politics'. First, political institutions, procedures and rules embody and symbolise certain understandings and practices of nation and citizenship, as they channel authority and meanings about the 'relation of state to individuals and the nature of leadership, power, and identity'.[2] Thus, institutions not only process social movement demands,[3] but may also be processed *by* those demands as social movements 'transform ideas into institutional purpose'.[4] Second, agenda setting – getting ideas and issues on the political radar – 'is not a neutral, objective, or rational process … it is the result of society acting through political and social institutions to define the meanings of problems and an acceptable range of solutions'.[5] Normally excluded groups can gain support for their definition of problems through symbolic campaigns to increase visibility, a visibility enhanced by crisis or other 'focusing events'. They can also turn to high political authorities or to discourses of democracy and nation to establish space on the agenda.[6] In sum, two key 'cultural' mechanisms of social movements' influence on institutional outcomes are: a) defining institutional purposes and b) setting political agendas.

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[1] Between July and December of 1997 I was a participant observer in these processes through attendance at social movement activities. This complemented research and volunteer work with CONAIE and other indigenous organisations during visits to Ecuador in 1993, 1994, 1996 and 2000. All translations are by the author. Acronyms are in the Spanish original.

[2] Daniel Levine, 'Constructing Power and Culture,' in D. Levine (ed.), *Constructing Culture and Power in Latin America* (Ann Arbor, 1993), pp. 18, 26. For an interesting in-depth treatment of reconfiguring nation in Latin America, see S. Radcliffe and S. Westwood, *Remaking the Nation* (London, 1996).

[3] Sonia Alvarez, Evelina Dagnino and Arturo Escobar, 'Introduction: The Cultural and the Political in Latin American Social Movements,' in S. Alvarez, E. Dagnino and A. Escobar (eds.), *Cultures of Politics, Politics of Cultures: Revisioning Latin American Social Movements* (Boulder, 1998), p. 11.

[4] Martha Finnemore and Kathryn Sikkink, 'Taking Stock: The Constructivist Research Programme in International Relations and Comparative Politics,' *Annual Review of Political Science*, vol. 4, 2001, p. 407.

[5] T. Birkland, *After Disaster: Agenda Setting, Public Policy, and Focusing Events* (Washington, DC, 1997), p. 11. For other constructivist approaches to agenda setting and policymaking, see Deborah Stone, 'Causal Stories and the Formation of Policy Agendas,' *Political Science Quarterly*, vol. 104, no. 2 (1989); DeLysa Burnier, 'Constructing Political Reality: Language, Symbols and Meaning in Politics,' *Political Research Quarterly*, vol. 47, no. 1 (1994).

This approach is a useful way to address Haber's concern about emphasising discursive changes over institutional changes in analysing social movement impact in Latin America.[7] Like their counterparts in other countries, Ecuadorean social movements view political institutions and procedures as sites of their political action.[8] They want institutions to ensure full inclusion, empowerment, accountability, and deliberation. Failing this, these social movements may propose new rules or mechanisms of representation. In the Ecuadorean legitimacy crisis of the national congress and the presidency, alternative, 'people's assemblies' have become an entrenched form of conducting politics. These bodies try to ensure inclusion of delegates from multiple identity groups, allow for open and unstructured debate and make decisions by consensus. They seek to demonstrate how citizenship 'should' be, while also developing proposals to influence existing official institutions and procedures.

People's assemblies in Ecuador are emblematic of political struggles world-wide, where 'sovereigns' and their delegates are 'shadowed' by alternative (if sometimes makeshift) institutions: the NGO session outside the UN Conference on Environment and Development in Rio in 1992; peasant organisation challenges to the 1995 Central American presidential summit in El Salvador; and the NGO forum that maintained vigilance over the UN World Conference on Women in 1995 in Beijing.[9] Social movements, therefore, influence democratisation not only by expanding understandings of democracy, but also by weaving new meanings into existing or alternative political institutions, so as to bridge the gaps 'between substance and procedures of democracy'.[10]

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[6] E. E. Schattschneider, *The Semisovereign People* (Hinsdale, 1975), cited in T. Birkland, *After Disaster*, p. 17. On feminist movement influence on US public policy see M. Bevacqua, *Rape on the Public Agenda: Feminism and the Politics of Sexual Assault* (Boston, 2000).

[7] Paul Haber, 'Identity and Political Process: Recent Trends in the Study of Latin American Social Movements,' *Latin American Research Review*, vol. 31, no. 1, 1996, pp. 171–88.

[8] See J. Foweraker, *Theorizing Social Movements* (London, 1995), p. 64; Amparo Menendez-Carrión, 'Transforming Political Culture,' in M. Garretón and E. Newman (eds.), *Democracy in Latin America: (Re)Constructing Political Society* (New York, 2001) p. 258.

[9] Marc Edelman, 'Transnational Peasant Politics in Central America,' *Latin American Research Review*, vol 33, no. 3, 1998, pp. 49–86; Sonia Alvarez, 'Latin American Feminisms Go Global,' in Alvarez, Dagnino and Escobar (eds.), *Cultures of Politics, Politics of Cultures*.

[10] Manuel Garretón and Edward Newman, 'Introduction,' in Garretón and Newman (eds.), *Democracy in Latin America*, p. 15.

Legitimacy and Political Order in Latin America

Transitions to democratically elected regimes in the 1970s and 1980s were spurred by legitimacy problems for authoritarian rulers in Latin America.[11] Recently, however, constitutional reforms to codify indigenous rights have attempted to increase the legitimacy of existing democratic regimes. This is partly due to political parties and elections providing 'the bare procedural minimum of democracy' in Latin America, without providing effective representation and accountability. In response, social movements have developed alternative visions of democracy and national identity, and have searched for alternative links between society and state based on those visions.[12] Examples include social movement participation in the 1991 constituent assembly in Colombia, the influence of civic associations on 1996 peace talks in Guatemala, and the participatory budget movement in Porto Alegre, Brazil, where neighbourhood associations oversee local government revenues and spending.[13] Latin American indigenous movements are key players in these processes; their insistence on cultural difference and collective identity challenges nations to redefine belonging, and challenges states to enable active, multicultural citizenship.

Ecuador is an important case for understanding these dynamics. First, the Ecuadorean indigenous confederation, CONAIE, has gone furthest in the shift among Latin American indigenous movements from promoting their rights to challenging hegemonic political and economic systems.[14] Second, a severe legitimacy crisis in Ecuador surrounded constitutional assembly politics with high uncertainty, opening greater opportunity for change than would have been the case otherwise. In fact, Ecuador's new constitution (1998) included more extensive reforms on indigenous rights and participation than most other Latin American countries, even though it was passed a number of years after similar reforms in Bolivia (1994), Colombia (1991), and Peru (1993).[15] The Ecuadorean case therefore allows us to probe the possibilities for social movements' influence on political institutions and democracy, and the ability of Latin American countries to handle questions of ethnic difference and demands for greater participation.

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[11] G. O'Donnell and P. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies* (Notre Dame, 1986).

[12] Garretón and Newman, 'Introduction,' p. 6. Also see Eric Hershberg, 'Democracy and Its Discontents: Constraints on Political Citizenship in Latin America,' in H. Handelman and M. Tessler (eds.), *Democracy and its Limits: Lessons from Asia, Latin America, and the Middle East* (Notre Dame, 1999); L. Whitehead, 'The Vexed Issue of the Meaning of Democracy,' *Journal of Political Ideologies*, vol. 2, no. 2, 1997, pp. 121–35.

[13] Menendez-Carrión, 'The Transformation of Political Culture,' pp. 268–9; Rachel Sieder, 'Conclusions,' in R. Sieder (ed.), *Guatemala After the Peace Accords* (London, 1998); Sérgio Baierle, 'The Explosion of Experience: The Emergence of a New Ethical-Political Principle in Popular Movements in Porto Alegre, Brazil,' in Alvarez, Dagnino and Escobar (eds.), *Cultures of Politics, Politics of Cultures.*

[14] Rodolfo Stavenhagen, 'Social Dimensions: Ethnicity,' in Garretón and Newman (eds.), *Democracy in Latin America.*

Adopting an interactive methodology that I call 'legitimacy politics' permits a subtle analysis of these possibilities and consequences. Legitimacy politics can be understood as a type of cultural politics entailing *call and response* interactions, where political communities contest and negotiate ideas that legitimate the political regime and political interests.[16] Ideologies provide key material for legitimacy politics, as they inform how actors interpret political concepts, actions, and events as meaningful. For example, the definition of how an event reveals a 'crisis', or how an action is 'undemocratic', depends on the ideologies adhered to by political actors.

Like a jazz performance, legitimacy politics is patterned yet improvised. Each actor's position, while distinctive, responds to another's position, as they all refer to common political events, issues, and language. In this process, social movements interact with other political players through policing and altering legitimacy boundaries. All of these actors attempt to delegitimate their opponents and shift public expectations to accord to their own.[17] Doing so enhances their visibility and increases their chances of influencing specific outcomes.[18] Such outcomes are not wholly contingent; they flow out of common repertoires and discourses, as does jazz or blues music. But unlike a performance of scripted classical music, these outcomes are not predetermined.

