

AMAZON OF RIGHTS



# AMAZONGRAPHY

## Peru Report

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# AMAZONGRAPHY SUMMARY

This Amazongraphy showcases the different expressions of indigenous political ontologies in the Peruvian Amazon. It shows eco-centric perspectives in legal activism before the courts of justice, in social mobilization aimed at influencing sub-national law-making processes, and in the visual artistic expressions of indigenous artists.

Ecocentrism in legal activism has achieved the recognition of the Marañón River in the Peruvian Amazon as a subject of rights and the Kukama indigenous communities as their guardians. Social mobilization engaging with ecocentrism has achieved the incorporation of rights to rivers and lakes in municipal ordinances within the Puno Department. Indigenous artists express an ecocentric perspective in paintings that are achieving national and international recognition. The slow recognition of the rights of nature, however, faces different challenges.

In the experience of the Indigenous peoples of the Peruvian Amazon, artistic expressions represent an unbounded perspective on human-nature relationships. Nature is not merely a subject of rights, and Indigenous peoples are not mere guardians of forests and rivers. In the paintings of indigenous artists, nature embodies both humanity and means of subsistence. Natural beings are old ancestors and current relatives, both spiritual and material beings. Nature feeds foundational myths on the existence and sovereignty of peoples and is the territorial space where sovereignty rests. However, sub-national ordinances express a bounded perspective on human-nature relationships. Although mainly based on indigenous activism and thinking, these legal pieces recognize the right of nature as a rhetorical form to strengthen environmental protection. The right of nature in the judiciary is further limited. Obligated to speak the languages of rights, the judges try to reinterpret anthropocentric constitutional norms towards an “eco-centric perspective” in which nature has value in itself. Indigenous thinking and self-determination, despite having some legal recognition, are used as complementary arguments to recognize the rights of nature and assign the role of “nature guardians” to Indigenous organizations.

This Amazonography calls for re-centering eco-centrism in the sense that the mere recognition of the rights of nature and the assignment of environmental identities to Indigenous peoples depoliticize and bound more-than-human political ontologies. Ultimately, this might serve to instrumentalize indigenous politics towards the goals of state offices and Western conservation organizations, which are not necessarily aligned with indigenous agendas of self-determination.

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# AMAZON OF RIGHTS PROJECT SUMMARY

The Amazon of Rights project explores how eco-centric normativity interacts with social realities in the Amazon River system, a critical ecosystem of global importance. Using comparative law and visual ethnographic methods, particularly documentary film, as socio-legal research tools, the project examines the legal status of the Amazon River as a subject and object of rights across different jurisdictions. It investigates how eco-centric norms shape and are shaped by the social practices and legal imaginations of local communities, Indigenous Peoples, activists, and legal practitioners. While Rights of Nature have been celebrated as a new eco-centric legal paradigm rooted in Indigenous cosmologies, local variations in normative understandings and practices remain underexplored. The project aims to capture this plurality of eco-centric normative orders, both within state-recognized frameworks like constitutions and case law, and in non-state, community-based practices that involve more-than-human entities.

For more on the project: [amazonofrights.com](https://amazonofrights.com)

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# 1

# INTRODUCTION

This Amazongraphy problematizes the eco-centric turn in law and policy by examining the different expressions of indigenous political ontologies in the Peruvian Amazon. By political ontologies, we refer to indigenous worldviews on their political, social and cultural relationships with the natural and socio-political environment.

The Amazongraphy scrutinizes, then, how ecocentrism is claimed in social mobilization and incorporated in municipal ordinances; how ecocentrism is performed in visual artistic expressions of indigenous artists; and how ecocentrism is advanced in legal activism aimed at the recognition of rivers as subjects of rights and indigenous communities as their guardians.

The Amazongraphy found that ecocentrism has different meanings in the various cultural and political expressions of Indigenous peoples, and these meanings risk being simplified and instrumentalized when incorporated into environmental policies of governmental bodies, ordinances of sub-national governments, and judiciary decisions. Considering the ontological turn in anthropology and the social sciences<sup>1</sup> it is crucial to re-center ecocentrism by understanding the political ontologies at stake in human–nature relationships. Understanding how ecocentrism is imagined, claimed, and performed is important to address the gap between Indigenous ontologies and state policies and institutions of the rights of nature.

In the experience of the Indigenous peoples of the Peruvian Amazon, artistic expressions represent an unbounded expression on human–nature relationships. Nature is not merely a subject of rights, and Indigenous peoples are not mere guardians of forests and rivers. In the paintings of Indigenous artists, nature embodies both humanity and means of subsistence. Natural beings are old ancestors and current relatives, both spiritual and material beings. Nature feeds foundational myths on the existence and sovereignty of peoples and is the territorial space where sovereignty rests. In turn, sub-national ordinances express a bounded expression on human–nature relationships. Although mainly based on indigenous activism, thinking, and self-determination, these legal pieces recognize the right of nature as a rhetorical form to strengthen environmental protection.

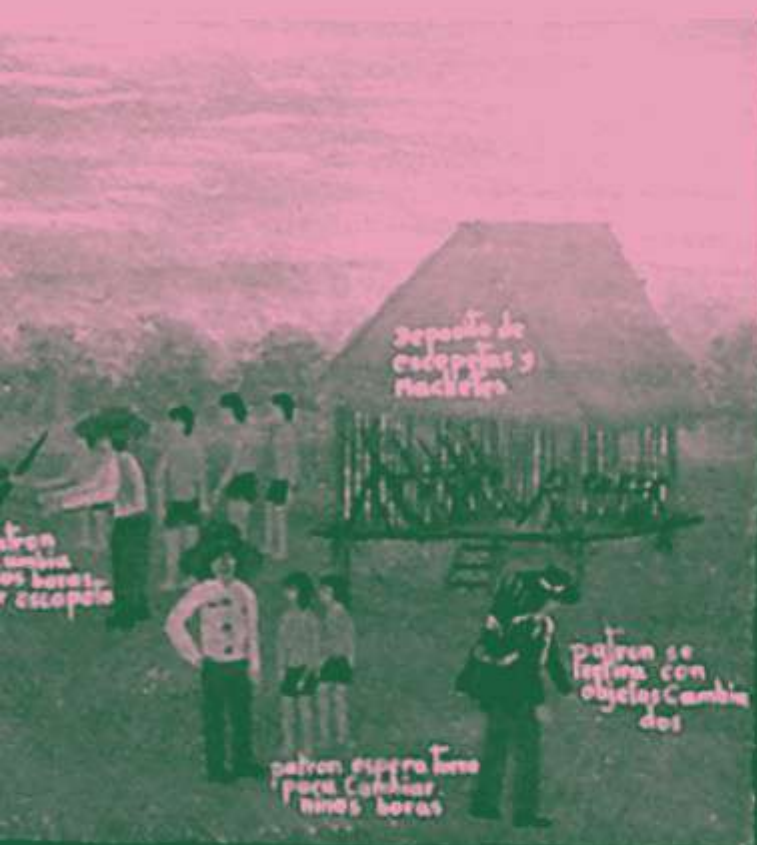
The right of nature in the judiciary is further limited. Obligated to speak the languages of rights, the judges try to reinterpret anthropocentric constitutional norms towards an “eco-centric perspective” in which nature has value in itself, namely, nature has value no matter if it serves

1. Blaser, Mario “Ontology and Indigeneity: On the Political Ontology of Heterogeneous Assemblages.” *Cultural Geographies* 21, no. 1 (2014): 49–58; Viveiros de Castro, Eduardo. *The Relative Native: Essays on Indigenous Conceptual Worlds*. HAU Books, 2015; Escobar, Arturo, and David Frye. *Pluriversal Politics: The Real and the Possible*. Durham: Duke University Press, 2020; Chelsea Schelly, Valoree Gagnon, Kristin Arola, Andrew Fiss, Marie Schaefer, Kathleen E. Halvorsen. “Cultural Imaginaries or Incommensurable Ontologies? Relationality and Sovereignty as Worldviews in Socio-Technological System Transitions.” *Energy Research & Social Science* 80 (2021): 102242. Available at <https://doi.org/10.1016/j.erss.2021.102242>; Yates, Julian S., Harris, Leila M. Nivole, J. Wilson. “Multiple Ontologies of Water: Politics, Conflict and Implications for Governance.” *Environment and Planning D: Society and Space* 35, no. 5 (2017): 797–815. Available at <https://doi.org/10.1177/0263775817700395>.

or not human interests. Indigenous thinking and self-determination, despite having some legal recognition, are used as complementary arguments to recognize the rights of nature and assign the role of “nature guardians” to indigenous organizations. However, incorporating holistic and comprehensive ontologies into simplified bureaucratic and administrative channels might limit the political potential of ecocentrism.

The term “bounded” refers to the capacity of formal institutions such as laws, judicial decisions, and administrative bodies to shape, channelize, and control the way Indigenous peoples seek to express human-nature relationships. The artistic world is “unbounded” because it has no limitations to express all the complexity of these relationships and evokes ideas of sovereignty, foundational origins, local economies, everyday survival, and others whose meaning depends on the worldview of Indigenous peoples. The Judiciary and lawmaking processes, in contrast, are bounded because they oblige Indigenous peoples to accommodate all this complexity into specific discursive elements and institutions centered around the idea of “rights”, “administrative functions”, “competencies”, and so forth.

The Amazongraphy starts tracing eco-centric ontologies in ancestral indigenous practices in the Amazon. It explains how large populations adapted agricultural practices in the rainforest, denoting special ways of being and interacting with the natural environment. It also addresses the rise of the colonial state and the national state as a form of excluding ecocentric ontologies and imposing a racist and extractive form of anthropocentrism. Then, it discusses how anthropocentrism is embedded in the current juridical structure and identifies hidden spaces of ecocentrism in the legal framework. Finally, this Amazongraphy examines the prospectives of eco-centrism from below based on the analysis of artistic expressions of Amazonian artists, social mobilization aimed at the recognition of the rights to nature at the sub-national level, and judicial activism.



