



Communitarian democracy and its legitimation by the Ecuadorian State—rethinking plurinationality

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Abstract

The 2008 Constitution defined Ecuador as plurinational and intercultural. It legitimizes different forms of participation, through the mechanisms of representative, direct, and communitarian democracy. Communitarian democracy vindicates the ancestral forms of social organization and the election of authorities through communitarian mechanisms practiced by culturally different nationalities and people. In this context, the objectives of this article are two. First, to analyze the principles and constitutive elements of communitarian democracy in Ecuador, through a study case in an indigenous community. Second, to observe that occurred in practice with the fulfillment of this constitutional mandate by the ecuatorian national state and, specifically, by the National Electoral Council (CNE). The approach of this study is from Anthropology and its intercultural reference; through participant observation and interviews with indigenous communities and electoral officials. The research presents elements that allow us to understand how the Ecuadorian State was built under monocultural criteria on the parameters of a white-mestizo and spanish-speaking identity, ignoring the cultural systems of indigenous nationalities. As a conclusion, Ecuador has not yet conceptualized or discussed sufficiently the institutionalization of communitarian democracy, beyond of the Constitution. To allow that communitarian democracy continue existing, without attacking or prohibiting it, but neither promoting it, is not recognize it.

Keywords Ecuador · Communitarian democracy · Indigenous people and nationalities · Plurinationality · Interculturality

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Introduction

Since 1986, the Confederation of Indigenous Nationalities of Ecuador (CONAIE), the main indigenous organization in the country, has led the mobilizations to make visible the demands of people and nationalities. Since the end of the nineties, the Ecuadorian indigenous movement has become a key social and political actor (García and Tuasa 2007, p. 2).

In 1990, strong mobilizations were carried out, through which indigenous and Afro-Ecuadorian people and nationalities, after 168 years of republican life and independence from the colonial system, were constitutionally recognized as part of the Ecuadorian State (CRE 1998). Later, in 2008, the country was characterized as plurinational and intercultural at a constitutional level (CRE 2008).

This characterization as plurinational and intercultural goes beyond recognizing, at the state level, the existence of multiple nationalities within Ecuadorian territory, which had already been achieved with the multicultural State in the 1998 Carta Magna. The Constitution of 2008 legitimizes the coexistence of people and nationalities indigenous that, from their cultural perceptions, under the same conditions as “mestizos,”¹ might be able to administer, to organize, or to transform the current form of the State.

Art. 1 of the 2008 Constitution defines Ecuador as plurinational and intercultural. This article rejects, in the normative sphere, the concept of a uninational (a nation, a nationality) and monocultural State (a culture), questioning the asymmetric relations between cultures, and recognizes as members of the State to culturally different nationalities and people (Altmann 2013, p. 133). Indigenous population become social actors, historical, and political entities, which have the right to exercise their identity, culture, worldview, language, social organization, etc. (Walsh 2008, p. 18).

From these elements, within the framework of the plurinational and intercultural State, the same Constitution legitimizes different ways of participation and organization of power, which can be exercised through the mechanisms of representative, direct, and communitarian democracy (CRE 2008, Art. 95). This constitutional recognition opened enormous possibilities for the generation of intercultural learning and enrichment of the Ecuadorian democratic system (CONAIE 2007, p. 14).

For the Confederation of Indigenous Nationalities of Ecuador (CONAIE) (2007)—the indigenous government in Ecuador—the Plurinational State also implies the recognition of the different ways of exercising democracy. In this context, one observes that people and nationalities have “uses and customs” for electing their leaders, and that those leaders must be considered legitimate representatives of those people and nationalities. In any case, they do not reject the system of universal

¹ “Mestizos” are people who were born from mixing between two races, in this case Spanish (white) and indigenous. However, “mestizo” became the smeared and illegitimate race of a society whose social hierarchy was headed by the Spanish. It became part of the symbolic heritage of the elites, hiding the living indigenous people who constituted the nation. Eventually, the white-mestizo became a symbol national unity in Ecuador (Ospina 1996, p. 115), the new States broke ties with European colonialism, after the independence process, but reproduced it within the new republics (Walsh 2008, p. 3).

and secret elections, but can use it in combination with their own mechanisms for nominating and removing their authorities (CONAIE 2007).

Through the daily practices of indigenous and afro-ecuadorian people and nationalities, Ecuadorian society recognized the validity of different cultural ways of living and the need of articulating democracy. These rights are encapsulated within the framework of collective rights, which include forms of coexistence, social organization, and generating and exercising authority. (Art. 57, numeral 9).