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[15] Pro-indigenous constitutional reforms were also passed in Nicaragua (1987), Brazil (1988), Paraguay (1992), Mexico (1992), Argentina (1994) and Guatemala (1986), and Venezuela (1999). Stavenhagen, 'Social Dimensions: Ethnicity'; Donna Lee Van Cott, 'Andean Indigenous Movements and Constitutional Transformation: Venezuela in Comparative Perspective,' *Latin American Perspectives*, vol. 30, no. 1, January 2003.

[16] Legitimacy politics can also be seen as a concrete form of Gramsci's 'war of position'. A. Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci* (New York, 1971). On 'cultural politics' see Alvarez, Dagnino and Escobar, 'Introduction'. Legitimacy politics also resonates with Brysk's transnational 'politics of purpose'. A. Brysk, *From Tribal Village to Global Village: International Relations and Indian Rights in Latin America* (Stanford, 2000). Also see A. Menendez-Carrión, 'Transforming Political Culture,' p. 255.

[17] Levine points to studies on Mexico and Brazil demonstrating that elites also have ideologies, 'arrange public spaces to ensure that their imagining is hegemonic,' and shape the form and content of group agendas. Levine, 'Constructing Culture and Power,' p. 12.

[18] Analysing legitimacy politics combines insights from 'cultural politics' and 'political process' schools of social movement studies. See Alvarez, Dagnino, and Escobar, 'Introduction: The Cultural and the Political in Latin American Social movements'; Charles Tilly, 'From Interactions to Outcomes in Social Movements,' in M. Hanagan (ed.), *How Social Movements Matter* (Minneapolis, 1999); José Antonio Lucero, 'On Feuds, Tumults, and Turns: Politics and Culture in Social Movement Theory,' *Comparative Politics*, vol. 32, no. 2, 2000, pp. 231–49. For other interesting analytical combinations of strategic and symbolic aspects of social movements, see A. Morris and C. Mueller (eds.), *Frontiers in Social Movement Theory* (New Haven, 1992); A. Escobar and S. Alvarez (eds.), *The Making of Social Movements in Latin America: Identity, Strategy, and Democracy* (Boulder, 1992); S. Tarrow, *Power in Movement: Social Movements and Contentious Politics* (New York, 1998).

As Weber noted long ago, legitimacy is crucial to political orders in modern states.[19] However, as Schaar and Connolly have each argued, modern legitimacy depends on more than Weberian rational procedures or institutions. Legitimacy is also a question of 'will and community', where actors 'want to be free as agents in an order that merits [their] allegiance and is responsive to grievances and criticisms'.[20] In turn, legitimacy politics constitutes a crucial mechanism for maintaining or changing political order. And negotiating political meanings through social and political institutions is a key enactment of legitimacy politics.[21]

Legitimacy Politics in Contemporary Ecuador

Ecuador is one of many Latin American countries grappling with the fortification of democratic regimes, enactment of neoliberal economic reforms, and management of multi-ethnicity. Ethnic distinctions have historically been downplayed in Ecuador due to integrationist agendas that subordinated and excluded indigenous peoples. Indigenous resistance was historically contained through clientelistic links with state authorities, large landowners, and class based political parties and unions.[22] To the degree that indigenous peoples were publicly visible, other political actors usually spoke for them.[23]

The 1979 restoration of a democratic regime in Ecuador, which granted all indigenous peoples effective voting rights for the first time, seemed to justify hopes for significant changes. Although centre-left Presidents Jaime Roldós (1981–82) and Rodrigo Borja (1988–1992) agreed to promote bilingual education, most party agendas ignored discrimination and land issues.[24] In addition, election candidates obscured the details of neoliberal policies in their campaigns, while insulated technocratic boards designed such policies which were later passed by presidential decree.[25] These practices continued into the 1990s, joined by rampant, visible corruption. As put by Conaghan and Malloy:

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[19] Max Weber, 'Legitimacy, Politics and the State,' in W. Connolly (ed.), *Legitimacy and the State* (New York, 1984).

[20] John Schaar, 'Legitimacy in the Modern State,' p. 126, and William Connolly, 'The Dilemma of Legitimacy,' in W. Connolly (ed.), *Legitimacy and the State* (New York, 1984), p. 226.

[21] Arato argues for the importance of constituent assemblies and institutional design in the legitimacy of new democratic regimes in Central and Eastern Europe. A. Arato, *Civil Society, Constitution, and Legitimacy* (Lanham, MD, 2000).

[22] G. Ramón, *El retorno del indio* (Quito, 1993); A. Pallares, 'From Peasant Struggles to Indian Resistance: Political Identity in Highland Ecuador,' unpubl. PhD diss., University of Texas, 1997.

[23] Andrés Guerrero, 'Una imagen ventrílocua: el discurso liberal de la "desgraciada raza indígena" a fines del siglo xix,' in B. Muratorio (ed.), *Imágenes e imagineros: representaciones de los indígenas ecuatorianos, siglos XIX y XX* (Quito, 1993).

[24] A. Pallares, 'From Peasant Struggles to Indian Resistance'; M. Selverston-Scher, *Ethnopolitics in Ecuador: Indigenous Rights and the Strengthening of Democracy* (Coral Gables, 2001), ch. 3.

> The reestablishment of elections and the reformation of the electorate did not … resolve the still pressing question of how organised groups of interests within that electorate would be taken into account in policy making. As the economic crisis descended, and as neoliberal coalitions rose to power, exclusion rather than inclusion became the order of the day.[26]

Indigenous organisations made significant advances, however, by forming CONAIE in 1986, with support from new actors such as Church activists, environmentalists, professionals, and human rights organisations. This confederation united regional highland and lowland indigenous organisations, and devised a platform that combined the material and cultural needs of indigenous peoples.[27] The platform is based on collective control over land, natural resources, infrastructure, government programmes and education. Drawing on beliefs about the positive aspects of pre-Colombian societies and contemporary criticisms of colonial rule expressed by anticolonial movements, indigenous organisations prioritised ethnic identities of 'nationalities' while retaining traditions of class and popular struggles.[28] Indigenous movement ideology has operated around a principle of self-determination that seeks autonomy, access, and participation in social and political life. This platform's aim was to forge a 'plurinational state' as a counterweight to long-term oppression and exclusion:

> The plurinational state is the construction of a new political structure: administratively decentralised, culturally heterogeneous, and open to the direct and participatory representation of all indigenous nationalities and social sectors, particularly those that have been marginalised and excluded from the state structure and dominant socio-economic development models … implying … an institutional expansion … within a new concept of State, Development and Citizenship.[29]

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[25] C. Conaghan, J. Malloy and L. Abuttas, 'Business and the "Boys": The Politics of Neoliberalism in the Central Andes,' *Latin American Research Review*, vol. 25, no. 2, 1990, pp. 3–30.

[26] C. Conaghan and J. Malloy, *Unsettling Statecraft: Democracy and Neoliberalism in the Central Andes* (Pittsburgh, 1994), p. 209.

[27] R. Santana, *Ciudadanos en la etnicidad: los indios en la política o la política de los indios* (Quito, 1995). Factions exist within CONAIE, especially between highland and Amazonian leaders. According to the Ministry of Social Welfare, CONAIE represents 70 per cent of indigenous communities in Ecuador. The remainder is affiliated with peasant oriented or 'evangelical' federations sometimes at odds with CONAIE. See Melina Selverston, 'The Politics of Culture: Indigenous Peoples and the State in Ecuador,' in D. L. Van Cott (ed.), *Indigenous Peoples and Democracy in Latin America* (New York, 1994).

[28] Federación de Centros Shuar, *Solución original a un problema actual* (Sucua, 1976); CONAIE, *Las nacionalidades indígenas en el Ecuador: nuestro proceso organizativo* (Quito, 1989).

[29] CONAIE, *Las nacionalidades indígenas y sus derechos en la Constitución* (Quito, 1999), p. 52.

That Ecuador be officially recognised as a plurinational state became a key symbolic demand of the indigenous movement.[30]

A 1990 highland indigenous uprising and 1992 lowland indigenous march – tied to the '500 years of resistance' campaign to contest official celebrations of the Columbus quincentenary – made indigenous identities and proposals visible in Ecuador. Both events reflected the declining ability of the state to control indigenous groups through clientelism or populism.[31] Instead, indigenous leaders enacted collective citizenship by negotiating directly with the state (including the president) on the national level. Although the principal demands in both mobilisations were land and territory, indigenous leaders also made cultural and political claims within their proposal to declare Ecuador a plurinational state via constituent assembly.[32] Moreover, in 1991, indigenous-popular parliaments were proposed as an alternative institution to reflect multi-cultural citizenship and discuss issues pertinent to marginalised social groups. These parliaments were viewed as opposing the budding neoliberal agenda of elites;[33] elites who came to view CONAIE's position as threatening state sovereignty, *mestizo* nationalism, and market-based development.[34]

Policy Debates, Political Coalitions, and Ideological Contest

Electoral democracy in Ecuador united elites around a neoliberal agenda under Presidents Leon Febres Cordero (1984–8) and Sixto Durán Ballén

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[30] For further elaboration of movement discourse and platforms, see Maria Espinosa, 'Ethnic Politics and State Reform in Ecuador,' in W. Assies, G. van der Haar and A. Hoekema (eds.), *The Challenge of Diversity: Indigenous Peoples and Reform of the State in Latin America* (Amsterdam, 2000).