# 2

## **HISTORICAL AND LEGAL CONTEXT**

# ANCESTRAL ECO-CENTRIC ONTOLOGIES AND PRACTICES IN THE AMAZON

The first studies of Amazonian archaeology in the 1950s argued that the absence of monumental structures in this region responded to the low fertility of rainforest soils. They alleged that this made social formations and complex organizations impossible, comparable to those of the Andean area.<sup>2</sup> This approach, which responded to the environmental determinism of the time, dominated much of the 20<sup>th</sup> century and contrasted with the descriptions of the first colonial chronicles, such as that of Father Gaspar de Carvajal, who in the 16th century documented the existence of large populations and complex systems of chiefdoms and powerful lordships in the Amazon.<sup>3</sup>

Donald Lathrap's contributions generated new ways of understanding Amazonian societies. Lathrap, since 1956, began excavations in the Ucayali River basin, near Yarinacocha in the Peruvian Amazon, and found ceramic material that showed interactions between the Coast, the Andes, and the Amazon<sup>4</sup>. He also demonstrated that large sedentary communities with complex pottery are as old in the Amazon as in the Andes and Coast<sup>5</sup> and that the tropical forest culture contributed significantly to the evolution of the civilization of the Central Andes.<sup>6</sup> In this view, the central Amazon may have been an early center of population growth, from which clans, languages, and ceramics expanded to the rest of the American continent.<sup>7</sup>

2. Meggers, Betty J. "Environmental Limitation on the Development of Culture." *American Anthropologist* 56, no. 5 (1954): 801–824. Available at <https://doi.org/10.1525/aa.1954.56.5.02a00060>.

3. Rebellato, Lilian. "Arqueología amazónica: Antiguas interacciones de las sociedades humanas y naturaleza." *Amazonía Peruana*, no. 31 (2008): 125–38.

4. Burger, Richard. "Vida y obra de D. Lathrap." In *Donald W. Lathrap. El Alto Amazonas*, editado por Santiago Rivas Panduro, 33–38. Iquitos: Instituto of Andean Research, Instituto de Estudios Huarinos, ASE, Instituto Cultura Runa, Chataro Editores, 2010; Renard Casevitz, F. M., Th. Saignes, and A. C. Taylor. *Al Este de los Andes: Relaciones entre las Sociedades Amazónicas y Andinas entre los Siglos XV y XVII*. 1.<sup>a</sup> ed. en español, tomo I. Quito: Ediciones Abya-Yala, 1988.

5. Peña-Venegas, Clara Patricia. "Tras las Prácticas Ancestrales para la Recuperación de Suelos Amazónicos." *Revista Colombia Amazónica*, no. 9 (2016): 175–90.

6. Chirinos, Ricardo. "The Upper Amazon: Cuarenta Años Después." En *Donald W. Lathrap. El Alto Amazonas*, editado por Santiago Rivas Panduro, 19–31. Iquitos: Instituto of Andean Research, Instituto de Estudios Huarinos, ASE, Instituto Cultura Runa, Chataro Editores, 2010.

7. Neves, Eduardo. "El Formativo que Nunca Terminó: La Larga Historia de Estabilidad en las Ocupaciones Humanas de la Amazonía Central." *Boletín de Arqueología PUCP*, no. 11 (2007): 117–42. Available at <https://doi.org/10.18800/boletin-de-arqueologiapucp.200701.005>.



Figure 2. Anthropomorphic funerary amphora used for secondary burial, in the Caymiyto style from the Ucayali region. Museo Nacional de Arqueología, Antropología e Historia del Perú. Ministerio de Cultura. Credits: Morales & Mujica 2019, p. 91.<sup>8</sup>

These findings suggested the existence of Amazonian vibrant societies before, during, and after the Inca empire. During the Inca period, the Incas negotiated with Amazonian peoples the navigation of the Madre de Dios and Beni rivers.<sup>9</sup> These exchanges explain the presence of myths of Andean origin in Amazonian societies.<sup>10</sup> As anthropologist Fernando Santos-Granero (2005) points out, the conceptualization of the Andes and the Amazon as distinct cultural areas can only be understood as a result of the clash between people from the highlands and lowlands caused by the processes of expansion of state formations centered in the Andes.<sup>11</sup>

8. Morales, Daniel and Mujica, Ana. "Archaeology and the Origin Myth of the Shipibo-Conibo of the Peruvian Amazon." *Social Research* 22 (40): 85–96. Lima: UNMSM-Institute of Peruvian Studies. 2019. <https://doi.org/10.15381/is.v22i40.15888>

9. Pärssinen, Martti. *Tawantinsuyu: The Inca State and Its Political Organization*. Lima: Instituto Francés de Estudios Andinos, Pontificia Universidad Católica del Perú, and Embassy of Finland, 2003, 425 pages [first edition in English: 1992].

10. Varese, Stefano. *La Sal de los Cerros*. Lima: Universidad Peruana de Ciencias y Tecnología, 1968.

11. Santos-Granero, Fernando. "Las fronteras son creadas para ser transgredidas: magia, historia y política de la antigua divisoria entre Andes y Amazonía en el Perú." *Histórica* 29, no. 1 (2005): 107–148.

Advances in archaeology, ethnobotany, and linguistics in the last decades have also contributed to a rethinking of the region. They led to a greater understanding of how Amazonian inhabitants shaped this vast territory before the arrival of Europeans.<sup>12</sup> The Amazon basin began to be understood as the effort of multiple interactions between societies that transformed and enriched this environment.<sup>13</sup> In this regard, leading biologists and ecologists have observed that Amazonian first inhabitants cleared small plots of land with axes and cultivated various species, such as loquats, pumpkins, cumares, farola, babassu, açaí, wild pineapples, yucca, coconut palms, fruits, nuts and Amazonian palms.<sup>14</sup> Experts argued that the use of original agricultural techniques and fire by large indigenous populations had to be ecologically sustainable, given the permanence of such a vigorous jungle after 12,000 years of human activities.<sup>15</sup> The so-called anthropic soils, black soils, or dark soils showed the presence of ceramics, charcoal, and traces of organic residues, the product of sustained human occupation and agricultural processes over time.<sup>16</sup> These processes express indigenous agroecological practices aimed at the reproduction of biomes, ecosystems, and a great biodiversity of interrelated species.

For the leading Amazonian anthropologist Stefano Varese,<sup>17</sup> the way Indigenous Amazonian peoples have coexisted with the natural world also responds to indigenous ontologies that make the forest a constantly humanized environment. For instance, the indigenous Kukama People, belonging to the Tupi-Guarani linguistic family, have maintained ancient agricultural practices in an ecosystem located in the flood plains of the Marañón, Huallaga, and Ucayali rivers in the Peruvian Amazon. The life of its members is closely identified with the flood plain to which they have adapted their architecture and cultivation techniques, while at the same time, they have developed great skills in fishing and navigation.<sup>18</sup> Symmetrically to their permanent involvement with the river environment, their cosmology revolves around the relationships between the underwater, terrestrial, and celestial universes.<sup>19</sup>

The arrival of the Europeans caused the demographic collapse of the region and significantly reduced the number of inhabitants due to the viruses and bacteria brought by the colonizers, generating epidemics that wiped out entire societies.<sup>20</sup> In the 16<sup>th</sup> century, the first expeditions arrived under the command of Alonso de Alvarado (Chachapoyas between 1533-1536), Alonso Mercadillo (Huallaga and

12. Neves, Eduardo. *op. cit.*, 2007.

13. Lathrap, Donald W. *The Upper Amazon: Ancient Peoples and Places*. London: Thames and Hudson, 1970; Brochado, José. *An Ecological Model of the Spread of Pottery and Agriculture into Eastern South America*. PhD diss., Department of Anthropology, University of Illinois at Urbana-Champaign, 1984; Oliver, José. *The Archaeological, Linguistic and Ethnohistorical Evidence for the Expansion of Arawakan into Northwestern Venezuela and Northeastern Colombia*. PhD diss., Department of Anthropology, University of Illinois at Urbana-Champaign, 1989.

14. Clement, Charles R., William M. Denevan, Michael J. Heckenberger, André Braga Junqueira, Eduardo G. Neves, Wenceslau G. Teixeira and William I. Woods. "The Domestication of Amazonia before European Conquest." *Proceedings of the Royal Society B*, no. 282 (2015): 20150813. Available at <http://doi.org/10.1098/rspb.2015.0813>

15. Woods, William I. and Joseph M. McCann. "El origen y la persistencia de las tierras negras de la Amazonía." In *Desarrollo Sostenible en la Amazonía. ¿Mito o Realidad?*, edited by J. M., Hiraoka, M., and Mora, S., 23–30. 2001; Peña Venegas, *op. cit.*, 2016.

16. Woods, William I. and Joseph M. McCann, 2001. *Ibid*; Peña Venegas, 2016. *Ibid*.

17. Varese, Stefano (2018). Los fundamentos éticos de las cosmologías indígenas. *Amérique Latine Histoire et Mémoire. Les Cahiers ALHIM. Les Cahiers ALHIM*, (36).

18. Rivas Ruiz, Roxani. *El gran pescador: técnicas de pesca entre los cocama-cocamillas de la Amazonía peruana*. Lima: Pontificia Universidad Católica del Perú, Fondo Editorial, 2004. Available at <https://hdl.handle.net/20.500.14657/181596>

19. Fernandes Moreira, Daniel. and Marco Ramírez Colombier "Geografías afectivas del pueblo kukama, Amazonía peruana." *Espacio y Desarrollo*, no. 33 (2019): 47–65. Available at <https://doi.org/10.18800/espacioydesarrollo.201901.003>

20. Rebellato, Lilian. "Arqueología amazónica: Antiguas interacciones de las sociedades humanas y naturaleza." *Amazonía Peruana*, no. 31 (2008): 125–38.

upper Amazon rivers.<sup>21</sup> At this time, gold mining in the Amazonian lands generated great wealth for the colonizers and was a resource that constituted the axis on which the local economy revolved. This raw material was obtained from mines (such as Carabaya or San Juan del Oro) or laundries (such as the one in the Tambopata valley since 1538) in the Southern Amazon.

21. Santos-Granero, Fernando. *The Power of Love: The Moral Use of Knowledge among the Amuesga of Central Peru*. 1st ed. 1991.

Despite the violence of the colonization of Amazonian Indigenous peoples, these groups have defended models of life deeply embedded in the natural environment.<sup>22</sup> For Varese (2018), it is an ecocentric vision and a conception of the cosmos different from the Western one, where no center is privileged and no singularity is hegemonic.<sup>23</sup> From this perspective, the 51 indigenous peoples who inhabit the Peruvian Amazon, belonging to the linguistic families Arawuaca, Cahuapana, Harakmbut, Huitoto, Jibaro, Pano, Peba-Yagua, Quechua, Tacana, Tucano, Tupi-Guaraní, Zaparo, and others, have not only resisted the processes of colonization. They also embody the validity of ecocentric logic and knowledge deriving from the forest and their ecological environment, expressed in their myths, worldviews, rituals, and languages.