In addition to these constitutional provisions, it is crucial to ask what are the implications of communitarian democracy? Does the state in Ecuador, in practice, recognize communitarian democracy? Has any progress been made toward its effective recognition by the Electoral Function in Ecuador?

There is no information on how the State recognizes communitarian democracy beyond the Constitution, which is why the study is needed. It is imperative that plurinationality and interculturality become a part of public policies, which influence the daily lives of citizens through state actions.

According to constitutional principles, communitarian democracy is explicitly recognized, just as representative and participatory democracy are. In this context, the present research has two objectives. First to analyze the implications and connotations of communitarian democracy, through a study case. Second, to research whether the constitutional legitimization of communitarian democracy has been materialized by the Electoral Function,² how far progress has been made and what needs to be done.

This research analyzes if the CNE has concretized the legitimization of communitarian democracy. The perspective has been to assess the immense work done and the achievements made in terms of rethinking the State, and moving toward the construction of a plurinationality from the Electoral Function. The research has started from a critical view from a destabilizing Anthropology around the processes that are generated from the State, questioning the hegemonic conception of democracy in relation to the representation of multiple identities (De Sousa Santos 2004, p. 41).

The document analyses a relevant issue for Ecuador and other Latin American countries that present an important cultural diversity and population that identifies with indigenous roots in their customs and ways of life.

The focus of this study is to analyze the social and symbolic elements in this process, the concept of communitarian democracy, and the dynamics of the technical-politics within the bureaucratic sphere. As well as the vicissitudes and times of public management, the transition from norm to action in the territories, and the incoherence between the neutral and objective image of technical work and the local interests and objectives.

² The constitutional reforms of 2008 define the existence of five functions of the State, unlike the 1998 Constitution that established the classic division of the three functions of the State: Legislative, Executive, and Judicial (to which is added “and indigenous justice”), and include the Function of Transparency and Social Control and the Electoral Function (CRE 2008).

Methodology

This research is qualitative, and is carried out through the application of anthropological research methods and techniques. A case study was conducted in Salache San Jose, an indigenous community in the Cotopaxi Province of Ecuador. The research techniques used to obtain the information are as follows: a) the literature review in which the functioning of communitarian democracy is analyzed. b) Participant observation in the communitarian democracy procedures of the Salache San José Community located in Cotopaxi-Ecuador. And, c) structured and semi-structured interviews with members of the Salache San José Community, four CNE³ officials, three former officials of the National Electoral Council (CNE). And two experts on plurinationality and interculturality carried out during the research process.

In this context, participant observation—a tool that stands out in the field work of Anthropology, based on ethnography—is fundamental (Guber, 2011). From there it is possible to generate knowledge from within, and get closer to the socio-cultural complexities that we seek to understand (Shore 2010, p. 33), but also to systematize and move to the analytical plane the daily practices of the electoral function. About it, Cris Shore observe “... what people actually do, as opposed to what they say they do (which is what questionnaires, interviews and focus group meetings achieve)” (Shore 2010, p. 33).

The work presented below is divided into four parts. The introduction presents the problem, the research questions, the objectives, the methodology, and the structure of the document. In the following section, I will review the historical antecedents leading to the formation of the Ecuadorian Plurinational State, as well as the recognition of communitarian mechanisms for exercising democratic. I will also examine the relationship between both processes. After that, I will review literature about communitarian democracy and plurinational and intercultural States in Latin America. The next section discusses communitarian democracy: progress and pending issues for the Electoral Function. And finally, I expose some of the issues raised.

The recognition of communitarian democracy within the framework of the Ecuadorian Plurinational State

In relation to the Ecuadorian State and cultural diversity, it is necessary to consider two important antecedents. After independence, the republic inherits a colonialist structure of power and knowledge (Quijano, 2000, pp. 209–212). In Ecuador, the classist and racist character is colonialist in origin and continued in the republican period.

The history of Latin America is filed with incorporated logics, systems, and mechanisms that have come from outside, most of the time making their own developments invisible (Osorio 2016, p. 262). Even when it is undeniable that there are

³ The CNE is the entity in Ecuador which guarantees the exercise of political rights and the political organization of citizens.

advances in normative terms, according to Andrés Guerrero (1999), the origins of the uninational State, from which the country has been configured, under the principle of national unity. This leads a devaluation of indigenous knowledge and practices, making hard to build intercultural relationships, as can be seen in the interactions with the State that communities have at certain times, and on which I reflect below.