[31] Tanya Korovkin, 'Indians, Peasants, and the State: The Growth of a Community Movement in the Ecuadorean Andes,' CERLAC occasional papers (North York, 1993); Selverston-Scher, *Ethnopolitics in Ecuador*, Ch. 6. It should be noted that populist discourse appealed largely to poor and otherwise excluded *mestizos*, and reproduced racist notions about indigenous people. The 1996 presidency of populist Abdalá Bucaram repeated these ideas. See C. de la Torre, *Populist Seduction in Latin America: The Ecuadorean Experience* (Athens, OH, 1999), pp. 146–52.

[32] An in-depth treatment of the causes of these mobilisations is beyond the scope of this piece. Consult S. Moreno and J. Figueroa, *El levantamiento indígena del Inti Raymi de 1990* (Quito, 1992); CEDIME (ed.), *Sismo étnico en el Ecuador* (Quito, 1993); Leon Zamosc, 'Agrarian Protest and the Indian Movement in the Ecuadorean Highlands,' *Latin American Research Review*, vol. 29, no. 3, 1994, pp. 37–68; Suzana Sawyer, 'Marching to Nation Across Ethnic Terrain: The 1992 Indian Mobilization in Lowland Ecuador,' *Latin American Perspectives*, vol. 24, no. 3, 1997, pp. 65–82.

[33] Parlamento Indígena y Popular (Propuesta), CONAIE Document File, unpubl. Document (Quito, 1991).

[34] 'Mestizo' is an ethnic-racial category in Latin America referring to those people that are a physical and/or cultural mix of Europeans and Amerindians. For an extensive overview of the various interpretations of indigenous protests and proposals in the early 1990s, see D. Cornejo (ed.), *Indios: una reflexión sobre el levantamiento indígena de 1990* (Quito, 1992); D. Cornejo (ed.), *Los indios y el estado-país: pluriculturalidad y multietnicidad en el Ecuador* (Quito, 1993).

(1992–6). This agenda sought privatisation of state industries and services, liberalisation of trade and investment markets, deregulation, currency devaluation, 'flexible labour', and the pruning of state agencies. The Durán administration pursued this framework through a policy discourse of 'modernisation', the creation of technical policy councils, and the passage of laws such as 'State Modernisation, Privatisation, and Service Provision by Private Initiative'.[35]

In 1994, CONAIE published a political platform (*Proyecto Político*) and submitted a constitutional reform project to Congress, which fleshed out CONAIE's vision of a plurinational state. They also included an economic proposal for a mixed economy focused on basic needs and local markets, and a social proposal rooted in inter-cultural dialogue and mutual respect. Politically, CONAIE proposed a consociational democracy, combining ethno-national co-government with indigenous autonomy:[36] 30 per cent of National Congress seats reserved for delegates chosen by indigenous communities; indigenous representation in all government agencies; veto power over policy affecting indigenous peoples; indigenous autonomous regions with officialised indigenous judicial practices and languages; and a multicultural, bilingual education system.[37] CONAIE also proposed a constituent assembly composed of representatives elected by each indigenous group and social sector. The proposal of the Democratic Forum, a grouping of citizen's organisations, largely adhered to CONAIE's platform.[38]

Policy debates over agrarian development provide good examples of these agendas and coalitions. In 1994, Congress passed an agrarian development law, signed by President Durán and drafted with help from a think thank sponsored by the US Agency for International Development. Protesting the content of the law and the lack of widespread participation in its making, CONAIE executed a nation-wide mobilisation that forced the government to reform the law in a special commission, half of whose members were indigenous leaders. CONAIE demanded (and won) credit for small farmers who produce for the local market, state control of water resources, development of indigenous agricultural knowledge, and a two-thirds majority vote requirement for indigenous people to sell their community land.

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[35] See Monique Segarra, 'Redefining the Public/Private Mix: NGOs and the Emergency Social Investment Fund in Ecuador,' in D. Chalmers et al. (eds.), *The New Politics of Inequality in Latin America: Rethinking Participation and Representation* (Oxford, 1997).

[36] See A. Lijphart, *Democracy in Plural Societies* (New Haven, 1979). Kymlicka refers to these reforms as 'polyethnic representation rights,' and 'self-government rights,' respectively. W. Kymlicka, *Multicultural Citizenship* (Oxford, 1995).

[37] CONAIE, *El proyecto político de la CONAIE* (Quito, 1994).

[38] CONAIE, 'Proyecto de Reformas Constitucionales a la Constitución Política del Ecuador,' CONAIE Document File, unpubl. document (Quito, 1994), p. 4. Foro Democrático, 'Propuesta Alternativa de Reformas Constitucionales,' CONAIE Document File, unpubl. document (Quito, 1994). CONAIE maintained contact with the Forum but was not a member organisation. The Forum included civic, professional, social movement and interest group organisations, and was precursor to the Social Movement Coordinator (see below).

In the course of events, CONAIE linked indigenous cultural and participation issues with overall small farmer concerns, providing an embryonic alternative to neoliberalism.[39] Its mobilisation also resonated with other social organisations and international NGOs,[40] and forced the government to include participation of social groups who would be affected by the law.[41] This opposition alliance was reinforced by the 1995 transformation of the Democratic Forum into the *Coordinadora de Movimientos Sociales*,[42] which included youth, neighbourhood, human rights, and women's organisations as well as public energy sector labour unions. These organisations operate more according to autonomy in participation and internal democracy than do older fronts with more vanguardist and vertical tendencies. Although ethnic issues are less predominant in the *Coordinadora* than in CONAIE, many *Coordinadora* members support cultural diversity and share CONAIE's aims to improve participation, stop corruption, and develop an equitable economic system.[43]

Prospects for a constitutional assembly improved in 1996, when CONAIE, the *Coordinadora*, and a citizen's coalition formed an electoral movement called *Pachakutik*, which won eight congressional seats and numerous local government positions.[44] Elected *Pachakutik* mayors in the cities of Guamote and Cotacachi established participatory people's assemblies to set policy criteria, participate in development planning and maintain vigilance over local government. Indigenous movement leaders viewed these as successful models for an alternative democracy and this further ascribed a radical meaning to the term 'assembly'.

From Legitimacy Dilemmas to Legitimacy Crisis: Bucaram and El 5 de Febrero

The successful entrance of CONAIE and other social movements into elections positioned them to criticise government failures and excesses, precipitate the downfall of the President and gain support for a constituent assembly. The presidency of Abdalá Bucaram (Partido Roldocista Ecuatoriano) represented an extreme form of 'delegative democracy': once elected, politicians ignore their campaign pledges and try to subdue the citizenry.[45] Bucaram and Vice-President Rosalía Arteaga took power in August 1996 after running a campaign based on populist promises and showmanship. Bucaram reinforced the latter in office through his rock concert performances. But like Fujimori in Peru, he largely ignored his campaign pledges of government assistance to the poor and took a hard-line neoliberal approach to policy reform. In addition, Bucaram frequently ignored, mocked, divided and threatened political opposition. He also illegally gave government funds to members of Congress who supported his policies. Bucaram's government was sufficiently corrupt and nepotistic to draw the criticism of the US Ambassador in early 1997, and his reforms exacerbated the effects of economic crisis.

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[39] Over a year before the passage of the official Agrarian Development Law, CONAIE convened organisations representing poor *campesinos* and medium-size farmers to develop a common alternative agrarian law, which was submitted to congress. Congress did not consider the proposal in spite of promises to do so.

[40] These included class-based peasant unions, the Catholic Church and other religious organisations, human rights organisations, environmentalists, organised labour, and centre-left political parties.

[41] *Hoy*, 18 June 1994; Selverston-Scher, *Ethnopolitics in Ecuador*, pp. 89–95.

[42] Social Movement Coordinator. From here on I refer to it as the *Coordinadora.*

[43] Virgilio Hernández, 'Combinar todas las participaciones,' in ALAI (ed.), *Por el camino del arco iris* (Quito, 1996); E. Tamayo, *Movimientos sociales: la riqueza de la diversidad* (Quito, 1996).

[44] *Movimiento de Unidad Plurinacional Pachakutik-Nuevo País* is the party-movement's full name. It stands for 'Plurinational Unity Movement for a New Country'.

Elite opposition to Bucaram coalesced in mid-January 1997, following social protests that began in the fall of 1996 and continued in early January of 1997. Generalised opposition to the Bucaram government came to a head on 5 February 1997, when a protest organised by the 'Patriotic Front' brought 15 per cent of the Ecuadorean population into the streets to demand Bucaram's ouster.[46] The armed forces withdrew their support for the President, and Congress invoked Article 100 of the constitution to remove him, declaring Bucaram 'mentally unfit to govern'. It advanced the next general election from 2000 to 1998, and installed Congressional President Fabián Alarcón as Interim President of Ecuador. Vice-President Arteaga failed in her attempt to assume the presidency, as she had little political or public support for doing so. However, she did remain as Vice-President until 1998.

Building on the huge public response to its call to oust the president, the Patriotic Front insisted on CONAIE's demand for a constituent assembly, which garnered public and legislative support. A further indicator of public support of CONAIE, although released in 1999, was a newspaper poll where CONAIE was placed third among institutions trusted by the public, after the Church and the military, but well above political parties, the government, and the congress.[47]

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[45] Guillermo O'Donnell, 'Delegative Democracy,' *Journal of Democracy*, vol. 5, no. 1, 1994, pp. 55–69. For a more thorough analysis of this issue, see S. Stokes, *Mandates and Democracy: Neoliberalism by Surprise in Latin America* (Cambridge, 2001).