22. Varese, *op. cit.* 2017.

23. *Ibid.*

# EXCLUDING ECOCENTRISM: THE AMAZON AND THE PERUVIAN STATE

Anthropocentrism is not simply about human beings imagined at the center of natural and socio-political orders. It is also about reproducing hierarchies among human beings under racial and extractive ideas. In this regard, the history of anthropocentrism in the Peruvian Amazon is deeply linked with external and internal colonization. Early colonial policies in the 17th and 18th centuries encouraged the colonization of the Amazon in search of gold and resources and to expand civilization through Franciscan and Jesuit missions. To facilitate labor exploitation and missionary projects, the Spanish crown created “reducciones” (indigenous resettlement), where Indigenous peoples from different nations were obliged to settle, fragmenting ethnic territories and socio-political organizations. This is a history of domination but also of resistance. Indigenous peoples such as the Asháninka and Yanesha joined the rebellion of the Inca descendant Juan Santos Atahualpa between 1742 and 1752 to fight the missions and the colonial order in the Amazon.<sup>24</sup>

The Republican State continued the unfinished business of conquering the Amazon, conceiving the territory as a space of civilization. Different laws promoted the migration of European settlers as a form of bringing “racial improvements” and civilizing the region.<sup>25</sup> A law of 1832 offered free lands to European immigrants; the General Immigration Law of 1849 offered payments to entrepreneurs who imported European migrant labor into the region; Decree 17 of 1872 created an office in Europe to encourage migration; a law of 1893 declared as of being of “public interest” making foreigners settle in the Amazon; the Law of Colonization of Mountain Lands of 1898 allowed foreign investors to acquire land in this region through purchase, concession, or colonization contracts; the Mountain Lands Law of 1909 promoted the sale, free allocation, and concession of Amazonian territories inhabited by Indigenous peoples in a context where President Leguía also promoted the evangelization of the Amazon and attraction of foreign

24. Bedoya Garland, Eduardo, Cecilia Aramburú López de Romaña, and Alejandra López de Romaña Pancorvo. “The Cultivation of Coca in the Huallaga and VRAE: A Comparative Approach to Productive Systems and Their Impact on Forests (1978–2003).” *Anthropologica* 41, no. 50 (2023): 139–166. <https://doi.org/10.18800/anthropologica.202301.006>

25. Silva Menton, Mariella, and Peter Cronkleton. *Migration and Forests in the Peruvian Amazon: A Review*. Version 1. University of Sussex, 2019. <https://hdl.handle.net/10779/uos.23474552.v1>

capital.<sup>26</sup> White migration, however, had limited success given the difficult geographic and economic conditions for migrants who preferred to stay on the coast of the country.

The Amazon has also been conceived as a space of nation-building through infrastructure and extraction. Border conflicts with Brazil, Colombia, and Ecuador in the XIX century triggered the need to explore, build transportation networks, and populate the jungle as a form to contain foreign threats.<sup>27</sup> By the end of the nineteenth century, road projects to penetrate the Amazon sought to engage the region with trade dynamics and ‘civilize the savages’.<sup>28</sup> By this time, the expeditions of the Peruvian rubber tapper Fermín Fitzcarrald found river connections among different Amazonian towns. With these expeditions, the first rubber plantations emerged in Madre de Dios.<sup>29</sup> To take advantage of this industry, different governments promoted migration from the eastern Andes to the Amazon, thus beginning the pattern of internal migration that would prevail throughout the twentieth century.<sup>30</sup>

In this context, Amazonian Indigenous peoples were coerced into working in rubber harvesting. They were considered more abundant and cheaper labor than Andean migrants, namely, they were considered as an exploitable resource.(note: (Silva & Cronkleton, *op. cit.* 2019; Bedoya-Garland et al., *op.cit.* 2023.) In Madre de Dios, numerous tribes were wiped out, while others were left on the brink of extinction. Within the domain of the rubber company J.C. Arana y Hermanos by the businessman and politician Julio César Arana in the Putumayo Valley (known as “La Casa Arana”), eighty percent of the population was exterminated, more than 30,000 people.<sup>31</sup> The visual imaginaries of this tragic episode in republican history have received considerable attention in recent decades. This attention has emerged thanks to the artistic works of descendants and survivors, such as the Bora painter Víctor Churay Iva Wajyamú (Pucaurquillo, 1972–Lima, 2002), and the discovery of photographs commissioned by “La Casa Arana”.<sup>32</sup>

The conception of the Amazon as a space of civilization and extraction continued over the twentieth century. The Political Constitution of 1920 recognized for the first time the legal existence of “communities of indigenous persons” (Article 58) and property rights over their land (Article 41). Despite this legal protection, government programs sought to colonize specific Amazonian areas in the late 1930s and early 1940s by granting credit and land titles.<sup>33</sup> Under these policies, tea and coffee companies implemented modern plantations in the Central Amazon. These plantations hired migrant peasants from the Andes, indebted for

26. *Ibid*; Ludescher, María. “Colonial Institutions and Practices in the Peruvian Amazon: Past and Present.” *Revista Indiana*, no. 17/18 (2000): 344; Monterroso, Irene, Peter Cronkleton, Delia Pinedo, and Anne M. Larson. *Reclaiming Collective Rights: Land and Forest Tenure Reforms in Peru (1960–2016)*. Working Paper 224. Bogor, Indonesia: CIFOR, 2017; Gazzolo, Luis Alberto. *The Legal Regime of Mountain Lands. Rural Law, Part One*. Lima: Printing House of the National University of San Marcos, 1966; Walker, Charles. “The Official Use of the Jungle in Republican Peru.” *Amazonía Peruana*, no. 14 (1987): 61–89. <https://doi.org/10.52980/revistaamazonaperuana.vi14.183>

27. *Ibid.* Walker, 1987.

28. La Serna, Juan Carlos. “Visions of Progress, Otherness and Internal Frontiers in the Construction of the Peruvian Amazon: An Approach to Visual Discourses on the ‘Montaña’ in the Late 19th Century.” In *Visual Imagination and Culture in Peru*, edited by Gisela Cánepa, 221–246. Lima: Pontificia Universidad Católica del Perú, 2011. ISBN 978–9972–42–983–5. Available at: <https://drive.google.com/file/d/1i39lX5TBOlVlyyrYOTiGgFy07vkr-5Yb/view>

29. García Morcillo, José. *From Rubber to Gold: The Colonization Process of Madre de Dios*. *Revista Española de Antropología Americana*, no. 11 (1982): 255–266. Available at: <https://revistas.ucm.es/index.php/REAA/article/view/REAA8282110255A>

30. Walker, Charles, *op. cit.* 1987.

31. Walker, Charles, *op. cit.* 1987.

32. Chirif, Alberto, Cornejo Chaparro, Manuel, and La Serna Salcedo, Juan Carlos (eds.). *Album of Photographs: Journey of the Consular Commission to the Putumayo River and Tributaries*. Lima: CAAAP, Tierra Nueva, AECID & IWGIA, 2013. Cornejo Chaparro, Carlos, and Yllia, María Eugenia. “Perceptions, Representations and Absences: Narratives and Images of the Rubber Boom Era.” In *Imaginary and Images of the Rubber Boom Era: The Putumayo Events*, edited by Alberto Chirif and Manuel Cornejo Chaparro, Lima: CAAAP, IWGIA, UPC, 2009. Available at <https://www.caaap.org.pe/Libros/LI-BRO-IMAGINARIO-E-IMAGENES.pdf>

33. Silva & Cronkleton, *op. cit.* 2019.



the money advances, which were paid with their work, and also exploited native labor, producing a violent process of cultural change.<sup>34</sup> This process was accentuated in the 1960s with the national agrarian crisis and the further construction of roads.<sup>35</sup> The government of Fernando Belaunde (1963–1968) began the construction of the “Marginal de la Selva” highway, the most ambitious infrastructure project aimed at connecting the Northern, Central and Southern Peruvian Amazon with the Andes and the Coast. In Belaunde’s book “The Conquest of Peru by Peruvians,” the Amazon is presented as the national social and political panacea and an unexplored source of resources.<sup>36</sup> This ideology and their associated infrastructural projects accelerated the expansion of the agricultural frontier.<sup>37</sup>

This state-led colonization of the Amazon not only intended to expand extractivism. It also became a substitute for agrarian reform as pressures over lands by poor peasants in the Andes tried to be managed by promises of new lands in the jungle.<sup>38</sup> The Law of Native Communities enacted by the Revolutionary Government of Velasco in 1974 operationalized this promise by recognizing collective lands and indigenous rights for Amazonian communities under an agrarian perspective. This view was further deepened by a new Law on Native Communities in 1978. Under the productivist perspective of the new right-wing military government, this law promoted agricultural activities, forestry, fishing, and wildlife extraction. Although it still recognized the collective rights of native communities, the forest, rivers, and in general, “natural resources” were excluded from Indigenous lands as they only would belong to the nation-state sovereignty.

The evolution of laws and policies over the Amazon shows that Anthropocentrism means a hierarchy among living beings and a hierarchy among human groups. These have been colonization policies embedded in colonial imaginaries in which both the natural environment and Indigenous peoples were treated as resources. Even in the laws that started recognizing the rights of Indigenous peoples, these peoples were instrumental – as the natural environment – for the national development project and imaginary.

34. Aramburú, Cecilia. “Problems of Rural Development and Colonization in the Peruvian Amazon.” *Debates en Sociología*, no. 6 (1981): 41–70. Available at <https://doi.org/10.18800/debatesensociologia.198101.002>; Bedoya-Garland et al., *op. cit.* 2023.

35. Mora, Carlos. “Expansión de la frontera agrícola en la Amazonía peruana.” In *Colonización del bosque húmedo tropical*, edited by L. Munévar, 125–146. 1991.

36. Aramburú, *op. cit.* 1981.

37. Bedoya-Garland et al., *op. cit.* 2023.

38. Mora, *op. cit.* 1991.



# 3

## **THE AMAZON IN THE PERUVIAN LEGAL SYSTEM**

# CONTEMPORARY LEGAL FRAMEWORK FOR THE AMAZON – OVERVIEW

Since the eighties, neoliberal multiculturalism combined the recognition of limited territorial rights for Indigenous peoples, the protection of the natural environment, and market reforms that facilitated the governance of extraction on Indigenous lands. For instance, the Law of Bases for Rural Development of the Peruvian Amazon, Law 24994 of 1989, promoted Andean migration and the development of the Amazon through natural resources exploitation (articles 119 and 120).

The Political Constitution in force since 1993 highlights the sovereignty of the state over its “natural resources” (Art. 66) and proclaims the need for its “sustainable use” (Art. 67) and the promotion of conservation and protected areas (Art. 68). In this regard, the state “promotes the sustainable development of the Amazon” (Art. 69). These provisions along with the recognition of the human right to a “balanced environment” (Art. 2.22) shape a constitutional regimen known by constitutional lawyers as the “Ecological Constitution”. This group of environmental constitutional norms has served activist and indigenous organizations to claim environmental rights at the courts. However, the legal system and other constitutional provisions that highlight investors’ privileges (Article 63), property rights (Article 60), and freedom of contract (Article 62) sustain policies that oppose the goals of human rights and environmental organizations.

