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Kichwa women gendering collective rights in Ecuador¹

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Abstract – In 2008, a small group of Kichwa women successfully advocated for gender parity during Ecuador’s constitutional reform. They made sure the Constitution guarantees women’s participation with decision-making power in the administration of Indigenous justice and influenced another 20 Articles on collective rights. It was the first constitution in Latin America to explicitly guarantee the rights of Indigenous women and to require gender parity in the administration of justice. This chapter argues that Indigenous women are politically active and are amongst the important forces reshaping states in Latin America. The example of Ecuador is particularly instructive in exploring Indigenous women’s political agency for it is here that Kichwa women, despite facing overlapping oppressions, are achieving legal rights unparalleled in the world. The analysis emphasizes their sophisticated politics at the intersection of gender and ethnicity, strategically using international norms to guarantee vernacular rights. In the process, Kichwa women reconcile enduring divisions between universal women’s rights and particular rights to culture.

Keywords- Indigenous peoples, women rights, justice, Ecuador, Kichwa.

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In 2008, a small group of Kichwa women successfully advocated for gender parity during Ecuador's constitutional reform. They made sure the Constitution guarantees women's participation with decision-making power in the administration of Indigenous justice and influenced another 20 Articles on collective rights. It was the first constitution in Latin America to explicitly guarantee the rights of Indigenous women; the first worldwide to require gender parity in the administration of justice. This legal milestone, however, went unnoticed: it was not mentioned in the press; social movements did not celebrate it. It was as if this impressive achievement had never happened, as is usually the case with the politics of peoples dismissed as marginal.

The achievement of Kichwa women went unnoticed because Indigenous women are deemed irrelevant, especially to political analysis. They seem to embody Gayatri Spivak's (2007) subalterns who cannot speak, they are Galeano's (1989) nobodies "treated as no one," "who are not, even when they are." They are overlooked as voiceless remnants from the past, portrayed in colorful textiles harvesting millennia old grains in distant places. Indigenous women continue to be largely imagined as passive subjects at the margins of political decision-making, isolated in the peripheries of national and global politics. Indigenous women often epitomize the antithesis of world politics.

Yet from their positions of marginality, Indigenous women actively challenge the legal authority of the state. This chapter argues that Indigenous women are not only politically active but are amongst the important forces reshaping states in Latin America. The example of Ecuador is particularly instructive in exploring Indigenous women's political agency for it is here that Kichwa women, despite facing overlapping oppressions, are achieving legal rights unparalleled in the world. The analysis emphasizes their sophisticated politics at the intersection of gender and ethnicity, strategically using international norms to guarantee vernacular rights. In the process, they reconcile enduring divisions between universal women's rights and particular rights to culture. Further, Kichwa women successfully relocate legal authority from the state to Indigenous people in the form of a recognized Indigenous justice system. This legal re-assembly disrupts state-centric understandings of legal authority as state-based, singular, and homogenous.

This chapter tells the largely unknown story of Kichwa women's claims for gender parity within Indigenous justice. I analyze how women from the *Red Provincial de Organizaciones de Mujeres Kichwas y Rurales de Chimborazo* (REDCH) conceptualized new rights and successfully achieved unprecedented legislation almost single-handedly. The gender clauses established for Indigenous rights in Ecuador set a unique legal precedent in the world, representing a remarkable contribution for international women's rights. This legal achievement has far-reaching implications of bringing women rights into claims for collective rights to culture. In an innovative practice of interlegality, Kichwa women reconciled old debates on the tensions between gender and multiculturalism to propose a differentiated practice of universal rights.

A Kichwa Odyssey: Inventing rights for Indigenous women

REDCH is a province-wide, grassroots organization with nearly two decades of experience articulating the needs and voices of about two thousand women activists. The organization had long advocated women's interests, but it was the 2007 constitutional assembly that precipitated discussions about gender parity within Indigenous justice. REDCH took the opportunity to propose institutional strategies to improve women's lives in Chimborazo, since neither the Indigenous leadership or women movements took their quest for access to justice seriously.