[46] The Patriotic Front was composed of the Social Movement Coordinator, CONAIE, Popular Front, and the Unified Labour Front. The Popular Front combines teachers unions, student unions, and the Movimiento Popular Democrático party into an anarchist-socialist front. The Unified Labour Front, created in 1971, unites Ecuador's three largest labour federations.

[47] 'El Monitor de la Opinión Pública,' *Hoy*, 2 Jan. 1999.

The Ecuadorean constitutional reform contrasts notably with that of Bolivia and Colombia. In Bolivia, politicians initiated constitutional changes with respect to indigenous rights and institutional reform, strictly controlling the process through a small group of experts who consulted with social group leaders in a non-crisis situation. In Colombia, the government proposed a constituent assembly in 1987. Although students compelled the government to call that assembly in 1991 during a legitimacy crisis there, the Colombian government largely controlled the process.[48] The more grass-roots-driven scenario in Ecuador, holding out greater possibilities for radical change, motivated both popular movements and political elites to hotly contest the assembly and constitutional reform.

While material interests were at stake in the outcome of the Ecuadorean constitutional assembly, positioning for the assembly primarily involved contests over political meanings and beliefs. In an uncertain context that involved laying a broad framework for national politics, recourse to ideological principles was key to defining particular interests in national terms, debating issues and actions, and crafting policy agendas. As demonstrated in Sikkink's study of development policy in Argentina and Brazil,

> The comprehension and formulation of facts and interests implies the existence of a conceptual apparatus … helping people grasp, formulate and communicate social realities. […] Economic and political interests are … perceived through the lens of existing ideologies in various historical settings.[49]

In Ecuador, a social movement alliance pushed for a radical transformation around the ideological principles of CONAIE's plurinational state: a bottom-up, participatory system rooted in consensus, cultural and social diversity, protection of the environment and human rights, and development that meets basic needs and generates self-sufficiency. It also sought to present an alternative to 'traditional politicians' seen as corrupt, clientelistic, and dishonest. These changes in ethics, goals and power relations, they believed, would transform Ecuador for the better.[50]

The neoliberal agenda, on the other hand, was widely adopted in elite circles often fragmented in other ways. Like their counterparts elsewhere in Latin America, Ecuadorean elites were informed by liberal yet Orientalist ideas that backwardness was imposed by indigenous culture and Spain's legacy. Their solution, therefore, was to copy Western European and North

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[48] There were some independent civil society forums as well. Donna Lee Van Cott, 'A Political Analysis of Legal Pluralism in Bolivia and Colombia,' *Journal of Latin American Studies*, vol. 32, no. 1, 2000, pp. 207–34.

[49] K. Sikkink, *Ideas and Institutions: Developmentalism in Brazil and Argentina* (Ithaca, NY, 1991), pp. 5–6, 9.

[50] Interview, José Maria Cabascango, Pachakutik Political Co-ordinator, 10 Nov. 1997, Quito.

American systems,[51] or more recent models of development 'success' such as those in Chile and Southeast Asia. As stated by Ex-President Osvaldo Hurtado:

> The protestant peoples that constructed capitalism, in which Europe and North America prospered, and those of Asian nations, who have developed recently, have shared a similar system of values. The same can be said of those countries where democracy has established strong roots and its institutions have guaranteed its inhabitants high standards of living.

These values, which he argued Ecuador lacks, include hard work, discipline, inclination to save, personal fulfilment through personal effort, and a deeply rooted respect for laws and [political] authorities.[52] In short, Ecuadorean elites drew on a Western model of stability and efficiency: wealthy, free-market economies, and stable, institutionalised, polities where 'majorities' rule through political parties.

Although this latter vision is dominant in Ecuador, the ideologies of CONAIE and other social movements shaped the context and content of the new constitution as they drew lines of legitimacy and constructed counter-public spaces. For example, social movement actions compelled centrist parties such as Democratic Left (centre-left) and Popular Democracy (centre-right) to shift positions to support a 'sovereign' constitutional assembly and some social movement proposals. This support proved crucial in the face of presidential and congressional efforts, led by the right-wing Social Christian Party, to undermine the assembly.[53]

The remainder of the article traces legitimacy politics around three conversations that unfold between the 5 February uprising (1997) and the closing of the constitutional assembly (May 1998): a) the significance and implications of the 5th of February uprisings, b) the legitimate meaning of an alternative assembly organised by CONAIE, and c) the legitimate character of the official assembly. These conversations entailed debates about the meaning of democracy, development, and nation. They also constructed the significance of three *institutions* involved in constitutional reforms: the national congress, the official constitutional assembly, and the alternative assembly. These 'constructed institutions' prove to be mechanisms of

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[51] Levine, 'Constructing Culture and Power,' p. 4. For an historical example of this logic in Ecuadorean development debates, see Kim Clark, 'Racial Ideologies and the Quest for National Development: Debating the Agrarian Problem in Ecuador (1930–1950),' *Journal of Latin American Studies*, vol. 30 (1998), pp. 373–93. See E. Said, *Orientalism* (New York, 1979) for a genealogy of Orientalism. For an analysis of ethnocentric ideas in classic liberal theory, see Bhikhu Parekh, 'Liberalism and Colonialism: A Critique of Locke and Mill,' in J. Nederveen and B. Parekh (eds.), *The Decolonization of Imagination: Culture, Knowledge and Power* (London, 1995).

[52] *El Comercio*, 22 May 1998.

[53] See Table 1 for an overview of party standpoints and key politicians.

Table 1. *Ecuadorian Political Parties in the 1997–8 Constitutional Assembly*

Partido Social Cristiano – PSC (Social Christian Party): Founded in 1950s. Has strong links to business groups, and holds a right-wing ideology combining social conservatism with free market neoliberalism. Leon Febres Cordero, PSC charismatic leader, was President of Ecuador from 1984–1988. PSC congressmen Heinz Moeller and Xavier Neira served in Febres' government. The PSC has consistently been the large party in Congress in the 1990s. Jaime Nebot served as PSC presidential candidate twice. In 1992 he lost to Sixto Durán, formerly a PSC member who created his own party in order to run for president.

Democracia Popular – DP (Popular Democracy): Founded in 1964, with links to middle class professionals, students, and Christian labour unions. Has centrist ideology of progressive social policy and free market economics. Political scientist Osvaldo Hurtado was elected Vice-President in 1980. He assumed the presidency in 1981 after President Roldós died. Carlos Vallejo and Alexandra Vela are congressional leaders. Jamil Mahuad was DP's presidential candidate twice, winning in 1998. He was removed in January 2000, however, by an indigenous-military take-over of government due to corruption and poor decision-making.

Frente Radical Alfarista – FRA (Alfarist Radical Front): Founded in 1972 with support among coastal peasants and middle class voters in Pichincha (Quito). Is centre-right with populist leanings. Has small, steady representation in Congress, wielding influence through pro-government alliances. This positioning propelled Fabián Alarcón to the Ecuadorean presidency in 1997, when Congress replaced the deposed President Bucaram with Alarcón as Interim President.

Partido Roldocista Ecuatoriano – PRE (Ecuadorean Roldocist Party): Founded in 1983. Has strong support among urban poor and lower middle class on the coast. PRE claims ideological inheritance of late President Roldós. In practice it lacks ideological coherence, being controlled by the whims of leader Abdalá Bucaram. PRE regularly wins a bloc of congressional seats, and it ran Bucaram for the presidency three times. He won in 1996, but was deposed six months after entering office by popular uprising and Congressional action, on the grounds of incompetence and corruption.

Izquierda Democrática – ID (Democratic Left): Founded in early 1970s, with support from urban middle classes, labour unions, and highland farmers/indigenous people. Centre-left party in the social democratic tradition; supports a mixed economy. Key leader is Rodrigo Borja, ID's presidential candidate five times, winning in 1988 and serving until 1992. ID has enjoyed solid representation in Congress since the 1980s.

Movimiento de Unidad Plurinacional *Pachakutik* Nuevo País – MUPP-NP (*Pachakutik*): Founded in 1996 as a coalition of social movements and citizens' groups led by the indigenous movement. Leftist but non-communist, MUPP promotes cultural diversity and grassroots participation. Lacking a single leadership figure, it is supported by urban and rural indigenous peoples, professionals, and members of working and middle classes. It has won between six and ten per cent of the seats in congress since 1996, and has been very successful in local elections.

Partido Socialista Ecuatoriano – PSE (Ecuadorean Socialist Party): Founded in 1926. It has support among peasant organisations and some professionals. Regularly wins a small number of seats in Congress. Key figures are Leon Roldós and Enrique Ayala, who hold positions as university rectors.

Movimiento Popular Democrático – MPD (Popular Democratic Movement): Founded in late 1970s after Marxist-Leninist Party was banned. Has strong support from teachers and student unions, some highland peasants and indigenous people. MPD also has a solid structure and militant supporter network, but wins a small number of seats in Congress. Key leaders: Juan José Castelló and the late Jaime Hurtado.

Sources: D. Corkill and D. Cubitt, *Ecuador: Fragile Democracy* (London, 1988); F. Freidenberg and M. Alcántara, *Los Dueños del Poder: Los Partidos Políticos en Ecuador (1978–2000)* (Quito, 2001); B. Peñaherra, *Trazos de Democracia: 22 Años de Elecciones, 1978–2000* (Quito, 2002).