For instance, Law No. 27037 of 1998 sought the development of the Amazon by promoting private investment mainly in extractive and tourist activities, as well as road infrastructure works. Similarly, Law 30977 of July 2019, “the Law for the Promotion of Sustainable Amazonia”, promotes food security, bio-businesses, tourism, and environmental services. However, NGOs criticize these laws as mechanisms to legalize timber extraction, facilitate monoculture, promote bio-businesses, and allow the implementation of mega-waterways projects.<sup>39</sup>

39. Yaranga, Mirtha. “Ley de promoción de la Amazonía abriría las puertas a la depredación.” *MOCICC*, May 21, 2019. Available at <https://mocicc.org/noticias/ley-de-promocion-de-la-amazonia-fomentaria-la-depredacion/>.

Certainly, Articles 2.19 and 89 of the Constitution recognize the cultural diversity, collective property, and autonomy for peasant communities (in the Andes) and natives communities (in the Amazon). But this recognition has strong limitations. Territorial rights refer to formal settlements, excluding the forest, rivers, and “natural resources”, therefore, excluding ancestral indigenous territories. There are no explicit constitutional provisions on indigenous knowledge and the special relations Indigenous peoples hold with the natural environment. Moreover, even though state officials often refer to the categories “natives” and “peasant” communities as indigenous categories, sometimes they reject the indigenous nature of these communities to avoid applying indigenous rights recognized in international treaties ratified by the State. The problem is that the term “Indigenous Peoples” does not exist in the Constitution, and until 2011, it had no mention in legislation. The *Law on the Right to Prior Consultation of Indigenous or Native Peoples, recognized in Convention 169 of the International Labor Organization* (ILO) and published as Law No. 29785 on September 7, 2011, incorporated the category of “Indigenous Peoples” for the first time and created the database of Indigenous Peoples (51 of which are Amazonian and 4 are Andean). In this legal framework, Indigenous Peoples have no territorial boundaries; only the communities have specific land rights, and each community may belong to specific Indigenous Peoples.

Despite the limited recognition of territorial rights and Indigenous self-determination over “natural resources”, recent legislation emphasizes the relevance of indigenous knowledge for forest and environmental management and as a matter of social justice. This can support the incorporation of different perspectives on human–nature relationships.

## SEEDS OF ECOCENTRISM IN LEGISLATION

Seeds of ecocentrism can be found in different pieces of legislation that recognizes indigenous knowledge and cosmologies, as this thinking is deeply related to special forms of conceiving human-nature relationships.

Indigenous knowledge is briefly mentioned in the Law of Prior Consultation. This Law states in Article 4 that cultural differences must be recognized and respected under the Principle of Interculturality. Likewise, the regulation of this law<sup>40</sup> reaffirms that the Intercultural approach implies the *recognition of cultural diversity and the existence of different cultural perspectives, expressed in different forms of organization, systems of relationships, and worldviews* (Article 3). A law that addresses indigenous knowledge and cosmologies more directly is Law No. 29735,

40. Supreme Decree No. 001-2012-MC, published on April 3, 2012.

Law that regulates the use, preservation, development, recovery, promotion, and dissemination of indigenous languages, of June 5, 2011. Article 1.2 of this law states that all indigenous languages are the expression of collective identity and a different way of conceiving and describing reality. Likewise, Article 18 states that the State promotes research, knowledge, and recovery of indigenous languages *as a means of preserving the system of traditional knowledge and the worldview of indigenous peoples*.

The General Environmental Law, Law No. 28611, of October 15, 2005, indicates that the State recognizes, respects, registers, protects and contributes to the application of the collective ancestral knowledge, innovations, and practices since they are manifestations of traditional lifestyles consistent with the conservation of biological diversity (Article 71). The Law on the Conservation and Sustainable Use of Biological Diversity, Law No. 26839, of July 16, 1997, already specified the importance and value of the knowledge, innovations, and practices of peasant and native communities for the conservation of biological diversity and recognizes the need to protect this knowledge and establish mechanisms to promote its use with the informed consent of the communities.

The Framework Law on Climate Change, Law No. 30754, published on April 18, 2018, recognizes the participation of Indigenous peoples in the comprehensive management of climate change (Articles 11 and 17). The law states that this management must include the recovery, valorization, and use of traditional knowledge and their holistic vision of harmonious development with nature (Article 3). The Regulation of this Law (Supreme Decree No. 013-2019-MINAM) defines the holistic approach as traditional knowledge, innovations, and practices, which are part of complex cultural systems where knowledge is integrated into their own mythical and historical experiences and traditions (Article 5). The regulation also establishes that one of the functions of the national authority in matters of climate change is to propose and identify priorities for scientific research in favor of adaptation and mitigation to climate change, promoting the protection and appreciation of ancestral knowledge (Article 6, Section 13; Article 71). Likewise, the Water Resources Law, Law No. 29338 of March 2009, sets as a principle for the use and integrated management of water the respect for ancestral uses by peasant and native communities (Article 32).

The Forestry and Wildlife Law, Law No. 29763 of July 22, 2011, establishes that management of the forest and its resources is carried out within the framework of recognition, respect, and appreciation of diverse cultures and worldviews (Article II, Section 5). Likewise, Article 78 states that national and regional forest and wildlife authorities recognize indigenous conceptions of the forest and respect their traditional knowledge about the use and management of forests and wildlife. The Regulation for Forest Management mentions that traditional uses arise from the relationship that Indigenous peoples have with lands, forests, water, and other natural resources (Supreme Decree No. 018-2015-MINAGRI, Article 5.68).

In sum, indigenous knowledge and its contribution to sustainability is broadly recognized in sectoral legislation, offering legal grounds to develop ecocentric approaches based on Indigenous worldviews. However, it is not clear how indigenous rights to cultural diversity, knowledge, and in general self-determination might be translated into “rights of nature”. Next section discusses the efforts of environmental activists and indigenous organizations to implement these rights in Peru.

# LEGAL APPLICATION OF RIGHTS OF NATURE IN/TO THE AMAZON

The first jurisdictional decision that tackled ecocentrism was the Constitutional Tribunal decision 322/2023 of July 2023. The villagers of a poor settlement in the province of Maynas, Department of Loreto, filed a constitutional injunction against the Regional, Provincial, and Municipal governments and regional health authorities for not addressing the contamination of water sources by wastewater and solid waste in the area, which affected the provision of drinking water. The Court declared the “unconstitutional state of affairs” regarding the lack of access to drinking water in Loreto.

For the Court, the anthropocentric perspective of the Constitution incorporated in Article 1 (“human being and its dignity is the supreme good of the state and society”) must be reinterpreted along with the group of norms called the “Ecological Constitution” (see section 3.1). In this regard, Article 2.22 of the Constitution, which contains the right to “enjoy a balanced environment appropriate for development” is interpreted along the constitutional protection of biodiversity, protected areas, and the Amazon rainforest, whose protection “have different grounds not all of them exclusively dependent on human needs and interests” (Paragraph 41). The Tribunal also adds as a complementary argument the right to cultural identity and cultural plurality (Art 2.19, 17, 89).

The Court finally ruled that the lack of guarantee of adequate and balanced environmental conditions affects human rights and the state’s obligation to provide drinking water as a public service. Although it refers to the value of nature itself, the key argument of this decision was that water must be protected according to its usefulness for human beings. Nonetheless, this was the first time that a Court of Justice developed the notion of ecocentrism as a legal approach to address environmental issues, and as such, it has influenced subsequent decisions.

## RULING ON THE “RUN RUN” FOX CASE

The High Court of Justice of Lima enacted a ruling in June 2024 on the case of “Run Run”, a fox found in a poor village in the city of Lima. An environmental NGO filed a constitutional injunction against the National Service of Forestry and Wildlife (SERFOR) for having transferred Run Run to the National Zoo and keeping it in captivity. The plaintiffs asked to reintroduce Run Run to its natural habitat.

Influenced by developments on the ecocentric approach by the Colombian Constitutional Court and interpreting the “Ecological Constitution” in light of the Convention of Biological Diversity, the Court argues that animals must not be protected only from the perspective of human needs, but their legal protection should rely “on the intrinsic value of the specimen as part of a harmonic whole... The law protects nature and the organism or members that are part of it, for example, a wild animal such as Run Run” (Paragraph 19). This argument also relied on Article 3 of the Peruvian Constitution, which allows the recognition of new rights according to the development of society. The Tribunal also considered the relationship between Indigenous peoples and the protection of the environment in instrumental terms: “This Court considers the evident connection between territories, nature, and Indigenous peoples since the protection of Indigenous peoples’ rights contributes to the defense of nature” (Paragraph 17).

This ruling urged the adoption of new ways of seeing animals, banishing the idea of human superiority over them or nature. This position is based on the fact that nature, by being the basis that allows the development of other elements, such as the human person, animals, and forests, deserves to be cared for as a subject of law. An essential aspect of the decision was the analysis of the conditions of Run Run’s captivity in the national zoo because rather than seeking animal welfare, this action only satisfied anthropocentrism. Although the protection of animal health also contributes to environmental and public health, the establishment of protocols to reinsert wild animals into their natural habitats is based on the idea of their intrinsic value and rights.

## MARAÑÓN RIVER CASE

In Loreto, in the northern Peruvian Amazon, the Kukama People have ancestrally lived on the banks of the Marañón, Tigre, Urituyacu, Ucayali, and Huallaga rivers. They are organized into 307 communities and

protect more than 4 million hectares of forest.<sup>41</sup> They are skilled fishermen, and hunters settled ancestrally on the banks of the rivers, which are very important in their cosmologies and mythological origins.<sup>42</sup> The Kukama worldview is essential to understanding the impact of constant threats to rivers and nature, such as heavy metal pollution, infrastructure projects, oil spills, and other actions that affect the health of rivers. In fact, pollution in the Marañón River has been denounced for decades.<sup>43</sup> Indigenous organizations and NGOs have made complaints against the northern Peruvian oil pipeline, managed by the state company Petroperu, which is responsible for more than 60 ecological disasters caused by lack of maintenance and deficiencies in environmental management.<sup>44</sup> An evaluation carried out in 2013 by the Ministry of Health found that Kukama children had arsenic, zinc, cadmium, mercury, and lead in their blood up to 10 times more than international health parameters.<sup>45</sup>

The Kukama women belonging to the Huaynakana Kamatahuara Kana Federation filed a constitutional injunction on September 8, 2021, against Petroperu, the National Water Authority, the Ministry of the Environment, the Regional Government of Loreto, and other public entities due to the constant oil spills from the North Oil Pipeline. They requested, among others, that the Marañón River and its tributaries be declared subjects of law, given their spiritual value for the Kukama People, following articles 2.19 (right to ethnic and cultural identity) and 89 (autonomy of native communities) of the Constitution and international instruments. NGOs such as Earth Law Center and universities supported the claim as *amicus curiae*. In contrast, public authorities argued that the recognition of the Marañón River as a subject of rights is incompatible with the anthropocentric approach of the legal system since no norm recognizes nature as such and, in addition, the supreme goal of the State is the defense of the human person and respect for his dignity.