According to the first Constitution of 1830, being able to read and write was a requirement for becoming an Ecuadorian citizen. The 1979 Constitution abolished this requirement, replacing this with Article 12: Ecuadorians over 18 years of age are citizens. This considering that 44% of the population, and almost all indigenous people, were illiterate according to the 1950 census (PNBV 2009–2013, p. 47). As a result, indigenous people were excluded from the process of building nation states from their origins.

Historically, colonialism—a classification system based on race—has been the most effective social dominance instrument found in the last 500 years (Mignolo 2000). In essence, it ignores the cultural developments of indigenous people and nationalities in favor of examining what is practiced by Europe or its descendants (Patzí 2009, p. 24). This refers to the formal political-economic dominance of a power over other peoples, where an asymmetric and hegemonic order is established by the colonial power (Quijano 1991).

In this context, it is important to reflect that, with the independence or the formal decolonization of the colonies, their condition of being colonized did not end. There was internal colonialism (modern colonialism) in many regions that were colonized (Patzí 2009, p. 24). As a result, the coloniality of the social structure becomes possible only after colonialism is imposed on the world in the fifteenth century. Therefore, both concepts are related.

The internal colonialism is one of the reasons, which sustains the inequality, discrimination, and systematic exclusion of Ecuadorian society (Altmann 2013, p. 137). Internal colonialism is the historical legacy of a colonial system that is perpetuated in the republic that hid and denied the indigenous and from which racist constructions of knowledge were claimed (Quijano 2000, p. 204).

Ecuador's internal colonialism has contributed to indigenous people remaining the poorest population. It has continued to give greater value and legitimacy to what is produced by white-mestizo society, reproducing colonization and its systems of exploitation (Pujadas 1993, p. 8).

To understand the benefits of living in a country with multiple cultures and nationalities, starts from the understanding that none culture is perfect, all are perfectible and therefore can be improved (Altmann 2016, p. 13). In order to assess at the different cultural practices, aiming to articulate the best features of each culture (Altmann 2013, p. 135). Therefore, it requires changing the racist and colonial systems that prevent valuing and objectively valuing and understanding different cultural practices (Altmann; 2016, p. 13).

Plurinationality, as a state model, seeks to redefine the nation and the European state, building a structure based on difference (Altmann 2013, p. 136). However, changing things is always a problem, society is not willing to do it, regardless of what it is or who it contributes.

These definitions around the plurinational State imply rethinking the relationships of the human being and the construction of integral citizenship (the recognition of political, civil, and social citizenship); the organization of power and the functioning of the State; the historical particularities of its construction in the region, etc. (UNDP 2004, p. 26).

Literature review about communitarian democracy and plurinational and intercultural State in Latin America

The discussion of this paper is focused on communitarian democracy and its socio-political development in Latin America. For this reason, most of the literature reviewed has included the implementation of this communitarian form of exercising democracy in Ecuador and Bolivia. Despite this, texts about basic theory research are analyzed, to guide the discussion around the implications of the communitarian democracy, including some references to the Asian case. This allows us to be clear about the similarities and differences of this kind of democracy in different cases.

It is important to point out that the history of modernity in Latin America begins with the violent encounter with Europe (Quijano 1991), as part of which a single paradigm is established to be achieved by all societies in terms of participation politics of citizenship and of the values attributed to democracy, as unique and universal. Modernity cannot be understood without coloniality, and this in turn cannot be understood without modernity, since the last stage of the civilizational process consisted of a massive subalternization [of subalternity] of cultures (Mignolo 1996).

The center of attention and practice in the past two centuries has been in the liberal democracy, around individual autonomy and popular sovereignty. However, nowadays, the search for democracy has included other discussions such as a pluralistic democracy (Gabardi 2002, p. 558). This implies a challenge to understand theories and describe democracy based on the changes of the modern times and the political situation of the contemporary world (Gabardi 2002).

In this context, Latin America has a particular situation that needs to be considered. Late in 80 s, most of the countries in the region concluded their democratization processes, adopting democracy as a political regime (Quiroga 2000, p. 362). Although each country has its own history, each one is marked by high percentages of poor populations, unequal access to the power, concentration of wealth and a citizens that, depending on their socioeconomic status, have different opportunities (Quiroga 2000, p. 367).

These social and economic inequalities are even more marked in the indigenous population, with its direct consequence in the levels of political participation, which clearly shows that the State has made a difference in the citizenship of this people (Sánchez and Freidenberg 2009, pp. 3–4). In such circumstances, Latin American democracies have had serious difficulties integrating all citizens equally and, therefore, have a long way to go to achieve an ideal democracy (Quiroga 2000, p. 367).

