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State Policies, Territories and Rights of Indigenous Peoples in Ecuador (1983-2012)

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Abstract. -

This work seeks to reconstruct the dynamics of the agreements and disagreements between the State and the indigenous peoples in Ecuador, emphasising particularly on two key elements: first, the indigenous peoples participation and exercise of their political rights, in particular the right to self-government and autonomy within their jurisdictions; and secondly, indigenous peoples' degree of direct influence on public policies' formulation and implementation, specially those directly affecting their territories, including the exploitation of natural resources.

In Ecuador, during this historical period, the state has gone through three major moments in its relationship with indigenous peoples: neo - indigenism associated to developmentalism (1980-1984); multiculturalism associated to neoliberalism (1984-2006) as one of the dominant trends over the period; and the crisis of neoliberalism and the search for national diversity and interculturalism associated to post- neoliberalism (2007-2013). Each has had a particular connotation, as to the scope and methods to respond to indigenous demands. In this context, this research aims to answer the central question: how has the Ecuadorian State met the demands of the indigenous movement in the last three decades, and how has it ensured the validity of their gradually recognized rights? And how and to what extent by doing so, it contradicts and alters the existing economic model based on the extraction of primary resources?

Keywords. - *State; indigenous peoples; democracy; inclusion; multiculturalism; neo-indigenism; indigenous territories; collective rights; political crisis; social and environmental conflicts; Amazon*

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Introduction -.

In Ecuador, over the past three decades, indigenous peoples' rights and the self-management of their ancestral territories have gone from absolute ignorance or subordination to the State rationality, to gradual and conflicting processes of recognition of their condition as peoples and nationalities or subjects of law as a community, in the middle of a complicated conflict and its derived legal and political reforms. Undoubtedly, the so-called transition to civilian electoral regimes in Latin America, particularly in Ecuador, came amid the triggering of the economic crisis of the early 80s and its aftershocks, reflected especially in the adoption of structural adjustment policies with a neoliberal cut, as described in the present work.

Precisely, the openness towards a civil and electoral regime, after nearly a decade of civilian and military dictatorships (1971-1978) was accompanied by a strong rhetoric around a type of democracy, a liberal, delegative and representative, as a way to face the political turmoil and the threat of radical changes such as those brought up in the 60's (Stepan, 1990; O'Donnell, 1985). The military regime roughly outlined as authoritarian and anti-popular in Ecuador had very different characteristics to its similar ones in Central-America or the South (Argentina, Chile and Uruguay). In the popular imaginary, since the *Juliana* Revolution of 1925, the military has not necessarily been precisely understood as repressive and as a reproducer of the oligarchic order (García Gallegos, 1986; Bustamante, 1988). Quite the contrary: Beyond this peculiarity of the Ecuadorian political process, the fact is that given the circumstances of the 70s, the expectations of revolutionary change that aroused with the 60's historic changes like the Cuban Revolution, were dissolved and replaced by a different idea of change, more moderate, gradual and within the limits of the established order. Dictatorships (civil and military) had already done such a pedagogical exercise, replacing the collective consciousness with a new content around social change. Democracy would subsequently articulate the discourse and the dominant ideology corresponding to the new political order (Moreano, 1981; Andrade, 2009; Bustamante, 1998).

As noted by Milton Benítez " ... democracy required for its affirmation and development the set up of a scenario where the social and national were fused. Only this would allow the people to become subject of political action (...) However, given the historical circumstances of the time, the strategy used was none other than outright state action. It was from the state that conditions needed to be created to merge the social with the national (...) As a result, people's participation in the overall process, and its constitution as a subject of political action, were once again relegated to that farcical and absurd level where it had hitherto remained and had been wanting to escape from" (Benítez, 1994:105).

Precisely, the analysis of the relationship between state and indigenous peoples throughout these more than three decades of civil-electoral system in Ecuador enables us to corroborate the picture presented by Benitez. The gradual emergence of indigenous peoples as political subjects played a catalyst role that displayed the contents, scopes and limits of political processes in Ecuador, including the institutional and legal design organized by dictatorships. The indigenous peoples' part was not only restricted to debate the legal and institutional forms, actually, its constitution as a political subject built an agenda that challenged and set new readings and references, once unthinkable, without mediation or ventriloquisms (Guerrero, 2000) -within its condition of speaking subalterns (Spivak, 1994) who demand recognition and rights enforcement to control and manage their life projects, territories, justice, education, health, since in the end these are peoples, and as such, subject to collective rights, but also to set the historical boundaries of the nations' state project, republicanism and the presently existing democracy (Andrade , 2009; Ortiz B, 2006; Sánchez Parga, 2010; Tello, 2013) .

The State -during this historical period- has gone through three major moments in its relationship with indigenous peoples: neo-indigenism associated to developmentalism (1983-1992); multiculturalism associated to neoliberalism (1993-2007); and multinationality associated to post-neoliberalism (2008-2013). Each has had a particular connotation, as to the scope and methods to respond to the indigenous demands to exercise their condition of subjects of collective rights.

This paper seeks to reconstruct the dialectic of these encounters and conflicts between the State and the people in Ecuador, emphasizing particularly on two core elements: the main points of conflict between these two actors, particularly around the recognition of collective rights granted to the indigenous in their condition as peoples, and secondly, how the legal framework and institutions are suited and meet these new demands posed by the existence, recognition or incorporation of this new collective subject in the political life of the country. In this framework, the central research question is: How has the Ecuadorian State met the demands of the indigenous movement in the last three decades, and how has it ensured the validity of their gradually recognized rights? And how and to what extent by doing so, it contradicts and alters the existing economic model based on the extraction of primary resources?

To answer that question the main objective will be to reconstruct the dynamics of conflicts, approaches and distances between the state and the indigenous peoples of Ecuador, during the 1980-2013 period, analysing the scope and limits of the political system while processing indigenous demands. Specifically, it aims firstly to analyse how indigenous peoples' rights have been processed, in particular the rights to self-government or autonomy within their territorial jurisdictions. Secondly, to visualize and analyse the degree of direct influence of indigenous peoples in the formulation and implementation of public policies, particularly those that directly affect their territories from the exploitation of natural resources such as oil. Finally, it looks into the situation in indigenous territories, and to what extent the state, while recognizing their collective rights, assumes and exercises its responsibility as guarantor. The analysis emphasizes on the obstacles and possibilities of the type of economic system that prevails – primary export- and how that affects (positively or negatively) the strengthening or weakening of the state, whether it fulfils or not its role as guarantor of rights, and among these rights, the formulation and implementation of policies to eradicate poverty, eliminate exclusion and discrimination.

To achieve these objectives, we have methodologically defined a line of a predominantly qualitative nature, developed in three phases: a first phase, a bibliographical review, which seeks to establish some theoretical and conceptual parameters, as well as to place the main elements that mark the political history and the relationship between state and indigenous peoples in this period. This marked periodization is defined in three stages: neo - indigenism associated with developmentalism; multiculturalism associated with neoliberalism; and finally, the construction phase of a multinational state associated with a post- neoliberal and post -developmental model. A second phase, explores another variety of bibliographic and documentary sources to reconstruct the process of the demands of indigenous peoples about the validity of collective rights, particularly those of self-government or autonomy within their territorial jurisdictions, as well as the type of impact and conflicts associated with state policies and programs on natural resource exploitation on indigenous territories, particularly the Amazon. We refer specifically to cases of oil drilling in sensitive areas like the main ecological reserve in the Amazon or existing oil projects in the South Central Amazonia since the 80's until today. Finally, a third phase includes the processing of data and drafting of the texts like the one the reader has in his hands.

This work is organized in three chapters. The first deals with some basic conceptual issues around democracy, state, indigenous peoples and territories, divided into five items, ranging from the processes of globalization and their impact on states and democracies; the second chapter discusses the first major step in the Ecuadorian democratic transition from 1980 to 2005, marked by the emergence, rise and crisis of neoliberalism, and with it the whole political system, where the outbreak of the indigenous movement comes into scene, with its demand for the acknowledgment of their rights and the proposals to refound the state and the construction of a plurinational and intercultural State; on other terms, a third chapter deals with the last period 2006-2013, that starts with Alfredo Palacio's government, the embodiment of the Constituent Assembly in 2008 and the exercise of Rafael Correa's government, with particular emphasis on the major points of disagreement and conflict with a majority of the indigenous movement.

PART 1
DEMOCRACY, STATE, INDIGENOUS PEOPLES AND TERRITORIES.
SOME BASIC CONCEPTUAL NOTES

To answer this study's main question, how does the state, and the political system, guarantee fundamental rights to its subjects, whether individual or collective? How does it do it without compromising its role as guarantor of the established order, private property and capital? How does the state manage to simultaneously guarantee and reconcile collective rights, as is the case of peoples and / or indigenous nationalities-with individual rights?

To formulate tentative or provisional answers to these main questions, this chapter aims to develop a theoretical reflection on five basic conceptual fields: firstly, the nature of the states and nation-states in the framework of globalization processes; secondly, the articulation on state, democracy and colonialism: parameters in the construction of political order; thirdly, the relationship of phenomena such as conflicts, social movements and indigenous peoples' rights; fourthly, the analysis of the possible relationship between the social economic development model in the context of dependent capitalism, linked to the world system as a supplier of primary products or raw materials and the democratic political system; finally, a brief reference to what we understand in this paper by "territorial construction processes", linked to the pressures of capital and the hierarchy imposed by the dominant order, the uses and management of space and nature, what we call "coloniality of space", territorial dialectic in the context of the existing order.

a) Globalization, States and Nation-States in the Latin American Context

The recent history of Ecuador's state and its relationship with indigenous peoples, necessarily refer to rethink the scope and limits posed by critical thinking of capitalism and modernity. Such retrospective shows that all Western modern states emerged at the same time as nation-states, within a dynamic that sets up a system of government that claims for itself the management and control of certain territories, has formalized codes of law, which in Weberian terms should be understood as a key monopoly of violence, along with the support that gives military control (Wolin, 2001; Miliband, 1991).

Moreover, the features or attributes of those states include three elements: the exercise of sovereignty, production or construction of citizenship, and nationalism. The first refers to the existence of an authority over an area with clearly defined boundaries within which it exercises power. On the other hand, the second relates to the people's duties and rights, as individual subjects - who live inside the national territory and know they are part of a nation. And the third, which refers to a set of symbols and beliefs that provide a sense of belonging to a single - but not necessarily uniform- political community, also understood as a sovereign community. However, such state-building processes and their attributes, were historically the result of processes of the breakdown of old political, social and cultural orders. By simply reviewing the history of the bourgeois revolutions in Europe in the seventeenth to nineteenth centuries we can confirm this fact (Wolin, 2001; Gramsci, 1972; Miliband, 1991).

Western modern states emerged under the careful eye of capitalism and the need for its construction, consolidation and reproduction as a social order. The premise to consider is

that the state is not only a functional tool for accumulation and reproduction of capital, but also plays a role as guarantor of the legitimacy of the bourgeois society, which consolidated the dominance of one class over others (Miliband 1991 40 et seq Portelli, 1990; Gramsci, 1972). Precisely, the Gramscian notion of hegemony allows a reformulation of the classic premise of the relationship between the concepts of base and superstructure, and moves towards a more complex analysis of the state as a political and civil society. The first refers to government institutions; the second, to the private plot, the state's ethics, corresponding to the function of hegemony which the dominant group exercises over the whole of the society. (Portelli, 1990: 65 ff). Such complexity of the bourgeois, capitalist state, becomes even greater in the peripheral states of the world system, as explained by Evers (1979), González Casanova (1990), Cave (1993) and Wallerstein (1997).

In this historical context, Latin American states were not only born under the control of the "lords of the earth", landowners, agricultural exporters, but were designed to fully meet the requirements of control and domination of those groups in power and their plans to build a nation-state for that social, economic, political, territorial and cultural order, a project-type established on the basis of central premises such as the exclusion of indigenous and black people from citizenship status (Cave, 1993; González Casanova, 1990, Marini, 1991).

Following Aníbal Quijano's argument (2000b), the configuration of the exploitation operating system goes back to the sixteenth century, with the establishment of the colonial economic system, and continued in the nineteenth century during the formation processes of the republics and the so called national States. "Unlike Europe, the difference due exactly to the different distribution of the coloniality of power between the two spaces, in Latin America, precisely at the end of the so called Wars of Independence, occurred the most notorious historical paradox of the Latin American experience: the association between independent states and colonial societies, in each and every one of our countries. This association, though no doubt weakened and confronted permanently although erratically, has continued, however, to preside over the state and social relations throughout Latin America "(2000b, 11).

That state historical-structural base has had repercussions throughout the history of the different countries of the region and throughout all the processes of political and legal change. To this historical legacy and colonial wound, add up specific phases such as those analysed in this study, like the transition from developmentalism to neoliberalism in the late twentieth century and early twenty-first century, consolidating not only an order and policies in the economic sphere, but the corresponding type of rationality and culture.

But if the exclusion, discrimination, ethnocentrism constitute one side of the coin of the Latin American states - into their societies and their territories -the other side, the one that links them to the world-system, shows its vulnerability and dependence, where they are part of the box of subaltern States under the Gramscian scheme of analysis of the asymmetric and exclusive global system posed by Robert Cox (1986). In this context, the current process of globalization highlights the domain of financial and speculative capital over the productive system, and whose dominant historic bloc (Cox, 1996) or global imperial block (2000b, 9 et seq.) is built by not only hegemonic states, but also intergovernmental organizations such as multilateral organisms, and large corporations, which not only control and / or regulate the movement of goods and the flow of financial

capital, but also the means of coercion and repression, to a global scale, as in the case of the North Atlantic Treaty Organisation (NATO).