In 2006, REDCH had conducted dozens of workshops across the province to discuss how to improve women's well-being in the face of extensive gender-based violence. The workshops called attention to not only physical but also psychological violence: "they tell us we are stupid (...) If we seek medical care after being beaten they accuse us of wasting money; they beat us more if we threaten to tell the community" (Cucuri 2007, 40). The evidence gathered by the workshops made it clear that many women saw Indigenous justice as 'pernicious' with women and 'benevolent' with men (Cucuri 2007, 45). Community leaders were reported to refrain from intervention in family matters that affecting women, such as domestic violence or rape, and as giving more attention to stolen animals than to beaten women (Cumes 2009). Women did not trust the state justice system, which to them remained all too sexist and racist (Otzoy 2008). Women nicknamed ordinary justice "archival justice," referring to a system that received complaints yet rarely brought charges or saw cases to a resolution.

Women's most common basic demand was access to justice. The workshops gave rise to calls for reforms on two fronts: education and justice. On one hand, they proposed education with gender-equal values, as well as education of existing legislation regarding women rights. On the other hand, they called for women to be integrated in ancestral councils in order to achieve impartial justice. "We should do justice (...) women groups should call out on men who rape [...] and actively participate in the application of Indigenous justice" (Cucuri 2007, 48).

In short, women wanted to be decision-makers in their community councils. They were not interested in asking for rights within formal state justice. State justice had yet to deliver results on the gender equality agendas brought forward by powerful feminist struggles, and it was even more unlikely that state judges would listen to Indigenous women. The solution was to bring women into the process as judges in an Indigenous justice system. Although indigenous justice systems also failed women, they were contextual to their lived experiences. Most importantly, it was the legal system closer to their reach, in their language, and most malleable. Kichwa women had more chances of reforming decision-making power in Indigenous councils than in wielding influence in the sphere of state jurisdiction (Cucuri 2007, 46).

The opportunity came in 2007, when newly elected President Rafael Correa called for the establishment of a constituent assembly. Correa promised the most inclusive constituent process in his country's history and convoked all sectors of society to contribute proposals. The President of the Constitutional Assembly, Alberto Acosta, echoed Correa, pledging the incorporation of traditionally marginalized sectors like Afro-Ecuadoran and Indigenous peoples. Montecristi was a perfect window of opportunity to bring Kichwa women's agendas to the national stage.

REDCH's preparatory meetings attracted women of all ages and backgrounds to discuss how to best promote lives free from violence. Since Kichwa women had already been organizing workshops developing local strategies to redress gender inequalities, they were able to elaborate an agenda promptly. Their proposal focused on women's participation in community justice. Kichwa women had two goals. First, they sought to incorporate international women rights within Indigenous forms of governance. They wanted the same access to rights as non-Indigenous women, echoing Sojourner Truth's 1851 "ain't I a woman" Platform. Second, they hoped to gain political relevance in their communities, asking the Indigenous movement to value women like it values water and territory. It was an ambitious project, but nobody uttered the word impossible.

Cucuri recalls the atmosphere of doubt permeating the room before the decisive vote: they were about a hundred women and all felt it was an impossible dream to change the constitution, but they still raised to vote to take the proposal to the Montecristi Constituent Assembly.

The road to shaping the constitution was paved with obstacles. First, they struggled to define the legal language of their proposal. They sought the legal advice of Ximena Endara, a prominent Quito lawyer specializing in Indigenous rights. They enthusiastically explained their policy goals and collective demands. To their surprise, the lawyer rejected their proposal as technically impossible. Endara declared collective rights could not be subjected to external standards, especially not non-Indigenous gender clauses. Indigenous rights were collective rights, she argued, and as such fully autonomous. Endara defined gender parity as an individual human right antithetical to concepts of collective rights to culture and determined that individual women's rights were legally irreconcilable with principles of Indigenous autonomy.

Disconcerted, Cucuri and her *compañeras* wondered why women rights did not belong in their communities, and asked the lawyer how international women rights came about. The lawyer delved into the mostly European history of women's struggles, explaining the gradual construction of rights from the early suffragettes to CEDAW. Cucuri noticed this story historicized women's rights in the West. It showed that global women rights had been first imagined, then created; they were not natural rights but radical ideas that had been progressively accepted through decades of advocacy. As women rights came to be normalized they were converted into law. Endara was explaining that 'global' women's rights had been invented to change sexist legal systems in a certain time and place. She was telling the history of constructing individual women's rights, yet she rejected the possibility of constructing Indigenous women rights within culture. This was Cucuri's 'eureka' moment: "We Indigenous women also want to invent rights to live better too." Like the women in Europe, she said, Kichwa women were determined to defend new rights that address their realities to pursue better lives within Indigenous communities.