It is important to look critically at the place that democracy currently occupies in the political field of the twenty-first century, its structural significance in developing

countries or countries of the South, as well as the forms of democracy and their variations (De Sousa Santos 2004, pp. 33–34).

This accounts to rethink, within the framework of a globalized world, the problems faced by the homogenization of democratic practice and the need to return to local democracies and their diversity within nation-states. Despite the emphasis placed on representative democracy, citizens feel less and less represented by those who are elected (De Sousa Santos 2004, p. 35).

In other words, one of the problems of current democracies is the limitation to generate mechanisms that effectively promote true citizen participation or that can include new ways of understanding democracy. This implies different formulas that allow rethinking traditional perspectives of conceiving and exercising democracy, based on the needs of today's world and the diversity of citizens, whose recognition has been achieved through the struggle of social movements.

Wayne Gabardi (2002, p. 548) has described three theories of practical approach, not in a theoretical manner, of democracy that prevail in the modern world: agonistic democracy, deliberative democracy, and communitarian democracy. The deliberative democracy is based on the individual and free interests of ordinary citizens, who appear in the public sphere.

The public sphere is the place where plural civil society and the State (formal government) interrelate. In this space, public opinions are formed (instead of communities). It is made up of social movements, media, etc., where citizens express their opinions, demands, and make public speeches and must represent for the greater common interest (Gabardi 2002, p. 560). However, there are a series of rules that make it demanding, restrictive and coercive.

On the other hand, communitarian democracy is based on the collective over the individual. The ideology of common good is collectively accepted. The main proposal is to strengthen local governments and those closest to the territories (decentralization) over the central government (Gabardi 2002, p. 566). For Gabardi, this model is utopian because it is based on the idea of good government and the moral of the good people. It is based on a principle of cohesion and homogenization, which is considered to go against globalization and the diversity and heterogeneous nature of societies.

The postulates from which communitarian democracy is understood by Gabardi (2002), draw attention because in Latin America, indigenous people and nationalities have different principles for its practice, as I shall further explore. Contrary to what the Asian values theory proposes (Jiang 1998), in Latin America, communitarian democracy recognizes not only collective rights, but also individual rights. In other words, collective rights are specific to indigenous people, but in the region, indigenous also recognize the individual rights for all.

Communitarian democracy in Bolivia

Bolivia's experience is a clear example of the success of communitarian democracy and the possibility to build intercultural democracies that respect cultural diversity. Ecuador (2008) and Bolivia (2009) both revised their constitutions in an effort to

build plurinational and intercultural states. In this context, the communitarian does not seek to impose itself on society, but to assert itself within a civilization where liberal democracy has been imposed as the hegemonic form.

Following the enactment of the Bolivian Constitution in 2009, a number of government rules were put into place to implement the communitarian democracy:

- Law No. 031 Framework of Autonomies and Decentralization (2010), which refers to the recognition of Native Indigenous Peasant Territories (TIOC), and the way for what indigenous people are able to access to the autonomy.
- Law 018 of the Plurinational Electoral Body, and Law 026 of the Electoral Regime that recognizes and develops forms for the exercise of communitarian democracy in the context of the Bolivia's Plurinational State.
- Law 1096 on Political Organizations, which regulates the mechanisms so that indigenous organizations, at subnational levels, can participate as political parties in the processes of representative democracy.

These laws define the instruments for the supervision of Native Indigenous Autonomies process (2016), rule the conformity of Native Indigenous Peasant Autonomies (AIOC), and stipulate the elements that must be observed. Between these:

- (a) The query for access to the AIOC;
- (b) The formation of the deliberative body or its equivalent;
- (c) The approval of the statute by the members of the deliberative body through its own rules and procedures; and
- (d) The formation of the AIOC government.

These secondary laws include three mechanisms to enable the State to ensure the legitimacy of communitarian democracy's processes:

- (1) The creation of Native Indigenous Peasant Autonomies, that is, indigenous self-government according to their own traditions, in accordance with the established regulations (consultation with the population regarding autonomous status, formation of deliberative councils, and approval of the autonomous statutes);
- (2) Election, nomination and designation of authorities, departmental, regional, and municipal by own rules and procedures carried out in 2010, 2015, and 2021; and
- (3) Departmental and municipal political representation through the political organizations of indigenous people, which participate as a political party in the elections.