That growing and dominant presence in a world global hegemonic historical bloc, or imperial bloc, in the neoliberal period of the last three decades undermined the Latin American case, and caused an extensive withdrawal process of national states, until they became ineffective states, weak, vulnerable, specifically those that are peripheral and highly dependent (Cox, 1996; Quijano, 2000b; Bunker, 2006). We have weak states with little or no capacity to regulate to the big capital -in terms of reproduction, exploitation of labour and nature, and accumulation- which also implies the promotion of democratic political systems highly restricted and exclusive (Lander, 2012, Cave, 1989; Porto-Gonçalves, 2006; Evers, 1974, Harvey, 2001).

b) State, Democracy and Coloniality: Parameters in the Construction of Political Order

The genesis of the Latin American states and the nation-state projects had close ties with the colonial structure they were born in. Power groups, the masters of the earth, caciques and landlords and the whole of the Creole elites, debated throughout the nineteenth century regarding the character of the state and the various problems the issue of citizenship involved, from their perspective. Andrés Guerrero recalls that in the case of Ecuador, in 1857 when the Indian tribute was suppressed, which acted as focal point between the State and indigenous peoples, this involved a transfer of sovereignty to the landowners - through the hacienda system - who would deal with the social and political administration of ethnic difference. The veil of apparent equal liberal citizenship coated, as an effective mirage, the validity of what Guerrero calls "population management". "Until 1857, year of the abolition of Indian tribute (renamed in the Republic as personal Indian contribution), the Republican state had legally recognized a two typed political-legal inhabitants classification: the whites, exempt of paying taxes, and the Indians, forced to pay. Therefore, the representative political and citizen system followed very carefully the colonial caste divisions; I mean the separation of people into recognized groups defined and established by the state according to different and discriminating rights and obligations. From this classification derives a number of implications covering the economic and cultural domain that I here omit to concentrate on the political status: the division between citizens (with or without full rights, but equal citizens) and tax, the Indians, the legal and economic figure carved by the state to identify, recognize, exploit, in short, to manage the "non-castiza" population (pure blood). (...) All the multifaceted system of colonial government of the Indians Republic that allowed for three centuries the ethnic administration was incorporated into the brand new nation-state with some variations and adaptations " (Guerrero, 1993:95).

It was obvious that for the creole liberal thought of the nineteenth century, there was a huge gap between the ideals and speeches taken from Voltaire, Rousseau, and Denis Diderot or John Locke and other liberal or enlightened European thinkers with the surrounding reality. There was a sharp contrast between the reality in the Champs-Élysées, rue de Charonne or the Thames and its surroundings in the eighteenth or nineteenth century from which the enlightened European thought and developed their theories, and that reality of the highlands or "punas" or "jalcas" or high Andean

regions of Aymara, Quechua or Kichwa, the current Bolivia, Ecuador or Peru, or the hot, wet territories of Awajún, Shuar and Achuar in the then Province of the Maynas (Barclay et.al, 1991). How to imagine and build nation-states within these contexts? This was the question that was part of the anxieties and unresolved dilemmas for the creole thinking, which arose to the so-called "Indian problem" (Beverley, 1998).

Throughout the nineteenth and twentieth century, Latin American elites sought to emulate the spirit of progress and European modernity by accepting the nineteenth-century liberal principles. To José Carlos Mariátegui in Peru, the creole landowner wanted to jump on history and become an entrepreneur without having the necessary disintegration of the feudal¹ property. In this context they adapted Western theories of human difference and inheritance to handle these situations. The racial determinism of European theories was avoided with some frequency and a eugenic perspective was emphasized with the possibility of improving the population through programs of "social hygiene", for health and living conditions. The idea of the degeneracy of the mestizo was questioned and in countries like Mexico or Colombia the mix became a symbol of identity. Mix that was certainly biased toward the white: European immigration was encouraged from the state.²

Paradoxically, in countries like Mexico and Peru, Indians became central symbols of national identity, to the point that government departments were created for indigenous affairs. In fact, the Indigenism was born in a framework of integration and intensification of the crossbreeding, and was more based on the glorification of the pre-Columbian indigenous ancestry than on the respect or recognition of contemporary indigenous peoples (Méndez, 1995).

In fact, while the pre-Hispanic imagery of the indigenous was exalted, these populations were subjected to serfdom and overexploitation within large latifundiums, as described by novelists such as José María Arguedas and his character Andrés Aragón de Peralta in "*Todas las Sangres*" in the village of San Pedro de Lahuaymarca in the Sierra of Peru³, or Jorge Icaza and Alfonso Pereira landed on the novel "Huasipungo" in the Andean region of Ecuador⁴. The Indian in many countries in the region, was reduced to a minimal human condition⁵. Or as noted Quijano (2000a), from the coloniality of power perspective, "Indians" would no longer be understood only as servants, as was the case with the "black" slaves, but mainly were defined as "inferior races".

"Phenotypic differences between the victor and the defeated have been used as justification for the production of the category "race", although it is primarily a development of relationships of domination. The importance and significance of the production of this category for the global pattern of Eurocentric capitalist power and colonial/modern, could hardly be exaggerated: the allocation of the resulting new social identities and their distribution in the capitalist world power relations was

¹ Cf. Isabel Moraña's text, (1994) y Quijano (1981).

² To expand on the important items Cf Alexandra Stern (1999), "Mestizophilia, Biotypology and Eugenics in Post-Revolutionary Mexico: Towards a History of Science and the State, 1920-1960" or Nancy Stepan (1991), "The Hour of Eugenics. Race, Gender and Nation in Latin America."

³ José María Arguedas, "*Todas las Sangres*", Volumes I and II, Lima: Edc.Peisa, 1973.

⁴ Jorge, Icaza, *Huasipungo*, Bogotá: Ed. La Oveja Negra, 1985.

⁵ To expand, Cf. in Antonio Cornejo Polar (1997), "Los universos narrativos de José María Arguedas", Lima, Edcs.

established and reproduced as the basic form of the universal societal classification of world capitalism, and as the foundation of the new geo-cultural identities and relations of power in the world. Likewise, it became the background of the production of new intersubjective relations of domination and a knowledge perspective globally imposed as the only rational one "(Quijano, 2000a: 374).

In other words, the idea of "race" was part of not only the materiality of social relations, analogous to slavery or servitude, but was part of the materiality and subjectivity of people themselves, as is the case of "Indians", "black" or "white" with no option to change. In that definitional framework of "criollo" thought the "Indian problem" was established, according to Quijano himself (2000b), in an authentic theoretical-political nuisance for all the oligarchic and bourgeois thinking throughout the region and its resolution passed by two routes: the indigenous extermination, as expected in much of the South cone, or their assimilation to the nation-state "criollo" project through the most varied "whitening" or "de-Indianisation" strategies for example through the educational system as have noted authors such as Ramón (1993), Sánchez Parga (1991) or Beverley (1998).

It was not until the late twentieth century, with the emergence of various indigenous movements in countries of the region such as Mexico, Bolivia, Nicaragua, Chile and Ecuador, that the representative colonial matrix of power, the monocultural, ethnocentric state, restricted democracies and the Criollo project nation-state were challenged, and to overcome them it was critical to have more than only partial and superficial reform projects of existing social, institutional and legal structures (Albo, 2009; Manguashca, 1994, Ibarra, 1999; Yashar, 1996, Guerrero, 1993; Walsh, 2009; Quijano, 2000b; Lander, 2011; Leon Trujillo, 2001; Santos, 2010). All authors stress on one form or another three central axis around which revolve the bulk of the demands of the indigenous movement, about refounding states and overcoming the colonial matrix of power: a) decolonization of the state and the political relations within it; 2) radical transformation of structures and conditions of (over) exploitation and the end of all forms of servile or slave relationship; and 3) to fight all forms of discrimination and racism, including expunging the concept of 'race' as a universal and basic form of social classification.

c) Conflicts, Social Movements and Indigenous Peoples Rights'

Many authors agree on a basic premise about social conflicts: they are part of the dynamics of social relations. And collective action has characterized human societies since social conflict exists. But such actions usually express the demands of ordinary people directly, locally and rigidly in response to immediate grievances, through attacks on their opponents without ever finding allies among other groups or among political elites. The result: a series of spontaneous explosions, unorganized and usually focal and short in duration, with alternating periods of passivity (Tarrow 2012, Tilly 1998; Melucci, 1999; Homer Dixon, 1994; Renner, 1996; McAdam, McCarthy and Zalds 1996; Ortiz-T, 1997).

To Sidney Tarrow (2012:130 ff), many social movements emerged with the expansion of the press and associative models at the organizational level. Both were expressions of the rise of capitalism, however in their actions, objectives and actions with political impact, they went beyond the interests of the capitalist system. "The transformation of specific

requirements for general programs was due to the need for a collective umbrella covering the plethora of small demands" (Tarrow 2012:143).

In this context, the opportunities for collective action offered by national states have become for many organizations their actions' frame. From these general premises, it is important to understand that the dynamics of the recurrent conflicts between states and indigenous peoples basically refer to three central elements: the associated problem, the confronted parties and processes where strategies and action repertoires converge.

On the first point, it may be noted that the root of this dispute and disagreement lies in the incompatibility of two types of rationales, and moreover in a context of heightened pressure by the global economic system controlled by large corporations, than in the phase of neoliberal globalization: on one hand the predatory chrematistic rationality, which intensified the pressure to control the exploitation process to supply the central economies of primary goods. On the other hand, in the context of the emergence of indigenous movements (and their demands for recognition as political subjects and subjects of collective territorial rights) and other social movements, such as environmental groups, the incorporation in the last decade of the twentieth century of environmental issues on the political agenda and in the sphere of public policy (Ortiz-T. 1997; Bebbington, 2009; Fiallo, 2006; Escobar, 2008).

Authors like Stephen Bunker (1985, 2006) and Carlos Porto- Gonçalves (2006), in their analysis of the Brazilian Amazon, establish links between foreign exploitation, local poverty and environmental degradation, arguing that the absence of a local power structure, a result of foreign exploitation itself, exacerbates environmental degradation. The thesis of Bunker, however, emphasizes processes of disarticulation and local social disorganization in extractive areas, leaving an emptiness that is filled with foreign interests or with the interests of the central states themselves, as in the various Amazonias, which in turn accelerated exploitation and reproduction as peripheries of their respective national spaces. The extractive scheme enables the export of commodities in a process in which the matter and energy extracted simplify local social organization, as well as the natural environment from which these flows are transferred.⁶

The contradictions around these processes of exploitation of nature, and moreover when they occur within indigenous territories, raises a number of problems: national control of common goods, which in a neoliberal context passed into the hands of transnational corporations, ousting the state to a secondary role, once dismantled and stripped of its ability to regulate and leaving the population of the various areas of exploitation projects exposed to severe social and economic impacts (dismantling of local economies, unemployment, rootlessness, internal division, new diseases, insecurity and direct violence) and environmental damage (soil pollution, groundwater, deforestation, etc.) (Escobar, 2008,. Bunker, 2006; Renner, 1996).

About the second point, one cannot speak of the parties involved without thinking about the training of actors, and in some cases, about social movements generated during these

⁶ The traditional meaning of consumer commodities originally referred to bulk raw materials. These are products whose value is given by the right owner to trade with them, not the right to use them. An example of consumer goods are oil and shrimp, Ecuador exports them. These consumer products are not differentiated by the brand, this happens because most of the time the products do not generate additional value to the customer, ie, they have no added value. In other words, human activity is not involved; it all relies on natural processes.

conflicts. Several authors such as Melucci (1999) and Charles Tilly (1998) emphasize the perspective of symbolic interaction, the importance of the symbolic-communicative elements in building organizational structures, what Melucci calls "organizational investment", these structures, as defined, are built by goals, beliefs, decisions and exchanges, all operating in a systemic field (Melucci, 1999:24).

About the third one, the previous point involves taking distances with the process of institutionalization mentioned by Charles Tilly (1998, 2009), since these processes should be considered an outcome rather than a starting point. The actors and organizations, once they have defined their objectives, programs and projects that result in speeches and demands, tend to form alliances and to interact with others. This process of interaction is neither necessarily symmetric nor homogeneous.

Additionally, as can be noted in the cases cited throughout this study, there are conflicting situations that allow visualizing this type of processes, with strategies and action repertoires that display the different actors and their coalitions. Many of these conflicts, whether by the objectives or the assumed strategies, are even a result of the formulation and implementation of state policies on the exploitation of primary products, and involve extractive industries (Bebbington, 2013; Bunker, 2006, Harvey, 2001, North, and Patroni Clark, 2006). The conflicts dynamics, -as happened in Ecuador following the trial against the oil company Texaco (now Chevron) that operated in the country for over 25 years, from 1963 to 1990, who generated considerable environmental damage and impacts on the health of over 30 thousand people of the North- East of the Amazon, the State decided to include the issue on its agenda, and successive governments slowly pushed, under the pressure of social organizations, the creation of new legal regulations (Ortiz-T., 2005a; Fontaine and Narvaez, 2005; Ortiz -T, 1997. Korovkin, 2003). Those experiences confirm the premise of authors like Jones- Luong and Weinthal (2010) about a possible correlation between the dynamics of these social conflicts associated with extractive industries and institutional changes, as long as conditions exist to ensure organizations and social movements' influence and participation levels.

