

they were in the eighteenth or nineteenth centuries, and make the legal myth of the corporate person an absurdity. The real issue is whether “rights” claimed for the natural person can be extended to corporations. Cracking the juridical myth on which modern society is founded is a task that needs to be taken more seriously and fleshed out programmatically in politics.

Fourth, capitalism has transformed the structure of communities. Communities too are formed on market principles based on common “interests” in the market-place, and not allegiance to “people in places”. For example, a person joins a trade union because of common interest with others in the labour market, and joins a consumer organisation because of common interest in commodity prices, and joins a “water rights” movement because of interest in water, and so on. Interest-based communities alter the character of “rights” in fundamental ways. As each interest is governed by a different statute law enforced by a different set of institutions, it is no longer possible to find institutional and legal recognition of “people-in-places”, whose well-being requires the convergence of several interests.

It is sometimes argued that, notwithstanding all of the above, it is possible to create parallel enclaves where indigenous communities and knowledge flourish. This may be possible in the short term, but not in the long term, because imperialism is capitalism plus militarism, and both are by their very nature expansionist. Customs and traditions grow from economic and production relations. Colonialism arrogated to itself power over

economic relationships and allowed “freedom” for cultural practices whether in the economy or society, as if tradition could exist without economic foundations. By doing that, imperialism appropriated the productivity and social stability following from the space provided for customary knowledge and practices. To insist on “customary rights” without considering the imperialist context and colonial history within which it survives is only to insist on being blind.

Fifth, there are three interrelated battlegrounds on which movements desirous of human emancipation must fight: the philosophical, the political and the economic. Each of these involves very different types of struggle, and yet emancipation is impossible without fighting on all three fronts. Of the three, economic struggles were prominent in the Cold War era; the end of the Cold War has seen the return of political struggles, and on both fronts emancipatory movements have gained considerable experiences and successes everywhere. On the philosophical front, emancipatory movements have more or less abandoned the field; and the conundrum of “rights” exemplifies this failure. Dismissed by social justice movements as “too academic” or irrelevant or simply talk-shops, and sometimes, sadly, with contempt for people’s intellectual capabilities – evidenced by arguments like “ordinary people will not understand philosophical issues” – abandoning this field of struggle is an important reason why emancipatory movements have become stuck in conceptual grooves. This is a problem in its own right for those who wish to get to the bottom of the “rights” conundrum.



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## MARIA FERNANDA VALLEJO

One problem that we face today in the struggle for rights is that the conflict takes place within a political and legal structure controlled by the hegemonic neo-liberal state. So within the conflict it is never possible to question the legitimacy of this structure, because, even when the powerful are pushed on to the defensive and are forced to recognise rights, they still control the parameters within which the struggle occurs. I am not saying that it is wrong to

struggle for rights within a determined power structure, because this can be a way of accumulating experience and strength, but this is not an arena where one will really win rights. Real rights have to be exercised; they have to be lived.

I see the demand for rights as a tool, or part of the road along which communities learn to exercise autonomy, to form alliances and to change the relations of force. Gaining awareness is of fundamental importance, because this makes it

possible for you to identify the space where you can resist. It allows you to exercise certain minimum rights, even knowing that you will never be able to realise them fully. For example, you can refuse GM crops, or refuse to produce cash crops for the market, or to give up subsistence agriculture. And these small victories can become tools in the development of new demands and the exercise of new rights. For example, the International Labour Organisation convention delivers very little in terms of collective rights for indigenous groups but, by taking advantage of these limited rights, indigenous groups can conquer more space.

But the important point is that real rights cannot be exercised without a transformation in the structure of power. This is especially clear with respect to social and economic rights. The structures of power allow you to exercise certain cultural rights, which are not seen as a threat, but they do not allow you to exercise economic rights that could be used to challenge their power.

### **Transforming structures of power**

The big question is how to accumulate rights so that they begin to transform the structures of power. Clearly this has to be achieved through popular struggle, which is built collectively by social movements. And to ensure that social movements are not co-opted by the powerful, one has to pay close attention to ethics and values. One has to take great care with the political training of leaders within social movements. Co-option isn't new. There are thousands of forms of co-option. If one doesn't build a very solid ethical foundation, it is very easy for an organisation to collapse. For example, here in Ecuador it is going to take a long time to rebuild our ethical foundation after part of our movement was co-opted. That we were co-opted should come as no surprise, because the powerful are always setting traps for social movements. If there is a dispute over institutional powers, it is very easy to get tied up in a debate over roles, whether or not one should participate in this or that, when in fact the participation doesn't add up to very much at all. It seems to be important to people at the time but that is because they have lost their perspective.

