

# Latin American Buen Vivir and Rights of Nature



# Latin American Buen Vivir and Rights of Nature:

*Law, Human Rights and  
Sustainable Development*

By

Dorine Eva van Norren

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For Qhatir Qullo Qullo (Aymara for Andes)  
The mountain that is illuminated (by sunrise and sunset and spirit)

‘Para los pueblos indígenas la vida surge y se desarrolla gracias a la bondad de la madre tierra y sin ella no es posible nuestro futuro.’

For indigenous peoples, life arises and develops thanks to the goodness of mother earth, and without her our future is not possible.

Congreso de los Pueblos Indígenas de la Organización National Indígena de Colombia, 2007.



*Wheel of Values/Indigenous Latin America; © D.E. van Norren*



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# EMPOWERING THE GLOBAL: THE CONTRIBUTION OF GOOD LIVING

ALBERTO ACOSTA<sup>1</sup>

As the president of the constitutional assembly, drafting the constitution of Ecuador based on Buen Vivir, economist and politician, I was asked to write a few introductory words to this book.

‘Coexistence is possible as long as there is consensus, and the will and conditions to achieve harmony in the community, and obviously the community and nature. These forms of relationships determine the forms and systems of life in human beings. That is to say that we are collective. All the original peoples, even in the West, were born this way. Then they individualize us, they citizenize us, which is practically breaking with one life, to impose a totally different one on us.’ Luis Macas Ambuludi, Ecuadorian indigenous leader.

With the constitutionalization of Buen Vivir, the issue gained a lot of strength in Latin America. In reality, it was not a new issue. Good Living, with its transforming elements, typical of the original cultures, especially in the Andes and the Amazon, was present in those cultures since time immemorial, but marginalized by the colonial impositions present to this day. The interesting thing is that, with its constitutionalization in Ecuador, in 2008, and in Bolivia, in 2009, the visions, values, experiences, and practices of Good Living or Living Well spread throughout the world. There was and still is an environment full of multiple crises, even of a civilizational nature. And in this scenario, doors were opened to the search for alternatives outside the exhausted space of Modernity.

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<sup>1</sup> Ecuadorian economist. University professor at FLACSO (Facultad Latinoamericana de Ciencias Sociales), Quito. Presidential Candidate for the Republic of Ecuador (2012-2013). President of the Constitutional Assembly (2007-2008). Minister of Energy and Mining (2007). Author of various books. Partner in the struggle of the social movements.

Motivated by these messages from the global South, Dorine van Norren arrived in Ecuador. She was attracted to these other ways of understanding life and living life. She was looking for something different from the traditional Western approach to development. Contributing to her first forays was motivating for me. Reading her book is also motivating.

In these pages we find a diverse, deep world, enriched with dozens of interviews, data and reflections, not free of contradictions and debatable readings, which open the door to new horizons. Here we see the profound influence exerted by the Andean mountains, the Amazonian jungles and in particular the communities, on those who, like Dorine van Norren, come to learn with humility and respect for indigenous cultures.

Approaching Good Living from the ontological repertoire of the West is a difficult, if not impossible task. In its essence, Good Living dismantles the epistemology of Modernity. It does not propose a development alternative, nor does it synthesize a new path in the search for progress. The Good Life, which must always be assumed in the plural as good coexistence, questions and dismantles the civilization of merchandise and waste, the capitalist civilization.

The challenge is not easy. Dorine van Norren, at times, seems to be trapped in the dominant logics, when she tries to reconcile Buen Vivir with ‘sustainable development’ and accommodates the same Sustainable Development Goals (SDGs), which in essence are disintegrated viewed from the depths of the Good Living. The author also addresses legal issues and does not hesitate to question the difficulty of applying certain ‘constitutional conquests’ such as Buen Vivir itself, which, let us admit it, cannot be crystallized at the national level simply because it has been constitutionalized and neither as a state imposition from above.

Good Living, which proposes alternatives to development and progress, is essentially communitarian. It is projected from its postulates of harmony with Nature. It is based on roots that are nourished by reciprocity, complementarity and solidarity among individuals and communities, and certainly by the expanded relationality among all living beings. It opposes perpetual accumulation, proposing - a fundamental issue for building a new economy, an economy of Good Living - the recovery of use values and especially the transition towards intrinsic values of all beings that make up the environment and that are Nature, as we humans are.