In the same vein, it is possible that during a conflict the involved parties strengthen or weaken their positions and their own institutional or organizational structures. It may even happen that they not only change their strategies and repertoires of action, but rather strengthen and transform their own speech and leadership processes and construction / deconstruction of identities. Thus it is likely that, during conflicting processes, a direct correlation may be established between resource mobilization and the construction / deconstruction of identities (McCarthy and Zald 1996, McAdam, Tarrow and Tilly 2007 Melluci, 1999).

d) Dependent Capitalism, Primary Export Model and Democracy

The notion of extractive capitalism is a part of the dependent capitalism and the primary export model, although it is important to stress the importance of recognizing the role of nature in the formation and expansion of capitalism, from accumulation, as posed by Fernando Coronil: "To include the land in the capital / labour dialectic allows us to recognize that the process of wealth creation involves a transformative exchange between human beings and the natural world they belong to. From this perspective, we can appreciate more fully the role of nature as a creative force of wealth and modernity, without reducing it, as does conventional economy, to a production factor (...) Social

exploitation is inseparable from natural exploitation, with different meanings, but of fundamental importance"(Coronil, 2000:91).

Nevertheless, such premises posed by Coronil can be debated around the primary export model, and specifically around the direct correlation between the primary export model, whose projects are part of commodity exploitation by extractive industries, and the present poverty in dependent capitalist countries. Authors such as Jensen and Wantchekon (2004) analyse cases in Africa, and Sachs and Warner (1995, 2000) and Sachs (2008) think there is a directly proportional relationship between natural resource abundance and low quality of democracy in poor countries. Their central argument indicates that the primary export model - ergo dependent of the (over) exploitation of nature's existing resources and sold as raw materials to industrialized countries – unleashes vulnerability and fragility in public finances and the fiscal budget of these countries. Rentier economies that generate weak states, stunted institutionalities, high corruption and tax evasion, because revenues - even more so when it is abundant in times of commodities' price increases on the international markets- discourage taxpayers, weaken fiscal policies, reduce the effectiveness of fiscal control mechanisms. In the short and long run this has an impact on low economic growth, low diversification of production and exports, and on the world market, the cyclical crises, and the variability of commodity prices, and discourages domestic and value-added manufacturing production as well as other types of insertion in the international market (Sachs and Warner, 1995).

In short, those premises comprise what the authors have called the "natural resource curse" or the "paradox of abundance," which includes, apart from the above factors, the decline in the competitiveness of other sectors of the economy, volatility of revenues coming from these natural resources due to its exposure to the ups and downs of the global commodity market, as well as government's mismanagement of resources, or the absence of solid or strong institutions, that turns them into corrupt and unstable ones. To this is added, in this context, the so-called "Dutch disease", caused by the unprecedented currency increase in the economy of a country, which is given from unexpected events, such as a price increase of minerals, gas or oil.

However, the " natural resource curse " or " paradox of abundance " thesis has its critics, who question: is it necessarily the abundance of natural wealth the central cause of the deterioration of the state, the poor quality of institutions or weak democracies? It seems that not in every case the premises of Sachs and Warner Jensen and Wantchekon are fulfilled. Authors like Mehlum Halvor, Karl Moene and Ragnar Torvik (2011 and 2006) and Thad Dunning (2008) have questioned such assumptions, they qualifying Sachs, Warner, Jensen and Wantchekon's thesis as mechanistic and lacking in empirical evidence by failing to conduct comprehensive and comparative work, because they do not consider the existence of other possible variables that explain the poor institutions, and that political behaviour -as well as the quality of democracies – is not necessarily associated as cause and effect to the abundance of resources or its behaviour in the international market. In this regard, how can they then explain that countries with abundance of resources, or that have achieved high political stability, institutional strength and good democratic institutions exist, such as the Scandinavia and Norway specifically. To Mehlum, Moene and Torvik (2011 and 2006), there are societies that meet these conditions, and it is the strengthening of their institutions that ensure the appropriate use of increased revenues from the exploitation and exportation of natural

resources. It is the correlation of forces, power relations and the ability of an organized civil society that can directly affect the quality of the political system, and the degree of strengthening of institutions with different regulation attributes, control and wealth redistribution, rather than the amount of available natural resources. The variables are more political than economic. The degree and level of political reforms depends more on the existence of social movements that promote change, than on natural resources.

Another author, Dunning (2008) poses a different idea: that countries with varying degrees of availability or abundance of natural resources can have strong or weak institutions, with more authoritarian or more democratic political systems, which can be very diverse and where there is not necessarily a correlation between the type of political system and the primary export development model. The degree of dependence on commodities, the type and quality of democracy is associated with other factors such as power relations, citizenship status, and the civil society's degree of organization.

Finally, in this item there is another area around the contradiction and disagreement, also structural, between the state and the indigenous peoples. It is about the national ownership of "common goods". The transit of a scheme under the control of multinational corporations, to one in which the state takes control, and in doing so affects the level of corporate profits, would enable to promote national policies -whether to promote the production of goods inside domestic economy, whether through income redistribution or through social investment and increased infrastructure and basic services.

e) Territorial Dialectics, Space Coloniality and World Capitalist System

In the Oxford Dictionary⁷ the term territorialisation barely appears derived from the verb to territorialise, meaning to become territorial, located in territorial bases, or even to associate with a particular district or territory. One can see the close relationship between the construction of territories with political and institutional processes, allowing for each territory, to visualise cultural-political interests (shares of the Church), political-military (Army) and political-economic (technical and business networks).

In that sense, territorialisation must be understood as a substantial part of the coloniality of space and nature, where degrees of control of a certain portion of geographical space are exercised by states, blocks of states, transnational corporations, local or regional power groups, depending on their power, rationality and interest. The dynamics of territoriality are associated with ownership, identity and emotional attachment to space; those combined define territories legally, factually and emotionally.

Facing this social universe, organizational, territorial, spiritual and symbolic, typical of the peoples of the jungle, what effects has caused the presence of the colonial state? We must return to the notion of coloniality of power and knowledge, raised by Quijano (2002a), applied to nature and space. A perspective like many Andean-Amazonian indigenous peoples, shows an intricate net of reciprocity between society and nature, where they perceive nature as a living subject, as a Mother and part of their family or "Ayllu" (in the case of the Kichwa peoples), with the ability of speech and intentions. Nature speaks, and as such the relationship between subjects: subject nature and subject

⁷ See <http://www.oed.com/>

- society, and the relationship is of mutual co-evolution and adaptation. For example, in the central Amazon of Ecuador, Pastaza, the Amazonian Kichwa people's concept of Mushuk Allpa is fundamental, and it refers to the existence of a relationship and practices - based on principles and ethics – where nature must be nurtured and renewed permanently, to bring society back to harmony (Sumak Kawsay) (Viteri Gualinga, 2006; Silva, 2002; Whitten, 1987).

Western rationality instead, from the colonial times in the sixteenth century, bursts in the scene of these peoples and their territories, to impose a perspective in which nature is not subject but object and their knowledge -unlike many indigenous peoples - is not based on the care and renewal of nature, but the domain, control and exploitation (Lipietz, 1979, Porto-Gonçalves, 2006, Harvey, 1996). The organization into a hierarchy and the classification applied to nature, occurred with spaces and territories. To some extent, the space has been naturalized and reified by power and the dominant ideology, while power and capital have established the basic parameters around which those spaces are organized, regulated and represented.

To sum up, the coloniality of space and nature refers to Western rationalization of nature and land, making them subject to appropriation, domination, exploitation and commodification, through simplification, hierarchy and compartmentalization, functional to processes of reproduction and capital accumulation at a local and global level (Escobar, 2008, Harvey, 1996, Harvey, 2001; Quijano, 2000b; Porto-Gonçalves, 200; Lipietz, 1979).

PART 2.
STATE AND INDIGENOUS PEOPLES DURING THE
DEVELOPMENTALISM TO NEOLIBERALISM TRANSITION (1980-2005)

Introduction

The socio-political and economic context of the past three decades in Ecuador, must be properly placed in the framework of the confrontation of two nation-state projects: one, a Western-colonial model with more liberal content, that contemplates to surpass the old order and the hacienda-landlord culture, to impose in the country a modern capitalist social order, with a more culturally homogeneous society attached to the globally dominant Western system; and the other, which includes 28 peoples and 14 indigenous nationalities of the country, seeking to transform the current exclusionary monocultural, ethnocentric state into a new inclusive, plurinational and intercultural one.

a) Transition from a Military Regime to a Civilian Regime with Electoral Cut. Decline of the Developmentalism Phase (1978-1984) –

The state-indigenous peoples relations before the democratic transition period in Ecuador during the eighties, are marked by developmentalism conducted by the military from the sixties and seventies in the country. The issue of land tenure had the priority and the need for its redistribution. Land reform appeared primarily as a contributing element to commercial development and to the construction of a modern capitalist order, which created certain minimum conditions for the rise of industrialization (Gondard, 1990; Barsky, 1988). The essential complement to rural land redistribution was the colonization of what was called "wastelands", especially in the Amazon (Rudel and Horowitz, 1993; Pichon, 1993; Trujillo, 1987, Anderson, 1990).

Additionally, we need to consider that the laws of 1964 and 1973 with land reform policies standardized and addressed all rural people as "campesinos" (peasants), without identifying any ethnic or cultural traits. The "Indian problem" became conceptualized as part of the peasant problem in general. An illustrative example is found in the actions of the nationalist dictatorship of General Guillermo Rodríguez Lara, who determined state action against indigenous peoples around three axes: a) the continuation of the process of land reform and colonization of their predecessors, and the incorporation of indigenous peoples and communities to the capitalist project of modernization of agriculture through small-scale commercial production (García Gallegos, 1986; C. Ortiz, 2006); b) control of large ancestral territories, particularly in the north of the Amazon, to ensure the oil industry's consolidation, new cornerstone of the economic process; c) the promotion of a "cultural policy", under the premise of a "national culture" to establish a modern nation-state, Spanish-speaking and monocultural, or as noted by Rodríguez Lara himself, "there is no such thing as the Indian problem (in Ecuador). We all become white when we accept the objectives of the national culture" (Whitten, 1987: 302).

Considering such approaches, the Shuar Federation opposed the assimilation policy of the military, insisting on their "difference" in their identity politics. They developed a bilingual and bicultural education program with the ingenious idea of using radios to reach and communicate with scattered centres in the jungle (Salazar, 1981:599;

Hendricks, 1996). Already in 1972, they raised the possibility of a "Shuar comprehensive self-determination" and demanded to IERAC (Ecuadorian Institute of Agrarian Reform and Colonization) global property deeds.

With the beginning of oil exports (August 1972) revenues began to grow; even more, with the dramatic increase in international oil prices in later years. Only exports between 1972-1974 came to be equivalent to an amount similar to Ecuadorian exports of the previous 140 years of republican life, since the price per barrel jumped from U.S. \$ 2.56 to U.S. \$ 13.9. Such wealth, administered from the state, allowed not only some government independence from traditional groups of economic power (mainly the old agro-export oligarchy), but also the consolidation of the interventionist role of the state in the promotion of a dependent capitalism, inscribed on the import substitution under ECLAC premises, with strong ties to transnational capital (Bocco, 1987; Acosta, 1982; Faletto, 1991; Garcia Gallegos, 1986).

It must be said that in the immediately preceding period to the rise of civil-elected governments, simultaneously with state action, different strategies for change and reform were deployed, inspired by developmentalism and an emergent neo-indigenism, driven by at least three groups with direct impact on the genesis and emergence of major contemporary peasant-indigenous organizations in the country (Breton, 2001; Martínez, 2002): a) progressive sectors of the Catholic clergy, influenced by the changes of Vatican Council II and the emergence of Theology of Liberation, like the Diocese of Riobamba in the Central Sierra, lead by Bishop Leonidas Proaño, or the Apostolic Vicariate of Méndez by the Salesians in the South Amazon (Botasso, 1982, Prien, 1985, Levine, 198 , Gavilanes Castillo, 1992); b) non-governmental programs such as the Andean Mission, its central axis of interventions along the Sierra was known as "community development" as Breton notes (2001:36) it consisted on providing communities with a legal condition, under the protection of the "Ley de Comunas" (Communities Law) and the legal status of existing rural communities in the country; c) fractioned and troubled movements and parties of the Marxist left, wanting to consolidate their political projects, establishing peasants fronts, whose main role would depend on the ideological bias of a particular political fraction.

In short, the end of the hacienda system and precarious forms of work, the struggle for land and territorial defence, together with the direct influence of the mentioned actors, would set the conditions for the main contemporary indigenous organizations' formation in different regions such as ECUARUNARI in the Sierra, the Shuar Federation (FICSH), the Federation of Indigenous Organizations of Napo (FOIN) and the Organization of Indigenous Peoples of Pastaza (OPIP) in the Amazon (Guerrero and Ospina, 2002; Ibarra, 2003; Korovkin, 2003, Ramon, 1993, Serrano, 1993).

In the late 70s, the state sets the FODERUMA program (Marginal Rural Development Fund) and the National Literacy Plan. Both initiatives involved the poorest indigenous population. Since the only guarantee to access credit was to have a good level of organization, some municipalities assumed the organizational pattern imposed to access these resources. In addition, in 1979 restrictions on the illiterate vote are removed, indigenous people electoral participation is driven in the context of the transition from a military to a civilian regime (Breton, 2001; Garcia Gallegos, 1986; Acosta, 1982).

The mentioned indigenous organizations, to some extent, played a relatively minor role in the national political scene, because their deeds were restricted to less visible and more local and regional scenarios that revolved around the struggle for land, the defence and legalization of ancestral territories and what historian Galo Ramón called an invisible and poorly understood process of "ethnic revival" (Ramón, 1993:197).

Global influences were important, especially from non-governmental organizations such as the World Council of Indigenous Peoples and Cultural Survival (Brysk, 2000:41; Maiguashca, 1994, Chase Smith, 2003). Both were created to oppose global "threats" against the survival of indigenous peoples. In addition, Cultural Survival and Oxfam America were very much interested on building indigenous institutions. "When a movement manages to build an alliance and uses its international allies to pressure the state in the global arena, through the media, etc., a space opens to its demands, which simultaneously become stronger in the national arena" (Brysk, 2000:30).