Kichwa women had to rely upon themselves to identify the legal frame of their demands. They were partly inspired by the 1994 Women's Revolutionary Law promulgated by Zapatista groups in Chiapas. Commandants Ramona and Susana had spent four months traveling across communities listening to women's concerns to draft the Law. Its ten principles had become a model for many Indigenous women. The Law secures women's political rights to "participate in the

revolutionary struggle” (Art.1) and “community matters” (Art.4), “to occupy positions of leadership” and “to hold military ranks in the revolutionary armed forces” (Art.9). It covers socio-economic rights “to work and receive a just salary” (Art.2) and rights to health, nutrition, and education (Art. 5,6). The law explicitly guarantees sexual rights (Art. 3,7) stating that rape would be severely punished (Art.8). The Law brought women concerns to the forefront of Zapatista resistance, proving that claims for gender equality could be combined with claims for self-determination (Speed 2013).

Women’s Revolutionary Law established a political precedent, but it was a rebellious declaration, not official legislation adopted by the Mexican state. Cucuri searched for state-recognized jurisprudence explicitly setting forth Indigenous women rights. She turned to Bolivia’s newly drafted Constitution, which epitomized the expansion of Indigenous rights under President Morales. Indigenous women were central actors in Bolivia’s constituent process, however, after reading the entire constitution online Cucuri found no explicit mention of *Indigenous* women’s rights. Neither the articles on Indigenous justice (Art. 199, 200, 201) nor on collective rights (Cap IV) offered gender-specific language. Bolivia’s constitutional process went a long way toward establishing the collective agency of Indigenous women and creating new political spaces, but it has not secured them a specific place within the sphere of collective rights.

REDCH lacked a lawyer and constitutional models, but it could rely on international human rights norms. The strategy was to hold Indigenous governance accountable to the same international declarations already ratified by the Ecuadoran state. To do so, women combined principles of gender equality from two international treaties, CEDAW and UNDRIP. CEDAW was the framework for advocating women’s human rights. Ratified by Ecuador without reservations in 1981, its cornerstone is the principle of equality between men and women and the prohibition of discrimination (Art 1, 2). CEDAW encourages the reform of national laws to embody gender equality (Art.3), calls for change in discriminatory social and cultural patterns, and establishes rural women’s rights to equal treatment in land reform and resettlement (Art.14). Despite its all-encompassing legislation, however, CEDAW does not single out Indigenous women. For this purpose, REDCH turned to UNDRIP, passed that same year, which refers to Indigenous women on three occasions. Articles 21 and 22 encourage “special attention to the rights of women” and the adoption of measures to ensure full protection against forms of violence and

discrimination.² UNDRIP's Article 44 is extremely concise, but nevertheless constitutes an explicit safeguard in international law: "All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals" (UN 2007, Art 44). This short Article became the focal point of REDCH's strategy to push forward an agenda assuring gender parity within collective rights. Kichwa women were not reinventing the wheel: they were simply asking for the local validation of basic rights recognized internationally. The final proposal demanded the incorporation of "gender parity" and the "full participation and decision-making of women" in collective rights law.

After months of attempts to frame Indigenous women's legal rights, REDCH members faced the most difficult challenge: advocating for their dream in the Montecristi assembly. The path toward constitutional change faced political adversity and required organizational efforts to sustain months of arduous advocacy. Indigenous movements did not support women initiatives which they deemed either irrelevant to the higher politics of self-determination or a claim that undermined political cohesion. Ecuadorian women movements, in turn, did not pay much attention to Indigenous women claims which they considered cultural concerns of lesser importance. Both the women's coalition and the Indigenous social movements were presenting broad proposals to the Constituent Assembly, yet neither was interested in supporting REDCH's agenda. Kichwa women had to champion their cause alone.

