

INDIGENOUS ECUADORIANS' CHALLENGES AND ATTEMPTS TO COMBAT EXTRACTIVE INDUSTRIES: A HUMAN RIGHTS-BASED APPROACH

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ABSTRACT

Ecuador is remarkably known as the first country that granted natural constitutional rights. However, it still does not guarantee its nature preservation. This Latin American country is also highly dependent on oil. The dilemma of the continuity of the extractive industries emerged in the discussion. This influences indigenous peoples' unmet rights, especially when they are the ones who are directly affected by climate change as forest dwellers. To defend their territories, indigenous people in Ecuador do not stand still. Indigenous rights and sovereignty over their lands are becoming more widely recognized, which may prevent the Amazon from further damage. This research aims to investigate the actions and challenges that Indigenous Ecuadorians must face in combatting extractive industries. The authors use a descriptive qualitative approach and collect data from library research. This study uses a human rights-based approach to analyze the content of this paper. As a result, this research found that Ecuador's government which plays the duty-bearer is failing and lacking the obligations to protect indigenous rights. On the other side, the indigenous people in Ecuador are thriving to defend their rights by reflecting on the human rights-based approach's five principles: participation, accountability, non-discrimination and equality, empowerment, and legality. Indigenous peoples and environmental groups are not enabling misery or hunger by supporting the environmentally practical measure.

Keywords: *Dilemma; Duty-Bearers; Nature; Rights*

INTRODUCTION

Ecuador is one of the most biodiverse countries in the world and covers approximately 2% of the Amazon rainforest (Rhett A. Butler, 2020). However, Ecuador has many issues related to the environmental problem, and one of the disruptive activities comes from the extractive industries. Deforestation, oil drilling, and other mining extraction activities are common in Ecuador. Due to deforestation and alternative land-use changes ensuing from oil extraction, Ecuador contributed thirty-ninth of gas emissions to the globe (Etchart, 2017). Water pollution and contamination also become the most significant threat for Ecuadorians. The oil spill has contaminated the Ecuadorian Amazon that supplies water and food to Indigenous communities depend on. It is a shame that such extractive activities are destroying the home of indigenous communities. Although Ecuador became the first country to grant nature constitutional rights, this developing country has a massive dilemma with its constitutional practice. The Constitutional Assembly approved Ecuador's Constitution on 10 April 2008, claiming it is the first constitution to recognize natural rights as valid in a constitutional state (Akchurin, 2015). The rights of nature were included in Chapter 7 of The

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Ecuador 2008 Constitution, which stated the rights of nature to be protected from the extraction of nonrenewable resources. Ecuador's constitution should have protected wildlife and the country's indigenous inhabitants from exploitation, but that vision keeps going back and forth.

From year to year, the issue of oil and mining has become a controversial topic of discussion in Ecuador. Nicolas Mainville, an Environmental Monitoring Coordinator at Amazon Frontline, said that 68% of the Amazon Rainforest area in Ecuador turned into an oil block. It was announced that the government wanted to encourage the creation of a new oil block in the southern Ecuadorian Amazon for seismic testing and drilling in Waorani, Sapara, Achuar, and Shuar (Nicolas Mainville, 2019). The production of extractive commodities has been a vital source of foreign investment. Ecuador needs to fulfill its yearly foreign debt due of \$2.5 billion. The implication is that President Lasso has pledged to double the country's crude production to 1 million barrels per day over the medium term (Alex Emery, 2022). This is a dilemma for Ecuador to continue to preserve nature or save the country's economy.