Foucauldian-like discipline as well as mechanisms of representation and participation.[54]

Institutionalised Revolution or Orderly Reform? Re-constructing El 5

The two key players in bringing down Bucaram, the Patriotic Front and the National Congress, differed on the meaning of the 5 February protest, the nature of the 'crisis' it responded to, and how to address that crisis. Based on distinct ideologies, these positions were laid out in a 'People's Mandate' and a congressional 'Resolution', respectively. They also formed the basis of constitutional assembly platforms and influenced the content of constitutional reforms.

Social movements interpreted the 5 February popular uprising as revolutionary, thereby justifying a participatory constituent assembly. Their 'People's Mandate' stated:

> Our struggle of the past few weeks has allowed the PEOPLE'S CIVIC STRIKE to be an historic moment without precedent in recent decades. Millions of Ecuadorean men and women, mobilised in the streets and countryside, have raised the banner of unity, raising our voice and deciding on the need to change the government, and stop corruption, authoritarianism, and the neoliberal programme.[55]

The Mandate also demanded that the interim government convene a constituent assembly – 'truly democratic, plurinational, and of the people' – within sixty days. In addition, it challenged neoliberal policies by calling for an end to subsidy cuts on basic goods and a halt of privatisation plans. Finally, the Mandate demanded autonomy and participation for civic associations. For example, it proposed that indigenous organisations elect the directors of a National Indigenous and Afro-Ecuadorean Development Council (CONPLADEIN), which would replace the Ethnic Ministry whose functionaries were presidential appointees.

The congressional Resolution, in contrast, provided a reformist interpretation of the 5 February protest. While agreeing to create CONPLADEIN and that Bucaram's price increases were unfair, it argued a pro-neoliberal position that 'fiscal austerity and production incentives' were necessary. It also called for '… redefining the process of modernisation of the strategic sectors [oil, electricity, airlines, telephone, water, etc.], emphasising the criteria of efficiency, sovereignty, and integrity of the public patrimony …' which meant something slightly less than wholesale privatisation. Finally, the Resolution stated that the constitutional assembly would begin in

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[54] See M. Foucault, *Discipline and Punish: The Birth of the Prison* (New York, 1979).

[55] Frente Patriótico, 'Mandato del Pueblo Ecuatoriano a través del Frente Patriótico en Defensa del Pueblo, al H. Congreso Nacional y al Nuevo Gobierno,' in FETRAPEC (ed.), *5 de Febrero: la revolución de las conciencias* (Quito, 1997).

August 1998: this interpreted the sixty-day period demanded by the People's Mandate merely as a period to create consensus on the assembly's purpose.[56]

The Call of the Movement: Build People's Assemblies

These understandings and agendas were also attributed to political institutions and procedures. For instance, many opposition groups believed that a constituent assembly would fully represent Ecuador's diversity and be the sovereign organ of public power. There was something of an assembly explosion in Ecuador in February and March 1997, as local civic committees that formed before the 5 February protests continued to challenge the state. The Azuay provincial assembly, for example, demanded that the new government revoke Bucaram's economic adjustments, forbid corrupt politicians from returning to political office, and officially define unfulfilled campaign promises as electoral fraud.[57] Also, CONAIE and numerous provincial committees called assemblies to choose delegates for local government positions normally appointed by the central government.[58]

As counter-public spaces, these assemblies empowered their participants to debate issues openly, challenge state authority and demand immediate accountability. Many of those who attended the alternative assembly called by CONAIE in October 1997 (see below) proposed that people's assemblies be institutionalised in the new constitution. Social movements also viewed the people's assembly as a potential replacement for the congress. During a corruption investigation of members of congress, for instance, Miguel Lluco (congressman associated with CONAIE) stated that the legislature would no longer be legitimate if corruption were proved to be widespread. He added that it would then be necessary to dissolve Congress and immediately convene a constituent assembly.[59]

The Reply of the State: Follow Established Procedures

Question 3: Are you in favour of calling a National Assembly with the exclusive purpose of reforming the Constitution of the Republic?
Question 4: In calling the National Assembly, which of the following alternatives do you choose for its make-up?

a. All members will be chosen by popular vote
b. One part of its members will be elected by popular vote and the other by representatives of institutions and organisations of the state and civil society

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[56] Congreso Nacional, 'Resolución del Congreso Nacional del 6 de Febrero de 1997,' in FETRAPEC (ed.), *5 de Febrero.*

[57] *El Comercio*, 12 Feb. 1997.

[58] Provincial people's assemblies formed in Azuay, Bolívar, Cañar, Chimborazo and Pastaza provinces. *El Comercio*, 23 Feb. 1997.

[59] *El Comercio*, 11 March 1997.

Because civil society organisations called the protests that aided in Bucaram's removal, their right to directly choose their own representatives to a constitutional assembly initially went unquestioned. CONAIE had long wanted indigenous peoples and other social groups to elect their own representatives to the national congress (never granted), and wanted the same for the assembly. However, the insubordination of social movements and the assembly's increasingly radical meaning appeared to go 'too far' from elite standpoints, as they threatened to displace existing democracy based on electoral representation and majority decision rules. In response, President Alarcón announced that he would carry out a non-binding referendum on 25 May 1997, which would include a question on how members of the assembly should be elected (shown above). Debates on the purpose and wisdom of the referendum proposal shifted public conversation so as to define democracy as tranquil governability with 'direction'. President Alarcón:

> I believe that if we don't know what the Ecuadorean people think, any sector [group] of the fatherland can say they represent the People's Mandate of 5 February. And what we need to know, to have governability, is where we are going. [… Although this does not mean that civil society cannot participate in politics] … it's another thing to arrive at the extreme when … any sector or county does not accept a government decision … but instead tries to impose the decisions of people's assemblies. In that case, there would no longer be government nor a presidential regime in Ecuador and that has to be avoided.[60]

Opponents of calling the referendum adopted similar criteria. They feared that it might open up the possibility for more discord. By late April many came out opposing it:

> The country is tired of so much politicking … A referendum now, a national assembly later, then new presidential elections with new [congressional] deputies the following year. Is the country so rich, Mr. President, that it can be paralysed for two years?[61]

Referendum results gave Alarcón 65 per cent support on the question backing his designation as interim president. The referendum results also revealed a majority in favour of calling a constitutional assembly *and* that Congress could not reform the constitution while the assembly was in session (a victory for social movements, as it suggested that an assembly is more legitimate than the congress). But the results also indicated that all assemblyists should be chosen by popular vote (a defeat for social movements, who sought other forms of choosing representatives). Reacting to these results, Alarcón remarked, 'the referendum puts in their place those movements that are said to be the owners of the People's Mandate: we'll know … their weight in society [by] the make-up of the national assembly'. In his view, their representativeness is determined by established procedure: how many votes and institutional seats they win in universal balloting.[62]

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[60] *El Comercio*, 6 April 1997.

[61] *El Comercio*, 24 April 1997.

While the referendum was not legally binding, the meaning of its results was politically binding. The results, in effect, limited the most radical and most reactionary possibilities for constitutional reform. First, by using universal popular vote to choose assembly delegates, the same political parties that win seats in the congress would win them in the assembly (which turned out to be the case).[63] Second, by setting majoritarian expectations on representation, and designating an official assembly to reform the constitution, the referendum constrained later efforts by CONAIE to establish its alternative assembly as the most legitimate institution. Yet it also limited possibilities for the congress to undermine the official constitutional assembly.

Two months after the referendum (July 1997), Congress negotiated congressional leadership selections by trading votes on constitutional assembly parameters. Specifically, the Social Christians (PSC) and Popular Democracy (DP) voted together on assembly matters in a deal to ensure that Heinz Moeller (PSC) would retain the congressional presidency and that Alexandra Vela (DP) would be vice-president. On 31 July the congress approved an assembly start date of August 1998 (as stated in the Congressional Resolution of 6 February 1997), with ninety representatives who would pass reforms by simple majority. Elections for the assembly would be held in May 1998 together with general elections for the congress and presidency.[64] These decisions portrayed the assembly as just another government institution and muddled it with an understanding of voting as *the* act of democratic citizenship.

Popular Sovereignty or Citizen Forum? Constructing the Alternative Assembly

This was far from what CONAIE and other social movements had imagined the assembly would be. Consequently, in August 1997 they announced a participatory people's assembly to begin on 12 October 1997. They also executed a protest on 11 and 12 August to publicise this alternative and object to the congress' treatment of the assembly. Protesters in Quito (the capital) called particular attention to the Social Christian-Popular Democracy

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[62] *El Comercio*, 25 May 1997.

[63] Lacking the resources and media access of the major parties, and ideologically committed to avoid 'traditional' campaign strategies that buy votes or make false promises, *Pachakutik* (CONAIE-*Coordinadora*) would be unlikely to win a large number of Assembly seats.

[64] Popular Democracy had switched positions (it had *initially* supported the 'assembly now' position) in order to obtain the congressional vice-presidency.

Table 2. *Chronology of Ecuadorean Constitutional Assembly and Subsequent Events, 1997–2000*

5–7 Feb. 1997: Massive protest in favour of Bucaram's ouster. Congress removes Bucaram and replaces him with Fabián Alarcón, then president of the congress.

Feb.–March 1997: People's assemblies proliferate throughout Ecuador; they make demands on the government, evaluate government decisions and attempt to choose public officials.

25 May 1997: Referendum asks the public about representation in the assembly; results overwhelmingly support a constitutional assembly, and choosing assembly delegates by universal, popular vote.