The potential global validity of Good Living is unquestionable. It should be made clear that in no case is it a sort of recipe book to be copied and transferred to other regions. However, it is possible to extract from this reading broad guidelines that can serve as reference axes for the construction of other societies.

Another point to highlight, Good Living is not based on models or recipes. Neither is it based on a predetermined path, nor on defined alternatives. Not having a predetermined path is not a problem. On the contrary. It frees us from dogmatic visions, although it demands greater clarity in the destination we want to reach. However, it is not only the destination that counts, but also the way in which we travel the roads that we have to build, in order to assure all beings -human and non-human- a present and a future with dignity. It is not in their sights to live better, which implies differences (better than who?), which in the end leads to a few, living at the expense of the sacrifice of many and of Nature itself.

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who?), which in the end leads to a few living at the expense of the sacrifice of many and of Nature itself. In other words, the Andean-Amazonian Good Living questions the Eurocentric concept of well-being.

Without minimizing this indigenous contribution, it should be accepted that these visions are not the only source that inspires the impulse to Good Living. From various marginal spaces in the world and even from Western cultural circles, many voices have been raised - since long ago - that could be in tune with this indigenous vision. In fact, the experiences of Good Living not only have a historical anchorage in the indigenous world in America, it is enough to see how Dorine van Norren also develops the proposals and visions of Ubuntu in Africa and Happiness in Buddhism.

It is easy to understand that approaches of this type go beyond any instrumental correction, typical of a 'development' strategy in any of its approaches. Nor can the discourse of 'progress', which justifies visions of domination and exclusion and accepts often brutal sacrifices in order to ensure this objective, be sustained any longer.

It follows that we need counter-hegemonic narratives that subvert the dominant discourse and practices. We also need new rules and logics of action, whose success will depend on the ability to think, to propose, to develop, and even to be indignant, if necessary, also globally. In order to build these new narratives and these renewed logics of action, the Buen Vivir can be useful to us.

In these collective searches for multiple alternatives, the current global challenges, such as the devastating effects of the planetary ecological collapse and the growing marginalization and social violence throughout the world, cannot be marginalized. In this sense, if we accept that the current crisis has civilizational overtones, the need to think and propose alternatives for other possible worlds, in which many worlds fit: the pluriverse, takes on a renewed urgency. It is about existing worlds and worlds to be built, where all living beings can live with dignity, respecting our diversities and in harmonious coexistence with Mother Earth.

Some elements of Good Living, which combines existing practices and utopian visions, without allowing the deep sense of Good Living to be vampirized by various instances of national or international power, which end up using it as a propaganda mechanism and tool of domination, as happened with the progressive governments in Ecuador and Bolivia.

This implies having in mind a change of era. Postmodernity must be overcome, as an era of disenchantment. It cannot continue to be dominated by the devastating 'development', whose major paradigm - inherited from Modernity - is economic growth... unsustainable, by the way.

In short, the Good Life - if we can understand it as a philosophy of life - must serve as a basis for building a global emancipatory project. A project that, by adding many stories of resistance/re-existence struggles and proposals for change, by drawing on local experiences, which should be enriched with contributions from the most diverse latitudes, is positioned as a basis for democratically achieving sustainable societies in all areas. Therefore, issues such as the construction of a new global economy are also a key issue for the future.

Therefore, issues such as the construction of a new global economy are also issues of interest to humanity as a whole and should be discussed and addressed as such.

In Ecuador, as Dorine van Norren points out, another step of planetary transcendence was also taken in the Constitution of Good Living. For the first time in the world, Nature was constitutionally incorporated as a subject of rights. This acceptance arises from the depths of indigenous cultures, which assume the Pacha Mama or Mother Earth not as a simple metaphor, but as an indisputable reality. And this entry is enriched with many other visions coming from the most diverse corners of the planet and from the deep history of thought, from which we can recover the contributions of the Dutch philosopher Baruch Spinoza (1632-1677), who reaffirmed the transcendence of *Mater Natura*; at the same time, he rejected the idea of a '*natura naturata*' (nature acted upon), leaning towards a '*natura naturans*' (nature acting). His message of permanent actuality tells us that 'whatever is contrary to Nature is also contrary to reason, and whatever is contrary to reason is absurd'.