AIOC self-government differs from representative democracy because there are no mediators (such as political parties). They change the relationship between government and citizenship (Camargo et al. 2018, p. 14). Nonetheless, they practice direct and participatory democracy through referendums, citizen legislative initiatives, revocation of mandates, and prior consultations; conjugated in turn with the election, appointment, or nomination of authorities in accordance with the norms and

procedures characteristic of indigenous people (communitarian democracy) (Mayorga, 2017). In this context, there are multiple combinations between communitarian democracy and direct and participatory democracy, which provide tools to reflect on intercultural democracy (Camargo et al. 2018, p. 14).

In Bolivia, this interaction of different democracies has been conceptualized as intercultural democracy. There has been work on the normative, institutional, and cultural elements to generate articulations and joint meanings from the mechanisms and logics of these different forms of democracy (FES and FNJ 2019, p. 5).

Bolivia recognizes the authorities, norms, and procedures by which the nations and Peasant Native Indigenous people exercise their political rights within the framework of communitarian democracy. But, also, it has been possible by a relationship of complementarity with other forms of democracy; participative and representative, for example (Law No. 026 of the Electoral Regime, Art. 91).

Reviewing the concept of community democracy

Taking this into account, communitarian democracy is a mechanism through which people and nationalities exercise their political rights in accordance with their cultural norms and procedures, in a way that complements with other forms of direct and representative democracy (CNE and IDD 2014, p. 1).

According to Rivas, it is the system for appointing authorities and making decisions in indigenous communities, where the administration is based on customs and traditions, not on the rules of liberal democracy (Rivas 2014, p. 12). As already mentioned, this ancestral practice, like representative and direct democracy, is recognized by the Constitution as a forum for citizen participation (CRE 2008, Art. 95).

According to Ceceña (2008) cited by Orrego (2019, p. 233), communitarian democracy is the form of political participation of communities expressed through self-government and autonomy, where the community is the highest instance of decision-making. Through the mechanisms of communitarian democracy, the collective rights of indigenous nationalities and people are exercised, according to their own forms of coexistence and social organization, generation and exercise of authority, practiced ancestrally and guaranteed in the Constitution (CRE 2008, Art. 95, 56, 57, 58 and 59).

It is a way of managing social organization and coexistence collectively, including self-government and self-determination, decision-making to meet community needs, the exercise of authority, the resolution of conflicts, the use and management of natural resources, etc., defined at a collective level and practiced ancestrally (Mayorga, 2013). This mechanism is applied in different instances of community organization: in the administration of indigenous justice, festivities, the organization of collective work, etc. (FES and FNJ 2019, p. 11; Vargas Delgado 2014).

Here, I must add an intrinsic characteristic. Llasag et al. (2012) have referred, this community management of democracy is a mechanism that follows cultural dynamics, which are not static and are in permanent movement and transformation. Therefore, communitarian democracies have specific characteristics in direct relation with practices, logics, norms and mechanisms of each indigenous nationalities.

In other words, the concept itself claims the existence of multiple communitarian democracies, a plurality of options based on the cultural characteristics of each town (Vargas Delgado 2014, p. 11).

Thus, communitarian democracy cannot be reduced to the election of authorities, since it refers to the exercise of indigenous collective rights, the communal way of managing social organization, its self-determination, the administration of power, decision-making, and the administration of justice (Vargas Delgado 2014, p. 4).

In a communitarian form of democracy, decisions are taken directly by the community in assemblies rather than by a representative (Torres Rangel, 2000). Hence, decision-making is not delegated; the community authority is responsible for implementing what the community has decided (Patzi 2009). While representative democracy recognizes the individual as an object of political rights, communitarian democracy is expressed through the collective subject, the base of system's social relations (Escudero Sánchez 2017, p. 30).

Around these elements, it is necessary to reflect on some questions that were derived from hegemonic democracy. First, relating to method and form, it is important to rekindle the debate that democracy does not necessarily correspond to a specific set of values or a unique form of political organization (De Sousa Santos 2004, p. 37); definition that reduces democracy to its hegemonic form centered on election (De Sousa Santos 2004, p. 38). This fact confronts two elements, if the elections "exhaust the authorization procedures by the citizens"; and on the other hand, if these procedures incorporate the representation of the differences (De Sousa Santos 2004, p. 38).

According to Weber, separating citizenship from "... the means of production, administration, academic research and finance in general is the common basis of the modern State, that is, its political, cultural and military aspects" (De Sousa Santos 2004, p. 39). It allows the State to increase its control over citizens, who in turn give up their regulatory capability, giving it to bureaucratic spheres through a substitution of sovereign mechanisms" (De Sousa Santos 2004, p. 40). It is an urgent need to think of mechanisms for making self-determination effective for indigenous populations, as stated in the Constitution.