REDCH's members went to the Montecristi constitutional convention without any coalition partners. International treaties were their best allies. REDCH sent an open letter to all the participants in the Constituent Assembly framing the political campaign they were about to launch. Signed by 120 women, the letter cited Article 44 of UNDRIP to remind the assembly participants that CEDAW's principles of gender equality were valid for Indigenous women; that Ecuador had ratified both the CEDAW and the relevant UN treaties; and therefore the Constituent Assembly had the responsibility to guarantee global human rights equally to both Indigenous women and men.

It was no easy task to make REDCH's voice heard on the Assembly floor. First, organizational logistics were strenuous. Montecristi is a coastal town eight hours away from the

² UNDRIP treats gender as a vulnerability stating that "particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities" (Art 21.2).

Chimborazo highlands and REDCH members were for the most part peasants with agricultural, household, and family care responsibilities that were difficult to abandon. Their travels implied immense practical behind-the-scenes arrangements, especially in securing help to cover their chores at home and in the fields, along with care for children and animals. This often required new gender roles and extended support, which resignified women's roles in the community. For about a year, women participated actively in advocacy at Montecristi, in person, by phone, and at times through the Internet, taking turns in their travels to assure REDCH's regular presence in the Assembly. The two main coordinators, Cristina Cucuri and Sara Sayay, often spent half of the month in Montecristi, on duty.

Despite logistical challenges, Kichwa women successfully staged three key interventions: at Montecristi's opening, during the negotiations, and before a final vote on the new Constitution. The leadership of the national women's movement reacted negatively, accusing the Indigenous women of fragmenting the broader feminist coalition with their separate proposal, thereby putting the national agenda at risk. Indigenous leaders within the Assembly offered a stiff resistance to bar them from access to a space reserved for political elites. Initially, Kichwa women had to sneak into the assembly buildings by hiding in the cars of supportive female legislators. Once inside the Constituent Assembly, Pachakutik legislators actively resisted the parity claims for women as "contrary to Indigenous philosophy" and tried to discredit their presentations.³ Eventually, REDCH members were granted the opportunity to present their agenda to the whole legislative floor. Wearing their traditional *anakos*,⁴ women gave voice to their testimonies of physical violence and threats; they complained about the complacency to men that was the custom of traditional Indigenous justice systems. They wrote an initial letter calling upon the Assembly to abide by Article 44 of the UN Declaration, then followed up with more technical memos explaining why it was crucial to bring gender rights to Indigenous justice and which specific legal language should be added to existing laws.

Of all thematic committees, REDCH was particularly concerned with gaining support in the committee on justice, where they recounted their experiences and supported their testimonials with regional data on violence against women. They told how the first sexual experience of most

³ Declaration by Pachakutik legislator Mauro Andino.

⁴ *Anako* is a long wool skirt Indigenous women traditionally wear in Ecuador's central and northern highlands.

Indigenous girls was rape. They had few ways to express the extent of the humiliation Kichwa women experience daily, but were savvy in using available data on violence, explaining that in the Alausi region over 60 percent of women were victims of domestic violence and only seven out of 243 organizations in the province were presided over by women. Non-Indigenous legislators expressed puzzlement at the scope of violence against Indigenous women. Male Indigenous representatives, in turn, were baffled that Kichwa women had been bold enough to advocate for gender equality in such an elitist political venue at the Constituent Assembly. Mauro Andino, the sole Indigenous legislator on the justice committee, was furious. He charged that the insistence on gender parity within collective rights was a feminist import from the West, unrepresentative of Indigenous cosmovision. Then Andino accused REDCH members of undermining ethnic cohesion during the Assembly process.

Andino was not alone. Men seemed to be as upset by REDCH's presence in the highest corridors of power as they were outraged at their gender parity proposal. Instead of engaging in debate over the substance of these proposals, men inquired whether REDCH women were married and had children in a crude attempt to impugn their seriousness.⁵ Support was scarce even among other Indigenous women. Margarita Morocho, a legislator on the committee dealing with citizen's participation was the sole Indigenous woman legislator from Chimborazo, yet she refused to support REDCH's proposal. She claimed she had been elected to represent all Indigenous peoples, not only women.