Article 57 in the 2008 Constitution clearly stated that the state would respect the right of indigenous peoples to protect their territories and to have free, prior, informed consultation on the plans and programs of unrenewable resources. Unfortunately, there are still no systems to ensure that Indigenous peoples' consent is respected (Moore, 2021). Not only on a national scale, but the land tenure rights of Indigenous Peoples are also recognized under international law. International law recognizes indigenous peoples' rights through the UNDRIP General Assembly. It states that the states cannot relocate Indigenous Peoples without their free, prior, and informed consent and without offering adequate compensation (Thornberry, 2012). Thereby, indigenous communities in Ecuador utilize those laws to protect their lands. Through legal channels, they aim to strengthen and protect their constitutional rights (Moore, 2021). They are uniting to fight common problems and injustices. With the help of domestic and international NGOs, they can have further actions stemming from exploiting their territories. Indigenous leaders are crucial in shaping the country's laws and politics. The importance of conserving and defending the rights of the environment and Indigenous Peoples in Ecuador's Amazon is demonstrated by indigenous activism in the form of public protests. Indigenous rights and sovereignty over their lands are becoming more widely recognized, which may prevent the Amazon from further damage.

Against this background, it aims to investigate the challenges and efforts that Indigenous Ecuadorians must face in stemming extractive industries. Through the case of Indigenous Ecuadorians defending their lands from extractive industries, the authors hope to broaden public awareness and give insight regarding actions that could be made to combat discrimination against human rights. The first section explores the difficulties that indigenous populations encounter. The second section examined indigenous people's attitudes toward extractive industries using a human rights-based approach.

LITERATURE REVIEW

This paper uses the concept of the Human Rights-Based Approach to analyze the challenges and attempts of Indigenous Ecuadorians to combat extractive industries. Julian Burger (2014) stated that the violation of one's right to life, forceful eviction, and destruction of the environment that indigenous peoples depend on are only a few of the human rights violations connected to the exploration and exploitation of non-renewable resources. He argued in his article that the expansion of extractive industries would increasingly affect indigenous

peoples' areas which are rich in natural resources. This is a reality faced by Indigenous Ecuadorians throughout the years. Later, this paper will discuss how extractive industries have become a threat to Indigenous communities in Ecuador.

The Human Rights-based Approach (HRBA) is a conceptual model for human development that is normatively based on international human rights standards and operationally centered on promoting and preserving human rights (Anton & Annika, 2015). The HRBA aims to enable rights holders to claim and exercise their rights and develop the ability of duty-bearers responsible for respecting, protecting, promoting, and implementing human rights. By that means, there are two actors explained in HRBA. The rights-holders are individuals or social groups with specific requests to which it entitled them. Meanwhile, the duty-bearers ensure that human rights are upheld and must adhere to the legal norms and standards outlined in human rights agreements. Although duty bearers are not constantly referring to state actors but also non-state actors, the state actor is the ultimate duty bearer according to international conventions.

Reflecting on Martin Broberg and Hans-Otto Sano's article about the analysis of HRBA to international development, there are pros and cons of using HRBA. The concept will strengthen the legal mechanism that local communities can use to ensure their rights and fight discrimination. On the other hand, this approach is more likely to focus on enabling the duty-bearer and less on service delivery and general capacity building (Broberg & Sano, 2018). This paper considers Ecuador's government as duty bearers and indigenous people as rights holders. Therefore, using the HRBA concept, we will see two sides of the story between the duty bearer and the right holder.

This paper uses HRBA's five principles, the PANEL approach, to analyze the challenges and efforts of indigenous people in Ecuador to fight extractive industries. Those principles are participation, accountability, non-discrimination and equality, empowerment, and legality. Participation is the principle to make everyone has the right to participate and be included in the decision-making that affects them; it must be inclusive and accessible. Accountability means monitoring how the duty bearers live up to human rights standards; it ensures ways of getting justice and remedies when breaches occur. Non-discrimination and equality are all forms of discrimination that should be prohibited, prevented, and eliminated. Empowerment aims to give everyone the power to claim their human rights. Legality is a principle to legally enforces entitlements set out in national and international law to protect and fulfill human rights entirely.