Among other things, this means that the state must fully recognize the authorities elected by community mechanisms of democracy. In addition to this process, the electoral function intervenes by giving state guarantees of compliance with due process through observance. Guaranteeing compliance with a procedure that belongs to its own cultural logic and has been handled historically by different nationalities and people.

Reflections from the literature review

History, system of government, and constitutional recognition of communitarian democracy Bolivia's are similar to Ecuador. The study has enabled the observation of the implementation mechanisms and the way forward is to move toward the construction of intercultural democracy. On the other hand, the Asian case provided the

opportunity to evaluate the differences between communitarian democracy in relation with Ecuador and Bolivia.

From this angle, there are important lessons learned from the Bolivian case for Ecuador. Among these, the Plurinational Electoral Organ of Bolivia do not exercise any type of regulation on the process of communitarian democracy. Its role is to observe, accompany, and supervise the different assemblies of each town, which in turn allows a record of the different ways of exercising communitarian democracy. In Bolivia, this procedure, called as intercultural democracy, is regulated through the supervision of the process of Rural Native Autonomies of July 27, 2016.

This approach let to integrate diversity and reconstruct the theories of democracy within the framework of the processes of the modern world. In Latin America, there may be other mechanisms, other forms of participation, which can assist in re-configuring the concept of democracy and providing tools to strengthen it. There is no doubt that the proposal of intercultural democracy has several strengths, which have been mentioned.

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The new plurinational state, as Altmann (2016) points out, requires political will and openness to redefine the nation and the European state and building a structure based on difference. However, moving from the constitutional text to the practice entails a long road ahead.

Plurinational state faces the challenge of legitimizing communitarian democracy in this context. Ecuador still seems a long way away from an intercultural democracy, involving the interaction of several democracies, like Bolivia.

As opposed to Gabardi (2002)'s utopian model or Jiang (1998)'s elaboration of Asian values theory, this concept has a particular and concrete construction in Latin America.

In the findings of the fieldwork, and according to Orrego (2019), communitarian democracy is expressed through self-determination and autonomy, where

the community is the highest decision-maker. Coinciding with Rivas (2014), it is also the system of appointing authorities and making decisions in indigenous communities.

Like Patzi (2009), field findings confirm that, decisions are not delegated; local authorities are responsible for implementing what communities decide; in other words, decisions are taken directly by communities rather than by a representative.

According to Vargas Delgado (2014), the concept itself implies multiple communitarian democracies, a plurality of options defined by local culture. In the case study of this research, the participant observation was carried out in Salache San Jose indigenous Community (Kichwa nationality), and therefore, it is important, in the future, to continue with the study of other peoples and nationalities.

Communitarian democracy: progress and pending issues for the Electoral Function

Historically, indigenous sectors have questioned the social, political, cultural, and economic constructions carried out from a Western perspective. They propose collective rights and the conformation of plurinational states within the framework of constitutional and regulatory reforms, thus confronting the classic national-state concepts (García and Tuasa 2007, p. 2).

According to the same Ecuadorian indigenous movement, the plurinational and intercultural state not only considers the condition of the indigenous, but goes beyond a monoculture understanding of the state and therefore the way society is currently organized.

In this sense, the Electoral function is a fundamental part in the consolidation of this new model of plurinational and intercultural State, and of specifying the constitutional principles in its procedures. Furthermore, when normatively the legitimacy of communitarian democracy as a mechanism for citizen participation and power organization on the same level as representative and direct democracy is made explicit (CRE 2008, Art. 95).

The colonial State configured a single type of democracy, liberal democracy, which excluded and delegitimized all other forms of exercising democracy. CONAIE's response has been to recognize its ancestral forms of election of authorities and social organization (CONAIE 2007, p. 14). The history.

In this process, it is important to reflect on the role of state administration and bureaucratic systems, which have historically prioritized homogenizing solutions for territorial problems, from a monocultural way of understanding the world (De Sousa Santos 2004, p. 40). Knowledge of the social actors is generally ignored by the bureaucracy, and is not included in problem-solving processes (De Sousa Santos 2004, p. 40).

Ecuador's Organic Law on Electoral Organizations and Political Parties (known as the Code of Democracy), which regulates democratic rules since 2009, will not include the constitutional provisions until February 2020. There was no political will to reform this key tool for the Electoral Function for a decade.

For this, since April 2019, an interdisciplinary team had been formed with officials belonging to different areas of the National Electoral Council (CNE) and the Institute of Democracy (IDD), an entity attached to the CNE and constitutionally created to investigate, train, and carry out electoral political promotion (CRE 2008, Art. 219).

