

Oil Extraction in the Ecuadorian Amazon: Incorporating Conflict Resolution Theory and Practice

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Ecuador's Yasuní National Park and Biosphere Reserve is one of the most biodiverse regions in the world; it is home to numerous species of wildlife, indigenous communities, and approximately \$7.6 billion of crude oil. Oil extraction has led to patterns of environmental and social damage, situating the government of Ecuador between their responsibilities to uphold indigenous rights and preserve the environment while advancing the nation's economy. The field of conflict resolution offers applicable strategies to the issues facing this dilemma. However, these strategies have been sparsely used thus far. We suggest that the implementation of forums, workshops, and grievance mechanisms will improve communication between stakeholders and build trust that could alleviate the conflicts in the Yasuní.

Introduction

Ecuador's Yasuní National Park and Biosphere Reserve is one of the most biodiverse regions in the world (Finer et al. 2009). The region is also home to millions of gallons of oil underneath its tropical forests. Since

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the turn of the twentieth century, there has been an increase in oil exploration in Ecuador and South America at large, but extractive industries have not been entirely responsible in their treatment of indigenous peoples and the surrounding environment. As a result, the ecosystem of the Yasuní has undergone dramatic changes (Deutsche Welle [DW] 2014) and indigenous communities have had to adapt their way of life while grappling with the limited rights afforded to them by the state. These dynamics have led to an increase in conflict, principally among indigenous groups, oil companies, and the Ecuadorian government. Intervention strategies exist that could alleviate some of these conflicts: forums hosted by an international coalition, workshops hosted by United Nations agencies, and a grievance mechanism in the form of the Ecuadorian Ombudsman would serve to improve communication, foster trust, reduce conflict, and over time build the infrastructure for sustainable resolutions to be negotiated.

This article describes the historical factors that have led to conflicts between the extractive industry, indigenous groups, and national governments in the Yasuní region of the Ecuadorian Amazon. The analysis explores stakeholder needs, interests, positions, and the drivers of conflict to identify potential entry points where environmental conflict resolution (ECR) could alleviate tensions. Intervention strategies, grounded in case study research, are subsequently proposed to show the ways in which conflict resolution theory and practice can be applied to this case. Without conflict resolution mechanisms that fulfill stakeholder needs, actors make choices that adversely affect their socioenvironmental situation in the long term. ECR mechanisms are particularly salient in this situation because many of them already exist, but are often not used in an interdisciplinary manner, as is attempted here.

Background and Context

Environmental conflict related to oil in the Amazon began with the industrial revolution and subsequent proliferation of the automobile as a primary mode of transportation in the developed world (Vasquez 2014). Since the industrial revolution, world population has risen significantly and national economies have become globalized. This has led to higher standards of living across the globe. As a result, the hunt for cheap oil has been and continues to be at the forefront of many companies' agendas. The 1800s saw large oil conglomerates like Standard Oil (today's ExxonMobil), Royal

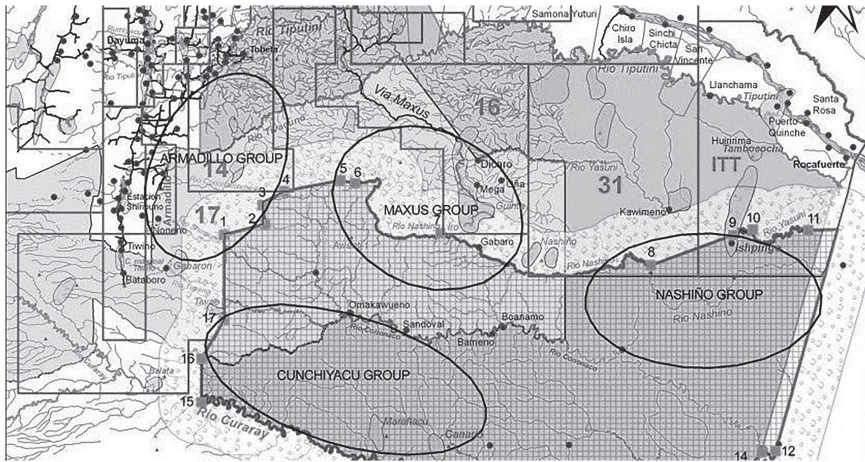
Dutch Shell (today's Shell), and British Petroleum (Vasquez 2014) pursue only low-level oil explorations throughout South America (Vasquez 2014). Oil was discovered in Ecuador in 1918, but it was not enough for large-scale commercial use (Vasquez 2014). Thus, most oil-related conflicts in the early 1900s concerned governments, oil companies, and/or land owning elites (Vasquez 2014), but not necessarily the larger Ecuadorian population or those living in the affected areas.