31 July 1997: Congress approves reform setting constitutional assembly date for August 1998, with 90 delegates to approve reforms by simple majority.

11–12 Aug. 1997: CONAIE and other social movement organisations stage protest against congressional decisions on assembly date, delegate number and decision rules. They also convene an alternative constituent assembly of civil society for October 1997.

Aug.–Sept. 1997: Congress changes assembly start date to 20 December 1997. CONAIE prepares for alternative assembly as political elites attempt to de-legitimate it.

13 Oct. 1997: Alternative assembly inaugurated amidst attempts to shut down Congress and have alternative assembly replace it. Assembly develops a constitutional reform proposal based largely on CONAIE's 'plurinational state' platform.

Mid-Nov. 1997: Congress enacts controversial pro-neoliberal reforms, generating protest from other politicians, social movements, and the general public.

30 Nov. 1997: Elections for official assembly held. *Pachakutik* wins 10% of seats and is third largest group in official assembly.

20 Dec. 1997: Inauguration of official constitutional assembly.

Jan.–Feb. 1998: *Pachakutik* builds centre-left 'minority' bloc in constitutional assembly around a common platform. Together with CONAIE, it creates sessions to debate alternative assembly proposals.

18 April 1998: Assembly majority bloc divides as some vote to retain a public social security system, partly in response to social protests. Assembly President and Vice-President resign.

22–30 April 1998: Assembly votes to extend its closure date from 30 April to 8 May to complete constitutional reforms. Social movements threaten direct action if they do not. Social Christian party abandons assembly.

8 May 1998: Official assembly closes.

June 1998: Text of new constitution approved.

Aug. 1998: New constitution enters into effect.

Jan. 1999: Newspaper poll released revealing CONAIE to be third most trusted institution in Ecuador.

21 Jan. 2000: Indigenous movement-military alliance leads government takeover, which has broad popular support but lasts less than one day.

Source: Prepared by author.

congressional leadership pact in delaying the convocation of the assembly. They interpreted it as undermining the spirit of democracy even though the pact followed proper procedure. Marching past those parties' headquarters, protestors shouted, '*Allí están, esos son, los que joden la nación*' ['There they are, that's them, those who screw over the nation'].[65]

These actions amplified and expanded national political conversation. It had been limited to criteria like governability and efficiency, but now included issues like diversity, inclusion, and participation. CONAIE also went on the offensive and the government on the defensive for the first time since the May referendum. Social movements successfully portrayed the government as enemy of the assembly who appropriated it for its own interests.[66] By drawing national attention to the assembly, they also loosened the articulation of citizenship with elections and established institutions, and constructed the assembly as something different and worthy of higher expectations. Sensing the shifting scenario, President Alarcón agreed to discuss vetoing the congressional decision on the assembly start date, while Social Christian Party leader Jaime Nebot called on the congress to reschedule the official assembly for a date in 1997.[67]

Elite Constructions of the Alternative Assembly: A Citizen Forum of Backwards Minorities

Opponents of social movements attempted to set limits on the meaning of the alternative assembly, as well as on the proposals and tactics of social movements. In doing so, they drew on understandings of a unitary mestizo nation, liberal majoritarian democracy, and stable Western development. For example, shortly after the August protest, the Minister of Government declared that the 'parallel assembly' was only a citizen forum since a universal, popular vote was not used to choose its members.[68] And a newspaper editorial linked the assembly to disruptive tactics that block Ecuador's progress:

> A simple forum? It's possible. And it is possible that, in spite of being constitutionally non-viable, it claims, due to its magnitude, political legitimacy. In this way, it could turn into another bottleneck for [the advancement of] the country.[69]

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[65] Field notes, 12 Aug. 1997. According to the police, about 16,000 people participated in the protest nation-wide and blocked 1,300 kilometres of major roads and highways. *El Universo*, 13 Aug. 1997.

[66] Later, the government took actions that strengthened its 'anti-assembly' reputation.

[67] The Congress finally did so on 4 September, setting the Assembly date for 5 December, which was later changed to 20 December for logistical reasons.

[68] *El Comercio*, 16 Aug. 1997. However, he added that it was important that societal organisations develop a proposal to submit to the official assembly.

[69] *El Comercio*, 18 Aug. 1997.

Jaime Nebot (PSC) followed this by questioning social movement proposals:

> For me, we have to look for rapid and dramatic changes that improve the quality of life of Ecuadoreans. It would be better if it happens by consensus, but if that is impossible, it has to happen by majority. Democracy is rule of the majority … If change is desired, as the people who claim to represent the social movements say, you have to facilitate this change and not block it. […] You have to guarantee minority rights, but they cannot acquire the right to decide.[70]

Some Ecuadorean sociologists supported these ideas by arguing that proposals for indigenous autonomy and representation were corporatist, minority privileges that indigenous peoples demanded, 'only because they are different'. Another added that one could not consider plurinationality in a nation that is barely consolidated, implying that everyone is simply Ecuadorean and must be treated identically. Finally, social movements' proposals to reject privatisation were described as 'tired visions of the old left'.[71]

This discourse situated the alternative assembly in an ambivalent position, as both a legitimate people's assembly *and* a mere preparatory meeting to develop a proposal whose fate would be left to the official assembly. In response, indigenous and other social movements mirrored this logic. First, they organised local assemblies to broaden participation in developing proposals for the national alternative assembly, while arranging 'expert' forums in Quito to discuss the merits of possible constitutional reforms. Second, CONAIE organised a national march to bring the people directly into the political arena and install the alternative assembly in Quito, while simultaneously launching *Pachakutik* candidates for the official assembly. Most of the 10,000 marchers were indigenous. Hoping that this constitutional assembly would counteract 500 years of colonialist exclusion, the marchers and their supportive communities held placards mocking the congress and saying, 'not one more assembly without us'. Upon arriving in the city of Riobamba, marchers congregated at the main cathedral to listen to speeches and turn in proposals generated by local people's assemblies. This signified their view that marches and public forums are legitimate expressions of popular will. Shortly thereafter, however, local social movement leaders performed swearing-in ceremonies for *Pachakutik* candidates from Chimborazo province for the December official assembly.[72]

The Sovereign People: Anatomies of an Alternative Order

The alternative assembly itself repeated this dual pattern. The revolutionary spirit of the 5 February protest dominated the assembly's first day.[73] For example, a group of indigenous participants marched on the congress building in order to declare the congress dissolved, demand the resignation of President Alarcón, and establish the alternative constituent assembly as the supreme political authority of Ecuador. Although they found the building closed and guarded by the police, they continued up to the gates, pointed their spears at the police and demanded entrance. The police responded by dispersing the marchers with tear gas.

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[70] *El Comercio*, 26 Aug. 1997. [71] *El Comercio*, 12 Oct. 1997. [72] Field Notes, 9 Oct. 1997.

[73] Initiation of the assembly took place on 13 October 1997. It was originally scheduled for 12 October (anti-Columbus day), but later changed for logistical reasons.

Later that day, the alternative assembly was inaugurated in the Ecuadorean House of Culture, with ten thousand attendees from civil society organisations representing much of the diversity of Ecuador's interests and identities.[74] A screen reading, '*Todos las voces en la Constituyente: por un estado plurinacional sin privatizaciones*', provided the backdrop.[75] Leaders and grassroots activists took turns condemning the political system and political practices, and made further calls to shut down the congress and force the resignation of the president. Completely out of place, Vice-President Rosalía Arteaga arrived to give a brief speech welcoming the assembly, interpreting it as a 'citizen forum'. Intense booing interrupted her, which erupted into wild cheering when she left before finishing her speech.[76]

On the second day, however, the assembly actually looked more like a 'citizen forum' when delegates broke into five working committees to discuss particular reform themes.[77] Yet the assembly distinguished itself from an ordinary political institution. For example, the 'Form of Government' committee – which I attended – did not see the session strictly as a constitutional reform meeting, but as an opportunity to voice problems, needs, and views of the political and economic system. Everyone was allowed to speak, and organisers tried to arrive at consensus and avoid voting. The following themes emerged from the discussion: a) participation (how to influence decisions that affect their lives and communities); b) accountability (stopping corruption, keeping promises); and c) promoting diversity (in society and the political system).[78]

The assembly as a whole proposed a form of participatory democracy. It does not reject liberal, majoritarian democracy, but complements it with group representation and grassroots empowerment. It also aims to generate consensus decision-making, in part by ensuring greater diversity of identities and interests in public planning institutions.[79] The Form of Government committee, for example, agreed on the establishment of a decentralised polity where each administrative level would have a people's assembly composed of delegates chosen by diverse social organisations and by popular vote. The assemblies would set development criteria and keep watch over elected and appointed government officials. Autonomous indigenous and Afro-Ecuadorean territorial units would be recognised as part of the state structure, and local officials appointed by the central government (*gobernador, jefe/teniente político*) would be abolished or elected by popular vote. Finally, all development planning agencies and collegial bodies would be composed of members of social movement organisations and government delegates. These collegial bodies would carry out investigations and trials in cases of corruption or inexcusable failure to fulfil campaign promises. Other Assembly committees reached conclusions with similar criteria on diversity, participation, and consensus. CONAIE's demands for indigenous autonomy, direct political participation, and multicultural/multilingual education were granted priority.[80]

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[74] Unaffiliated individual citizens were also allowed to participate.

[75] Translation: 'All voices in the Constituent [Assembly]: for a plurinational state without privatisation.'