The first objective of this team was to generate a proposal for reforms to the Organic Electoral Law and Political Organizations, focusing on including recognition by the National Electoral Council regarding communitarian democracy. For this, on May 22, 2019, a workshop was convened to leaders of indigenous people and nationalities to review the consolidated work of the team, to make observations and agree on the importance of this specific reform.

This workshop legitimizes the proposal to include this specific modification to the Code of Democracy. It concluded that, for the intercultural exercise to succeed, it is not a matter of regulating democracy from a “white-mestizo” perspective. The logic of cultural diversity suggests that the mechanisms of different forms of democracy should interact in order to be exercised within the framework of a multinational state.

In February 2020, the Organic Law on Electoral and Political Organizations incorporated, for the first time, two articles (Art. 3 and 25). Both, referring to the State promoting the exercise of communitarian democracy in the communes, communities, indigenous people, and nationalities.

Direct and representative democracy have clear mechanisms and well-defined meanings for both state institutions and the population.

It is important to point out that the mechanisms and meanings of direct and representative democracy are clear and well defined for both state institutions and the population at large. With respect to communitarian democracy, indigenous people’s knowledge has been passed down from generation to generation; “mestiza” population segments have only recently begun to hear their voices.

There is still a long way to advance a real state legitimation of communitarian democracy, and therefore of an intercultural exercise of these plural democracies. In order to achieve this, the elimination of normative and institutional elements that prevent the exercise of communitarian democracy from being a process of self-government is a minimum requirement.

Communitarian democracy has been effective for the social organization of indigenous population. However, their lack of legitimacy at the state level has prevented them from being formally recognized. The result is, for example, that elected communitarian authorities, who do not have a budget, have overlapping and duplicative functions with those elected via representative democracy (Interview 4, former public official, personal communication, August 4, 2019).

However, for the National Electoral Council (CNE) (an integral part of the Electoral Function together with the Electoral Contentious Tribunal) (CRE 2008, Art. 217), the effective practice of communitarian democracy is a pending issue.

The CNE needs to understand (to clarify the principles and cultural meanings of communitarian democracy), strengthen (in the framework of the plurinational and intercultural State), and legitimize (State recognition of communitarian democracy’s decisions). That is, to be clear about the implications of communitarian democracy

and from there generate mechanisms to guarantee the constitutional mandate and the reforms made to the Electoral Law. This with the purpose to enable the transition from being ancestral practices to being part of the mechanisms of articulation and effective participation of citizens within the framework of state institutions (IDD 2014:7).

Understanding the relationship between community practices of democracy with other forms of democracy will allow the Electoral Function to guarantee the exercise of democracy and citizen participation in different communities, contexts, and cultures (CNE and IDD 2014, p. 1).

The participant observation in Salache San Jose indigenous Community allows to obtain some preliminary information for the characterization of communitarian democracy. There are different types of self-government under this form of government based on customary law.

Members of the community attend to the assembly during which decisions are made and the *cabildo*'s authorities can be elected. This means that not only are the leaders who chosen, but each of the decisions are based on agreements made in these spaces through horizontal decision-making processes. The authority is charged with executing the decisions that are made within the assemblies. A central point here is that, the authority does not make the decisions, but rather executes what was decided by the communal body during an assembly (Interview 5, member of Salache Community, personal communication, December 2019).

The participation is direct and is not delegated; therefore, for the communities, the presence of all those who make it up is fundamental in the functioning of this organizational system. This cultural form of organization does not imply that the communities are free from internal conflicts, frictions (at the generational, territorial, gender role, political level, etc.), disagreements among their members, etc., present in all social relationships. But, rather that the form of resolution of these disagreements and in general of daily life is through community forms (Interview 2, member of Salache Community, personal communication, December 2019).

The voting and election mechanism may vary and will depend on the dynamics of each community. That is, although decisions are made in an extended meeting, the way to do it: raising your hand, by secret ballot with individual "little pieces of paper," by public vote, by majority or unanimity etc., it can vary from one place to another (Interview 5, member of Salache Community, personal communication, December 2019).

For the functioning of government's council are chosen committees or leaders for different issues: gender, water, parties, farming, etc. (Interview 6, member of Salache Community, personal communication, December 2019). Although they are communitarian authorities, they are not legitimized as such by the electoral function.

This system goes beyond the traditional designation of authorities, linked to collective decisions based on traditional uses, customs, and codes that are not only used for the local level but also for regional and national spheres (Interview 5, member of Salache Community, personal communication, December 2019). Second-grade organizations (locals), third-grade organizations (province), fourth-grade organizations (regional: ECUARUNARI, CONAICE, CONFENIAE), and fifth-grade organizations (CONAIE) are also governed by communitarian democracy.