These latent conflicts were activated in the 1970s with the discovery of larger amounts of oil in the Amazon (Vasquez 2014) and increased numbers of oil drilling licenses given in the region (Vasquez 2014). It is important to note that these developments led to the recognition of indigenous groups as stakeholders (Vasquez 2014). In fact, little was known about the indigenous groups (especially the Waorani people, who are also known as Huaorani or Waodani in English) until the early 1900s (Finer et al. 2009). Yet, indigenous communities experience many of the negative impacts of the hydrocarbon industry. Almost 7 percent of Ecuador's 14 million resident population are indigenous and mostly live in the Amazon (Vasquez 2014).

Historically, the indigenous people of the Yasuní have been negatively impacted by colonization and the discovery of oil in the region. Development has also given rise to violent and sometimes fatal interactions between the Waorani and employees of extractive industries (Kimerling 2013); uncontacted indigenous groups living in voluntary isolation are increasingly having their "right" to live in solitude infringed upon as oil production moves deeper into the forest (Kimerling 2013). While indigenous rights are ingrained in the Ecuadorian constitution, many development laws and policies continue to limit the rights of the Waorani to control their remaining territories and resources. Ecuadorian law incorporates the doctrine of *Terra Nullius*, an international law used to describe a territory that no one owns and ascribes sovereignty to the "discovering nation" (Kimerling 2013, 48). Similarly, the Doctrine of Discovery assigned Christian monarchs "the right to claim dominion over" non-Christian "heathen" lands upon discovery (Kimerling 2013, 49). Doctrines like these have served as justification to deny property and political rights to indigenous groups such as the Waorani even though their rights are formally recognized by the Ecuadorian government.

In comparison to the Waorani, the Tagaeri and Taromenane live in isolation within borders of Yasuní National Park (Figure 1), where former Ecuadorian President Rafael Correa authorized companies to extract oil.

Figure 1. Synthesis map: Yasuní National Park (YNP), Waorani Ethnic Reserve (WER), *Zona Intangible* Tagaeri Taromenane (ZITT) and Oil Blocks. Adapted from Pappalardo, De Marchi, and Ferrarese (2013).



Correa attempted to prevent oil extraction in the Yasuní with the Yasuní ITT Initiative, a plea to the international community for funding to offset Ecuador's economic sacrifice in preserving the forest. However, only a small percentage of funding was pledged, and Correa decided to end the initiative in 2013.

The Ipingo-Tiputini-Tambococha (ITT) Block is a sizable collection of three untapped oil fields located within the Yasuní National Park. The ITT Block, like the rest of the Yasuní National Park, is part of the traditional lands of many indigenous groups. The ITT lies within the "*Zona Intangible*" (Intangible Zone), an area in Yasuní where logging and oil drilling have been forbidden by the government (Finer et al. 2009). However, weak establishment of boundaries thwart proper enforcement of this ban. Furthermore, drilling began formally in the park in September 2016 (Vidal 2016).

Communities within and outside of the ITT Block have already begun to suffer the negative effects of oil production through destruction of their lands and subsequent damage to their cultural practices. Traditionally, ecosystems and indigenous cultures are closely tied. Whether communities are sedentary or pastoral, they rely on the biota of Yasuní for basic necessities. For example, the Quechua (also known as Kichwa or Kichua) people are an indigenous group that habitually relies on subsistence farming. Quechua

farmers are frequently finding that native crops integral to their daily lives and culture are no longer growing robustly (DW 2014). Many have tried to replant produce to no avail; as these strained lands are losing their fertility due to oil contamination, there has also been a reduction in habitable land for indigenous groups (DW 2014). Groups such as the Quechua have thus been forced to depend upon imported foods and medicines to supplement their food items.

These environmental issues affect native groups' ability to subsist and to pass on ancestral values to new generations as a direct result of the development of rainforest lands. Food security and self-reliance are major tenets of indigenous cultures (Kimerling 2013). The Waorani and Quechua are experiencing steady disintegration of cultural values due to the inability to carry out their self-sufficient practices (Kimerling 2013); past circumstances have already implicated the future of the Amazon's environmental health. The expiration of the Yasuní ITT Initiative's "money period" set by Correa (Kaiman 2013) and subsequent drilling (Vidal 2016) have ignited fresh alarm for conservationists who are invested in the preservation of the Yasuní's biota, as well as the groups who live there.

Stakeholder Analysis

The multiplicity of issues and interests in the Ecuadorian Amazon requires a strong framework to analyze their relevance. To effectively analyze the stakeholders, the Department for International Development (DFID) framework has been adapted to this case using interests, relations, and capacities (DFID 2002). The conflict in the Ecuadorian Amazon has four *main* stakeholder groups: the government of Ecuador; the population of Ecuador, specifically indigenous communities; nongovernmental organizations (NGOs) and intergovernmental organizations (IOs), including the United Nations; and oil extracting companies.