[76] Field Notes, 13 Oct. 1997.

[77] The committee themes were Form of State, Form of Government, Economic Law and Rights, Rights and Guarantees, and 'How the state should be'.

[78] The resolutions from the October assembly were to be sent to local and provincial assemblies for their consideration, after which another national assembly would be held to finalise the proposal.

In sum, CONAIE, the *Coordinadora*, and other participants responded to elite positions on the constitutional assembly and reform by creating a counter-public space in which they could imagine a different Ecuador. Furthermore, for many of those involved, this assembly was more legitimate than any other political institution. In their view, this justified their efforts to remove the president and the congress.

Majority Rule? Constructing the Official Assembly

Ecuador held official constitutional assembly elections on 30 November 1997 and installed the assembly on 20 December. The official assembly finished its main deliberations on 8 May 1998, and approved the final text in early June of 1998. Legitimacy politics for the official assembly was dominated by democratic discourse based on constructed notions of majorities that were accepted as objective social facts. This discourse was linked to particular meanings of stability, development, and nation; public debates centred on which institutions and actors could best embody those meanings. The pervasive majoritarianism limited but did not eliminate political possibilities for CONAIE and other social movement organisations. They found space for inclusion of their proposals through legitimacy claims tied to protest, policy debate and lobbying.

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[79] This form of making decisions is imperfect. Sometimes it is difficult to discern when consensus is reached or specify what it consisted of (especially after long, draining debates). In such cases, the leadership or experts end up guessing at consensus, and it can appear imposed.

[80] Field notes, 14–17 Oct. 1997.

While the results of the May 1997 referendum and the perception that minority groups ran the alternative assembly limited the possibility of legalising the draft constitution of the alternative assembly, latent effects of protests and people's assemblies remained influential. Most importantly, the alternative assembly located social movement proposals on the broader political agenda, radicalised the meaning of the official assembly, and gave *Pachakutik* official assembly delegates a working platform.[81] Shortly after the end of the alternative assembly, for example, leaders of the Popular Democracy (DP) and Democratic Left (ID) political parties announced that indigenous themes would constitute a key part of their agendas.[82] Also, Ex-President Rodrigo Borja (ID) stated that the official assembly could dissolve the congress and remove the president if they undermined the official assembly and governed poorly. The following day, an editorial contended that the official assembly would be 'sovereign', and that the government could not interfere with it.[83]

It tried anyway. On 13 November, one month before the start of the official assembly, Congressional President (PSC) Heinz Moeller called an extra session of congress to enact two controversial constitutional reforms: allowing privatisation of the 'strategic sectors' of the economy, and making public sector work stoppages illegal. Accusing unions and leftist parties of holding the country back, Moeller contended that modernisation could not wait until the assembly began. President Alarcón backed this move, asserting that Congress had the legal right to make constitutional reforms.[84]

Alarcón's claim was true enough: according to the May 1997 referendum, Congress had to refrain from constitutional reform only while the assembly was in session. This is why the strong rejection of the congress was so telling. Congress had violated the understood *meaning* of the referendum results. On the night that the legislature considered these reforms, social movements protested outside and demanded its closure. Popular Democracy (DP) assembly candidate and former Ecuadorean President Osvaldo Hurtado affirmed that the congressional decision constituted an early threat to the legitimacy of the assembly, as the people (in the May referendum) had designated the assembly to approve major reforms.[85]

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[81] According to Van Cott, *Pachakutik* was the only official assembly block with a comprehensive constitutional reform proposal. Donna Lee Van Cott, 'Constitutional Reform in the Andes: Re-Defining Indigenous State Relations,' in R. Sieder (ed.), *Multiculturalism in Latin America* (Basingstoke, 2002).

[82] *El Comercio*, 27 Oct. 1997.

[83] *El Comercio*, 23–4 Oct. 1997.

[84] *El Comercio*, 14 Nov. 1997; *Hoy*, 15 Nov. 1997.

[85] Hurtado even stated that there was good reason to shut down Congress, but that doing so would create unnecessary conflict. *Hoy* 15, 21 Nov. 1997, *El Comercio* 18 Nov. 1997.

Responding with notable anger, numerous congressional deputies asserted the democracy of elections and established procedure by making three claims: a) that protestors threatened democracy by aiming to close the congress; b) that non-elected official assembly candidates had no right to tell the congress what to do; c) that 'so-called' indigenous and popular leaders – who did not gain positions through universal popular vote – had no right to threaten the elected representatives of the people.[86] On those grounds, Congress enacted reforms to privatise strategic sectors and to prohibit public sector work stoppages. President Alarcón immediately signed the reforms into law.

Assembly Elections and Crises: Institutionalised Majorities and Minorities

On official assembly election day (30 November 1997), exit polls suggested that the social movements' electoral arm, *Pachakutik*, would win only one seat in the assembly, while the rightist Social Christian Party would win twenty-four. As if these results conveyed the meaning of representation, the next day's papers read, 'Parties, the linchpin of politics', and 'Battle lost for social movements'.[87] The final results, however, revealed that *Pachakutik* won seven seats alone and three in allied lists, making it the third largest force in the assembly.[88]

These final numbers tempered the triumphant attitude of the main political parties and sceptics of social movements, thereby opening room for more voices to assert that the number of votes did not tell all. For example, one columnist suggested that since CONAIE had long ago demanded such an assembly, its proposal should be taken into account. Another argued the following:

> There is arrogance in the air, as if there was a debt owed by the presumed losers: the social movements. This is disturbing, because even if it is the majorities that govern and decide, it is no less true that democracy grows through diverse visions. There are points of those minority groups that the winners should take into account … this should be a conceptual and political approach that differentiates the assembly from an ordinary election.[89]

This viewpoint legitimated social movements and their expectation that the assembly should be different. But it also had another, disciplinary, logic: once the electoral process established that indigenous and other social groups were 'defeated minorities' within official democratic institutions, it was then reasonable to consider their proposals. Incidentally, *Pachakutik* found itself in the 'minority left' bloc in the assembly (with the Democratic Left (ID), Socialists and Popular Democratic Movement) while the 'majority right' bloc consisted of the Social Christians, Popular Democracy (DP), and President Alarcón's party (FRA).[90]

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[86] Field Notes, 19 Nov. 1997.

[87] *Hoy*, 1 Dec. 1997.

[88] The Social Christian Party obtained 20 seats, Popular Democracy 10, the Roldocists (PRE) 7, Democratic Left 3, Popular Democratic Movement (MPD) 3, and New Country 2. The Assembly had 70 seats. Some also went to independents or alliance-list candidates.

[89] *El Comercio*, 5 Dec. 1997.

Nevertheless, the assembly did not obtain full support from the Social Christian Party or from President Alarcón. This ironically enabled CONAIE and other social movements to play supporting roles in the assembly. One example occurred on 18 April 1998, when a few members of the 'majority' voted to pass the 'minority' proposal to keep social security in state hands. The vote came in the wake of a major protest that favoured the minority proposal. Congressional President Moeller (PSC) threatened to close down the assembly, while Assembly President Osvaldo Hurtado (DP) and First Vice-President Marcelo Santos (PSC) resigned. They were upset that a 'backwards' social welfare system would continue, and that the assembly majority broke down in the face of protests.[91] Hurtado also argued that his resignation would permit the formation of a 'new majority'; the one that he believed had blocked reforms that would have helped the modernisation of the country following the Chilean model.[92]

A second example arose when it became clear that the assembly would be unable to complete its reform agenda by its scheduled closure on 30 April 1998. *Pachakutik* called a press conference to muster support for continuing the assembly, and CONAIE threatened a 'total uprising' if the assembly were prohibited from completing a comprehensive reform. After a switch in position by Popular Democracy and FRA assemblyists to favour continuing the assembly until 8 May, fifty-two of the seventy assemblyists approved postponement.[93] In response, Congressional President Heinz Moeller ordered the Social Christian Party delegates to abandon the assembly. President Alarcón added that Congress was the permanent institution representing the popular will, and he would not officialise any constitutional reforms carried out by the assembly after 30 April.[94]

[90] The PRE (Bucaram's party) floated between the two.

[91] Hurtado declared, 'I am very concerned by the effects of this … that the assembly will surrender and subordinate itself to threats [protests].' *El Comercio*, 17–18 April 1998.

[92] *El Comercio*, 21 April 1998.

[93] *El Comercio*, 23–8 April 1998. Recall that in July 1997, when scheduling the date of the official assembly, Popular Democracy had switched positions to delay the assembly start date in order to obtain the congressional vice-presidency, an act successfully criticised by CONAIE in August 1997.

[94] In order to circumvent Alarcón's move, the assemblyists (who were now without their PSC colleagues) did two things. First, they included a clause stating that the constitutional reforms would go into effect after 10 August, inauguration day, when Alarcón would no longer be president. Second, the remaining parties agreed to block any constitutional reform efforts in the congress until the new congress was installed on 1 August.