The first democratic election of 1979 elected Jaime Roldós Aguilera to be president, who, during his inaugural speech, said a few words in Kichwa and recognized the "pluri-ethnic" and "pluricultural" character of the country, at a time when the Ecuadorian diplomatic delegation took part in international debates at the International Labour Organization Convention about the still valid "Convenio 107" (Agreement 107) (Roldós, 1980). Beyond Roldós' rhetoric, the state policy remained essentially unchanged compared to the previous period: in 1980 the Department of Integrated Rural Development (SEDRI) is created. It sought to integrate the majority of the rural population to the benefits of the so-called national development. Specifically, the target group of these programs of integrated rural development (IRD) were smallholders, farm labourers, landless and marginalized rural population. The DRI did not specifically covered indigenous regions and territories. "From the 17 DRI projects in the 1980-1984 period, only six occur in the Sierra (Tungurahua, Toacazo, Quimiag - Penipe , Salcedo, Canar and Guamote), and only the last four cover a predominantly Indian area" (Sánchez Parga , 2010:72). These rural development programs had very uneven and limited impacts: they propitiated peasant differentiation, by having failed to secure an equal distribution of credit, irrigation, technological changes and market access, which worsened precarious reproduction conditions of many rural areas (Martínez, 2002; Breton, 2001). Roldós' government also implemented the most significant program of education and literacy ever known; the impacts would extend for more than a decade.⁸

After the tragic death of President Roldós and his party, in May 1981 when the official plane crashed while he was traveling in the south of the country, under conditions not yet officially clarified (Galarza Zavala, 1981), the leadership of the government was assumed by his Vice President Oswaldo Hurtado Larrea, a Christian-Democratic, who changed the government's general direction, in the middle of an international environment marked by the "foreign debt crisis" that reverberated widely throughout Latin America (Cave, 1988; Bocco 1982; Mills, 1984).

⁸ It the importance of existing initiatives linked to the Catholic Church should be noted, like the Indian Education System program of Cotopaxi driven by the Salesians in that area of the Central Sierra, as well as the Radio Schools of Ecuador (PREE) whose axis started from the diocese of Riobamba led by Mons. Leonidas Proaño. Also the Macac Project sponsored by the Jesuits and the Catholic University of Ecuador (PUCE). Cf. Rivera (1987) and Sánchez Parga (1991).

At the macro level, Hurtado decided, on one hand, that the state had to assume the debt of the major industrial and financial groups, whose payments depended increasingly on oil sales. On the other hand, he accepted for the first time multilateral conditionalities from the International Monetary Fund (IMF) and the World Bank (WB) as well as from creditor banks. During this government, some fraction of the Ecuadorian bourgeoisie (agro-export, agribusiness, bankers and financiers) pressured towards a shift in government policy: to go from a model of development based on state protectionism, linked to the promotion of the ISI model, to one marked by the guidelines of the "Washington Consensus" (Martinez, 2003; Korovkin, 2003; Larrea, 2004:14; Breton, 2003; Moreano, 1983, Mills, 1984).

Hurtado's government policy on indigenous peoples was ambiguous: on one hand he created a Bureau of Indian Affairs linked to the Ministry of Social Welfare and prolonged the creation of the Head of Intercultural Bilingual Education, that would not function until years later. On the other hand, in the framework of his policy to promote non-traditional exports, he began the expansion of African palm crops in the northeast of the Ecuadorian Amazon, within a large-scale farming model that was consolidated with the governments to come (Mills, 1984; Guerrero, 1987).

In 1982, relationships between organizations in the Amazon had matured and they all agreed to create a Confederation. The CONFENIAE (Confederation of Indigenous Nationalities of the Ecuadorian Amazon) was founded with three basic objectives around land defence, which was the main reason that led them to organise (Chirif, 1991; Salazar, 1981): a) to claim the territory of the Siona-Secoya, A'I Cofan and Waorani; b) to question settlers' invasions, which they oppose and demand the legalization of communal lands; c) to oppose the presence of multinationals exploiting mines and oil and the ones who initiated the cultivation of African palm. According to Alfredo Viteri, " ... the reason for indigenous organization is mainly the defence of the land. It is also a response to discrimination and cultural colonization. We Indians have made the decision to value ourselves and identify ourselves as one people and we will defend ourselves against policies that endanger our survival".⁹

b) Political Crisis, Neoliberalism and Multicultural responses to the demands of Indigenous Peoples (1984-1998)

In 1984 León Febres Cordero wins the presidential election (1984-1988), leading a powerful coalition of the traditional right called "Front of National Reconstruction." Undisputed representative of the agro industrial and financial bourgeoisie of Guayaquil and "insolent messenger of the oligarchy," as described at the time by the late President Roldós, Febres Cordero marked his government's lines around a total subordination to the mandates of the Washington Consensus and an enthusiastic participation in the anti-communist crusade led in Latin American by president Ronald Reagan's government (Nuñez, 1987; Conaghan, 1994; Conaghan, 1988; Bocco, 1982).

On the economic level, Febres Cordero's Social-Christian administration increased neoliberal adjustment policies with continuous mini currency devaluations, increasing foreign debt by imposing a parallel system of currency changes, and devaluing the

⁹ Cf. Bulletin No.16 People's Rights, Ecumenical Commission of Human Rights (CEDHU), Quito, August 1983, p. 6.

currency by nearly 50%, intended to benefit the agro-export bourgeoisie and openly prejudicial to other fractions of the weak and small industrial bourgeoisie, particularly small manufacturers and artisans, who massively went bankrupt exacerbating the unemployment problem (Roldós, 1986). Additionally, he encouraged the privatisation of state enterprises related to agriculture and agricultural marketing (Nuñez, 1987:193). In this context, the government wage policy, far from balancing out high inflation rates, impacted directly on the loss of purchasing power of popular sectors (Roldós, 1986, Grove, 1986).

However, it was on the political arena where Febres Cordero was to make an impact, through highly repressive and authoritarian action. "He ignored Congress' decisions controlled by the opposition; he broke into the Supreme Court; he repressed the FUT (Workers Union) and launched an action to annihilate the rebel movement "Alfaro Vive Carajo"" (Ayala Mora, 2008:118).

On the social sphere, his responses against social protests and unmet collective demands were highly repressive. His office was characterized by a fierce neoliberal agenda that triggered a strong process of de-institutionalisation, concentration of power and popular movements' persecution, breaking all records relating to human rights violation, including forced disappearances, abductions, torture and murders (Conaghan, 1988; Hurtado, 1988; Nuñez, 1987; Quintero, 1988).¹⁰

During this government the young land reform process was definitively buried for peasants and indigenous sectors, and even programs of integrated rural development (IRD) followed the same fate, including state subsidies to agricultural production and credit, with serious repercussions in the living conditions of the rural population in general.

In terms of indigenous territories, the Febres Cordero government took two types of action: he made an impact on space loss, and the dismantling of some peoples: on one hand, the promotion of five rounds of old bidding between 1985 and 1987 granting concessions of about 10 oil blocks, representing nearly 2 million hectares, mostly in the provinces of Napo and Orellana and on Kichwa, Siona and Sequoia territories, north of the Amazon. This was complemented by the adoption of a new Mining Law that granted concessions to individuals and businesses, where the state would charge only minimal commissions and give huge tax incentives to the concessionaries (Grove, 1986; Montúfar, 2000; Conaghan, 1994; Nuñez, 1987).

The extraction policy, so favourable to transnationals, also brought a partial expansion of the oil and mining industry frontier towards the centre and partially to southern Amazonia, including important protected areas such as the Yasuní National Park or indigenous territories like the peoples of Pastaza where at least three oil companies entered (Ortiz, 1997).

¹⁰ According to the Final Report of the "Truth Commission Ecuador 2010" called "Without Truth there is not Justice", in Ecuador is recorded for the period 1984-2008, 269 illegal deprivation of liberty, torture 365 processes, 86 acts of sexual violence, 17 disappearances, 26 violations of the right to life and 68 extrajudicial executions against a total of 456 victims, are the numbers to be drawn from more than 600 collected. These testimonies have been grouped in 118 cases. 68% is the government of León Febres Cordero (1984-1988). In <http://www.alfonsozambrano.com/comision_verdad/cdv10-informe_final.pdf> access February 15, 2014.

In this context of severe social and economic impacts on popular sectors in general, and the indigenous population in particular, organizations of both the Sierra and the Amazon continued with their meetings. In 1984 in Quito, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) was created and was formally recognized in 1986. Its strategic lines would be based on the following premises raised by both Shuar, Pastaza and Napo Amazonian organizations and the ECUARUNARI: "a) to recover land and territory; b) to reaffirm peoples and nationalities' identity, as well as their language and cultures; c) to strengthen unity in diversity, and d) to construct a plurinational state, alternative to the liberal state, intercultural, uninational, inclusive, which overcomes all forms of oppression and exploitation" (Karakras, 1984).

The transition between the 80's and 90's was possible thanks to Rodrigo Borja's Social-democratic government (1988-1992), sponsored by the Democratic Left (Montúfar, 1990). As a result, he took care of restoring democratic and institutional coexistence in the country and distrusted the heir of neoliberalism, by attributing to the state the management of the economy. However, he could not escape the model that dominated Latin America and multilateral constraints, so he took key steps within the neoliberal perspective, designed to ease the Labour Code, promote microenterprise and the "maquilas" system (complementary work in developing final export products), he initiated the discussion about "privatisation" and took express action to "reform the state" (Burbano de Lara, 1998; Conaghan and Malloy, 1994; Conaghan, 1995).

Borja had legislative majority of his party. He proclaimed the "payment of social debt" and the "social agreement". But it all remained in speeches and good intentions, and he finally worked amid the accumulated economic crisis and succumbed to pressures of creditor agencies, some fraction of the financial bourgeoisie and bondholders of foreign debt.

At the time, even national strikes, promoted by the FUT (Workers Union), lost resonance, to make way for the indigenous movement emergence, especially with two historical events such as the June 1990 uprising led by CONAIE (Rosero, 1991, León, 1993) and the Organization of Indigenous Peoples of Pastaza (OPIP) march in April 1992 for the legalization of their territories that enabled partial recognition and some title ownership (OPIP, 2001, Ortiz-T, 1997, Viteri, 2006). In the end, this would become one of his most significant decisions in relation to the indigenous movement and its struggles.

In the June 1990 uprising, CONAIE included plurinationality in its 16 demands, which also gazed into the legalization and free allotment of pending lands and territories; the reform of Art. 1 of the Constitution, lead to changes in the nature of the state as plurinational, pluralistic and democratic. It also included the right to self-determination, which consists on creating a self-government system that allows indigenous peoples legal jurisdiction over the administration of their communities' internal affairs, inside the national state framework, as well as the respect to their own way of thinking, their particular organizational forms and political practice (Rosero, 1991, Walsh, 2009; Zamosc, 2005).

As noted by Andrés Guerrero "The CONAIE does not replace a mediation tool like the FEI¹¹ with its style and functions, meaning, a ventriloquist indigenous body Spanish-speaking on white-mestizo terms, discussing citizenship claims of the indigenous population in the national political space. The movement created a new social agent, linked and boosted once unthinkable demands and unspeakable by lack of speech: a reinterpretation of History from the Indian point of view, linked to demands for autonomy, self-government and self-determination" (Guerrero, 1992:107).

However, at the end of the Borja government, neoliberal economic management contradicted Social-democratic definitions proclaimed by the regime and the "social debt" was definitely frustrated.

In October 1992, Sixto Duran Ballén won the presidential elections (1992-1996), an old activist and founder of the Christian Social Party, who, however, was sponsored by the Republican Unity Party (conservative cut), circumstantially formed for these elections. His government aggressively reaffirmed and consolidated the neoliberal model and an alignment with U.S. foreign policy. (Cf. Burbano Lara, 1998; Conaghan, 1995; Cave, 1989).

Anyway, Duran Ballén's government secured the free market system benefits, as happened with the so-called Land Law in 1994, promoted by entrepreneurs, ranchers and agricultural exporters, united in the First District Chamber of Agriculture. In November 1993, in this national framework, emerged the lawsuit in New York against Texaco Oil Company by a group of farmers and indigenous people of the Amazon affected by the company's activity. Since the government's priority agenda was its relationship with the United States, this fell like a bucket of cold water (Fontaine and Narvaez, 2005; Ortiz-T, 1997).

Actually, the partnership between the government and the oil industries could not have been better. It was a time when the economic front and energy authorities eagerly announced new tenders for oil exploration in the Amazon and legal reforms such as those promoted that year (1993) around the Hydrocarbons Law, which exonerated companies from paying commissions, entry bonuses, superficiary rights (lessor), contributions in compensation works. The state benefited very little in this context.

CONAIE meanwhile decided to participate in local elections with its own candidates (Maldonado and Jijón, 2011). This decision was taken during a context of popular reactions and criticism to the government's public management, which became general, especially since the attempts to impose an agrarian law that benefited agricultural exporters (Guerrero and Ospina, 2002:60; Davalos, 2002).

To this kind of incident added the absence of social policies that showed insensitivity towards the rights and demands from civic, labour, peasants and indigenous people groups. The advancement of public corruption was alarming, it forced the departure of several officials, including Vice President Alberto Dahik involved into such scandals (Cf. Burbano Lara, 1998; Korovkin, 2003; Mejía, 1998).

¹¹ Guerrero refers to the former Ecuadorian Federation of Indians (FEI), which was always subordinate to the unions affiliated to the Communist Party of Ecuador PCE.