Government of Ecuador

Interests

The Ecuadorian government wants to protect its environment and indigenous populations, as evidenced by former President Correa and the Ministry of Environment initially supporting the Yasuní-ITT initiative. However, the government is also responsible for increasing economic

output and reducing poverty in Ecuador. Oil extraction is a pathway to economic autonomy and freedom from neo-liberal development policies.

Adding complexity to their interests is the government's debt to China. Ecuador currently owes China more than \$7 billion dollars, or a tenth of its GDP (Kaiman 2013). The government's interests can be summarized by former President Correa's (2012, para. 23) statement on development, as stated in the *New Left Review*: "We cannot lose sight of the fact that the main objective of a country such as Ecuador is to eliminate poverty. And for that we need our natural resources."

Relations

At the international level, Ecuador receives funding and support from the United Nations Program on Reducing Emissions from Deforestation and Forest Degradation (UN REDD) initiative, which has worked with the Ministry of Environment to reduce deforestation in Ecuador with an annual budget of \$4 million (REDD Desk 2016). Any deforestation that could occur as a result of drilling in the Ecuadorian Amazon would impact the relationship between UN REDD and the Ministry of Environment.

While the Ecuadorian government is the guarantor of indigenous rights, indigenous people concurrently represent a roadblock to economic development in the view of the national government. There have been efforts at the institutional level to empower indigenous groups, made by organizations such as the Confederation of Indigenous Nationalities of Ecuador (CONAIE) and the Confederation of the Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE). However, in January 2010, the Secretary of Hydrocarbons filed a formal complaint against eight indigenous leaders and recommended they be imprisoned (Llewellyn 2014). The government has also ignored "protective measures ... to protect the Tagaeri and Taromenane Peoples in the Yasuní region of the Amazon" (Llewellyn 2014, para. 3). The clearest indication of the government's view on indigenous interests comes from former President Correa (2012, para. 61), stating, "[CONAIE's] view is fundamentalist and strongly influenced by foreign NGOs, who provide a distorted ecological discourse that fails to take into account the great needs of the Ecuadorian people."

The last key relationship for the government is with the companies that extract oil. The government has already auctioned off drilling rights to Chinese oil companies to pay down their foreign debt to the country. Historically, Ecuador has let multinationals drill in the Amazon resulting in unsafe practices and the deterioration of the livelihood of indigenous

communities. Currently, the state-owned oil company, Petroecuador, is operating within the Yasuní National Park.

Capacities

The government has the most power and capacity in this conflict since it claims total ownership of the land and the oil underneath it. However, there are structural barriers the government must consider. First, according to the news source *Eye on Latin America*, “Ecuador’s constitution stipulates that any extractive activities in protected areas such as the Yasuní were not permissible, unless explicitly ruled otherwise by the National Assembly . . . or approved in a national referendum” (Constantine 2013, para. 15). President Correa called for an approval of oil extraction by the National Assembly in 2013, of which his party controlled 100 of 137 seats. While this tactic was legal, polls showed over 66 percent of Ecuadorians were against the extraction of oil from Yasuní, which would have caused a national referendum to fail (Constantine 2013). The government also has the capacity to create oversight and monitoring to ensure oil extraction is done as safely as possible, and claims that current technologies mitigate much environmental risk (Vidal 2016). Lastly, they have the statutory capacity to move forward with their plans. The Secretary of Hydrocarbons has stated, “We are entitled by law, if we wanted, to go in by force and do some activities even if [local communities] are against them” (Kaiman 2013, para. 7).

Indigenous Groups and Human Rights NGOs

The indigenous communities have both their land and way of life at stake in this conflict, including the cultural disconnect between their way of life and that of the other stakeholders. Indigenous communities often experience conflict differently than their counterparts due to the aforementioned cultural differences, making it an important consideration for both analysis and conflict resolution strategies (Skogen 2003).

Interests

The ability to utilize land resources and maintain autonomy or isolation is a primary interest of many indigenous peoples. Similarly, the NGOs that advocate for indigenous groups have congruent interests in wanting to see supportive, nondestructive outcomes from their advocacy. Amazon Watch (2016, para. 5) claims that drilling for oil in the Yasuní “would likely result in cultural genocide and the disappearance of more than one indigenous group.” These groups also have an interest in reviving the Yasuní-ITT

initiative or the creation of a similar program that would protect both the environment and indigenous groups.

Relations

There are two key relationships for this stakeholder group: with the government and with the oil companies. The indigenous groups have a characteristically negative relationship with the government as described previously. From their perspective, the government is excluding them from consultation in the decisions to drill for oil. Group exclusion is likely to lead to increased conflict (Ibrahim 1998). Furthermore, before the Yasuní-ITT initiative, protests successfully stopped the auctioning of the oil blocks in 2002 (Amazon Watch 2016), which created animosity toward the oil companies.