In the case of those who live in the Salcedo area, like Salache San Jose indigenous Community, they are part of the Union of Indigenous Organizations and Communes of the Canal Zone (UORCIZCA) (Interview 5, member of Salache Community, personal communication, December 2019).

UORCIZCA is affiliated to the provincial organization called Indigenous and Peasant Movement of Cotopaxi (MICC). The organizational structure of UORCIZCA works in the same way based on the general assembly of partner communes, which is the highest instance for decision-making, agreements, and resolutions, which is led by the *cabildo*, as is the case with the communities.

As a result, the population makes decisions directly in periodic assemblies, with the authority being responsible for executing what has already been decided. Sovereignty is not delegated; rather, it is directly exercised (Patzi 2009, p. 15).

The community procedures also account for the function functioning oral memory as an element of collective identities, oral traditions, and respect for the community's direct decision. These democratic forms have historically functioned at the local level for decision-making, the appointment of authorities and the administration of power based on uses, customs, and traditions. In other words, it refers to the exercise of political and collective rights by indigenous people in accordance with their local modes of coexistence, social organization, generation of authority, etc. (CRE 2008, Art. 95, 56, 57, 58 and 59).

The three forms of democracy recognized in the Constitution: representative, direct, and community can be exercised in the same hierarchical order. As one of the achievements of the reform of the Democracy Code, the CNE was tasked with promoting communitarian democracy as one of its functions (CDD, RO No. 578, 2020, Art: 25).

In this context, the State should promote communitarian democracy and adopting affirmative action to promote participation of the discriminated sectors, under its own principles (CDD, RO No. 578, 2020, Art: 3).

So, the need to make the constitutional recognition of communitarian democracy more effective should be seen from a political perspective, and actions should be taken, within the framework of a functioning democratic system, at a technical level in the CNE.

However, changing things is always a problem, society is not willing to do it, regardless of what it is about or who it contributes. The "mestizo" society has to work, overcoming racist and colonial systems that prevent it from valuing and objectively evaluating the different cultural practices, aiming for the best of each culture to be accentuated' (Altmann 2013, p. 135).

Conclusion

The conclusions are centered on the plurinational and intercultural State and the communitarian forms of democracy. Building a plurinational and intercultural State is a complex political and social process that extends the normative recognition of the existence of multiple nationalities within a territory.

To make plurinationality effective requires the articulation with intercultural processes that enable the monocultural national State to be transformed. In order to do this, it is necessary to deconstruct the unination scheme of public administration (organizational and institutional) of the modern State, designed under the influence of Western paradigms of development and democracy.

The Plurinational State has been one of the elements that has allowed to take the first steps in the formal recognition of communitarian democracy, although the road ahead is still arduous.

Communitarian democracy refers to the traditional social organization and decision-making of the indigenous population. The mechanisms of decision-making and governance in which indigenous people can participate based on their own rules and customs are even less developed.

The communitarian democracy processes have been part of customary law that exists, has occurred, and will continue existing. Assembly is a common form of deliberation and decision-making used by indigenous communities, but these decisions are rarely reflected in public policies. In general, these instruments of communitarian democracy work on a daily basis when making territorial or grassroots decisions, such as in neighborhood councils or rural community assemblies.

Despite having constitutionally recognized the legitimacy of communitarian democracy, letting it continue to exist as it has done ancestrally does not mean that the State guarantees it. Ecuador has not yet conceptualized or discussed sufficiently the institutionalization of communitarian democracy.

A dilemma for the state is whether these practices are legitimate beyond the Constitution. Because they continue existing, without attacking or prohibiting them, but neither promoting them. And there is a question: is to recognize the communitarian democracy to let that exist or is promote it?

As a result of this research, the author can conclude that the CNE has not concretized the legitimization of communitarian democracy. Although the immense work done and the achievements made in terms of rethinking the State, and moving toward the construction of a plurinationality from the Electoral Function, in the daily practice of the State the communitarian democracy has not yet been legitimized.

On the other hand, the CNE based on the knowledge about the functioning of this communitarian democratic systems should allow working around a more substantive democracy. From where the political participation of various sectors becomes operational, thus generating conditions for the right to interculturality in the Electoral Function.

Understanding the relationship between communitarian practices and other forms of democracy will allow the Electoral Function to guarantee the exercise of citizen participation and the strengthening and promotion of democracy in Ecuador, guaranteeing the political rights of different communities, contexts, and cultures.

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Declarations

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