The government's intentions to build the Heavy Crude Pipeline (OCP) to ensure the expansion of the oil frontier in the Amazon, met a resistance from public workers led by the state's oil company (FETRAPEC)¹², who developed several actions supported by the CONAIE and other urban social sectors. Despite the protests, Duran Ballén consolidated the initiatives in progress to extend the oil border into South Central Amazonia. Organizations like FETRAPEC and CONAIE and other social movements clustered in the Coordinator of Social Movements (CMS) opposed neoliberal reforms, achieving significant results, like victory in the plebiscite summoned by Duran Ballén. This type of actions enabled the creation of Plurinational Unity Movement Pachakutik- New Country (Barrera, 2001) as an instrument to participate in the electoral affairs (Maldonado and Jijón, 2011).

While the CONAIE and other organizations like FENOCIN severely questioned the political system for its ethnocentric and exclusionary ways, they, nevertheless, chose to participate in the electoral political game. The first aspect is summarized by Handelsman: "Indigenous communities of Ecuador understand in all its depth democracy's thin nature, especially in view of a hegemonic tradition that for centuries has subjugated ethnic minorities in the name of democracy and civilisation" (2005:52).

At the end of its term in office, Duran Ballén's government settled an agreement with Texaco in relation to remediation activities in destroyed areas in the North Central Amazon, as a result of its operations since the late 60s (Ortiz-T., 1997; Marsilli, 2005;). It was the culmination that marked the end of this stage, with serious future consequences for the popular sectors and a fragile democracy.

c) Bucaram's victory and the collapse of the political system (1997-1998 juncture)

In this context of uncertainty, in the 1996 elections the populist leader Abdalá Bucaram was elected president, sponsored by the PRE (Roldosista Ecuadorian Party) beating the right-wing candidate Jaime Nebot Saadi, from the Social Christian Party (PSC). Bucaram won with a negative vote against Nebot (Freidenberg and Alcántara, 2003; Saltos, 1997). But his government was allowed to exist for only six months. Somehow, PRE's government simply meant the presence of other coastal oligarchic fraction of speculative-financial cut with media control, especially television, which was linked to the president's family and friends and to other leaders of the political party. The image of the state as a political and economic bounty outraged domestic public opinion (De la Torre, 2005; Freidenberg, 2003).

Faced with such a climate of corruption and arbitrariness (which even had international significance), public indignation grew strongly. Three actors refused to join the official current: the oil workers, the Pachakutik-New Country Movement and some journalists. Bucaram's response was intimidation and persecution. Several leaders of FETRAPEC and CMS were threatened and arbitrarily detained. In the case of indigenous organizations, where some Amazon sectors had allied with the

¹² Federación de Trabajadores Petroleros del Ecuador (Federation of Oil Workers of Ecuador), which brings together various unions of state-owned company Petroleos del Ecuador (Petroecuador).

government, Bucaram developed a strategy of division and cooptation. Manipulating the differences between the Amazonian and Sierra organizations, Bucaram created the Ethnic Ministry, naming the Shuar Rafael Pandam as its director (Saltos, 1997, De la Torre, 2005; Burbano de Lara, 1998).

During his term of office, Bucaram's government attempted to establish neoliberal economic reforms including currency convertibility and a package of neoliberal reforms such as large-scale privatization, tax reforms, reduced subsidies and increased gas and fuels prices, transportation fares and tariffs for public services.

Outside the legislative arena, the CMS led the formation of a broader coalition called the "Frente Patriótico de Defensa del Pueblo" (Defence of the People Patriotic Front), who proposed a general strike to repeal the anti-popular economical package, mainly the increase in gas, fuel prices, public transport fares and rates for basic services. CMS worked with unions, urban neighbourhood organizations, women and students, and during that process it allowed each sector to maintain its identity and develop its position against the PRE's economic package. This time, the initiative was in the hands of urban and mestizo organizations while CONAIE took a step back, absorbed in several internal conflicts originated by the new government control apparatus (Saltos, 1997, Burbano de Lara, 1998; Mejía, 1998).

During these demonstrations, the agglutinated CMS organizations received promises to summon and install a National Constituent Assembly to attend to various social repressed demands, including those in the agenda of the indigenous movement. CONAIE's request of closing the Ethnic Ministry was satisfied, and a Council of Nationalities and Peoples (CONPLADEIN) took its place, under the Presidency of the Republic, as lead agency and implementer of government policies. The World Bank's direct intervention in this process implied primarily the registration of state policies for indigenous peoples under the multiculturalist paradigm, specific to the prevailing neoliberalism in all Latin America (Fiallo, 2006, Griffiths, 2000;. Ortiz-T, 2005b, Breton, 2007).

After the fall of Bucaram and his flight to Panama, his Vice President, Rosalia Arteaga, succeeded him for a few hours, but was prevented from pursuing the presidency as a result of arrangements between political and corporate elites, who, through their parties represented in Congress, appointed Fabian Alarcon Rivera, conservative leader of the Alfarist Radical Front (FRA), the constitutional successor as Acting President. The objectives of this Acting government were two: on one hand, to carry out the steps of the neoliberal agenda that Bucaram left aside; and secondly, to control the process of convening a Constituent Assembly, a demand posed by various social organizations of the country in this crisis' context. In short, their struggle opened a space for discussion and a possibility of an agreement for a new state model and redesign of the political system. However, Alarcón's Acting government was based on the ability to deal with the many political forces, especially the more traditional, to unite and seize the opportunity to open the call for a Constitutional to impose their own content to the project (Burbano de Lara, 1998, Mejía, 1998).

Since the creation of COMPLADEIN and the PRODEPINE project, sponsored by the World Bank, CONAIE proposed their managers who were ratified by the President

of the Republic. This meant that from then on CONAIE, in addition to controlling these enclaves within the state, had an official monopoly of indigenous representation, which drew criticism and friction with other organizations such as the Evangelical Indigenous Federation (FEINE), Federation of Peasant Indigenous and Black Organizations, (FENOCIN) (Breton, 2007; Ortiz-T, 2005b; Griffiths, 2000).

In January 1998 an Assembly was formed composed of members elected by popular vote, which became the National Constituent Assembly and ran parallel to the Congress. The result was that the Assembly ended up controlled by the old traditional power elites. This enabled them to consolidate the neoliberal model, through a series of measures such as the abolition of economical strategic sectors (oil, telecommunications, water), recognition of private capital in sensitive sectors, among others. This neoliberal Constitution of 1998, established as a final concession to indigenous peoples - in the multicultural state policy framework- the Articles 83 and 84 about the right to Prior Consultation, where collective rights were partially encoded, recognized in the “Convenio 169” (Agreement 169) (Fiallo, 2006).

For that reason, indigenous and social movements’ proposal for a plurinational state and profound changes in the political system and the economic model, were far from taken into account.

d) Beginnings of the decline of Ecuadorian neoliberalism: Mahuad government, Banking Salvage, Dollarization and Political Instability

The context above mentioned would be the preamble that opened the door for the Christian Democrat and former mayor of Quito, Jamil Mahuad, who won the 1998 elections. Mahuad’s political capital came from a wide satisfaction to his work in Quito’s municipality.

Mahuad ruled during the establishment of a parliamentary alliance between the ruling party (People's Democracy) and the Christian Social Party, unthinkable in another era, which supported the viability of the neoliberal project, backed by the recently adopted Constitution. Financial deregulation became more intense since Duran Ballén’s government had contributed to an unprecedented concentration of credit. When exporters could not respond for their loans, banks entered a crisis and despite the government investing millions of dollars in the banks’ bailout, mistrust was widespread (Beck, 2001; Bustamante, 2001; Larrea, 2004; Moreano, 2001). In this context, Mahuad was pressured from powerful factions of the financial and banking bourgeoisie, so he suspended the validity of income tax and introduced a 1% tax on the movement of capital, and wealth redistributive orientations were lost. After a 1% reduction in 1998, GDP experienced a fall of less than 9% in 1999 Inflation, which was already very high in late 1998, 43% -, doubled in less than three months. In 1999, the “sucre” was devalued by 200 % (León, 2001; Moreano, 2001; Larrea, 2004).

In March 1999, Mahuad declared a bank holiday and the freezing of citizens’ deposits and savings, favouring certain fractions of the banking and financial bourgeoisie. Many of these groups were already identified as corrupted and involved in obscure negotiations and they were clearly the privileged beneficiaries. Later that year, the economic downturn and institutional deterioration worsened the political and social tensions. Demands for the President’s resignation grew progressively and so did an

unprecedented wave of emigration that would eventually send away more than 1 million Ecuadorians in the next three years, to Spain and Italy as preferred destinations (Alvarez Grau, 2001 Broke; Lucas, 2000, Larrea, 2004; Moreano, 2001).

In addition to its policy of subservience to U.S. strategies, Mahuad's government supported the installation of a U.S. military base in the port of Manta, aligned with the "Plan Colombia", although the official version read that the purpose was to monitor movements of drug traffickers and guerrillas with radars in the northern border with Colombia (Lucas, 2000:109).

As for indigenous territorial perspective, Mahuad's government did nothing but strengthen the process started in the 80s and throughout the 90s. All governments in that period established legal and political conditions that facilitated extractive frontier expansion of over 2 million hectares in indigenous territories in the Yasuni National Park, Waorani territories and Pastaza (Fontaine and Narvaez, 2005; Wray, 2000; Marsili, 2005).

In this context, opposition, as well as political and social discomfort around the government widespread. In January 2000, defeated by pressures of powerful business elites and the inability to cope with the deterioration of the sucre, Mahuad declared the "dollarization" of the Ecuadorian economy. In this scene, at least five conspiracies converged to overthrow the government. (Alvarez Grau, 2001:115 ff; Pacari Vega, 2004; Davalos 2001).

A first one involved a fraction of the CONAIE led by its president, Antonio Vargas; a second involved junior authorities, linked to the Army's intelligence services, led by Colonel Lucio Gutiérrez. Another included General High Command with Vice President of the Republic, Gustavo Noboa. Gutiérrez and Noboa's ultimately prevailed on January 21, 2000, with support from CONAIE's President, Antonio Vargas, who was responsible for mobilizing around 8000 Indians, especially from the province of Cotopaxi, headquarters of the National Congress in Quito (Mendoza, 2000; Barrera, 2001; Alvarez Grau, 2001; Paz y Miño, 2002).

This indigenous group was supported and protected by officers and army troops under Colonel Gutiérrez, and together they took over the parliament on January 21, and later, in the Government Palace, they proclaimed a Triumvirate of National Salvation composed by General Carlos Mendoza, lawyer and politician Carlos Solorzano Constantine and Antonio Vargas. But this triumvirate lasted a few hours, after unexplained negotiations in which the U.S. Embassy in Quito participated and so did the State Department in Washington (Mendoza, 2000; Paz y Miño, 2002). The public truth is that on January 22, Congress ousted Mahuad and appointed as Head of State Vice President Gustavo Noboa Bejarano (Ponce, 2000; Davalos, 2002, Barrera, 2001) who took office amid great uncertainty.

In sum, the coup of January 21, according to various qualified sources (Paz y Miño, 2002; Bustamante, 2004; De la Torre, 2005; Ibarra, 2003a, Alvarez, 2001; Saltos, 2001), had the mission to put Noboa Bejarano in office, because it was the more acceptable course of action to Guayaquil power groups, the Army and U.S State Department. It was the route that ensured three immediate key objectives: a) to defend the interests of certain financial and banking fractions of Guayaquil, who were at risk;

b) to consolidate neoliberal reforms, particularly those having to do with American investments in the oil sector; and c) to disrupt and / or neutralize one of the main factors of risk and threat to the neoliberal project: the indigenous movement CONAIE¹³.

That imperceptible plot would unveil during the post-coup period. The government's economic measures with higher popular impact and which generated more extensive and intensive social reactions had to do with the increase in fuel prices, domestic gas and transportation fares. The wave of migrants expelled to Europe did nothing but grow. CONAIE, while internally struggling, joined the call by the Workers Union (FUT) and the Ecuadorian Peasant Indigenous and Black Federation, (FENOCIN) to call for peaceful demonstrations and marches that had their heyday on January 26, 2001, a day when 10,000 protesters from across the country travelled to Quito (Larrea, 2004; Handelsman, 2005). To this demonstration, the government responded with violence and repression. CONAIE bases concentrated in Quito and the government established a siege, declared national emergency, which suspended citizens' rights. This demonstration kept the country in suspense for more than two weeks, left 6 dead, over 30 wounded by gunfire and hundreds arrested across the country (Guerrero and Ospina, 2002; Larrea 2004). International reports, efforts by deputies close to indigenous organizations and a current of widespread opinion demanded solutions to the crisis. On February 8, organizations participating in this movement (CONAIE, FENOCIN), others affiliated to Peasant Social Security, indigenous evangelicals and Kichwa leaders like the mayor of Cotacachi, Auki Tituaña, reached an agreement with Noboa. They did so under the slogan "nothing exclusively for the Indians", which contained 23 points and 4 transitional provisions, most of which were ambiguous and general and a few symbolic, like the reduction of a few cents in the price of gas or the fact that fuel prices were frozen (Acosta et al, 2001).

This turn CONAIE took would orphan territorial and local organizations with their own repressed historical claims, such as the defence of their territorial and autonomous rights.¹⁴ Frustration and disagreement with the content of the document signed with the government, was evident in the Kichwa delegations of Pastaza (OPIP), the Shuar and Achuar (FIPSE and FINAE) who had participated in the protests, and left the site before the heads of CONAIE proclaimed to the media and to urban-mestizo sectors its alleged victory with a march through the city streets.