In March 2024, the Judge of Nauta, Loreto, ruled in favor of the plaintiff based on the Constitutional Court decision on contaminated water in Loreto of 2023 and the interpretation of the Ecological Constitution.<sup>46</sup> It also heavily relied on international jurisprudence and standards from the Inter-American System of Human Rights. In addition, the decision also established a link between the protection of nature and cultural identity and plurality (Art. 2.19 of the Constitution). The Nauta Judge acknowledges that the Peruvian constitution and the legal framework did not directly recognize nature rights. Nonetheless, in his view, different international instruments ratified by the state and the

41. WWF. 2023. *Kukama Kukamiria Indigenous People Committed to Rescuing the Paiche*. World Wildlife Fund, April 5. <https://www.worldwildlife.org/describe-wwf/historias/indigenas-kukama-kukamiria-comprometidos-con-el-rescate-del-paiche>

42. Tello Imaina, Leonardo. 2024. *The River: A Being with Rights*. Ojo Público, August 18. <https://ojo-publico.com/5272/el-río-un-ser-derechos>; Jabel, S. 2024. *The Indigenous Women Who Sued the Peruvian State to Protect Their River*. El País, February 5. <https://elpais.com/america-futura/2024-02-06/las-indigenas-que-demandaron-al-estado-peruano-para-que-proteja-a-su-río.html>

43. Valverde, Eliana. 2024. *The Victory of the Marañón River: The River as a Rights-Holding Entity*. *The Green Side of Pink*, May 15. <https://www.thegreensideofpink.com/sociedad/2024/la-victoria-del-río-maranon/?lang=es>

44. Valverde, 2024. *Ibid*.

45. PUINAMUDT. 2014. *Environmental Reports Show High Levels of Pollution in the Marañón River and Pacaya Samiria Reserve*. Northern Amazon Oil Observatory, January 23. <https://observatoriopetrolero.org/informes-ambientales-muestran-altos-niveles-de-contaminacion-en-el-río-maranon-y-la-rn-pacaya-samiria/>

46. Ruling of March 2024, Nauta Court. Available: <https://img.lpderecho.pe/wp-content/uploads/2024/03/Expediente-00010-2022-0-1901-LPDerecho.pdf>

Peruvian Constitutional Court jurisprudence complement the traditional content of the right to the environment, adding an ecocentric dimension. This results in considering the intrinsic value of natural beings.

In particular, the decision relies on arguments 40-41 of the Constitutional Court Decision 322/2023, which states that the Ecological Constitution is not limited to protecting nature and its elements only for satisfying human needs and interests, but it also includes biocentric and eco-centric dimensions, where the human being must co-exist in equilibrium and harmony with nature. It also relies on the jurisprudence of the InterAmerican Court of Human Rights,<sup>47</sup> which recognizes the intrinsic value of nature as a dimension that must be considered in the interpretation and application of the right to a healthy environment. The Nauta Judge also appeals to international environmental law. In particular, the Kunming Biodiversity Framework under the Convention on Biological Diversity,<sup>48</sup> which establishes the need to integrate the multiple values of biodiversity and introduce the rights of nature as a value that must be incorporated in decision-making to protect and improve biodiversity. For the Judge, these international instruments and frameworks urge to reform the national legal system and to interpret current laws towards a change of paradigm.

47. Inter-American Court of Human Rights, Advisory Opinion requested by the Republic of Colombia, OC-23/17, November 15, 2017.

48. Kunming-Montreal Global Biodiversity Framework. Decision CBD/COP/DEC/15/4. December 19, 2022. Conference of the Parties to the Convention on Biological Diversity. 15th Meeting – Part II.

The ruling protects the constitutional rights claimed by the Kukama women to live in a healthy environment by mandating the state to take action and formulate policies to protect and conserve the Marañón River as a holder of rights. The Judge declares that the state must legally protect it “for being an essential part of the fundamental rights of all human beings and our future generations... by being life, health, and representing one of our basic necessities... human dignity is connected and determined significantly by the environment and ecosystems”. For the Judge, even though the judiciary cannot formalize in legislative form rights to the Marañón River, it can mandate the state to “recognize the intrinsic value of the Marañón River and adopt a precautionary protection for the prevention and conservation of the river and affluents by being an essential element for the functioning of ecosystems and the subsistence of native communities... and future generations...”. The judge, moreover, emphasizes that the river has rights to fluid freed from pollution, to provide a healthy environment, to feed and be fed by its affluents, to native biodiversity, to be repaired, to the regeneration of its natural cycles, right to the conservation of its ecological functions, and rights to be represented.

Concerning Indigenous peoples, the decision mandates the State to provide effective protection that takes into account their economic and social characteristics, their situation of special vulnerability, their customary law, values, uses and customs, and culture, including “the strong spiritual relationship with the ancestral territory that they have traditionally used and occupied because rivers are a source of subsistence, they are also a necessary source for the continuity of life and the cultural identity of their Kukama members”. Considering the right of the cultural identity of Indigenous peoples, the Judge appointed state officials from the Ministry of Environment, Ministry of Agriculture, and the Water Authority, officials from the Regional Government of Loreto, and indigenous organizations as guardians, defenders, and representatives of the Marañón river and affluents, to guarantee effective participation in decision-making. For this aim, it ordered the Regional Government to coordinate with the National Authority of Water to create the Council of the Marañón Basin with the participation of the indigenous guardians.

The High Court of Loreto ratified this decision in October 2024. For the Court, recognizing rivers’ rights is not “inviolate” as this recognition is “a necessary alternative to achieve proper protection”. The Court only emphasizes that the declaration of legal personality and rights recognized in favor of the Marañón River exclusively refer to the protection, conservation, and sustainable use. It also added that the creation of a model of guardianship might be similar to the institutions of tutelage as it seeks a proper representation for the benefit of those subjects unable to claim their right by themselves.

In the judicial arena, indigenous ontologies became complementary arguments for recognizing the rights of nature. By translating these ontologies into the language of rights and legal procedures, judges assign to indigenous organizations the role of “nature guardians.” This means they can be legal representatives of rivers before courts of justice, and they can be managers of rivers along with state authorities in administrative councils.

# SOCIAL PRACTICES AND MOBILIZATION OF ECOCENTRIC NORMATIVITY/ION IN THE AMAZON

Indigenous and environmental activism for incorporating the rights of nature in law-making processes began in the South of the country, in the department of Puno. Puno has large Indigenous populations in Quechua communities in the northern area and Aymara communities in the Southern of the region, at the Bolivian frontier. These communities and environmental organizations constantly raise their concerns about increasing contamination of the hydric systems of rivers and basins that feed the world's highest lake, Titicaca. This contamination has mainly been produced by the dumping of tailings and sewage from mining companies. In April 2025, the Puno Regional Council unanimously approved a draft ordinance declaring Lake Titicaca a subject of law. The ordinance draft is currently pending ratification by the Regional Governor of Puno to have legal effects.

There has been a long road towards having the Titicaca lake's rights recognized by sub-national laws. A key actor in the process of putting the right of nature on the regional agenda has been the local NGO "Andean Project of Peasant Technologies" (PRATEC),<sup>49</sup> which has worked with Andean Indigenous Peoples since the eighties to collect and diffuse ancestral techniques of agriculture and Indigenous ways forms of biodiversity conservation. Since 2019, PRATEC has been implementing the "Peru-Bolivia Andean Regional Project" (PRA), whose axes include promoting ancestral knowledge on water and biodiversity and promoting earth jurisprudence.<sup>50</sup>

In 2019, PRATEC summoned different indigenous and environmental organizations, peasant federations, social organizations, communities affected by mining, youth and infant organizations, and others who shared their concern and deep respect for nature. They discussed the ways to legally recognize Titicaca Lake and its affluent rivers as subjects of rights and presented different projects of ordinances to provincial and regional authorities.<sup>51</sup> PRATEC and other organizations from other parts

49. See the website: <https://pratec.org/wpress/>

50. On the notion of Earth Jurisprudence: T. Berry, *The Great Work: Our Way into the Future* (New York: Bell Tower, 1999); M. Maloney and P. Burdon (eds.), *Wild Law – In Practice* (London: Routledge, 2014).

51. PRA. "Proponen declarar las aguas del lago Titicaca y sus afluentes como sujetos de derechos." *PRA Blog*, July 19, 2019. Available at <https://pratec.org/prablog/2019/07/19/proponen-declarar-las-aguas-del-lago-titicaca-y-sus-afluentes-como-sujetos-de-derechos/>,

of the country participated in the first workshop on Earth Jurisprudence in 2020 to share experiences in the efforts to promote ordinances to protect basins, rivers, and lakes in Puno, Ayacucho, and Lima. In this event also participated Congresswoman, activist, and poet, Rocio Silva Santisteban, who also was a member of the International Tribunal of the Rights of Nature.<sup>52</sup> State authorities from the Water National Authority were also part of the dialogue.<sup>53</sup>

The head of PRATEC, Grimaldo Rengifo, argues that his activist efforts are inspired by deep-ecology thinker Thomas Berry and his principles of Earth Jurisprudence.<sup>54</sup> Deep ecology perspectives, however, propose grounding legality on natural and universal principles, which might be odd to indigenous worldviews embedded in their sociocultural realities.<sup>55</sup> Acknowledging these tensions, Grimaldo aims at reinventing Berry's thinking by approaching it from Andean Indigenous perspectives. In this way, nature and human beings are not only part of a material universe ruled by natural laws. Nature-human relationships also embody socio-cultural relationships of kin and spirituality that sustain ancestral myths and knowledge.<sup>56</sup>

Therefore, the agency of Indigenous Peoples has been crucial in the process of enacting local ordinances that recognize the rights of rivers. The first ordinance was enacted in September 2019 by the Provincial Government of Melgar, Puno. Ordinance No. 118-2019-CM-MPM/A recognized the Llallimayo River basin as a subject of rights. This ordinance arises from the need to protect the river from mining tailings that affect the biodiversity of the area, as well as citizens' lives. As part of the arguments to grant rights to nature, the ordinance highlights the experiences of Colombia, Ecuador, Bolivia, and New Zealand as "eco-centric legal frameworks". It also states that this right not only derives from the obligation of the state to protect the environment but mainly from the recognition of a right to living in a healthy environment under the Indigenous principles of *Sumak Kawsay* (or Good Living), which is being increasingly used by Indigenous peoples from the Andes and the Amazon.<sup>57</sup> In this regard, the rights of nature would be based on an ethical principle of "harmony with ecosystems, which is the missing element in the environmental legislation".<sup>58</sup> Nonetheless, the ordinance states that granting rights to nature does not imply a prohibition on the use of environmental resources but rather its sustainable management.