Nevertheless, REDCH's proposal gained a few but strong allies such as Mónica Chuji, who sat on the natural resources committee, and two members of the Justice committee, feminist lawyer Gina Godoy and the president of the justice committee Fernando Vega. Godoy brought REDCH members fully onboard, informing them when the committee would discuss issues related to Indigenous justice and helping to elaborate strategies to pressure legislators into accepting the concept of gender parity. Vega rallied enough support to threaten to reject Indigenous justice altogether in the new constitution if the committee did not adopt a clause guaranteeing the participation and decision-making of women. Cornered, Andino reluctantly agreed to clauses explicitly incorporating women rights within collective rights.

⁵ It was the assistant of Pachakutik legislator Mauro Andino who questioned the civil status of Kichwa women, implying that to have credibility women must be "decent", i.e. married and mothers.

When the Montecristi Assembly finally approved a constitution, three of its 494 articles explicitly guaranteed Indigenous women participation. The 2008 Constitution adopted the phrasing “guaranteeing the participation and decision-making of women” with regards to collective rights and incorporated language on gender parity and equality in six articles dealing with collective rights (Art. 1, 9, 10, 16, 17, and 22). Thanks to Kichwa women, notions of collective and cultural rights now included language on gender parity.

Reconciling collective rights to culture with gender parity: legal and theoretical milestones

Like the women who fought for the equal rights of men *and women* in the 1945 Charter of the United Nations (Skard 2008), Kichwa women wanted their inclusion to be stated explicitly. Collective rights became enshrined in Article 57, Chapter IV, which recognizes “Indigenous communes, communities, peoples and nations are recognized and guaranteed, in conformity with the Constitution and human rights agreements, conventions, declarations and other international instruments.” Gender-specific language comes up twice in the 21 sub-articles that detail collective rights with regard to natural resources, education and the media, and the protection of territories where people live in voluntary isolation. Sub-article 10 explicitly integrates language from CEDAW into collective rights to justice: “To create, develop, apply and practice their own legal system or common law, which cannot infringe constitutional rights, *especially those of women, children and adolescents.*” Article 57 ends with an additional freestanding statement: “The State shall guarantee the enforcement of these collective rights without any discrimination, in conditions of *equality and equity between men and women.*”

The most coveted item in the new Constitution was also the most fiercely debated. Article 171 established women’s participation and decision-making in Indigenous justice:

The authorities of the Indigenous communities, peoples, and nations shall perform jurisdictional duties, on the basis of their ancestral traditions and their own system of law, within their own territories, *with a guarantee for the participation of and decision-making by women.*⁶ The authorities shall apply their own standards and procedures for the

⁶ Emphasis by the author

settlement of internal disputes, as long as they are not contrary to the Constitution and human rights enshrined in international instruments.

The State shall guarantee that the decisions of indigenous jurisdiction are observed by public institutions and authorities. These decisions shall be subject to monitoring of their constitutionality. The law shall establish the mechanisms for coordination and cooperation between Indigenous jurisdiction and regular jurisdiction.

Article 171 thus reaffirmed Indigenous autonomy to administer justice and the obligation of ordinary justice to recognize Indigenous jurisdiction. The Supreme Court was the only legal instance with higher authority to appeal cases administered by Indigenous justice. The main change in the 2008 Constitution is the addition of a third external limitation on the scope of Indigenous jurisdiction. Previously, Indigenous justice was required not to go against criminal law and international human rights norms; now Indigenous justice also had to guarantee the equal and full participation and decision-making power of women. In theory, Indigenous women could in the future appeal to the Supreme Court if they were not represented among judges. This gender clause added powerful weight and normative leverage to women voices in the administration of indigenous justice.

REDCH's legal battle achieved much more than rights on paper. In their advocacy, Kichwa women uncovered a political agency of their own. Their efforts before and during the Montecristi Assembly crystallized a political agility they themselves did not suspect. The invisible marginalized peasants from the poor highlands had become assertive, confident advocates of women's rights to a national audience of legislators. They had managed to leave their homes, families, and fields to engage in public policy at the highest level in distant places. The Montecristi journey transformed who they were, how they perceived themselves and, not the least, how they were perceived by Indigenous and non-Indigenous politicians. At least half of the REDCH members entered the corridors of power in Montecristi, facing politicians they never thought they could interact with and redefining them as "common people."⁷ Rural, often illiterate, women acquired the courage and tools to articulate their own needs to political elites. As they participated in the drafting of the constitution, they became actors of state-making.