During those days in Centre-South Amazon territories of organizations like OPIP, FIPSE and FINAE (today NAE), living circumstances were critical, stemming from a strong assault by the oil companies General Fuel Oil Company (CGC) and Arco Oriente, responsible of concessions in blocks 23 in Pastaza (Kichwa and Sapara territories) and block 24 in Shuar and Achuar territories, respectively, supported by the military, while the government hurried efforts to implement the project of Heavy

¹³ According to the perspectives raised by intelligence centers' strategists in Washington DC, "indigenous protest movements, increased by the transnational networks of indigenous rights' activists and funded by human rights' international foundations and environmental groups, are part of the threats faced by states, especially from Mexico to the Amazon region". Cf "Global Trends 2015", National Intelligence Council (NIC), Institute for National Strategic Studies (INSS), Washington DC. In 1997, Harvard Professor Richard Cooper led a commission that drafted the document "Global Trends 2010", sponsored by the same intelligence agencies of the U.S. government.

¹⁴ Cf . Agreement between the National Government and the Peasant and Social Indigenous Organizations of Ecuador. February 8, 2000, p.3.

Crude Pipeline (OCP) through a consortium of seven multinational companies (To enlarge cf. Fontaine and Narvaez, 2005; Ortiz, 2005).

One could say that social and indigenous organizations, not only were able to very timidly mitigate the impact of economic measures (freezing fuel prices or decreased price of gas), but in essence, government's plans were legitimized by the agreement they both signed. It planned to ensure investments in progress, especially in the oil sector and thereby continue the processes of de-territorialisation of conflicting and sensitive spaces to indigenous peoples of South Central Amazon areas.

e) Indian-Military Alliance: Government of Colonel Gutiérrez and Indian Movement crises

In the presidential elections of 2002, the majority voted in favour of Colonel Lucio Gutiérrez Borbúa with a desire for change, punishment and protest for what Ecuador had gone through in recent years in the economic, social and political fields. In other words, Gutierrez emerged as a political figure after the coup of January 2000, in the midst of rejection and loss of confidence of the majority of the population on the political system, the discredit of institutions, a sense of deep moral and economic crisis and high levels of corruption. At this juncture, much of the pro-Indian intelligentsia even raised the idea that the situation of 2002 was a repeat of the "revuelta popular" (popular riot) of January 21, 2000 (Cf. Moreano, 2001; Saltos, 2001; Lucas, 2000).

This hypothesis was based on absolutely questionable assumptions, if not false, which held that, on the day Mahuad fell, a "dual power" occurred when that never happened, because no power was exercised (Davalos, 2002 and 2004 are not exercised; Barrera, 2001). These a-critically accepted versions by leading spokesmen of CONAIE, and disseminated by its partners' network, omitted or overlooked Colonel Gutiérrez's military record and proclaimed him as a candidate for the presidency of the Republic in the name of a "Social and Political Plurinational Front." Until the date of the coup in 2000, Gutierrez was a senior intelligence services officer and a man trusted by the U.S. State Department (Alvarez, 2001; Garcia Gallegos, 2003; B. Ortiz, 2006).

Beyond the emergence of Gutierrez's party "Partido Sociedad Patriótica" (PSP) that would end controlling the process, the triumph of the first round clouded almost the entire Ecuadorian left, who celebrated with exaggerated and unfounded expectations, what in its opinion was the "rise of the first nationalist military man elected president in national history." But above that, in the Ecuadorian left imaginary, Gutierrez completed the "four aces" of the anti-imperialist and anti-neoliberal struggle with Lula da Silva in Brazil, Chavez in Venezuela and Evo Morales in Bolivia, as highlighted weekly magazine "Tintají"¹⁵ and the influential author of the "fourth way to power" thesis and "socialism of the XXI century", Heinz Dieterich (Dieterich, 2000)¹⁶. Gutiérrez's own statements, incredibly distant from this imaginary¹⁷, were barely taken into account.

¹⁵ Cf. Weekly magazine Tintají, July 2002.

¹⁶ Heinz Dieterich Steffan (1943), German political analyst who currently resides in Mexico. Known for his leftist positions, contributes with various publications in the region and was adviser to the late Venezuelan President Hugo Chavez.

¹⁷ Diario La Hora, Quito, p.2, October 24, 2002.

After a few days in office, Gutierrez got involved in one of the active conflicts in Central Amazonia, in the Sarayaku community of Pastaza (López, 2004; Ortiz-T, 2005). Sarayakus' leadership, allied with human rights NGOs and environmental groups in Quito, sued the state and the oil company for abuse and rights violations (López, 2004; Ortiz-T, 2005). After almost ten years of trial, the Inter-American Court of Human Rights IACHR, based in San Jose, Costa Rica, favoured the demands of the local organization of the Kichwa of Sarayaku from Pastaza¹⁸.

Gutiérrez's government management was characterized from the beginning by the lack of an operating, viable and consensus government plan, and complete subordination to the guidelines established by multilateral organisms World Bank and IMF. The availability of means to act on the social sphere helped Gutiérrez to weaken the CONAIE, through proselytizing activities of the PSP (Patriotic Society Party, Gutierrez's party) in rural areas, which irritated the indigenous confederation core.

Gutiérrez's economic policy prioritized the administration of electricity and telecommunications companies by foreign firms, and payment of the foreign debt. In the same neoliberal line, in the oil sector, his government established a form of partnership contracts with transnational corporations and tax incentives were extended. This was the case of U.S. Occidental (Oxy), which, apart from taking 82,55% of production in Block 15 licenced to it, failed to pay the value added tax and even sued the state demanding the return of millions of dollars held in taxes (SRI) (North, 2006; Ortiz -T., 2006).

Later Gutiérrez illegally decreed that all heavy crudes, including the state's, had to be transported through the Heavy Crude Pipeline (OCP) owned by multinational corporations, and their sale would be used to finance two funds: on one hand, the Oil Stabilization Fund (45%), and on the other, a fund to buy foreign debt (70%) (Fontaine and Narvaez, 2005). Then came the consent to join the Plan Colombia strategy driven by the alliance between the governments of George W. Bush and Alvaro Uribe. U.S. trade representative for the Andean FTA, Robert Zoellick¹⁹ stressed that the FTA served as a natural complement to the Plan Colombia. And Gutiérrez was a key element to try to break the threat of a real South American regional integration led by Hugo Chavez (Santos, 2005:131).

Gutierrez's excessive desire to neutralize all opposition and consolidate support social bases for his government, led him to issue a decree that empowered him to unilaterally appoint officials of the Development Council of Nationalities and Peoples of Ecuador (CODENPE). As noted by Leon Zamosc, "Somehow, CONAIE had become a hostage of its own success: the fear of losing what the movement had gained, emerged now as a factor that could inhibit its non-conformist character" (2005:218).

¹⁸ The Inter-American Court of Human Rights IACHR determined the responsibility of the state claiming that it should have made a prior, free and informed consultation. To expand Cf. IACHR. " Kichwa Indigenous People of Sarayaku Vs. Ecuador. Judgment June 27, 2012." San José: Inter-American Court of Human Rights Commission, 2012 Pp. 1-99. Available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_245_esp.pdf

¹⁹ Robert Zoellick, Letter of notification to Congress regarding the intention to start conversations for a free trade agreement with the Andean countries, sent to the Honourable Ted Stevens, President Pro Tempore of the Senate, Washington DC, November 18, 2003, p.2.

Meanwhile in the Amazon, internal divisions worsened in the Northern region, where pro-government groups, especially Kichwa of Orellana and Napo, had consolidated control of several federations and small nationalities, while in the South a battle was fought ranging from the autonomy of organizations to resistance to the onslaught of military forces supporting oil projects in blocks 23 and 24 (Ortiz-T. 2005c; Melo, 2006).

"To CONAIE, what was most alarming was the fact that the orientation (clientelism and divisive) gained strength from their own organizations, not only in the Amazon, but also in the Sierra provinces like Chimborazo" (Zamosc, 2005:219).

In this context, the bourgeoisie initially ignored government scandals, insignificant since Gutiérrez's had a favourable policy. But he came to an informal agreement with the populist right parties (Abdala Bucaram Roldosista's Party of Ecuador PRE, and the Social-Christian) and put together a block of solid support called "steamroller" with which they controlled the Supreme Electoral Tribunal (TSE), replaced the Supreme Court - associated to the Social-Christian Party- with a new court with personalities linked to the Bucaram's Party and the PRIAN²⁰ (Araujo, 2005:15; De la Torre, 2005:105 ff, Ramírez, 2005, Edwards, 2005).

According to the detailed description developed by De la Torre (2005), the return of Bucaram summarized some of the most despicable vices of Ecuadorian politics: the mockery of law and ethics, institutionalized corruption, blatant abuse, subjection of general welfare to corporate or group interests. In the city of Guayaquil his reception was organized. It was on April 2, Bucaram was to remain in the country for only 18 days, days that would turn Gutiérrez's office into hell. Throughout this short period he paid for his boldness, his forgetfulness, his ignorance and provocation. Gutiérrez downplayed and ignored the political traditions of the city of Quito²¹.

It all started when, on April 13, 2005, a provincial strike was organised in Quito, Pichincha, and in Azuay, south of the Sierra, to demand Gutiérrez's resignation for the return of Bucaram and the suppression of the Supreme Court. The government endorsed the innocence of his ally, played for him and won with this gesture the final enmity of nearly 2 million inhabitants of Quito (Araujo Sanchez, 2005; Ramirez, 2005). The so-called "Quito April" or "abril de los forajidos"²² (April outlaws) was lavish in actions of resistance and contestation that encompassed and exceeded forms of civil disobedience (Merino, 2005; Araujo, 2005). Society, without much organization or visible leadership, exercised its right to insurrection in different forms, but nonviolent political action prevailed as a way of rejecting arbitrary power

²⁰ Remember the events of February 5, 1997, that ended with the fall of President Bucaram, who for fear of being arrested and face charges of corruption and illicit enrichment, fled to Panama City, where he lives until today. Quite often he even gives public speeches, including media and social networks of his followers, despite being forbidden to do so by international rules for political asylum.

²¹ Alluded by Juan Paz y Miño (2002) when he recalls how in Quito, since the sixteenth century, major revolts already organized against Spanish crown taxes known in the Indian chronic as the "Revolt of the Alcabalas" or "Rebellion of Quito neighbourhoods." In more recent times, student and neighbourhood demonstrations throughout the 80s, against austerity measures or actions to remove Bucaram from power in 1997. There is a collective memory around that in the city, not free from myths, yet fundamental when demonstrations are unleashed.

²² On Friday April 15, 2005 in a television network Lucio Gutierrez called "outlaws" the thousands of protesters who expressed their discontent the night before, outside their homes in a suburb north of the capital.

(Ramirez 2005:88). Beyond that discussion, as referred by De la Torre (2005:110) and Araujo (2005:117), the crowds focused their actions on the headquarters of the institutions that reflected the breakdown and total collapse of the political system.

Unlike February 1997 and January 2000, CONAIE's indigenous were absent and gathered at the headquarters of the organization, following the events through reports aired live on local television. After a long night of protests and repression in the central streets of Quito, the morning of April 20, the Chief of the Joint Command of the Armed Forces, Victor Hugo Rosero announced to the country that the military withdrew its support to Gutierrez.

PART 3

LEGAL-POLITICAL REFORMS AND TRANSITION TO POST-NEOLIBERALISM (2006-2013)

The same day Gutierrez tried to flee from Quito airport with military support amid the social turbulence, Alfredo Palacio, medical doctor and vice president, assumed control of the government promising to "refound the republic." During the early days of his office, tensions disappeared in Quito, but several of the newly named "Self-Sovereign Popular Assemblies" remained active. It was the legacy of the "April outlaws," and their expectations, which were developed in a few days on various proposals²³, summarized in the following points:

- Calls for a Constituent Assembly, where oligarchic political parties and movements can have no participation.
- Immediate cleansing of Congress, amendments to the Elections Act to include the non-re-election of current deputies.
- Immediate suspension of the Free Trade Agreement (FTA) and renunciation of the negotiating team that was formed during Gutiérrez's government.
- Suspension of the agreement with the Manta U.S. military base, as well as to ratify the rejection of any involvement with Plan Colombia.
- To review and cancel corrupt contracts negotiated by Gutiérrez.
- To establish a policy of respect and support to the indigenous movement and all movements and social actor groups. In particular, in the case of peoples and nationalities, respect must be restored: respect to their rights and conquests achieved and through laws and decrees, such as the cases of CODENPE PRODEPINE, Indigenous Health and National Direction of Intercultural Bilingual Education (DINEIB).
- To Stop the Bailout policies and recover funds owed by the bankers to the State. Extradition and imprisonment for corrupt bankers, among other points.

Instead of welcoming the " April Mandate " or the proposals by CONAIE, during his first 100 days Palacio posed a political agenda whose mainstay was "a process of national reconciliation". The project was conceived in late May and was called "Sistema de Concertación Nacional con la Sociedad Civil" (SCN).²⁴ (National Reconciliation System with Civil Society).

Palacio's commitment, assumed on April 20, was swiftly gone, and with him all support and legitimacy with which he took office. De facto understandings with Social Christian Party (PSC) and the chambers of commerce, which conditioned support for political reforms in exchange for ensuring the signing of the Free Trade Agreement (FTA) with the U.S., tinted the governance till its end. Incompetent, insecure and ambiguous were some of the adjectives used to describe Palacio's management. His performance was so

²³ They include, among others, la Asamblea Forajida de Salud, Asamblea Universitaria Salesiana, Asamblea de Mujeres, Comités de Refundación de la República, Propuesta de Organización de Derechos Humanos, Comunasamblea, Pronunciamiento Movimiento Humanista, Manifiesto Asamblea Soberana, Asamblea de La Floresta, Asamblea de Trabajadores del Arte y la Cultura, Asamblea Simón Bolívar.