The second ordinance was enacted by the local government of Orurillo from the Province of Melgar. Municipal Ordinance No. 006-2019-MDO/A of December 2019 also recognizes water as a subject of rights within its

52. The International Rights of Nature Tribunal is a "citizen tribunal", fostered by the Global Alliance for the Rights of Nature (the Alliance), a network of organizations and individuals committed to the universal adoption and implementation of legal systems that recognize, respect and enforce the rights of nature. This 'People's Tribunal', constituted by its statute in December 2015, investigates, tries and decides cases involving alleged violations of the Universal Declaration of the Rights of Mother Earth of 2010. Although the Tribunal's decisions are not formally part of international law, its decisions could have performative significance for promoting rights of nature. See: <https://www.rightsofnaturetribunal.org/?lang=es>

53. PRA. "Presentan avances de ordenanzas municipales para declarar a la naturaleza sujeto de derechos." *PRA Blog*, March 12, 2020. Available at <https://pratec.org/prablog/2020/03/12/presentan-avances-de-ordenanzas-municipales-para-declarar-a-la-naturaleza-sujeto-de-derechos/>.

54. *Ibid.*

55. Merino, Roger. "Law and Politics of the Human/Nature: Exploring the Foundations and Institutions of the 'Rights of Nature.'" In *Locating Nature: Making and Unmaking International Law*, edited by Usha Natarajan and Julia Dehm, 307–331. Chapter, Cambridge: Cambridge University Press, 2022.

56. PRA, *op. cit.*, 2020.

57. Merino, Roger. "Buen vivir and the Making of Indigenous Territories in the Peruvian Amazon". *Latin American Perspectives*, 48(3), (2021):136–151, <https://doi.org/10.1177/0094582X211004896>; Merino, Roger. "An alternative to 'alternative development'?: Buen vivir and human development in Andean countries". *Oxford Development Studies*, 44(3), (2016):271–286. <https://doi.org/10.1080/13600818.2016.1144733>

58. Provincial Government of Melgar, Puno. Ordinance No. 118-2019-CM-MPM/A.

jurisdiction. This ordinance also invokes the ancestral principle of Sumak Kawsay. The norm also relies on Articles 2.19 and 89 of the Constitution, which recognize the cultural diversity and legal personality of peasant and native communities. Following Indigenous visions of progress and growth in plenitude and balance with nature, the ordinance recognizes lakes and rivers as rights holders and states that the legal recognition of mother water in all its forms is compatible with the exercise of the right to cultural identity.<sup>59</sup>

With similar arguments, in August 2021, Municipal Ordinance No. 05-2021-MDO/A, of the District Municipality of Ocuvi (Lampa, Puno) recognized mother water and all its expressions, such as Puquios, streams, springs, rivers, lagoons, and lakes, as living beings and holders of rights within its jurisdiction. This norm is based on the protection of the right to cultural identity of current and future generations, recognizing that water is fundamental to life and that its connection with the human being is intrinsic, according to the Indigenous worldview. In fact, the ordinance states that it seeks to strengthen and revitalize the Andean worldview on Mother Water, cultural practices, and networks of social relations around water as a strategy of resilience to climate change and the voracity of Western culture. Mother Water or Yakumama in the worldview of the Indigenous peoples of Puno, is characterized by a strong spirit in favor of environmental sustainability. In this regard, human-nature relationships are sacred, especially with the earth, water, sun, and wind, which are not only sources of life but also a factor of unity and identity.<sup>60</sup>

The enacting of river rights ordinances is marked by the strong involvement of indigenous activists but also by the convergence of different kinds of social organizations. All agree in granting rights to natural beings grounded on indigenous perspectives and cultural identity. However, communal authorities and activists agree that the main challenge is going beyond rhetoric and achieving compliance and strong protection of water sources.<sup>61</sup>

59. Local government of Orurillo. Municipal Ordinance No. 006-2019-MDO/A of December 2019. Available: <https://faolex.fao.org/docs/pdf/per230330.pdf>

60. PRA. "Puno: Municipalidad de Ocuvi reconoce a la Madre Agua como sujeto de derechos dentro de la jurisdicción." *PRA Blog*, September 6, 2021. Available at <https://pratec.org/prablog/2021/09/06/puno-municipalidad-de-ocuviri-declara-las-aguas-del-distrito-como-sujetos-de-derecho/>, last accessed June 10, 2025.

61. Ruiz Molleda, Juan Carlos, and Quispe Calsín, César Félix. 2021. *Two Municipalities in Puno Recognize Rivers as Legal Persons for the First Time in Peru*. Instituto de Defensa Legal (IDL), February 24. <https://www.idl.org.pe/dos-municipios-de-puno-reconocen-por-primera-vez-a-los-rios-como-sujeto-de-derecho-en-el-peru/>, PRA, op. cit., 2021.

# ECOCENTRIC NORMATIVITY BEYOND/AGAINST RIGHTS OF NATURE

Amazonian Indigenous Peoples embody political, cultural, social, and spiritual relationships with the natural environment. These ontologies are based on ancestral practices over rivers and forests that have implied the balanced transformation of the Amazonian landscape, the socio-economic development of ethnic groups, and the consolidation and diffusion of a rich body of cultures, languages, and knowledge that has sustained the foundational origins of sovereign Indigenous Nations. Colonial and post-colonial anthropocentric policies, based on racism and extraction, attempted to erase indigenous political ontologies. Even with the formal recognition of indigenous rights, autonomy, and knowledge in the XX century, those provisions have co-existed with extractive policies and mega-infrastructures that reinforce anthropocentrism in the Amazon.

Indigenous relationships with the natural environment, nonetheless, have survived. They are expressed in different ways, and today, Indigenous peoples and organizations struggle for their proper recognition.

The struggle of indigenous organizations and activists to recognize the “rights of nature” in municipal ordinances represents a bounded form of indigenous ontologies. These legal norms heavily rely on indigenous principles and knowledge and try to express their complex perspective on water beings. They also recognize the cultural and socio-economic dimension of protecting water basins and rivers. However, they miss the political dimension. The protection of hydric systems relies on requesting state offices to further regulate and monitor water contamination and incorporating Indigenous peoples into management committees. The main concern is made indigenous persons “water managers,” but this is made within a legal and political system embedded in extractive dynamics.

The rights of nature at the judiciary could be considered as a strategic form of defending indigenous ontologies. The legal ground of the rights of nature here is mostly based on constitutional norms that shape the “Ecological Constitution” and deep ecology abstract discourses in which “nature has a value in itself”. Judges discourses and their legal arguments appeal to indigenous knowledge and culture as complementary elements to sustain the rights of nature. As a consequence, Indigenous peoples are conceived as legal representatives of nature and as legal managers, along with state authorities in administrative commissions. The main goal is establishing rules for water protection and biodiversity conservation.

Despite the different worldview that sustains this form of rights of nature – Western constitutionalism and conservation – and its obvious institutional limitations, Indigenous peoples continue to claim the rights of nature in the judiciary as a strategy to advance more comprehensive perspectives.

As we will show in the next section, another form of struggle relies on artistic expressions and represents unbounded forms of indigenous ontologies. Indigenous paintings show the complexity of human-nature relationships and ecocentric cosmovisions. In this perspective, nature is both materiality, a crucial source of food and survival, and spirituality, the center of foundational myths. Nature is also the foundation of indigenous sovereignty, as the forest and rivers granted the peoples the possibility of existence and growth. At the same time, nature is the space where sovereignty is exerted as these peoples constantly transform ecosystems and landscapes. Ultimately, nature is humanized; this means that several nature beings have agency; they embody humanity as they are ancestors and relatives of human beings.

# VISUAL REPRESENTATION OF LAW AND ECOCENTRIC NORMATIVITY IN THE AMAZON

Over the past three decades, the works of Indigenous Amazonian artists have gained a prominent place in the contemporary art scene, bringing their ecocentric knowledge and ontologies to national and international biennials, festivals, museums, and art galleries. As international artists, their art has become platforms to express ecologies, worldviews, rituals, animals, and plants, reflecting the deep and ancient relationships of Indigenous peoples with the territory and its biodiversity. This great display of innovative languages and themes has not only renewed artistic circuits but has also positioned Amazonian aesthetics, historically displaced, as places of enunciation of their political identities. The topics represented often reflect the deep understanding of the diversity of ecosystems and logic that have sustained, for millennia, the relationships between human and non-more-than-human beings in the forest, as well as the ecological dynamics that have made possible the existence of different forms of life in the Amazon.<sup>62</sup>

This opening, however, is recent. The aesthetic diversity of Amazonian artists was misunderstood, stigmatized, and undervalued by official cultural institutions and officials. Its acceptance occurred gradually from the mid-1990s thanks to the efforts of cultural promoters and the artists themselves.<sup>63</sup> Thus, the most innovative and versatile paintings up to that time by Amazonian creators were produced at the Andean Rural History Seminar of the National University of San Marcos.<sup>64</sup> This initiative made known pioneers painters, such as Robert Rengifo Chonomeni (1967-2019) and Víctor Churay Roque or *Iva Wajyamú* (1972-2002), representatives of the art of the Shipibo-Konibo and Bora peoples respectively. They were joined by Elena Valera or *Bawan Jisbe* and Lastenia Canayo García or *Pecon Quena*, initiators of contemporary Shipibo-Konibo art in Lima, along with Roldán Pinedo or *Shöyan Sheca*. The works of the Asháninka teacher and researcher Enrique Casanto Shingari and the Kukama painter, Pablo Taricuarima, also became popular. Their paintings achieved unprecedented visibility in Lima during the first decades of the 21<sup>st</sup> century. They attracted the attention of Lima artists, gallery owners, anthropologists, historians, and

62. One of the co-authors of this Amazonography, María Eugenia Yllia, began her research in 2003, dedicating a solo exhibition in homage to Bora artist Víctor Churay Roque (1972-2002) at the Visual Arts Gallery of Ricardo Palma University. Since then, she has engaged in a process of co-learning with artists from various Indigenous communities, collaboratively exploring themes such as gender, structural violence, extractivism, migration, among others. These ongoing dialogues have resulted in multiple exhibitions that address these issues through intercultural and critical perspectives. Some of the exhibitions can be seen at these links:

<https://ecoexpo.ces.uc.pt/es/curadorial/>; <https://caaap.org.pe/producto/de-la-maloca-a-la-galeria-esteticas-y-contranarrativas-visuales-en-la-obra-de-victor-churay-roque-pintor-bora/>; <https://caaap.org.pe/producto/imagenario-e-imagenes-de-la-epoca-del-caucho/>; <https://caaap.org.pe/producto/puedo-caminar-puedo-volar-artistas-amazonicas-contemporaneas-y-la-defensa-del-buen-vivir/>

63. Landolt Gredna. *El Ojo que cuenta: mitos y costumbres de la Amazonía indígena ilustrados por su gente*. Iwgia, 2005. Borea, Giuliana. "Personal cartographies of a Huitoto mythology: Rember Yahuarcani and the enlarging of the Peruvian contemporary art scene". *Revista de Antropología Social dos Alunos do PPGAS-UFSCar*, 2(2), (2010) 67-87.