Capacities

As a low-power group in this conflict, indigenous people and the NGOs that support them rely on protesting and grassroots organizing. In response to the withdrawal of the Yasuní-ITT initiative, “meetings in Ecuador’s capital, Quito, and in Houston and Paris were each confronted with protests by indigenous groups” (Kaiman 2013, para. 2). Structurally, there are several laws and legal precedents that raise the indigenous people’s capacity and legitimacy. Indigenous groups use this to advocate for their rights to the land (Government of Ecuador 2008, Article 71, 74).

Conservation NGOs

Interests

Conservation NGOs aim to protect the ecosystem and biodiversity of the Amazon. This goal is inextricably tied to the survival of indigenous groups; therefore their interests are highly compatible. An organization like Conservation International (CI), which operates in over 30 countries, has other interests at play, but in this context, they are primarily interested in influencing and assisting the government in making decisions that promote conservation. Oilwatch, on the other hand, is interested in spreading useful information across different organizations, fighting for the protection of the Amazon, and the reduction of oil production (Oilwatch 2013).

Relations

As of 2013, CI was “working with families in 163 communities to conserve more than 1.2 hectares of forests in Ecuador” (CI 2014). Further, the interests of oil companies and conservation NGOs are inherently in

competition, meaning there is an adversarial relationship between these stakeholders. However, there is a working relationship between CI and the government of Ecuador, insinuating a level of cooperation between the two parties.

Capacities

The work of large NGOs like CI and other conservation groups operating internationally gives them a higher capacity than a grassroots organization like Oilwatch or Amazon Watch. Using their technical expertise and donor base, they can more easily influence policy makers to pass laws that protect the environment. However, smaller groups like Oilwatch and the youth movement Yasunidos must rely on their ability to galvanize large groups of people to speak out against drilling for oil in the Yasuní and the greater Amazon region. These have been somewhat effective in the past.

United Nations Programs

The two main UN programs that are operating in this conflict are UN REDD and the United Nations Development Programme (UNDP). As mentioned previously, UN REDD is heavily involved in the Ecuadorian Amazon and efforts to reduce deforestation. UNDP was the facilitator of the trust fund set up in the Yasuní-ITT initiative and continues to work with Ecuador on social and environmental issues.

Interests

UN REDD's interest is in reducing deforestation in Ecuador. According to their website, Ecuador owns close to 10 million hectares of forest, or more than half of the country (REDD Desk 2015). Another interest is the maintenance of REDD programs in Ecuador; UNDP is more interested in the Yasuní-ITT program.

Relations

The UN programs work directly with the government, NGOs, and the people of Ecuador to achieve economic and environmental sustainability. Therefore, their relationship with other stakeholders is both cooperative and competitive. In order for UN REDD to achieve their goals, they may advocate that the government not extract certain oil blocks that are up for auction. However, UNDP's primary development goal is to eradicate poverty (UNDP 2016). One viable route out of poverty for Ecuador's people is the extraction of oil in the Amazon, thus creating a complex relationship between the government, UNDP, and NGOs.

Capacities

As programs that operate under the umbrella of the United Nations, UN REDD and UNDP have a wealth of resources to act on their interests. Currently, UN REDD has an annual budget of \$4 million in Ecuador (REDD Desk 2016). UNDP, a much larger UN program, has the ability to bring stakeholders together through their connections with both public and private sector actors.

Oil Extracting Companies**Interests**

Companies that seek to extract oil from Ecuador have a primary interest in generating a profit. For some Chinese companies, there is also a more specific interest in recuperating some of the debt that the Ecuadorian government owes to China.

Relations

The Chinese oil companies and government have a long history of loaning Ecuador money in exchange for oil (Krauss 2013). Ecuador depends heavily on Chinese investment, but private companies also have a relationship with Ecuador in regards to oil extraction. However, the public stance against Chevron and the failure of the Yasuní-ITT initiative has caused other multinationals to hesitate in coming to the Yasuní.

Capacities

Oil companies are one of the high power groups because of their financial resources and ability to provide economic gains for Ecuador. Chinese actors can use Ecuador's debt as a tactic to pressure them into plans of action that most benefit their agenda. Multinational oil companies have a large capacity to operate in Ecuador via financial capital and legal counsel that can bog down citizen and indigenous complaints in litigation for years. For example, the litigation in the Lago Agrio case was initiated in 2003 and the initial judgment was not handed down until 2011 (Joseph 2012). The case continues to be appealed currently.

Theory of Change and Theoretical Justifications

There is a substantial body of literature suggesting improved communication, especially through institutions and structures, creates trust and improves conflict situations (Coleman, Deutsch, and Marcus 2014;

Figure 2. Flow Chart for Theory of Change Model.