Therefore, promoting the Rights of Nature, which are not the same as environmental rights, is also a global issue. Overcoming the absurd destruction of Nature in the pursuit of 'progress' is an increasingly urgent task. If the 20th century was the century of Human Rights, the 21st century will be the century of the Rights of Nature, although in reality we should better speak of existential rights, i.e. rights that guarantee the dignified life of human and non-human beings. What interests us is to recognize that the transition from object to subject of Nature is underway on all continents,

with dozens of countries issuing laws and ordinances granting Mother Earth a legal personality or even proposing constitutional reforms to include this revolutionary change.

An anthropocentric legal reading of the staging of the Rights of Nature is important, but not enough. Multiple approaches are required, especially biocentric ones. We have to recognize that the one who gives us the right to life is Mother Earth or Pacha Mama, which will end up provoking a sort of Copernican turn in all areas of life: economic, social, political, legal and of course cultural.

Thanks to Dorine van Norren we have this contribution on Good Living. It is a book that deepens the debate and opens new doors to continue building other possible worlds. An effort that will be fruitful only if we make real the full force of social justice and ecological justice, with radically democratic processes, because if only one of these factors tends to zero, the final result will also tend to zero.

Quito, 30 January 2024

# BUEN VIVIR, THE CHANGE AGENT

RAMIRO AVILA SANTAMARIA<sup>2</sup>

As a former Ecuadorian constitutional judge, academic and member of the PhD commission, I was asked to write a few preliminary words to this book.

In January 2024, Oxfam presented its report on inequality at the World Economic Forum in Davos. Among other conclusions, they state that between the years 2020 and 2023, 60% of humanity (4.8 billion people) have lost a combined wealth of 20 billion dollars, while large multinational corporations made unprecedented profits in economic history; the 5 richest men increased their wealth from 453 billion dollars to 869 billion dollars, almost double; the richest 1% own 43% of global financial assets; 148 companies have earned more than 1.8 trillion dollars.

To make those profits, the richest companies and individuals exploit their workers, evade taxes, privatize public services, fuel climate collapse, drive inequality.

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The agenda of infinite accumulation of goods and money, which benefits about 1% of the world's population, is at the same time an agenda of destruction of nature; of insensitivity to the pain and suffering of millions of people who migrate because of hunger and the consequences of climate change.

The effects of this exclusionary economic system, which does not distinguish between legal and illegal means of accumulation, can be felt in any part of the world, whether in the global north or south.

Ecuador, for example, is experiencing a crisis in several respects. In just a few years it has become the most insecure country in Latin America, with a violent death rate of 46 per 100,000 inhabitants. It is also a country characterized by inequality. We have more than 7 million poor people and we are the country, along with Venezuela, that has the highest rate of migration to the global north.

This agenda from any point of view is unacceptable.

Faced with the reality of the contemporary world, there are two alternatives. One is to try to reform the system to make it fairer. The other alternative is to seek viable models of social and economic organization different from the model that produces so much exclusion and violence.

This book deals precisely with both alternatives. One of them, the 'reformist', Van Norren turns to the development goals, the millennium goals, the sustainable development goals.

When one looks at the debates on development in global political forums, it would seem that there is no other solution than to resign to the dominant model, criticize the system a little and demand some reforms to distribute wealth a bit and try to improve the living conditions of millions of people.

The 2030 agenda, for example, which has goals for all countries that have been agreed upon by the states, contains a slogan: "Leave no one behind". Van Norren wonders who is in front and who is behind. Why not question the system where some have to be in front and others behind and not stop pressuring those behind to run faster and catch up with those in front?

The development goals, as this book makes clear, are not enough to substantially improve the lives of millions of people or the conditions of

Planet Earth. They have many shortcomings. Among others, it is a model, implicitly referring to the capitalist system based on the human being (anthropocentrism), colonial, patriarchal, economist, linear, quantitative ways of thinking and based on the logic of material well-being, wasteful and, in addition, it (despises) ignores other forms of knowledge and existence. Most importantly it does not show how to reach the goals.

Although capitalism and its idea of development and progress are dominant in the contemporary world, they are not the only ways of organizing life in society. One of them, which Van Norren comes to know from all possible perspectives, is the Buen Vivir.