64. Soria, María Belén. "La Amazonía en el quehacer del Seminario de Historia Rural Andina (1977-2015)." *ISHRA, Revista del Instituto Seminario de Historia Rural Andina* 1 (2016): 101-128. Available at <https://doi.org/10.15381/ishra.v1i1.13046>; Yllia, María Eugenia. "De la maloca a la galería. La pintura sobre llanchama de los boras y huitotos de la Amazonía Peruana." *Illapa. Instituto de Investigaciones Museológicas y Artísticas Universidad Ricardo Palma* 6, no. 6 (2009): 95-107. Available at <https://revistas.urp.edu.pe/index.php/illapa/article/view/1034/933>

researchers who dedicated studies to interpreting Amazonian artistic expressions.<sup>65</sup> Through the paintings, visual repertoires represented mythical passages, stories, cultural heroes, traditional festivals and celebrations, as well as the richness of wildlife.<sup>66</sup>

One of the most emblematic artists was the painter Víctor Churay Roque, from the Bora People located in the northeastern area of the department of Loreto. Churay was a survivor of the rubber boom. He made great efforts to make known in the city of Lima the history, rituals, and ontologies of his people.<sup>67</sup> His works had the particularity of being painted on *yanchama* or the bark of the Ojé tree, traditionally used as a base for various objects.<sup>68</sup> Among his various works, *Meemeba* or Fiesta del Pijuayo stands out, in which he tells the story of the ritual that evokes the myth of how the seed of this fruit pijuayo belonging to the master of the water world *Doraime boa*, was stolen by his son-in-law, the *pucunero* man or wise hunter and later taken and cultivated on the land. The pijuayo or *Bactris gasipaes* is a native palm tree of great importance in the Amazon basin. In addition to being a substantial source of food in the diet of the Amazonian population, all parts of the plants are used by native communities and animals.<sup>69</sup> With some variations, the Pijuayo palm tree festival identifies the groups of the northwestern Amazon region (which includes territories in Colombia, Peru, and Brazil), where the Miraña, Bora, Huitoto, Andoque, Yukuna, Matapi (Arawak) Taminuka, Lituana, and Makuna (eastern Tukano) Peoples live.<sup>70</sup>

## THE FESTIVAL OF THE PIJUAYO



Figure 5. Credits: Víctor Churay Roque. *Ivan Wájjamu* (bora) *Meemeba*, the festival of the pijuayo, 1998. Natural dyes on yanchama. Private collection.

65. Yllia, María Eugenia. *Antropófagos contemporáneos: paradojas y lógicas visuales en la pintura amazónica contemporánea peruana*. In *Arte y Antropología. Estudios, encuentros y nuevos horizontes*, edited by Giuliana Borea, 387–394. Lima: Fondo Editorial PUCP, 2017. Chavarría, María C. (2011). *De la oralidad a la literacidad*. En: J.P. Chaumeil, Oscar Espinoza de Rivero & Manuel Cornejo Chaparro (comps.). *Por donde hay soplo: estudios amazónicos en los países andinos* (pp. 443–464). Lima: IFEA, CAAAP, EREA LESC.

66. See the artists' testimonials at these links: YouTube. "Testimonio 1." YouTube Video [https://www.youtube.com/watch?v=pjV7mES\\_mQk](https://www.youtube.com/watch?v=pjV7mES_mQk); CAAAP. "Videos." Centro Amazónico de Antropología y Aplicación Práctica, <https://caaap.org.pe/galerias/videos/>; YouTube. "Testimonio 2." YouTube Video, <https://www.youtube.com/watch?v=HIFkz39LGKI>.

67. Yllia, María Eugenia. *Transformación e identidad en la estética amazónica: la pintura sobre Llanchara del artista bora Víctor Churay Roque*. Tesis de licenciatura en Arte, UNMSM, Lima, 2011.

68. *Ibid.*

69. *Ibid.*

70. Ochoa, Nancy y María Eugenia Yllia, *op. cit.* 2018. (2018). Neves, Eduardo. *op. cit.* 2007.

Churay's depiction of the Pijuayo festival represents a ritual exchange between Amazonian clans, symbolized through groups of dancers wearing zoomorphic masks. These masks evoke important animals of the Peruvian Amazon, such as the white-lipped peccary (*Tayassu pecari*), the yellow-footed tortoise (*Chelonoidis denticulata*), the parrot (Psittacidae), the vulture (Cathartidae), the piranha (Serrasalminidae), the armored catfish (Loricariidae), the butterfly (Lepidoptera), the boa (*Boa constrictor*), the bat (Chiroptera), the beetle (Coleoptera), the fox (*Lycalopex*), the honeybee (*Apis mellifera*), and the worm (Annelida), among others—species that benefit from the fruit of the pijuayo palm.<sup>71</sup>

These animal beings represent not only ecologically significant species but also mythologically and relationally charged figures within Bora ontology.<sup>72</sup> At the center of the composition, a dancer is shown wearing a costume made from the inner leaves of the aguaje palm (*Mauritia flexuosa*) and a mask crafted from llanchama bark (a plant-based material). This figure offers a gift to the clan leader or the owner of the maloca (a traditional communal dwelling). This gift is typically mitayo, a term referring to meat obtained through hunting. As the ritual host, the leader reciprocates the offering with coca leaves (*Erythroxylum coca*) and tobacco (*Nicotiana tabacum*), both of which are essential plants in Bora practices of reciprocity and other Amazonian groups. Adjacent to the central scene, a group of women is depicted preparing traditional foods. Along the painting's margins, other complementary activities essential to the ritual are portrayed: harvesting manioc and pijuayo, hunting animals for the communal feast, and the artisanal production of masks through carving and painting.

Taken as a whole, Víctor Churay Roque in his painting illustrates the symbolic articulation between humans, animals, plants, and spirits within the context of Amazonian ritual practices. The work emphasizes fundamental principles such as reciprocity, relationality, and interspecies co-agency—core elements of Indigenous thought and their worldview as a web of vital exchanges.<sup>73</sup>

Indigenous cosmologies expressed in this painting illuminate archaeobotany's claims referring to the pijuayo as the only completely domesticated palm in the Amazon in the upper Madeira basin, near the border between Brazil and Bolivia. Thus, Churay's work captures how Amazonians have worked on genetic diversity for millennia<sup>74</sup> and, from a contemporary Indigenous perspective, the ritual importance of the pijuayo and its validity.<sup>75</sup> Churay's painting, therefore, allows us to glimpse that the preservation and continued use of the pijuayo respond

71. Soria, María Belén, *Los Bora y la fiesta del Pijuayo*, Museo Nacional de la Cultura Peruana, INC, Seminario de Historia Rural Andina UNMSM. (catálogo de exposición), Lima, 1998.

72. Girad, Rafael. *Indios selváticos de la Amazonía peruana*, Libro Mex Editores, México, 1958. Ochoa, Nancy. *Niimuhé. Tradición oral de los Bora de la Amazonía Peruana*, CAAAP, BCR Lima, 1999; Paredes Pando, Ó. *Los Bora Bóorá. Pueblos del Bosque Tropical*. Universidad Nacional Amazónica de Madre de Dios, Asociación Cultura y Naturaleza, Parway, Madre de Dios, 2001.

73. María Eugenia Yllia and Nancy Ochoa. (2018). "La memoria de un fruto: La Fiesta del Pijuayo". *Caravelle Cahiers du monde Hispanique et Luso-Brazilian*, (110), 87-102.

74. Neves, Eduardo. *op. cit.*, 2007.

75. Ochoa, Nancy y María Eugenia Yllia, *op. cit.* 2018.

to indigenous production systems based on the ecocentric logic, the knowledge of biological diversity, the cycles of species, the dynamics of regeneration of Amazonian ecosystems and the sustainable use of the products offered by the forest.

Another exponent who embodies this ecocentric vision was Robert Rengifo Chonomeni (Nazareth, Iparía Ucayali 1967-2019), an initiator of contemporary Shipibo-Konibo painting.<sup>76</sup> Rengifo was an experienced muralist painter, and illustrator of booklets in Pucallpa the capital and most populous city of the Ucayali department, located in the central part of the country, within the Peruvian Amazon region. Rengifo captured on canvas the *Ani Xeati*, or feast of the great libation<sup>77</sup>, the female initiation ritual celebrated in Ucayali department, one of the most important and documented of the Shipibo-Konibo People, which brings together different clans and families.

76. This riverside community was traditionally settled on the banks of the Ucayali River and its tributaries.

Currently, the Shipibo-Konibo communities are located in the departments of Ucayali, Madre de Dios, Loreto, and Huánuco.  
<https://bdpi.cultura.gob.pe/pueblos/shipibo-konibo>

77. Tournon, Jacques. *La merma mágica: Vida e historia de los Shipibo-Konibo del Ucayali*. Lima: CAAAP, 2002.

## ANI XEATI



Figure 6. Credits: Robert Rengifo. Chonomeni (Shipibo-Konibo). *Ani Xeati*. Acrylic painting on canvas, 2014. Private collection.

The *Ani Xeati* is the most important festivity of the Shipibo-Konibo People, which celebrates the transition of young women from adolescence to adulthood through various rituals. Young men also participate in tests of strength and traditional games. The scene takes place around the *Ani xobo* (the great ceremonial house), a space where guests are received and welcomed. The artwork also portrays the sacrifice of the peccary or wild pig, which is shot with an arrow by the main guest. The men wear the *tari* (traditional tunic), while the women

dress in *chitontes* (wraparound skirts) and wear crowns on their heads, dancing in rows as part of the celebration. A prominent feature is the large *mahuetá*, a ceramic vessel painted with *kené* designs,<sup>78</sup> which holds *masato*—a fermented cassava-based beverage prepared by women and central to the celebrations of many Amazonian peoples. The consumption of this drink is complemented by the use of ceramic vessels (or *mocaguas*) crafted for communal sharing and acts of reciprocity with guests.