²⁴ By Executive Order, June 7, 2005.

contradictory that on the one hand, he supported NAFTA negotiating team and at the same time he established a special committee to audit the foreign debt. One would say it was a government that lacked programmatic axes that led to temporary and messy management of social and regional demands (Ponce, 2006b: 4).

The country's frustrated expectations and the progress of FTA negotiations led to several indigenous organizations such as CONAIE and FENOCIN to call for demonstrations; they would become the largest recorded since 1994 and included 9 provinces of the Sierra and managed to semi-paralyze the country. The protests rose with government's announcement to continue with FTA negotiations with the U.S., and the ambiguity of the government to address the issue of Occidental Petroleum Corporation ("Oxy")²⁵. Those events put the issue of NAFTA on national debate's first page and allowed the main indigenous organization to regain its credibility and convening power.

After many hesitations, and under the pressure of social mobilizations, the regime decided to declare the expiration of the oil exploitation contract with Occidental (Oxy) (Llanes Suárez, 2006). This decision came from the government's Energy authorities, and in turn dragged another consequence required by the social movement: the freezing of the negotiations with FTA and the United States, "freezing decided by the U.S. in retaliation for the decision to cease Oxy's contract" (Ponce, 2006b: 5). To this, another important fact was added: reforms to the Hydrocarbons Law that introduced the clause that allowed to review state participation in oil contracts, because of the increases in international oil prices, with important implications for fiscal economy.

In the Amazon and other remote regions of the country, the figures published by the government only managed to raise expectations and frustrations. Throughout this stage, numerous protests rose, especially in provinces such as Sucumbios and Orellana, like the bi-provincial strike in August 2005 that lasted 9 days and gathered about 30 thousand people; government's response was repressive at first.²⁶ Another case happened in South central Amazon in Shuar territory, where divisive activities of the company Burlington, concessionaire of block 24, would eventually lead to armed disputes between two local communities, where two persons ended seriously injured (Llanes Suarez, 2006; Kingman, 2006; Ortiz-T, 2005a).

Miners' conflicts also stand out in the same period around concession areas between 20 thousand and 50 thousand hectares per company, between Zamora Chinchipe, Azuay, Morona Santiago and Imbabura.²⁷

This chain of events which started in 1984 and went through 2006, did nothing but reaffirm a continuous process of de-democratization and dismantling of the state, or the collapse of democratic institutions, that since at least the 1997 crisis showed the need to find new ways to renew a political and social pact in the country, and to profoundly alter citizens' political representation and the functioning of institutions. This political

²⁵ "Índios e Camponeses pressionam governo", en ADITAL, Noticias de América Latina e Caribe, Fortaleza-Ceará, marzo 16 de 2006. (In Portuguese in the original. Translator's note)

²⁶ Cf Ortiz-T., Pablo, Local Amazonian Protests and oil model in Ecuador", OSAL Magazine No. 17, October 2005, CLASCO, Buenos Aires, p. 53 and ss.

²⁷ "El Comercio" Newspaper, "Los conflictos llegan a cuatro mineras", (Conflicts reach four mining companies) P.10A, Quito, November 15, 2006.

representation renewal, demanded to review the administrative and political system, and territorial redesign (Kowii, 2006; Ortiz Crespo, 2006).

Within this context ends the Ecuadorian neoliberal political and social landscape, enforced for more than two decades. Palacio reached the twilight of his government with a pending political reform at least since 1997.

Once new elections were called in 2006, reformist candidates were posed through the National Constituent Assembly like the ones of Rafael Correa (Alianza País), Luis Macas (Pachakutik) and Leon Roldós Aguilera (RED-ID). With Luis Macas at the head, as the first indigenous presidential candidate of the Republic, Pachakutik movement, linked to the indigenous movement, appeared very weak. It had reached 22% of the votes on the first round of the 2002 elections in alliance with Lucio Gutiérrez, and came down to 2% in the 2006 elections (Echeverría, 2006:5).

a) Rise of Rafael Correa's government and Montecristi National Constituent Assembly

After the second electoral round for the presidency, the victory fell upon Rafael Correa by a vote of more than 3'600, 000 (56.6%), faced to banana magnate Alvaro Noboa, who reached 43,3% on his third attempt to win the presidency. Correa was an economist from Guayaquil city, who studied in Belgium and the United States, well connected to the Academic world of Quito. He represented a broad coalition uniting old and new trends in much of the Ecuadorian left. The coalition shaped into a movement called "Patria Altiva y Soberana" (Sovereign and Proud Fatherland) (PAIS), better known as Alianza País (AP).

From the beginning of his term, Correa's government prioritized a change line based on redistribution of wealth and the strengthening of social policies to redeem the most vulnerable groups linked to rural and urban economies, who had been affected by the negative impacts of adjustment policies (ECLAC, 2012).

Among government social initiatives, Correa increased subsidies - especially in basic services -, created a credit program for farmers, and declared health and education in state of emergency. He also decided to withdraw the U.S. military base in Manta and quit any involvement with the "Plan Colombia". All of these actions resulted in general popular support to the government and its policies from the majority of the population for several periods of time from 2007 to 2013. In short, as analysts like Edgardo Lander (2012) said, it was "the return and recovery of the leading role of the state in the economy and politics".

One of government programs still valid today, is the "Bono de Desarrollo Humano" (Human Development Voucher) (BNH). It has covered through 2013 an estimated 1.2 million people from poor families, including a majority of Indians across the country. During this period (2007-2013) poverty rates dropped to less than 28%, a reduction of 21.8 points in the span of 8 years. However, a measurement based on other parameters such as Unsatisfied Basic Needs (NBI) and differentiation by ethnicity changes the landscape: among the indigenous, poverty touches 86.1% of its population, compared to

54.6% of the mestizo population and 45.9% of the white population.²⁸ (Senplades, 2013, INEC, 2011, ECLAC, 2012).

Beyond the debate that may arise from the analysis of real impacts of this government's social policy, it should be noted that another axis of government action in the beginning focused on government reform policy by convening a referendum to install a National Constituent Assembly. The Assembly approved the new Constitution issued in September 2008.²⁹

In this process it is interesting to note the type of demands and actions driven by main indigenous organizations such as CONAIE and FENOCIN. In the case of CONAIE, it raised three controversial criticisms that fractured the majority's block: recognition of plurinationalism, and in particular the right to self-determination and self-government; the incorporation of the right to free, informed and Prior Consultation already present in the Human Rights Declaration of the UN (2007); and exploitation of nature management and policies. It was a context that highlighted the discrepancies between their different political and opinion currents.

CONAIE's first thesis was resisted by sectors of Alianza País including its allies FENOCIN (socialist-agrarian trend and strong peasant base) opting for a less radical figure of plurinationalism closer to multiculturalism. Finally, after intense debate, CONAIE's thesis was accepted in Art.1 "Ecuador is a constitutional State of rights and justice ... intercultural, plurinational."³⁰

The second thesis provoked critical reactions from president Correa himself and from moderated sectors of Alianza País. They openly expressed their rejection of deepening the expansion of indigenous rights, and changing the decision-making scheme about exploitation of natural resources, which in their opinion should be the State's exclusive responsibility³¹. At that point, the concept of informed and prior consultation, already established in the previous Constitution of 1998³², was ratified.

About the third thesis, there were major approaches, although specific topics such as water generated disputes between its assent as a fundamental human right and the famous thesis of multilateral agencies about recognizing the "access to water", advocated by several sectors of the Assembly's majority block. The agreements made it possible to recognize "rights of nature" principles such as "*in dubio pro natura*" which requires that,

²⁸ Cf. SENPLADES, "Atlas de las Desigualdades Socio-Económicas del Ecuador", Quito, 2013. Available at: <http://issuu.com/publisenplades/docs/atlasfinal1web>

²⁹ As noted by Agustín Grijalva, Law professor of the Andean U., during the Montecristi National Constituent Assembly warrantism and neo-constitutionalism had important influence on the design of the table of rights and guarantees of the Constitution. This political-legal trend in the Constituent Assembly, with its emphasis on the establishment of procedural mechanisms and effective protection of constitutional rights, political, social and judicial institutions, was always critical to hyper-presidential excesses favoured by other sectors of Alianza País, led by President Correa. Cf. Personal interview in Quito, 02.02.2011, Ortiz-T., (2011:18).

³⁰ Constitution of Ecuador 2008 Art. 1, paragraph one.

³¹ Cf. CONAIE, *Nuestros Derechos y Propuestas en la Nueva Constitución 2008*, CONAIE-Ayuda Popular Noruega, Quito, 2008.

³² Ecuador Constitution of 2008, Article 398 "Any decision or state authorization that may affect the environment is to be consulted with the community, which will receive a wide and timely report. The consultant subject will be the State. The law shall regulate prior consultation, citizen participation, timing, the consulted subject and valuation criteria and objection about the activity under consultation. The State shall consider community opinion according to the criteria established by law and international human rights instruments".

in case of doubt about rights interpretation, it will be interpreted in the way that best protects nature. Water was also recognized as a fundamental and inalienable human right and national heritage of public use, and the national system of protected areas and protected zones was strengthened.

On non-renewable natural resources, ownership and power to exploit them remained with the State, who may delegate, but its share of profits must never be less than 50 per cent. These rights were recognised on equal hierarchy with fundamental, individual and collective rights, and as such, the state's responsibility was ratified to guarantee all of these rights.³³

However, despite this recognition, in practice we have observed that the state manages a system based on "the rights approach," especially in the beginning of "Sumak Kawsay" or "Buen Vivir" (Good living). It has struggled to be consistent with its role as guardian of the precautionary principle of collective and nature's rights (Ávila Santamaría, 2011; Ferrajoli, 2005). There is evidence that state institutions overlook legal and environmental norms when promoting and implementing energy projects. Or in other words, the tension between warrantism and an authoritarian scheme on the exercise of power is highlighted (Narváez and Narváez, 2012; Ortiz-T., 2011b).

To Agustín Grijalva (2009), warrantism and the new constitutionalism have since then been gradually marginalized by the government. The government has not been open to understand the complexity of these contradictions and nuances, disqualifying a priori, without much knowledge or arguments, warrantism postulates as pure rhetoric and, paradoxically, also weakening the normative strength that was sought for rights and guarantees (Narvaez and Narvaez, 2012; Lander, 2011; Ospina, 2013).

b) Field of disagreement Government - Indian Movement (2008-2013)

Correa's government has structured ambiguous policies around indigenous peoples: redistributive on one hand, based on a strengthening of a welfare state model, and extractive primary - export on another, based on the incentive to increase oil production and income control, apart from the increase in tax collection. Although oil production accounts for only 12-13% of GDP, it is the main source of tax revenue. Between 2007 and 2013 prices have fluctuated between \$ 80 and \$ 100 per barrel, and this revenue complements with higher taxes: in 2007 the state collected 5.144 million dollars, while in 2013 the amount rose up to 12,758,000 dollars, and evasion was reduced from 60 % to 30 % according to official sources. Nevertheless, such revenues are unable to cover the high social investments that have generated a deficit of over \$ 4 billion, financed on a high percentage by Chinese loans and bonds.³⁴

Primary export model based on extractive oil industries will come to an end in the medium term, hence the government's idea to find a replacement option in large-scale mining.

³³ Art.11 of the Constitution.

³⁴ In recent years, China has become Ecuador's largest foreign creditor (probably representing at least 60% of Ecuador's foreign public debt). Since 2008 when the government decided to stop paying foreign debt to commercial creditors, many traditional international and multilateral banks have avoided or restricted loans to the country. To enlarge Cf. in Latin News.com available at: <http://www.latinnews.com/component/k2/item/50455-ecuador-counting-on-chinese-credit.html>

And it has been precisely in the extractive industry (oil and mining) where dilemmas and tensions between the government of Alianza País and indigenous peoples have best been displayed: decisions about whether or not subsoil natural resources should be exploited or the use of water resources for energy purposes, normally find justification in the traditional "national interest". In addition, this is interpreted as the interest of the majority who, through their vote, transferred its power and will to the government (Tello, 2013; Bebbington, 2013; Ortiz-T., 2013).

Decisions about the exploitation of natural resources in indigenous territories, particularly in the oil and mining field, represent much of the background of increasing disagreements and conflicts between indigenous movement fraction led by CONAIE and the government.³⁵ There are two relevant examples to illustrate the situation: firstly, the changing and controversial position on oil exploitation or non-exploitation from one of the largest heavy oil reserves already discovered in the 90s, located in three fields called Ishpingo, Tambococha and Tipututini (ITT), located at the north-east of the most important ecological reserve in the Ecuadorian Amazon, the Yasuní National Park. On the other hand, the decision to extend the oil frontier to the South-Central region of the Amazon, dusting - with small mapping changes around blocks to be bided- the oil bidding project designed during Mahuad's government in 1999, which is now called "XI Ronda petrolera" "XI Oil Round" in South Central Amazon.

Around oil exploitation of the ITT fields in Yasuní National Park, one must remember that the government enthusiastically and loudly welcomed the proposal made by several environmental groups (Larrea, 2013). Once converted into a formal proposal, Correa himself proposed in 2007 to leave part of the existing oil fields underground, no extraction. These reserves keep approximately 900 million barrels of oil. Correa said that the oil would remain underground in exchange for an equivalent to at least half of the revenue that the state would get if it decided to exploit these fields.³⁶ He gave an international presentation to the United Nations and presented the Yasuní- ITT Initiative, which received considerable recognition to the point that in 2010, an International Trust agreement was signed and Correa continued with an extensive international promotion campaign to collect the funds.³⁷ Germany became a major international partner to the initiative, and established a bilateral agreement that committed € 34.5 million for environmental preservation in the Yasuní, including improvements in the living conditions of local communities that inhabit it.³⁸

However, after six years of this pioneering and innovative proposal in the context of global issues such as climate change, energy matrix or post-development, on August 15, 2013 Correa announced the elimination of the Yasuni –ITT.³⁹ To make this decision

³⁵ To expand the topic see: Korovkin, Tanya, The indigenous movement and left-wing politics in Ecuador, Draft Paper, University of Waterloo, Ontario, 2008; and Moore, Jennifer, The Right to Protest for an Ecuador Free of Large Scale Mining, <http://alainet.org/active/23571>, accessed 30.11.2013.