In the face of these threats, more assemblyists called on the country's social movements for support. CONAIE, the *Coordinadora*, and other civic organisations responded by creating the Democracy Defence Front. It protected the assembly grounds with Amazonian indigenous warriors guarding the building door.[95] When the police tried to remove the indigenous guards, one *Pachakutik* assemblyist told police that the guards were 'only symbolic'. Nevertheless, Heinz Moeller (PSC) tried to tear away CONAIE's support of the assembly by promising that Congress would enact more profound plurinational reforms than the assembly would. *Pachakutik* assemblyists rejected Moeller's offer, one saying he 'would not even go to church' with Moeller.[96]

The primary assembly deliberations did close on 8 May 1998, in the presence of numerous indigenous activists who had listened to debates on collective rights and plurinationality. The assemblyists thanked the indigenous guards for their protection, who in turn performed a departure ceremony for the assemblyists, placing *wiphalas* around their necks.[97]

The official fate of CONAIE and Alternative Assembly proposals

CONAIE was thus able to help complete a process it had started years before. Its alternative assembly earned a place for indigenous demands and proposals on the official assembly's agenda. Further debate, lobbying and protests transformed these proposals into the substance of constitutional reforms. In the official assembly, *Pachakutik* (the social movements' electoral wing) formed a coalition among left of centre parties in favour of plurinationalism, democratic decentralisation, and a mixed economy. Social movements and *Pachakutik* also set up well-attended debate commissions to persuade other politicians to accept their proposals.[98]

These commissions won support from the Popular Democracy Party (DP), who held the presidency of the assembly until 20 April 1998. DP agreed to push for inclusion of indigenous rights, but would not agree to declare Ecuador a plurinational state. Opponents of a plurinational state argued that there was only one nation in Ecuador (the Ecuadorean nation), and that plurinationalism, even if not intended as separatist, could lead to the disintegration of the state due to unanticipated future conflict.[99] Although the new constitution did not declare Ecuador a plurinational state, nor include language like indigenous 'autonomy', much of the substance of those concepts was included in a constitutional chapter on indigenous collective rights.[100] This chapter contains rights that are unprecedented in their collective character and in their pertinence to non-Western cultural beliefs and practices: communal land, indigenous (and Afro-Ecuadorean) territorial 'circumscriptions', development with identity managed by indigenous people, education in indigenous languages, indigenous judicial and health practices, representation in all government bodies, participation in resource use decisions, environmental preservation in indigenous lands and collective intellectual property rights.[101]

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[95] *El Comercio*, 3–4 May 1998.

[96] *El Comercio*, 6 May 1998.

[97] The *wiphala* is a symbol used politically to refer to the Inca State or diversity and plurinationality.

[98] Espinosa, 'Ethnic Politics and State Reform in Ecuador,' p. 52.

[99] *El Comercio*, 20 May 1998.

Other reforms proposed by CONAIE and the alternative assembly earned mixed results. First, the official assembly rejected the official formation of local people's assemblies. Business organisations lobbied hard against the idea, claiming that people's assemblies would create more bureaucracy and inefficiency, and thereby disable business from participating successfully in a global economy.[102] However, other new accountability and participation mechanisms were substituted: revoking the mandate of elected officials for corruption or unjustified failure to fulfil campaign pledges; referenda by citizen initiative; and new anti-corruption norms and institutions. Second, local representatives of the central government were eliminated (in the case of *jefes* and *tenientes políticos*) or had their powers limited (in the case of the provincial *gobernador*), as proposed by the alternative assembly. Third, human rights grew to include economic, social, and cultural rights, which expanded the categories of legitimately recognised rights in Ecuador.[103]. Finally, the 'strategic' economic sectors of energy, communications, and transportation were opened to private sector 'participation' on equal terms, with no protection for public enterprises. In contrast, the social welfare system was left primarily in state hands, and workers cannot opt out of contributing to that system.[104]

Conclusion: Social movements and democratic consolidation

While the most radical possibilities for change were proscribed, and social movements contained by majoritarian institutions, the new constitution did classify Ecuador officially as a multiethnic state and participatory democracy. Furthermore, the constitution's new collective rights go beyond the generic recognition of different cultures. They outline specific practices and aspects of those cultures, and they affirm *group* 'rights to have rights' – in contrast to 'benefits' from populist benefactors or political patrons. In addition, these reforms establish a basis for subsequent laws to institutionalise them, and they justify protests when new constitutional rights are violated or ignored. Although democratising reforms did not grant equal validity to meanings of representation outside liberal and majoritarian lines, they expanded possibilities for accountability and participation.

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[100] Espinosa, 'Ethnic Politics and State Reform in Ecuador,' p. 53.

[101] For more details, see Chapter 5 of the Ecuadorean Constitution. Chapters 5–7 can be accessed on CONAIE's web site, at http://conaie.nativeweb.org.

[102] The PSC, which represents many of these groups, was able to persuade a majority to vote against the provincial assembly. *El Comercio*, 24 March, 2 April 1998.

[103] Examples include rights to health care, education, basic economic welfare, protection of children and the elderly, cultural traditions and activities, clean and secure water supply, and women's participation in the labour force. See chapter 4 of 1998 constitution, at www.georgetown.edu/pdba/Constitutions/Ecuador/ecuador98.html.

[104] *El Comercio*, 18 April 1997.

As CONAIE and other movements often put it, these rights and mechanisms are 'tools in the struggle' and new sites of negotiation and contention. As this article suggests, formal rules and institutions are also social constructs. Reforming them, therefore, signals changing understandings of politics and offers signposts for future political practice. Since the new constitution became effective, for example, indigenous organisations and *Pachakutik* have organised workshops to discuss the new collective rights with grassroots communities, legal experts, and government officials. They have also drafted preliminary law proposals on identity, territory and development. Finally, CONAIE has used new constitutional rights to reformulate its own structure along lines of cultural groupings rather than state-based geography.[105]

People's assemblies are now well embedded in Ecuadorean social movement repertoires, and some local governments, such as Cotacachi, use these assemblies as consultation forum and decision-making bodies.[106] The addition of removing presidents, dissolving legislatures and revolutionary rhetoric to movement repertoires shows that ideas like social revolution and popular sovereignty still resonate. The potential to carry out such actions increased movement confidence and contentiousness. As a consequence, the 1997–8 constituent assembly in Ecuador made imaginable the indigenous-popular-military take-over of the Ecuadorean governing institutions in January 2000. CONAIE believed that these institutions should be restructured into a 'peoples' parliament' and collective presidency to enhance representativeness and accountability.[107]

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[105] Sarah Radcliffe, Nina Laurie and Robert Andolina, 'Re-territorialized Space and Ethnic Political Participation: Indigenous Municipalities in Ecuador,' *Space and Polity*, vol. 6, no. 3, pp. 289–305, Nov. 2002.

[106] F. Guerrero, 'La experiencia de participación y gestión local en Cotacachi,' in Grupo Democracia y Desarrollo Local (ed.), *Ciudadanías emergentes: experiencias democráticas de desarrollo local* (Quito, 1999).

[107] Although many in the indigenous movement were (or claimed to be) unaware that the January 2000 mobilisation would lead to a government take-over, CONAIE's Sixth Congress in November 1999 established the need to radically restructure government institutions to enhance democracy and make development socially just. Several members of the military were also present at that congress. For more detail on the January 2000

This repertoire's fine line between empowerment and power might suggest that Ecuadorean movements are bearers of the ungovernable; reproducing populist or anarchist discourses about direct democracy and popular will being above rules and procedures. However, CONAIE entered institutional politics via elections and participation in state agencies. When it sought to dissolve existing institutions, it intended to replace them with others more in line with a substantive 'people power'-style democracy. Thus, CONAIE's construction of new citizen categories and new citizenship assemblies potentially strengthen democracy in Ecuador.

Therefore, we should not read indigenous movement actions as authoritarian populism reincarnate, but rather as setting down political patterns like those laid by liberal and socialist understandings of nineteenth century republicanism in France:

> The liberal view of… representatives [having] some degree of independence from their constituents, questioned the legitimacy of anti-institutional politics. Liberal republicans insisted on keeping politics firmly implanted within the parliamentary arena. They advocated strategies that emphasised the rule of law and renounced … non-electoral, collective political action.[108]

> The view of elected officials as delegates with binding obligations to the voters who elected them legitimated anti-institutional strategies of contending for state power. The participatory vision implied the rights of citizens to take non-electoral collective political actions if their elected representatives were not abiding by their mandates. This vision endorsed electoral politics but never renounced the need for revolutionary action under certain circumstances.[109]

What nineteenth century France and twenty-first century Ecuador point to are the porous and movable borders between civil and political society, and between society and state. Social movements may locate themselves precisely at these boundaries, engaging in legitimacy politics in order to create spaces that permit the entry and exit of political actors, ideas and practices across political spheres. I would not advocate full replacement of standard democratic institutions in Ecuador with people's assemblies. But innovative combinations of 'sovereigns' and 'shadows' may enhance representation, participation and accountability in both kinds of institutions, generating greater consensus on institutional purpose and greater consent to rule within a democratic regime.

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uprisings, see José Antonio Lucero, 'Crisis and Contention in Ecuador,' *Journal of Democracy*, vol. 12, no. 2, 2001, pp. 59–73; Jennifer Collins, 'A Sense of Possibility: Ecuador's Indigenous Movement Takes Center Stage,' *NACLA Report on the Americas*, vol. 33, no. 5, 2000, pp. 40–6.

[108] Ronald Aminzade, 'Between Movement and Party: The Transformation of Mid-Nineteenth Century French Republicanism,' in C. Calhoun (ed.), *The Politics of Social Protest: Comparative Perspectives on States and Social Movements* (Minneapolis, 1995), pp. 50–1.

[109] Aminzade, 'Between Movement and Party,' p. 49.