Oetzel and Ting-Toomey 2013; Okafor 2014). Dietz, Ostrom, and Stern, among others (Sepúlveda and Villarroel 2012), suggest strong institutions are crucial in dealing with environmental conflict: “Promising strategies for addressing these [environmental] problems include dialogue among interested parties, officials, and scientists; complex, redundant, and layered institutions; a mix of institutional types; and designs that facilitate experimentation, learning, and change” (Dietz, Ostrom, and Stern 2003, 1907). Therefore, this theory of change rests on the idea that creating or augmenting channels of communication and structures for stakeholders to meet, communicate their interests, discuss their grievances, and learn will lead to enhanced negotiations and the potential for transformed conflict (Figure 2). Contact between groups has been shown to mitigate conflict (Pettigrew and Tropp 2006). However, increased contact and communication are not enough to fully change the status quo. “There is a priori no reason to assume that participatory processes inherently produce effective ecological outcomes” (Douai and Montalban 2012, 1208), although incorporating stakeholder perspectives has been shown to be a necessary step in effective conflict management (Renn 2006).

The less-than-good-faith efforts to solve these conflicts have led to decreased trust among the stakeholders. Therefore, an increase in trust between stakeholders is also necessary as trust leads to decreased conflict (Lewicki and Wiethoff 2006). Lastly, educating stakeholders on not only each other’s interests (Calvano 2008), but also the economic and environmental issues at hand will lead to increased understanding that will be crucial for conflict management. In order to deal with the existing conflicts among stakeholders (e.g., oil companies and indigenous communities) the high-power groups should be incentivized to show acts of good faith in order to build trust. Companies should be incentivized to generate trust and strong relationships since they are crucial for their ability to generate profit (Post, Preston, and Sachs 2002). Forums, led by an international coalition, are one way to increase trust among stakeholders. Therefore,

structures should be created through which the different stakeholders can communicate:

- international coalitions
- the UN REDD+ initiative
- the Ecuadorian Ombudsman

These initiatives are proposed among several potential entry points since they are already functioning on the ground: there is a greater likelihood that they will be trusted, accepted, and not seen as outside interventions. If large NGOs such as CI and UN agencies work with stakeholders to facilitate learning and host forums, trust would form and conflicts would thereby be easier to navigate in the future. Furthermore, since a domestic grievance mechanism in the form of the Ecuadorian Ombudsman already exists, environmental conflicts can be applied and consequently alleviated as they occur. REDD+, a sustainable management program led by the United Nations, taps into already existent networks showing the interdependence necessary for conflict to become cooperative (Deutsch 2014) as well as harnessing social capital for the same ends (Colletta and Cullen 2000). In fact, social capital can be measured in terms of trust (Colletta and Cullen 2000).

However, this theory rests on two assumptions. First, the stakeholders must be willing to create and participate in these structures. Second, interests must be genuinely expressed and actually incorporated into decision-making processes. When they are incorporated, outcomes are more effective (Adger et al. 2003), which could be incentivizing for all of the aforementioned challenges.

Call to Action

There is currently an opportunity for environmental conflict resolution (ECR) to be used in this case to assuage the myriad issues in the Yasuní and other areas of the Amazon. However, there are still several challenges for implementation to take place. ECR interventions and methodologies could lead to a robust response toward safe profitable oil drilling, economic growth, environmental protection, strong and just governance, and citizens' rights. Here, we present several opportunities for the use of ECR to access entry points and actors already working on the ground that could

implement these methodologies. Since no single entity has a mandate for ECR, nor the ability to implement it independently, a network broker is necessary to bring to life what has become a missed opportunity in Ecuador for the government, companies, and citizenry alike.

Previously, most environmental disputes in Latin America, involving Ecuador, Chevron, or various other nations, have been resolved in international courts. The nature of these disputes often makes them both lengthy and expensive. In several contexts in Latin America (see case studies in following sections), the people themselves have gone to the courts as the usual outlet. Thus, it is justified to implement such a program because people implicitly and explicitly want resolution, and currently a less time-consuming, less expensive option does not exist in Ecuador. The entities that do exist in the country (Ombudsman, REDD, etc.) aren't being utilized for ECR and therefore are not utilized to their fullest potential. Currently, the Ecuadorian Ombudsman handles disputes mostly regarding utilities (e.g., electricity, water, gas, sanitation). But the function of this office has the potential to address more issues related to environmental conflicts. The same holds true for UN REDD concerning itself with forestry, and Conservation International being slightly outside the scope of oil drilling and indigenous rights as it exists in Ecuador.