Buen Vivir, according to this book, is one of the principles that can guide and orient the contemporary world, states, organizations and individuals in this complex world.

Dorine van Norren has drawn inspiration for this book from several sources. The ones that stand out to me have to do with the author's visits to Peru and Ecuador. The visits were not only an academic trip. The visits had a strong dose of spiritual travel and also of cultural exchange.

An important idea that I want to highlight, and that Dorine realized when she visited one of the most prominent activists against mining activities in Ecuador, is that good living is a way of existing and living in community, rather than a conceptual category. For this very reason, Buen Vivir is a viable alternative: it exists and is practiced.

Ecuador also pioneered in rights of Nature in the constitution which have made a real difference for people on the ground, in both indigenous territories and biodiverse regions in amongst others struggling against mining and oil as well as agricultural contamination and animal rights. As a constitutional judge I had the privilege to be part of shaping that jurisprudence.

Although Van Norren has written a book on Buen Vivir. Before writing it, he felt it and lived it hand in hand with people who make it a reality day by day.

The understanding of good living as a way of life is not the only one that exists in the Andean world. Buen Vivir is in dispute in Ecuador. Same

happens with important categories of philosophy and constitutionalism of the global North, such as equality, dignity, freedom, fraternity.

The book takes us by the hand through the various worlds in which Buen Vivir has been addressed: indigenous peoples, academia, the state and the international community.

The main source for understanding and feeling Buen Vivir is undoubtedly the communities and indigenous peoples. The essence of Buen Vivir is in the life practices of many indigenous peoples who act outside and against the capitalist market.

Another important place is the way in which academia and intellectuals have conceptualized it, discussed it, systematized it and also criticized it.

The third source comes from the State and its multiple ways of assuming the notion of Buen Vivir, from the Constituent Assembly, through Constitutional Court rulings, to the way in which Ecuador has applied it in its international policy. This source must be looked at with care. More than once, as demonstrated by Van Norren, the State has distorted the notion of Buen Vivir and has even assimilated Buen Vivir to the more conservative notion of development.

Finally, another source can be found in the international arena, both academically and in terms of policies and documents related to the debates on sustainable development. The echo that a local innovation has had at the international level reflects the potential of Buen Vivir.

Van Norren does not neglect any source. In this book you will find an in-depth analysis of all sources. In this aspect, the importance and originality of this research can be appreciated. The views, besides being profound, are critical and proactive.

Van Norren, moreover, in the final chapter, associates the Buen Vivir of the Andean world and its implications in relation to the notion of development, to similar notions that exist in Asia ('Happiness') and Africa ('Ubuntu').

We are facing a new global paradigm which, as Van Norren shows, is neither capitalist nor socialist, nor does it respond to models that have been theoretically developed in the global North. This new paradigm values

principles and ways of life that have to do with emotions, affective and community bonds, respect and care for nature, responsibility and solidarity.

This new global paradigm can be summarized in one sentence: Let Mother Earth lead.

Buen Vivir could be that alternative to the dominant paradigm.

Changing the paradigm, for the survival of the most vulnerable people in the world, who are the majority, and of the human species, which is all of us, is necessary and urgent.

Quito, 17 January 2024



## STRUCTURE OF THE BOOK

This book deals with the value of Buen Vivir for contemporary society, not just the indigenous of Latin American societies but the Global society. Anyone that worked closely with indigenous peoples will understand the importance of the concepts of harmony with Nature, Mother Earth (Pachamama) and Good Living (Sumak Kawsay and Buen Vivir), as well as the indigenous demands for inter-culturality and plurinationality.

Centering around the themes of the Sustainable Development Goals, this book contains a rich variety of examples of Sumak Kawsay and Buen Vivir, both in living testimonies of people, as well as in theoretical philosophical background. It uses both theoretical sources as interviews with people in Ecuador of different backgrounds across society. In this context it analyzes both its development concept in socio-economic terms, as its relationship with nature, as the resonance across the continent in similar concepts.