⁷ Cristina Cucuri, interview with the author, 2008.

In addition, the journey was itself a transformative experience. Most women had never left the cold highlands of the Andes, let alone to partake in national politics. The initiative was bold logistically and emotionally. They traveled long days in buses to reach hot, coastal towns that served *ceviche*⁸ instead of quinoa, where women wore miniskirts instead of the long woolen *anako*. Their advocacy marked a rupture with lives organized around caring for others and for whom the community is the only world. It was the first time they spent multiple days in a row without cooking or caring for their husbands, children, and animals. Many of them saw the ocean for the first time, listened for the first time to the sound of waves in *mamacocha*, or big lake in Kichwa. Feminist and traditional Indigenous movements were initially reticent if not dismissive of the ability of Indigenous women to participate in politics, especially to contribute important legal criteria in a constituent assembly, but they were subsequently forced to acknowledge the determination and political skills of Kichwa women. Years later, Montecristi legislators (even those who had decried parity claims) lauded the tireless advocacy of Kichwa women.

Yet the gender clause laws went virtually unnoticed. They were overlooked like Indigenous women are overlooked, indicating that racism is not only a practice that affects human interaction but institution-building too. Like most human rights legislation, the new law has been slow to gain implementation: far from automatic, the translation of law into practice has to go through a slow process of socialization. Nevertheless, the introduction of Indigenous women's rights in constitutional law was a major legal innovation. The legal reform was not only a powerful tool for improving the lives of Kichwa women. It constituted a legal, political and conceptual milestone for the articulating of Indigenous and women rights. Far from anodyne, this conquest differentiated the implementation of universal rights and diversified the practice of democracy.

It is important to explain why Ecuador's new legislative framework is significant well beyond Indigenous women. The introduction of gender clauses within justice and collective rights was a milestone in international law that expanded conceptualizations of women's rights. First, Ecuador's law guaranteeing women's participation in the administration of justice is unparalleled in the world. Second, the combination of gender with collective rights goes a long way toward reconciling the tension in debates regarding the relationship between multiculturalism and gender equality.

⁸ *Ceviche* is a dish of raw seafood cooked in citrus juice that is popular in coastal regions of the Andes. This dish served in fishing villages contrasts with the quinoa grains traditionally served in the highlands.

Ecuador's constitutional reform established two unprecedented clusters of fundamental rights. The first is the introduction of a gender parity clause within collective rights. Indigenous rights that had long been treated as exclusive rights impermeable to external impositions (including from the global human rights regime) were now reconfigured in a way compatible with internal human rights norms but also made supportive of the rights of women and girls. This transformation dismantled any sense of legal impermeability: collective rights became accountable to international norms on gender equality under the law. Indigenous rights were subject to international gender norms thus acquiring greater autonomy from the state. The second cluster of rights concern was women's role in the administration of justice. The clause guaranteeing women's participation and decision-making power within the conventional judicial systems means that Indigenous justice is only valid if it includes women judges with authority to adjudicate. In both cases, Kichwa women invoked the international norms included in CEDAW and UNDRIP. This was groundbreaking in the articulation of international women rights within collective rights to self-determination, universal human rights with exceptional rights to culture.

The double significance of this expansion of rights becomes evident when put in international perspective: neither cluster of rights existed elsewhere. Ecuador's constitution was the first to explicitly posit gender parity within collective rights. Over the last decades, Indigenous rights became enshrined in national legislation worldwide, but never had gender clauses. Most Latin American constitutions now recognize some degree of Indigenous autonomy, and in the Andes various nation-states declared themselves to be plurinational. Yet no country has established explicit law for Indigenous women. Both Rwanda's and South Africa's progressive constitutions are internationally acclaimed for setting the highest legal standards in women rights by prohibiting gender discrimination and ensuring that women are granted posts in decision making organs; yet neither mention women in the administration of justice. Even Bolivia's Constitution, which grants the same authority to ordinary and Indigenous justice (Art.179), does not mention women. Ecuador's 2008 constitution marked the first national legislation to cite women within collective rights. The same can be said about gender quotas. Quota laws brought women to the highest executive and legislative positions, with at least four Latin American countries electing women heads of state. Yet nowhere laws on gender quota targeted the judiciary.

