

Project Summary

A Multifaceted Examination of the Application of Ethnoracial Law for Afrodescendants in Contemporary Multicultural Ecuador

Overview: The comprehensive objective of this project is to examine the application of "ethnoracial law" in the practice of Ecuador's justice system for the benefit of Afrodescendants.

The expression "ethnoracial law" is linked to the so-called "Latin American multicultural turn" and its associated "new constitutionalism." "Ethnoracial law" refers to two different kinds of legal instruments: 1) the articles of constitutions and special laws that recognize and protect identity-based collective rights over land or "territory," cultural practices and perspective, often called "multicultural legal instruments"; and 2) the constitutional articles and special laws called "racial equality law" or "anti-discrimination law" that have for objective to protect indigenous people, Afrodescendants, and other ethnoracial minorities from ethnoracially-based discrimination. This is the first study to engage in the systematic examination of ethnoracial law's applications for the benefit of Afrodescendants in the practice of one specific and representative South American justice system. This "pilot study" prepares the way for the development of a research model to comparatively scrutinize the application of ethnoracial law for the benefit of Afrodescendants in other Latin American national contexts. This project will engage with the history of all ethnoracial legal instruments with relevance for Afrodescendants in existence since 1998; assess qualitatively and quantitatively the level of knowledge the justice system operators have about ethnoracial law as it applies to Afrodescendants; compile a detailed list of all relevant litigations initiated by Afrodescendants in which ethnoracial law was in use/evoked, collect the cases' archives, and interview the social actors and justice system operators involved; and assess qualitatively and quantitatively the teaching of relevant ethnoracial law in selected law schools and post-law school spaces of continuing education.

Statement on the intellectual merit of the proposed activity: This is a project of engaged anthropology and comparative law research that ultimately aims to contribute to the improvement of Afrodescendants' daily lives in Ecuador and Latin America through knowledge production that is critical for social actions, policy and legal reforms. The project moves beyond the dominant and often exclusive focus on indigenous communities in ethnoracial law research in Latin America. It proposes to address questions, among which: Is ethnoracial law for Afrodescendants designed and applied differently than is ethnoracial law for indigenous people? If so, why and how? What are the eventual obstacles preventing the successful application of ethnoracial law for Afrodescendants? Has anti-discrimination law been effective to protect Afrodescendants from anti-black racism? The research and data gathered will contribute to the development of the anthropology of the multiculturalist state in Latin America by inquiring about the perspectives of the different state agencies' representatives involved in the litigations and processes under study. The research strategies are informed by an understanding of the state as a series of processes. States are not monoliths and their organs and individual representatives do not hold the same positions or take the same actions *vis-à-vis* Afrodescendants' rights.

Statement on the broader impacts of the proposed activity: The project's broader impacts involve six integrated activities: 1) Donation of all legal cases' archives gathered to the Observatory of Justice for Afrodescendants in Latin America (OJALA). 2) The development of a web-based learning module on Afrodescendants, race, and the multiculturalist justice systems in Latin America available to all (the PI plans to use such module in an undergraduate course on "The African Diaspora in Latin America"). 3) The development of a 6-12 Teachers' Institute on Social Sciences Research on Anti-Black Racism and the Law in Latin America to be offered through the Miami-Dade County and Broward County Public School System's Departments of Social Studies. 4) The creation of a law school curriculum module for inclusion in law school courses of "Comparative Law," "Race and the Law," and "Anti-discrimination Law." 5) Dissemination of research findings at a two-day symposium to be held in Quito, Ecuador; and in the U.S. at sessions at the annual Law and Society Association Conference (LSA), at the annual conference of the American Society of Comparative Law (ASCL), and at the annual conference of the American Anthropological Association (AAA). 6) The PI will use research findings to co-publish scholarly and policy-oriented texts with Latin American and Latin Americanist activists, scholars, and lawyers.