There is significant ripeness for ECR to be used to address the various conflicts and issues present in the Yasuní. There is clear potential for the various stakeholders and third-party actors to collaborate or work together to implement an interdisciplinary coalition to address the issues presented in this paper. In order for this action to come to fruition, brokers—actors that can “connect otherwise disconnected parts of the network” (Krebs and Holley 2006, 4)—from within stakeholder groups and/or from third parties, such as conflict resolution practitioners, should work within their organizations and between the stakeholders to create the necessary inroads and buy-in for substantive ECR processes to take place. After the initial brokerage, the network would collaborate with one another on the ground to form a coalition able to participate in the intervention strategies suggested in the following sections.

It is important to note that there are powerful systems in place which have not yet allowed for the use of ECR or alternative dispute resolution to take hold in Ecuador and the region at large. This paper suggests that the aforementioned mentioned strategy of building brokers and subsequent networks between the stakeholders and third-party actors would effectively bring new ideas and relationships into play that could effect change at

the necessary levels. As of yet, there has been limited research done on how ECR can be applied to this specific case. The following sections call attention to potential entry points and interventions that would allow for a strong network to be sustained and substantive conflict resolution processes to take place.

Potential Entry Points

There are several potential entry points in this conflict operating under previously established legal, political, and social structures.

International Law and Norms

Ecuador is a signatory to the UN Convention on the Rights of Indigenous Populations, meaning they have internationally proclaimed their commitment to indigenous rights, and are legally bound to these UN standards under international law (UN 2008). Additionally, the Ecuadorian government must take into account the statute of Free Prior and Informed Consent (FPIC). FPIC is “the principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use. FPIC ... is now a key principle in international law and jurisprudence related to indigenous peoples” (Forest Peoples Programme 2016). Moreover, indigenous rights are ingrained in the Ecuadorian constitution.

NGOs and International Organizations

Multiple NGOs that represent the interests of both indigenous communities and conservationists present pragmatic entry points. These organizations have varying levels of power, but are connected in their ability to provide communication channels and representation at negotiations. Lower power organizations, such as CONAIE, have the ability to communicate with lesser-contacted groups and advocate for indigenous communities in a negotiation setting. This mollifies the fact that these groups want to maintain their isolation. Organizations in the nonprofit sector, such as Amazon Watch, have the ability to further educate the general population about indigenous communities. Both of these levels of influence are critical to reducing conflict. Further up the power ladder sits

Conservation International with the ability to work on a national level with the government of Ecuador. Specifically, the vice president of CI's Ecuador operations has directly represented Ecuador in several international congresses regarding conservation and biodiversity objectives (Suarez 2016), making the role a trusted entity and important entry point. At the international level sits the UN Permanent Forum on Indigenous Issues (UNPFII). The UNPFII "provides expert advice and recommendation on indigenous issues to the [Economic and Social Council]" and "prepare(s) and disseminate(s) information on indigenous issues" (UNPFII 2013). This agency can be a valuable point of entry whose operations include holding trainings on indigenous issues specifically for government officials. In this sense, they will be able to communicate with high power groups at the national level in regard to the indigenous interests. Given the various capacities of these aforementioned organizations, the best way to utilize them would be forming a coalition or working group that serves as a hub of communication and educational channels between the stakeholders. This hub acts as the center of the eventual network and ECR implementation.

UN REDD+

Although there have been efforts to preserve the cultural and biological diversity of the Yasuní Biosphere Reserve, they have always been in conflict with oil activities (Espinosa 2013). One promising strategy to mitigate the conflict is UN REDD, a program that promotes sustainable use of forests, reducing deforestation rates, and promoting the livelihoods of forest communities. REDD started an extension program called REDD+ to go beyond deforestation to involve sustainable management and to enhance carbon stores. The Ecuador National UN REDD program was approved in March 2011, including monitoring field data, setting up legal, financial, and institutional aid, carrying out economic analysis, and engaging multiple stakeholders. In addition, UN REDD+ targeted the improvement of the "Socio Bosque" program (Reed 2011) which was launched by the Ministry of Environment and Forests and aimed at conserving native woodlands. The UN REDD+ initiative acts as a potential entry point by engaging stakeholders that might otherwise not engage in activity since they are already working with multiple stakeholders concerning many areas of the Ecuadorian environment.

Ecuadorian Law

The Ecuadorian Constitution makes two important guarantees: those for land tenure and those for the rights of indigenous groups. Ecuador's 2008 constitution recognizes and guarantees the right to public, private, communal, state, and associative property (Government of Ecuador 2008). Furthermore, it cites rights to language use and affiliation in indigenous communities, and guarantees human rights for indigenous groups including establishing territory, collective land ownership, and indigenous forms of justice (Government of Ecuador 2008). Structures in the Ecuadorian justice system, such as the National Court of Justice and its provincial courts, have online forums where citizens can file complaints, but there is no space specifically for indigenous or oil based complaints (Government of Ecuador 2015). Land tenure is another aspect of Ecuadorian law. Unfortunately, it is difficult to know who is entitled to what land since "registration records are outdated for over half of all rural properties, and an additional 12% of rural properties lack titles..." (United States Agency for International Development 2011, para. 4). More accurate information would be crucial to applying ECR in the Ecuadorian Amazon.