This complex conception of the environment seems to be portrayed in the painting *Ani Xeati of the Animals* by the same painter, in which various clans of animals are represented by their owners or entities that protect them. In it, we see a toucan, a parrot, a blue and red macaw, a monkey, a tiger, a peccary, a fox, an anteater, an owl, a *sachavaca* or tapir (a kind of Amazonian cow), a hummingbird, and other anthropomorphized animals wearing *cushmas*, toasting, and sharing the party. The *cushma* or tunic is a traditional garment representative of the Arawak and Pano peoples that continues to be an element of political representation of identity and gender in many indigenous communities in the Peruvian Amazon.<sup>79</sup>

From the perspective of the ecocentric philosophies of the Shipibo-Konibo people, animals are human beings who have changed their form. This worldview has been interpreted as evidence that, for Amazonian Indigenous peoples, the world is inhabited by multiple species of subjects—human and more-than-human—each of whom understands it from their own perspective. In these cosmologies, animals are also considered human, though this condition can only be perceived by members of their own species or by shamans.<sup>80</sup>

78. The surface of the pottery is covered with geometric and curved linear designs called *kené*. More than a simple ornamental element, *kené* are the visual expression of a broader network of meanings that arise from interaction with medicinal and ritual plants. See: Morin, Françoise (1999) “Los shipibo –Konibo”. En *Guía etnográfica de la Alta Amazonía*. Vol. III. Barclay Frederica y Fernando Santos. Quito: Abya Yala, IFEA, STRI; Belaunde, Luisa Elvira (2012) “Diseños materiales e inmateriales: la patrimonialización del *kené* shipibo-konibo y de la ayahuasca en el Perú”. *Mundo Amazónico*, [S.l.], v. 3, p. 123-146, ene. 2012. ISSN 2145-5082. Available in: <<https://revistas.unal.edu.co/index.php/imanimundo/article/view/28715>>. Fecha de acceso: 16 marzo 2019

79. Del Solar, María Elena. “La *cushma* entre listas y figuraciones en el largo tiempo”. En *Arte y saber del textil*. Lima BCP. (2024) 189-209.

80. Viveiros de Castro, Eduardo. *Perspectivismo y multinaturalismo en la América indígena*. Racionalidad y Discurso Mítico, 1st ed.; De Olivos, M., Ed, (2004)191-224.

## ANI XEATI OF THE ANIMALS



Figure 7. Credits: Robert Rengifo Chonomeni (Shipibo-Konibo). Ani Xeati of the animals. Acrylic painting on canvas, 2017. Private collection.

Some anthropomorphized animals are playing instruments, others are dancing around a large boa. There are also four *mahuetas* (or ceramic jars) and *mocahuas* (ceramic vessels), which allude to the political and social role played by the fermented cassava-based beverage. The animals have unique qualities that differentiate them and, in Amazonian ontologies, they are recognized as beings whose life paths have transmitted valuable lessons about norms and codes of conduct.

## VISION OF AYAHUASCA



Figure 8. Credits: Elena Valera Bahuan Jisbe (Shipibo-Konibo) *Onin Paemerän Oina* (Vision of Ayahuasca), Acrylic painting on canvas, 2014. Private collection.

Another artist who expresses an ecocentric vision is Elena Valera, also known by her artistic name, *Bahuan Jisbe*, from the Shipibo-Konibo People, born in Pucallpa in 1968. She depicts in her work *Onin Paemerän Oina* (Vision of Ayahuasca) a *meraya* or wise Shipibo-Konibo. Through ayahuasca and tobacco, the *meraya* contacts the *chaikone* or invisible beings represented by flowers, butterflies, snakes, hummingbirds, dolphins, mermaids, and power plants.

Like many women of her people, Valera learned as a child to embroider and to make *kené*, the therapeutic and ritual knowledge of plants as well as their visual materialization through the network of geometric designs, a heritage preserved and transmitted mainly by women. Elena innovated her traditional expression by creating a new style of painting on plants and the visions of shamans. While close ties between humans and plants define relationships in the Amazon, it is women who have extensive knowledge of the fields and the species they care for with great care, as if they were their daughters or sisters.<sup>81</sup>

81. López Sánchez, José, Silvia Mesturini, and Emilia Sanabria. *Trabajar con las plantas que tienen madres: Diálogos con un onanya shipibo*. 2024. ISBN 978-84-16470-41-9. <https://halshs.archives-ouvertes.fr/halshs-04577270>

Shipibo-Konibo painting, of which Elena is a pioneer, has acquired special prominence in recent years, among other aspects due to its location in the neighborhood Cantagallo, in Lima, where the families settled there since 2000. Despite living in the city, the Shipibo-Konibo maintain their riverside settlement patterns, their forms of organization, traditional dress, and language. The Shipibo-Konibo People have renewed the cultural environment of Lima, and their colorful murals have illuminated the city, deservedly achieving national and international prestige.



Figure 9. Credit: Mural painting located on Arequipa-Lima Avenue by the Shipibo Konibo muralists of the Soi Noma Collective (Nelda Silvano, Inin Roi R.N., Ronin, Silvia Ricopa, Jamilton Ricopa, Vilma Maynas, and Salomé Buenapico). Photograph by María Eugenia Yllia 2025.

## TREE OF ABUNDANCE

In contrast to the extractive value of forests that characterizes anthropocentrism—perceived solely as resources—Brus Rubio Churay, a Murui-Bora painter from Pucaurquillo, Mariscal Castilla, Loreto, in northwestern Peru, presents the *Moniya Amena* (Tree of Abundance). In his work, he captures the image of a great tree laden with fruit and food for all animals, visualizing one of the creation myths of cosmic order, which also explains the fluvial network of the tropical rainforest.<sup>82</sup>

The story of the *Moniya Amena* has been present in the oral tradition of the Murui-Muinani peoples of the Caquetá and Putumayo rivers (Colombia and Peru) and has been compiled by various researchers.<sup>83</sup> Among Murui-Muinani wise men, it is known as the “Tree of Fruit” or the “Tree of Abundance.” The stories tell us that, after the tree fell, different fish emerged from its splinters and trunks.

Rubio reveals in his work that “all beings on earth manifest themselves in different forms, according to their nature; the earth, water, and air dance for great abundance, and the dance organized by the wise men is full of life advice and symbolism, where they celebrate abundance by sharing food with other peoples. For him, the festival recalls the values in which children and adults unite in unity, protecting and caring for the people and the family.” In the painting, the great tree is seen as a protective and nurturing mother.<sup>84</sup>

In times of climate and environmental crises, these knowledges and artistic regimes that guide indigenous ways of life and that have been systematically discredited by the modern extractivist project, have received greater attention. These works express, through art, the problems and challenges faced by Amazonian Indigenous peoples and highlight their ontologies based on their relationships with the forest, rivers, plants, animals, and other natural beings. Far from the anthropocentric capitalist logic, they are beings with agency, emotions, and the ability to communicate, and they are an irreplaceable part of a multiple and interconnected unit, essential in ecological and spiritual balances.

82. Osorio Juan Andrés. “*Rafue uai*: una revisión bibliográfica en la tradición mûrui-muina”. *Linguística y literatura* n.º 76, 2019, (2019) 192-211

83. Urbina Rangel, Fernando. 2010. *Las palabras del origen. Breve compendio de la mitología de los uitotos*. Bogotá: Ministerio de Cultura.

84. Rubio Churay, Brus. “La pintura de mi pueblo: un arte dialogante y crítico”. *Journal de la Société des américanistes*, 107(107-1), (2021) 103-110.

# OUTLOOK AND FUTURE SCENARIOS

We think that, over the next 5-10 years, rights of nature and eco-centric normativity will expand in the legal and political arena in Peru. Environmental and human rights activists and organizations will likely continue supporting indigenous communities in filing legal actions under the rights of nature framework. It is also likely that judges will respond with decisions that recognize these rights under guardianship schemes. This is the case because judges are very aware of this global trend and the legal development in neighboring countries, such as Colombia and Ecuador. Regarding political and policy-making processes, it is also likely that politicians in the Parliament and elected officials in sub-national governments engage with the discourses of the rights of nature and promote specific pieces of legislation that recognize these rights.

At the level of implementation, we think that the rights of nature risk of being treated as mere mechanisms of citizen participation in administrative decisions regarding the management of water and forest resources. This would diminish its political potential as a transformative concept that puts ecosystems at the center, questioning extractive modes of accumulation in the Amazon.

The critical factors that will shape this evolution are the success of left-wing parties and movements, the consolidation of indigenous organizations, and the commitment of conservation scientists and organizations to support this evolution. Below, three scenarios:

Weak development. Right-wing parties are successful in the polls, indigenous organizations and environmental activists are under siege by authoritarian measures, and conservation organizations and scientists are focused on promoting Western forms of conservation. As a result, the only place to struggle for the rights of nature is in the judiciary and some sub-national jurisdictions. A few decisions on the rights of nature show that the concept is still relevant, but it has no practical meaning.

Moderate development. A center or moderate party won the election. Indigenous organizations achieve a higher level of recognition and cohesion, and they interact openly with conservation organizations and scientist. Activist and Indigenous peoples not only rely on judges for advancing the rights of nature, but they also seek this development in the Parliament, and several bills are promoted with innovative forms to recognize the rights of nature. However, as the party is not hegemonic and, in general, the political economy of the country heavily relies on extractivism in the Amazon, most of the legal innovations are discursive and only limited safeguards are implemented and related to protected areas and the prohibition of mining in water sources.

Great development. Progressive forces won the election and empowered indigenous organizations and environmental activists. A new Law of the Rights of Nature is approved in the Parliament, which recognizes the relevance of granting rights to the rivers and forests and establishes specific mechanisms to represent nature at the administrative and political arenas. As a consequence of this development, mining, and oil extraction are suspended in the whole Amazon, conservation organizations promote indigenous economies through agroecology and alternative energy photovoltaic sources. Indigenous peoples have not only a voice in river management committees but also directly in the Parliament through indigenous quotas. Through specific channels in formal political processes, Indigenous peoples and conservation scientists can influence the enactment of environmental laws and the zoning of ecological areas.

As a future legal case on the rights of nature, we would address the ecological problems of oil and mining extraction in the Amazon rainforest. As a matter of fact, we would highlight the environmental impacts of industrial mining and oil operations in the Peruvian Amazon in the last five decades, the damage on the health of local communities, their livelihoods, and ecosystems. Some studies have already quantified some of the environmental costs produced by oil spills in the North Peruvian Pipeline (which crosses the Amazon rainforest) and demonstrate that these costs are far larger than the economic benefits from extraction.<sup>85</sup> As legal arguments, we would highlight the relevance of the Amazon for global sustainability and the State obligations under international law to fight climate change. The right of the Amazon rivers and forests to exist, to be remediated from mining and oil contamination, the right to regenerate their natural cycles, and the right to be represented by those who better understand Amazonian ecosystems, Indigenous communities, and conservation scientists.

85. Merino, Roger. "Círculo petrolero y derechos humanos: Oleoductos, derrames y violencia sistemática contra pueblos indígenas en Perú". *Amazon Watch: Lima*, 2024.

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