Critics, that are also given space in this elaborate oversight, cannot maintain that Buen Vivir is merely a relic of the past, no longer embodied by the people whose heritage it is. The book clearly articulates how Buen Vivir is expanding conventional human rights and economic theory and what it could add. It does so by first analyzing how Buen Vivir is translated into the draft constitution and the expansive Buen Vivir and especially Rights of Nature jurisprudence that emanated from the constitution, giving Nature concrete rights. The book also describes the Buen Vivir based policy practices in Ecuador, and to what extent it faltered and still has potential. The author is also clear about the enormous challenges faced by countries in the Global South wanting to chart their own course based on their cultural convictions, within the global neo-liberal context. The ideal of Buen Vivir has in no way been achieved, just like with human rights, it will always be a benchmark in order to strive for a better world.

Furthermore, the book examines to what extent Ecuador based its international negotiation strategies on Buen Vivir or Harmony with Nature with regard to the Sustainable Development Goals, as well as how people in Ecuador perceive the Sustainable Development Goals from the perspective of Buen Vivir or Sumak Kawsay. It concludes with what

potential Buen Vivir has for rewriting development theory both from the legal perspective - such as a wider collective sense of (human) dignity - as from the economic and sustainability perspective, especially the biocentric worldview, considering man and nature as one.

This book invites Latin Americans to be more vocal about their positive heritage, and step into the post-colonial future, especially in the international realm. How to entice international reader and negotiators to step out of their normal mode and see the world through the eyes of the other. At the same time, it invites the non-Latino or non-indigenous readers to take cognizance of the rich history and everyday reality of Latin-American indigenous philosophy and way of life. It entices them to embrace the potential of intercultural knowledge and understanding to brace the challenges of climate change and global inequality. How to reconcile the seemingly opposite universal values with cultural particularities and maintain the best of both.

## PREFACE: MY PERSONAL JOURNEY

Buen Vivir, good living, is derived from the way indigenous people from the Latin American Andes define wellbeing. Or more precisely it is called Sumak Kawsay, in the Quechua language. The Quechua people are scattered over various countries such as Ecuador, Peru, and Bolivia. Good Living can also be translated as the right way of living, or living in abundance. Abundance does not necessarily have the same meaning as in the West. It is about the balance between material and spiritual wealth, whilst recognizing a circular way of life. Indigenous people across the Americas all have their distinct culture but they share a biocentric view of life. Its wisdom is embodied in the Andean Cross or the medicine wheel in North American indigenous cultures. Biocentric means that all animate and inanimate ‘objects’ are seen as equal and need to live in harmony with one another.

After the fall of the Berlin Wall and the ‘end’ of communism, a group of environmental activists and scholars went in search of a third way between capitalism and communism. They found inspiration in the indigenous ways of life and combined it with modern human development theories. Buen Vivir was born, the term in Ecuador, also called Vivir Bien in Bolivia. At UN level, the movement has translated into Harmony with Nature. One of the main protagonists is Professor Alberto Acosta from Ecuador, former minister of mining and energy and former presidential candidate. His book “Auf Gutes Leben” in German provides a good synopsis of these ideas. There exists, however, little literature in English on the topic; accounts of how to link Buen Vivir with other theories of wellbeing are also scarce.

This book investigates what relevance Buen Vivir can have internationally. More specifically it looks at what impact it had on the Sustainable Development Goals, agreed in 2015 by the United Nations (UN) member states. The SDGs are to be met in 2030 when most likely the UN will convene again to agree on a set of wellbeing values and targets. The book shows that although countries like Bolivia and Ecuador clamored for harmony with Nature and respecting Mother Earth, this philosophy gained scant attention.

For the SDGs to be achieved and to move to a climate neutral sustainable world all local traditions will need to be harnessed. It is my opinion that they deserve more serious attention, which is what this book aims for. It is time to decolonize our mindsets and embrace the diversity of thought that the world has to offer, to come to the best solutions.

This book first appeared as part of my Ph.D. research: *Development as Service, A Happiness, Ubuntu and Buen Vivir interdisciplinary view of the Sustainable Development Goals* (van Norren 2017). It was inspired by my travels to Ecuador (2015) and Peru (2009/2010), as well as the study I wrote for the Advisory Council for International Affairs on the review of the Millennium Development Goals (2011) which later led to the drafting of the Sustainable Development Goals.