Ecuadorian Ombudsman

The Ecuadorian government appointed the nation's first ombudsman in 1997. The Ombudsman Office is a public institution that is economically, administratively, and functionally independent from the government. The Ombudsman Office has many objectives: to serve as an intermediary between the public and public authorities, to defend and represent the interests of the community, and to investigate and resolve rights claims and violations by public government offices. The Law of Transparency and Access to Public Information gives the office the authority to "promote and monitor compliance of regulations" (Program for Social Cohesion in Latin America 2015). Due its public and autonomous nature, this office is able to provide many benefits to the Ecuadorian population as a whole.

Suggested Interventions

The aforementioned entry points allow for the proposal of the following intervention strategies.

Intervention via NGOs and IOs

The vice president of Conservation International in Ecuador has direct connections with the Ecuadorian government and therefore his support could begin the formation of an international coalition of NGOs. The coalition formed via CI could work to engage CONAIE as a stakeholder and representative of the indigenous communities at risk in the Ecuadorian Amazon. The nature of CONAIE lends itself to high interest in a coalition aiming to promote communication of stakeholder interests. Further, the organization is becoming more present on social media, a crucial avenue through which they can reach their constituents (CONAIE 2016). The coalition should work hard to engage all the major organizations working in these areas, including the UN agencies and Amazon Watch. Once the organizations have signed on to participate in a coalition, the next step in implementation would be creating physical channels between the organizations. This would include setting up secure email servers for communication as well as coordinating physical meetings for representatives to come together and share scientific information, stakeholder interests, and current positions.

To achieve these objectives, UNPFII's Inter-Agency Support Group (IASG) can be utilized. The IASG aims to "strengthen inter-agency cooperation to promote the human rights and wellbeing of indigenous peoples" as well as to "provide an opportunity for the exchange of information in regard to their work on indigenous issues" (United Nations Division for Social Policy and Development 2015, para. 2). The IASG can serve as an educational tool for the coalition, but also as a model of how effective interagency communication can be achieved. In order to ensure competency among stakeholders, the coalition will organize collective forums for all stakeholders as well as individual forums for specific stakeholders. This will allow for better communication among all groups. Lastly, the coalition would design and create a recurring newsletter to keep stakeholders up to date on important developments, updates, forums, and workshops. The stakeholders would need to be able to submit information to the newsletter between meetings and forums, allowing them to exchange information and communicate with one another even when official programmatic events are not taking place.

Case Study Supporting Intervention: CI in the Cordillera Border Region

Between 1999 and 2009, CI worked with an Ecuadorian NGO named *Fundación Natura* and the governments of Ecuador and Peru

to incorporate conservation objectives into the peace talks regarding a dispute in the Cordillera border region. This is a primary example of a situation in which multiple agencies in the Ecuadorian government and NGOs worked together to come to an agreement through effective communication on a territorial issue. The organizations utilized an “integrated approach that linked territorial rights and natural resource management with governance, health, and local development” (Conservation International 2015). Many of the same issues are at play in the Ecuadorian Amazon conflict, albeit in different capacities. However, the fact that Conservation International and the government of Ecuador have experience working on these issues together is important for the establishment of communication channels and information-sharing networks. Further, this process used a “rights based” approach with regard to indigenous communities, an important framework for environmental conflict (O’Rourke and Connolly 2003; Orta-Martínez and Finer 2010). According to CI’s report on the initiative, the indigenous population brought “their traditional knowledge and experiences and played important roles as key stakeholders in the process” and further, the participation of indigenous groups was “important for ensuring the initiative’s success” (Conservation International 2015, 2).

Intervention via UN REDD+

One of the largest issues surrounding the implementation of REDD+ is that indigenous groups may perceive it as affecting their rights in the same way that other international and national policies have. A majority of the experts involved in REDD+ training programs have spoken about the communication gaps that lay ahead between the indigenous people and the local experts (UNPFII 2013). Even though indigenous groups may hesitate to participate in this initiative, increased communication could significantly help their cause. To mitigate this hesitance, the aforementioned implementation strategy focuses on engaging different stakeholders and increasing communication among them. Furthermore, Loaiza, Nehren, and Gerold (2015) carried out a study analyzing income generation of different ethnic groups, trying to understand their involvement in REDD+. The results revealed that the indigenous forest communities have high dependence on the forest and also received high revenues from unskilled labor by oil companies. Thus, the coalition and REDD+ initiatives can tap into this dependence to incentivize groups to join REDD initiatives.