For example, in the 1990s the indigenous groups won a very important demand – the creation of territorial districts. They saw it as a way of being able to exercise collective rights and to practise a kind of communitarian socialism. But after ten years it has become clear that the balance of power didn't allow indigenous groups to achieve

real autonomy in the administration of their territories and, as a result, they watered down their demands. They made so many concessions that today they are concerned only to win a plot of land, not to manage their own territory. Today we have a paradoxical situation: the Quechua people will have to go back to their original demand for a totally new way of administering territory, both at the national and indigenous level – a demand they thought they had won – if they are going to be in a position to achieve real agrarian reform and guarantee a future for their children. If they had not relinquished their original demand, this struggle could have been really powerful by now.

### **Using rights to think differently**

But this is only one aspect of the problem. The other part is how you think. If in these ten years, instead of becoming bureaucrats or candidates in local elections, the indigenous leaders had trained cadres to develop processes in which people could think about how to construct their own territory and turn it into something that could have been used to realise a collective dream, then the struggle would have advanced much further. It is possible that by now they would have been much closer to administering their own territories.


Another example is the struggle for bilingual education. This is seen as a great victory, for indigenous people won the right to be taught in their own language (alongside Spanish). Today bilingual education has its own statutes and its own budget. This has led to real advances: young people are no longer suffering the discrimination and maltreatment they did in the past. But ten years on, many young indigenous men want to become military policemen! The powerful have used bilingual education to produce agents in the repressive apparatus that will be used against the social movements. In itself, bilingual education was a real advance, but we did not pay enough attention to the political content of the teaching, so the project became totally distorted.

### **Rights and the grassroots**

At one time our movement here in Ecuador was strong enough to gain the initiative, but as we achieved this victory without developing a clear strategy beforehand, a significant part of the movement gave up the idea of transforming the structures of power and settled instead for gaining a voice among the powerful. So, instead of us overthrowing the powerful, the powerful used the situation to forge a sophisticated and perverse



mechanism for controlling the movement. They reproduced an old tactic for maintaining control – putting in charge a man chosen from among the people. And today these new agents of the ruling class not only enjoy huge power, but they have also imposed the idea that they have to “defend the space they have won for the people” among the powerful. It is a difficult situation because, although people at the grassroots despise these agents, they are dominated by them. A new system of patronage has been created, which is supported by various development agencies.

However, I think that we have a great capacity to fight back. Many people who practise subsistence agriculture or have been evicted from their land or are fighting the takeover of their land by national or transnational companies are resisting. Once we manage to recreate our own perspective and reject the idea that the only way forward is through negotiation, then we can rebuild political awareness, and advance. We can talk then about new alliances, such as between the towns and the countryside, which was something that we almost achieved in the past, though it wasn't consolidated. 



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## PREM DANGAL

**T**oday, we all are fighting against the corporate regime. It is as if our rights are under siege by this. There is a battle between people's power and corporate power. Who is more powerful? It ought to be people. It was so in the past and it will be so in the future, no doubt at all. But for the time being, we are in an era of corporate control. Rights are inherently vested in the people. Nobody grants them rights. They possess them by the very fact of being human, and they are basic to a person's survival with dignity. For example, once a human being is born he or she has a right to decent survival (food, shelter, education and health). However, these basic rights are either being denied or not being respected. There is a crisis of life and living. People are dying of hunger, not because there is no food, but because they do not have access to food.

It is the urge to make profits that is violating and denying people's rights by many different means. One such instrument is “Intellectual Property Rights”. Who makes these? For whose benefit? It is very clear that they are being imposed by the corporate regime, which is making profit out of it, converting even knowledge into property. We do not need to ape those so-called “rights” which enable “property” values to be imposed on our commonly held resources and knowledge. We should not allow them to control our commons. On the contrary, we have to defend our commons

to defeat the corporate regime. And the people will win; and, once they win, they will win forever. It may take time and there might be many failures, yet, despite the repeated setbacks, ultimately the people will win and they will restore their rights as they understand them.

### Our rights are the old rights

We are pushing back those elements that are trying to snatch away our rights. We are not developing alternatives but protecting our old way of life. People say, for example, that “food sovereignty” is an alternative programme to neo-liberal economic policy. But that is the wrong way of thinking about it: food sovereignty was there, is there, and will be there. The neo-liberal policy is the new policy that is being pushed as an alternative to food sovereignty. This should be our starting point and the way we understand it.

For me there are two different kinds of collective rights. One kind concerns property. Land reforms have been undertaken with collectiveness in mind. But when land is collectivised, no tiller feels that he or she is the owner and thus responsible for production. So productivity decreases and the state ends up by handing back ownership to the peasantry. But there are areas where collective rights are appropriate. Building a nation, for example, needs collective effort. Fighting the corporate regime will also require collective effort.