The struggles of Kichwa women are not only notable for their contributions to international law but also to broader theoretical debates on justice and gender. securing women's role in

Indigenous justice shattered any remaining assumption about the incompatibility of gender with culture. It reconciled lasting debates on gender versus multiculturalism by showing that individual women's rights and collective rights were not exclusive but could be articulated to design inter-legality that further gender equality. Susan M. Okin's (1999) influential essay "Is Multiculturalism Bad for Women?" polarized the debate on gender parity and multiculturalism. On one side, some feminist critics argued that multiculturalism tended to be detrimental to women. Scholars posited collective and women rights as 'conflicting equalities' (Deveaux 2000), and analyzed how cultural defense was used against women in courts (Phillips 2007). On the other side of the debate, scholars concerned with minority rights defended cultural claims in struggles for redistribution and recognition (Benhabib 2002). Multicultural citizenship, they argued, serves to redress deeply rooted inequalities embedded in histories of state violence and intervention. Exclusive rights were indispensable to protect cultural groups and ethnic minorities discriminated against in colonial processes. On the policy front, the UN Special Rapporteur on Violence Against Women launched the 2007 campaign "Violence is Not Our Culture" to move beyond the polarization. Underneath the nuances and grey zones of what constitutes now a vast literature, gender and culture were often portrayed as antithetical.

Theoretical problems frequently find resolution in the practical world. Kichwa women's politics resolved in practice some of the theoretical tensions between culture and gender rights. First, their advocacy showed that Indigenous women want both universal women's rights and collective rights to self-determination. They shifted the debate away from an *either-or* dilemma to claim the complementarity of gender *with* culture. In doing so, they validated both gender and culture, while addressing shortcomings on both sides of the debate. Second, when they articulated international women rights listed in CEDAW within Indigenous rights to self-determination in Ecuador's Constitution, they offered a concrete example on how to translate universal rights within local, cultural contexts. This synthesis showed the fallacy of arguments claiming the incompatibility of women rights and cultural autonomy. Now debates on *either-or* can instead privilege *how*. Third, they disavowed scholarly tensions by claiming culture as a tool for greater gender equality. Far from antithetical, gender and culture can feed off and reinforce one another to build better justice systems.

The experience of Kichwa women shows that cultural boundaries can be misleading. When they sought to invent rights of their own, these women approached Indigenous culture as a political, intentional construction, not an eternal or essential essence. Their politics were rooted in the understanding of culture as a historical process, not a fixed entity. Cultures are dynamic, unbounded, heterogeneous, often fragmented and always contested, especially when experienced from within. Kichwa politics illustrate Sarah Song's (2007) interactive view of cultures in which majority and minority cultures constantly cross-pollinate each other.

Cultural preservation is, at best, muddy terrain. The condemnation of cultural practices in minority groups obfuscates gender hierarchies in the majority culture by naturalizing them. As Ann Phillips (2003) pointed in the case of British courts, cultural defense arguments are detrimental to women when they echo gendered sensibilities in the majority culture. The deference to cultural arguments is often driven less by the respect of cultural difference than by congruence of patriarchal norms across cultures. This argument helps explain the recurrent "clash" between cultural arguments and feminist rhetoric. Women rights are often not repressed by cultural difference (the "other") but by cultural sameness. The gender inequalities that affect Indigenous communities cannot be disentangled from the gender inequalities that affect Ecuador's non-Indigenous society.

Universalism is equally muddy. Claims to universalism are all too often inflexible and often parochial, frequently impermeable to diversity and rooted in Western locality and invoked to justify a *mission civilizatrice*. Immanuel Wallerstein (2006) decried these claims to universal values as a European rhetoric of power, arguing that a truly universal universalism would resemble more a multiplicity of universalisms. Instead, universalism is invoked to assert European superiority over other cultures; to cover up discrimination against non-European cultures instead of recognizing claims for difference. Momin Rhaman (2014) warned us that 'western' narratives provide only a partial account of the development of diversities in modernity. Women rights emerge in their western context just like they may emerge in Kichwa communities in the Andes. In both cases, they are part of a complex and often conflicted development of what counts as universal.