I visited Peru for a month together with a marvelous group led by Mieke Jegen, who introduced me to the spiritual world of the Quechua, the indigenous Andes people. Little did I know that I would embark on a PhD research project many years later, that would involve the Quechua culture of the Andes and their concept of wellbeing. After all, I was a regular Dutch diplomat, at the time posted in the Americas department and transitioning to a think-tank on development studies. It was precisely the review study on the Millennium Development Goals that I did for the Advisory Council for International Affairs (AIV) in 2011 that sparked my interest in concepts on development and wellbeing. The lukewarm reception of my idea of including non-western concepts of wellbeing in this advisory report to the government sparked a new quest. That of a PhD on wellbeing concepts of the Global South.

My travel to Ecuador in 2015 was precipitated by a visit of environmental activist Carlos Zorilla to a conference at the Institute of Social Studies in the Hague. He referred me to Professor Alberto Acosta who was to go on a book tour in Europe. I tracked him down in Belgium, where he spoke at the Ecopolis conference. After successfully chasing the conference organizers, along with Mr. Acosta and his translator, I was granted an hour-long interview and obtained an open invitation to visit his wonderful country. I struggled through his book in German, desperately asking myself why there was so little literature on this subject in English. Then I meticulously prepared a list of questions for interviews and wrote to the long list of people that I had been provided regarding the purpose of my research. Alas, there was no response until the day I embarked on my plane to Quito, somewhat apprehensive of how exactly I was going to go about this.

On my arrival in Quito, Professor Acosta sat me down and handed me a list of telephone numbers. This proved far more efficient than emailing. The general response was: 'Of course, we can meet. Can you be here this afternoon?' Latin American hospitality received was overwhelming but it had one downside: I had to speak Spanish. At the cozy hostel cum restaurant I stayed in, I soon found my group of young translators who were willing to volunteer and contribute to my cause. I also learned a lesson in Latin pride. As one of my translators was working hard to give the exact meaning of scientific concepts in Spanish, one of my interlocutors interrupted him and remarked, annoyed: 'That was a completely wrong translation.' From then on, he conceded to speak in English to me. Most of the time this was however not possible and I soon learned my way in the Spanish Buen Vivir terminology.

Buen Vivir is what we spoke of, what it meant to them, how it was implemented and what their criticism to it was. Most people were frank, both about their hopes, as well as their disappointment with regards to current policies. Just as I was getting tired of my city stay, I bumped into my old friend Zorilla whom I had met earlier in the Hague. He was on a short trip to Quito to do his payments before returning to his lodge in the wilderness. I was reprimanded for studying harmony with Nature from the city jungle and immediately hoarded into the bus to Otavalo and on to the misty mountains, to discover the 'real' Buen Vivir, in his words.

The most tough part of my journey was getting hold of the court case material involving the rights of Nature. After all, I was obtaining a doctoral thesis in law and development studies; I did not only want to study the policies but also the legal cases. Though the government of Ecuador kindly provided me some cases, on presenting my Foreign Affairs business card, there was much more material out there to uncover. After five weeks of having been promised the material 'tomorrow' by my interlocutors, I gave up and went on a short weekend retreat, before my departure, that one of the volunteers of my hostel took me to. As it happened, the only other guest in this jungle lodge was the expert on legal cases of the rights of Nature. Overhearing our conversation at breakfast on how I was doubtful I was ever going to obtain the legal material once I was home, he voluntarily made himself known. We traded SDGs material for right of Nature<sup>3</sup>, celebrating the serendipity of life. Taking all the material home and finding someone who could translate the legal Spanish was another test of my luck. A woman

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<sup>3</sup> Nature with a capital to signify the sacredness of Pachamama

who had just graduated in legal Spanish stepped out during a reception and said she would be glad to help me and practice her new skills.

I thought long and hard about whom I should dedicate this book to and I could find but one answer: The profound wisdom of the mountains and Mother Earth itself. As Buen Vivir is biocentric, treating all life forms as equals, it would only make sense to treat the mountains of the Andes (Qhatir Qullo Qullo) as a person that subconsciously whispered its wisdom over the winding roads I took, through the branches of the trees I admired, the windy high planes, the misty mountains and the lush green valleys, all the way down south to the tropical Amazone.

I hope you enjoy reading this book as much as I enjoyed writing it, and the process of discovering Buen Vivir.