³⁶ Cf. Larrea, Carlos, "The Yasuni-ITT Initiative: A feasible option towards equity and sustainability" in Vallejo MC, et.al. Available Flasco-UASB-FODM, 2013: "The Yasuni-ITT Initiative from a Multicriteria Perspective", Quito: <http://www.planificacion.gob.ec/wp-content/uploads/downloads/2012/08/La-Iniciativa-Yasuni-Itt-desde-una-perspectiva-multicriterial.pdf>

³⁷ ENGOV, Newsletter 6, "Special Issue on the end of the Yasuní-Itt Initiative", Environmental Governance in Latin American and the Caribbean, Oct.2013. Available at: http://www.engov.eu/documentos/ENGOV_Boletin6_ENG.pdf

³⁸ http://www.bmz.de/en/what_we_do/countries_regions/lateinamerika/ecuador/Cooperation.html

³⁹ Cf. in "Ecuador Will Open Parts of the Yasuní Rainforest for Oil Drilling After International Community Failed to Back Conservation Plan", PRWEB, 16.08.2013. Available at: <http://www.prweb.com/releases/2013/8/prweb11033551.htm>

viable, which he described as necessary, Correa signed Decree No. 74 which states that he will request the National Assembly to declare the use of ITT's oil a national interest. We must remember that since the government of Febres Cordero in the mid 80s to the government of Duran Ballén mid -90s, six oil blocks were granted within that protected area, and block 43, which includes the ITT fields area would not be the first one. Decree 74 establishes trusts liquidation to manage the resources obtained by the non-exploitation proposal that was to leave 920 million barrels of oil inside ITT fields.⁴⁰

The reactions of dissatisfaction and opposition to Correa's decision were swift, both internally and from abroad. For several days, in different cities across the country, students, environmentalists groups, intellectuals, human rights associations and indigenous organizations, carried out protests, marches and evening demonstrations. On October 3, 2013, the National Assembly authorized the exploitation of ITT fields, but conditioned the activities to standards that minimize environmental impact and excluded native peoples from any future activity - particularly the Taromenane and Tagaeri hidden or contactless tribes, who inhabit an area close to this zone. After the Executive and the Assembly's decision, civil society organizations and political opposition aim to prevent the implementation of the ITT oil project, by convening and conducting a referendum⁴¹.

After the first call, in November 2012, the "XI Ronda de Licitación" (XI Bidding Round) the offer of 13 oil fields continued. The Ministry of Hydrocarbons of Ecuador (SHE) opened two bids for the company "Andes", with Chinese capital, another for a subsidiary of Repsol in Cuba and a fourth formed by the consortium of state company Petroamazonas (Ecuador), ENAP (Chile) and Belorusneft (Belarus).⁴² A consultation process questioned in Kichwa, Sapara, Shiwiar, Shuar, Achuar and Andoas territories in the outh Central Amazonia has exposed old practices of state institutions, ethnocentric, authoritarian and subordinated to the interests of the extractive industry and thus has strengthened the skepticism about the validity of the "constitutional state of law" and the same feasibility of the refounding of the State (Santos, 2010).

In sum, in the context of disagreements and conflicts between the government and CONAIE with a set of former allies, it should be noted that during this last phase of the Ecuadorian political history, CONAIE shifts towards the edges of the political scene to gradually give way to the State itself, which re-emerges as a key player in the current process of political reform.

⁴⁰ Cf Presidency of the Republic of Ecuador, "Announcement to the Nation Yasuní ITT", Quito, 08/15/2013. Available at: <http://www.presidencia.gob.ec/wp-content/uploads/downloads/2013/08/2013-08-15-AnuncioYasuni.pdf>

⁴¹ Cf. Portal "Gente Popular", 23.08.2013 <http://www.elpopular.com.ec/95341-ecologistas-protestan-y-plantean-consulta-popular-sobre-iniciativa-yasuni.htm> Visited on 08.02.2014

⁴² Cf. Secretaría de Hidrocarburos proceeded to open envelopes No. 2 of qualified offers "Ofertas Calificadas de la Ronda Suroriente Ecuador". Cf. at <http://www.rondasuroriente.gob.ec/> Also at Revista Líderes, "Ecuador abre la XI Ronda petrolera el 28 de noviembre". Available at: http://www.revistalideres.ec/economia/Ecuador-XI-Ronda-petrolera-noviembre_0_817118281.html. A different perspective from Centro de Derechos Económicos y Sociales CDES, "X y XVI Ronda Petrolera. Conflictos, reclamos, nuevas licitaciones petroleras y territorios indígenas", Available at: <http://www.observatorio.cdes.org.ec/politicas-publicas/industrias-extractivas/115-petroleo/272-x-y-xi-ronda-petrolera> Visited on 08.02.2014

PART 4

CONCLUSIONS

The relationships between the self-defined intercultural and plurinational States with indigenous and native peoples go through periods of convergence, disagreements, disputes and clashes. Conflicts such as the ones recently seen in Ecuador, demonstrate not only a clash of visions about development, democracy, rights, but also the difficulties inherent to these state's transformation processes. We are dealing with institutional and legal structures designed, constructed, established and repeated for over 300 years. An ethnocentric and neo-colonial state's matrix and structure, as well as a primary export model, does not replace nor change from one day to the other.

One of the central premises that articulates the demands of indigenous peoples, to redefine the state does not mean, in any way, to suppress it. How to ensure that set of individual, collective rights and the rights of nature without a state? The discussion seems to revolve around the type of state is required, strong, dynamic, intercultural. The struggle for the refounding of the state is not confined to its institutionality; it extends across the whole of the political spectrum of social and cultural struggle. In other words, it involves the construction of a new hegemony that, given the current events, is not favourable to indigenous peoples, who are also not monolithic or univocal nor unidirectional.

The complex Ecuadorian experience of the past three decades shows very clearly that indigenous peoples have suffered the impact of economic, cultural and political dynamics, in a different way than other social sectors. And although other non-indigenous sectors of society share the colonization and subaltern structural experience under the dynamics of the republican colonial state, truth is that the various development initiatives and political change that have been pushed from the indigenous peoples arise from their different links with circuits of global capital.

We must take into account that in countries like Ecuador the process of questioning democracy and the political system is not isolated. It belongs to a criticism to the established order, including dependent, extractive, omnivorous and predatory capitalism.

Apart from their demand to recognise political differences, considerations around being collective subjects of rights have clashed with the dominant ideology that homogenized everybody under the old premises of the monolingual and monocultural national states. These states and democracies were unable to process, to a level of satisfaction, claims for change and transformation. Demands to guarantee rights such as self-determination, self-government, and territorial self-management have remained dreams, utopias. States – through governments of different ideological trends-, have ignored, deferred, postponed or minimized real and effective change responses, using the most varied ways and entangled paths. This is true even in the most recent period, where one of the most advanced constitutions on the continent was forged, after the collapse of the system started by the military on the seventies.

Additionally, an allusion to another dimension of this type of conflict is necessary: the existing logics from the state's rationality and from indigenous peoples' rationality. In the first case, depending on the historical moment, it all goes through a logic as disparate as those lines of public policy with open neoliberal orientation (valid from 1984 to 2006)

to those more nationalistic and closer to national-popular approaches (clearly evidenced from 2007 to the present). In the second case, a logic linked to a broader perspective, critical of the civilizing order as a whole, where neoliberalism and national-popular perspectives share Western premises of exploitation of nature and primacy of the economic sphere, although they differ about who controls the benefits, either private corporations, the market or the state.

Perhaps in the current political juncture of countries like Ecuador those disagreements become clearer. The clash happens between two perspectives: firstly, the national - popular perspective, where the exercise of national sovereignty is a central variable, as well as democratization; where collective rights are valid as well as wealth distribution, where the state needs to strengthen its control capacity and its presence throughout the territory and control the design process, the development and implementation of redistributive public policies, where greater social investment is relevant in health, education, fighting poverty and maintaining high subsidies, particularly in the lowest quintiles of the poor sectors' scale. In the second perspective –the de-colonial perspective– the priority is the construction of the plurinational state and intercultural society, the right to difference, the combat against racial discrimination, the demands for self-determination and self-government as peoples and nationalities, legal pluralism, the recognition of rights as collective subjects and the “Pachamama’s” rights (Mother Earth); the fight against the dominant paradigm of development, including predatory extractivism and finally, the search for a post-extractive economy as part of the construction of a new non-Western civilizational order, reflecting on the notion of Kichwa Sumak Kawsay or Aymara Sumaq Qamaña.

What is certain is the importance of institutional and states strengthening, simultaneous to the consolidation and strengthening of collective subjects' influence capacity and enforceability, specifically of indigenous social organizations as a basic condition for the exercise and full validity of nature's collective rights, or what is known as Constitutional State of Rights such as Art. 1 of the Ecuadorian Constitution reads.

Indigenous peoples in general, - except during phases of reflux, crisis and loss - have remained predominantly opposed to the model of exploitation and plunder of primary resources in their territories, which certainly has not stopped certain pro-extractive groups from emerging in alliance with transnational extractive capital and the state. These pro-extractive groups consist of small fractions whose life projects have taken a turn in the last 30 years, with the dismantling of their communities, the loss of much of their territories, and most importantly, they have acted individually and isolated from all organizational processes.

We must remember there is a constant effort to annihilate cultural difference (dating from the colonial practice of indigenism and more recently multiculturalism) based on the non-recognition of the status of peoples and collective rights holders. In this endeavour a few external actors have agreed: State, private companies, NGOs and churches, through community development projects of environmental cut, with a strong ecological rhetoric and claims from a cultural relativism, disjointed from political demands.

The historic role of indigenous peoples' movements and organizations, in this context, has been important to rethink society's democratization process. Their protests have often been accompanied by their own proposals for a new type of state and democracy, openly

de-colonial, participatory, deliberative, together with claims for self-management territorial rights and self-government. From these experiences, dominant democracy and development paradigms are questioned, as imposed from the centres of imperial and national power, where the thesis of the refounding of the State is based.

Underneath the protest and continued resistance of the indigenous peoples lies the concern to find guarantees the integrity and comprehensiveness of their territories and cultures, meaning that issues pending legalization, titling, in the case of Ecuador has had a response slow and winding of more than three decades, to the recognition, at least in the rule of law, of their right to self-government with full powers and resources to manage their living spaces, where the background is exercise self-government within the unitary state as a new figure and a local government, with a status of relative autonomy with powers and skills and normed previously agreed with the whole state, and integrated into the political administrative system plurinational state .

Indigenous peoples' proposals have always had the same colour; in their worldview there is no cut between economy, environment and culture, or between environment education and culture. There is one other perspective, epistemologically speaking, systemic, holistic, or comprehensive, which is articulated and synthesized in what has been called their nationalities "life plans".

All this leads to further questioning the paradigm of democracy and development, as part of the model imposed from the global power and capital pattern; this model assigned countries like Ecuador the role of suppliers of commodities and raw materials, inside a dependent and primary exporter capitalism with the particular notion of progress that comes with it. Clearly for indigenous peoples, democracy begins with their recognition as subjects of political rights in full exercise. Without valid and guaranteed rights, any cosmetic, superficial reform loses all meaning, coming from the exclusionary established order.

Territorial rearrangement and political-administrative reform processes cannot invent indigenous entities, but they need to set off from the recognition of already existing processes, that enable and condition the exercise of autonomy and the validity of the right of self-determination inside Unitarian and plurinational states. These processes of transition and political reform towards plurinational new states, like the Ecuadorian case, involve redefined, renovated and very solid institutions, away from the state ideology posed by neoliberalism, for without these legal and institutional capacities these democracies and states may not guarantee more or better rights.

Indigenous peoples therefore require a solid state with intercultural public policies, with differentiated rights -based policies, but also with resources to enable viable plans, programs and actions inside a framework of agreements and consensus. In other words, warrantism demands strong institutions, effective, open, participatory and transparent mechanisms as well as solid, informed and horizontal social organizations, capable of interaction, oversight and impact on State business.

The refounding of the State, although it is a civilizing demand, requires extending the future's vision and the road ahead. In this sense, Constitutions like the Ecuadorian one indicate a path, a goal, a utopia, not optional but mandatory and enforceable, a Constitution societies have longed for. But such obligatory nature does not involve

immediacy or opportunism. It requires and demands political capacity, openness, proposals to build a qualified intercultural dialogue, that mobilizes different universes, time, territories and economies visions, so that very different and recursively antinomian political wills can converge. It also requires the recognition to one another, stripped of all ethnocentrism and racism.

The refounding of the State and the establishment of a new type of relations with their societies is not a exercise reduced to the political - institutional or organizational structure, as suggested by the neo-contractualist and neoliberal perspectives. It demands change in social relationships, power redistribution, cultural modifications, and new perspectives on nature (as subject of rights) and on territories, where we can go from de-territorialisation and continuous alienation to multiterritoriality. The validity of the extractive model and its impacts is a determining factor in this regard, as to enable the viability of a model of plurinational state, that ensures inclusion, recognition and interculturalism.

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