Case Study Supporting the Use of the UN REDD+ Program

Recently, a Training for Trainers workshop was conducted as a part of an initiative to teach environmental experts around the country about the mechanism behind REDD+ and how the UN plans to mitigate climate change while focusing on local communities. *Training Trainers: Climate Change and REDD+* was organized by Ecuador's Ministry of Environment and took place on February 19–21, 2013 (UNPFII 2013). Thus, REDD is willing to establish these types of trainings and connections. It is therefore justified that they expand and strengthen their reach to include education regarding oil-based conflicts involving indigenous rights.

Intervention via Ecuadorian Law

This aspect of implementation rests on the fact that Ecuador has the existing legal structures to satisfy all stakeholders' needs, but it is rarely utilized. Often the companies that operate in the Ecuadorian Amazon are American, and since the American legal system is overall stronger than Ecuador's (Freedom House 2016), jurisdiction often falls to the United States or even international courts (Chevron Policy 2013). However, overseas legislation is often a costly solution for involved parties. Therefore, stakeholders should turn to domestic legislation or mediation. Fortunately, there is now more precedent for rights in terms of the Ecuadorian Constitution and UN Convention on the Rights of Indigenous Peoples (Government of Ecuador 2008; UN 2008). The time is thus ripe to use Ecuadorian law and the Ecuadorian justice system to create a grievance mechanism for indigenous groups.

The government is the clear choice to manage a grievance mechanism as they have a legal and ethical obligation to their citizens, indigenous or otherwise. The grievance mechanism should be dual pronged: low-level conflicts should be mediated and higher-level conflicts should be litigated in the Ecuadorian justice system. Mediating these conflicts could take shape in the form of the Ecuadorian Ombudsman. Utilization of an ombudsman is much less costly and more easily accessible than settling grievances in the court system. To enhance the process, a special section for oil-related conflicts should be added to the provincial courts' online complaint system.

The Ecuadorian Ombudsman should collaborate with the Ombuds Office of Indigenous Peoples and Nations of Ecuador in America (DEPIEA) and CONAIE. As of May 2015, the Ecuadorian Ombudsman office has vastly improved its ability to provide transparent access to public

information with the addition of a new computer system (Programme For Social Cohesion in Latin America 2015). The new system is much more efficient than the previous system in which retrieving detailed information was done by hand. Institutions now have the ability to submit reports digitally, which speeds up procedures, allows for more monitoring, and is easily accessible to the public. These technological advances, in conjunction with the support of CONAIE, a well-established interest group with a strong public presence, will allow DEPIEA to potentially become a permanent forum through which indigenous grievances can be resolved. This will also help the ombudsman facilitate joint fact finding.

Case Study Supporting the Use of the Ecuadorian Ombudsman

After more than a decade of conflict, the Sarayaku people of Ecuador managed to successfully defend their land from oil extraction in 2012 with the support of multiple indigenous groups and the Pujó Provincial Ombudsman (Gabriel 2013). They filed a petition with the ombudsman in 2002 regarding “illegal operations in their land” by the Argentinean General Fuel Company (*Compañía General de Combustibles* [CGC]). CGC had signed a contract with the Ministry of Energy and Mines in Ecuador, which would allow them to begin exploiting oil in Block 23, south of the Yasuní, without the prior informed consent of the indigenous groups who inhabited that area (Gabriel 2013). Pressure applied to the government and CGC by the ombudsman, the *Comisión Interamericana de Derechos Humanos* or Inter-American Commission on Human Rights, and groups like CONAIE eventually led to the Inter-American Court finding the government and CGC guilty of failing to “consult with the Sarayaku community prior to signing a contract with CGC” and that they were “responsible for human rights violations and failure to protect the people of Sarayaku whose lives were at risk during CGC operations” (Gabriel 2013, para. 31). Using this instance as an example, early collaboration between the ombudsman and groups such as CONAIE could lead to prompt resolutions.

Conclusion

Oil drilling in the Ecuadorian Amazon proliferated throughout the 20th century as indigenous rights were recognized and governments grappled with kickstarting their economies. This sparked both latent conflict and further manifestations of that conflict, up to and including fatalities, environmental deterioration, and cultural degradation. While the government of Ecuador

made a perceived tepid attempt at upholding indigenous rights and preventing further damage to its rainforest, the pull of development ultimately led it to decide to allow oil extraction in the Yasuní area of the Amazon. Because this type of drilling has led to numerous conflicts involving indigenous groups in the past, as well as the ongoing deterioration of both traditional lifestyles and wildlife, the time is overripe to apply environmental conflict resolution strategies to this ongoing conflict, particularly since the structures necessary to alleviate much suffering already exist on the ground.

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