The Kichwa discussion between cultural preservation and universal women rights resonates with debates on the veil that oppose women rights and cultural autonomy in France (Scott

2010) . Women in minority groups rarely feel represented by universal agendas that all too often disqualify their claims and ask them to adopt modern, European norms as a solution to their problems. They see universal rights as historical constructs that ignore *their* lived histories. The question of who defines universalism is as intricate as the question of who defines culture. Feeling unrepresented, minority women often seek rights within cultural autonomy. Ecuador's 2008 case is interesting because Kichwa women did not discard universalism altogether. Instead, they used nuanced claims to universalism to promote and strengthen cultural diversity. Kichwa women articulated how this works during the workshops in Chimborazo when they suggested changing the customs favoring patriarchy by the introduction of community mediators advocating collective human rights. "Both customary law and the Constitution advocate human rights, (...) these values must be implemented in our communities" (Cucuri 2007, 48). Where community justice fails women, they argued, other legal authorities should be able to intervene.

In Ecuador, gender clauses represent an effort to adapt universalism to Indigenous contexts. Universalism is claimed within Indigenous contexts not to undermine Indigenous autonomy but to strengthen it. Universal rights are not used to assimilate minority groups within the majority culture. Instead, they are brought into Indigenous culture to legitimate difference, to validate Indigenous systems of justice autonomous from the state. Kichwa women pursued the diversification of what constitutes the universal, and where it is located.

This entanglement of particulars and universals creates a legal porosity that works as a two-way street impacting both Indigenous and state law. the strongest legal systems are the most used ones. The more rights women have under Indigenous jurisdiction, the more likely they are to use them. In that sense, interlegality strengthens Indigenous justice by socializing it. In another way, this legal porosity makes universalism commensurable with Indigenous realities. Indigenous contexts resist the homogeneity of universal rights, thus it indirectly contributes to decolonizing international law. Indigenizing universal rights also expands their functional meanings (and who gets to define them).

Kichwa women's creative contestation suggests that gender equality and cultural autonomy can feed off each other to build better societies. Their advocacy echoes Greta Gaard's (2001) distinction of "ethical contexts" and "ethical contents." Indigenous women endorse the "ethical contexts" of Indigenous judicial autonomy with the "ethical contents" of international women

rights. Across Latin America, Indigenous women continue to try to weave global ethical contents into global ethical contexts in their local societies. Indigenous legal sensibilities do more than adding intercultural perspectives to national law: they disrupt the homogeneity of international law. Kichwa women's advocacy is a valuable case study for its insights into the translation of local diversity into global universalism.

Conclusion

Kichwa women have pursued gender parity within the administration of Indigenous justice to guarantee local justice in Chimborazo. Their claims were inspired by daily aspirations, not theoretical controversies. They nevertheless offer practical insights relevant to ongoing scholarly debates. Their advocacy was neither anti-cultural nor accepting of gender inequalities; it engaged international rights but contested their homogenizing tendencies. Refuting any incompatibility between gender rights and cultural autonomy, they held women's rights and cultural autonomy accountable to each other. Indigenous claims to gender within collective rights marked a step at decolonizing feminism. Kichwa women articulated their initial demands within their own cultural systems, challenging western feminist practices that reproduce an ethnocentric universality. Simultaneously, these women challenged gender violence within their own communities. They strengthened Indigenous self-determination by holding it accountable to international human rights norms. Universal rhetoric for gender equality and cultural diversity were managed as complementary imperatives to frame claims for differentiated rights.

The intersection of feminist standpoints with Indigenous ways of knowing provides a strategic positionality to examine world politics. Indigenous gender clauses emerged in vernacular settings, were pursued in national venues, and established powerful precedents at the global level. The politics of Kichwa women in the highlands of Chimborazo are relevant in the study of international relations because they engage international law and set precedents. More importantly, their politics used international law to strengthen Indigenous autonomy and self-determination and to reframe the legal authority of a sovereign state. Kichwa women politics matter for (re)thinking the state because they offer insights into the mechanisms that shape denationalized or postnational legal spaces that interrogate and sometimes defy conventional notions of sovereignty.

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