METHODS

The research method used in this study is a descriptive qualitative research approach. This approach examines efforts and strategies that Indigenous communities have made to oppose extractive industries in Ecuador. Qualitative descriptive research aims to provide a comprehensive summary of particular events experienced by individuals or groups in daily words (Lambert & Lambert, 2013). Qualitative data is a set of words, symbols, photographs, or other non-numerical records, materials, or artifacts gathered by a researcher and relevant to the social group under investigation. These data may be utilized for more than just describing events and occurrences; they can also be used to build knowledge, subjective interpretation, and critical analysis (McNabb, 2015).

In this study, the authors collect data obtained from library research such as books, journal articles, news portals, and research related to the topics discussed. The author will be focusing on the concept of HRBA to analyze the data that has been gathered. The author will analyze the dynamic between Ecuador's government as the duty bearers and Indigenous Ecuadorians as the right holders. As there are five principles of HRBA (participation, accountability, non-discrimination and equality, and legality), it will be used to explore each of the principles to analyze mainly efforts from indigenous communities to fight extractive industries.

RESULT AND DISCUSSION

Main Challenges Faced by Indigenous Ecuadorian

Challenges faced by indigenous people in Ecuador came from the government and the extractive industries. Both of them gave similar responses to the movements of indigenous people. Oil companies used undercover strategic plans to repress indigenous communities or keep doing the operations despite opposition. Additionally, the Ecuadorian government frequently sided with corporations, likely due to Ecuador's economic dependence on petroleum production because of its debt to China, and used force to suppress the opposition (Carlson, 2020).

The Government's dilemma over the continuity of extractive industries

Ecuador was ranked fifth as the largest oil producer in South America in 2020 (U.S. Energy Information Administration, 2021). Ecuador relies heavily on oil export revenue as the exported crude oil reaches over 70% of its production. Both oil production and consumption in Ecuador are considered high. Bernal (2021) drew a distinction between the twentieth century, defined by an overdependence on petroleum exports, and the twenty-first century, described in Ecuador by the sedimentation and extension of the extractive paradigm. That is why Ecuador is infamous for its dependency on oil and other extractive industries.

As the 'Pink Tide' raised throughout the 2000s in Latin America, there is a rapid expansion for the radical and transformative ways. In the case of Bolivia and Ecuador, this expansion included constitutional rights to free prior and informed consent for Indigenous groups and the historic Rights of Nature (Bernal, 2021). The presidency of Rafael Correa marked enormous changes in Ecuador's politics. After Correa's next election, he passed a proposal to rewrite the constitution, and thereby the phenomenal 2008 Ecuador Constitution, which acknowledges the rights of nature, was made. The new body complimented his environmental project proposal that aimed to leave 20% of oil underground. That project was called the Yasuní-ITT Initiative, and its establishment brought out one of the controversial moves during his administration. Yasuní Park is a unique ecosystem and home to the most extraordinary biodiversity on earth. Several indigenous peoples have ancestral lands within the Yasuní National Park. Besides its biodiverse, it also built oil fields inside the park, called Ishpingo Tambococha Tiputini (ITT). In 2007, President Correa supported the announcement of the Yasuní-ITT Initiative. In exchange for suspending the exploitation of the ITT field, Ecuador proposed that the international community provide half of the income it would lose if it didn't extract the ITT oil, which would be over US\$ 3.6 billion over 13 years (Damonte, 2012).

The proposal to save Yasuní ITT also gained support from scientists and indigenous peoples. They have high expectations to protect the Yasuní area for its unique biodiversity and the need to defend the territories of the Tagaeri and Taromenane people living in voluntary isolation. The main goal for this initiative has always remained the same: to leave the detected oil under the ground. Some consider developing extractive operations in Yasuní as an economic necessity, even if it leads to environmental and social damage (Damonte, 2012). Simultaneously, several groups appeared to be pessimistic about the plan. This project's evaluation will only consider the effects of degradation and the loss of ecotourism potential while ignoring various oil-related externalities such as spills, local pollution, and public health impacts. As a developing country's first large-scale carbon abatement project with international cooperation, the Yasuní-ITT Initiative was a watershed moment for the environmental community.

Before we knew whether the Yasuní-ITT Initiative succeeded or not, President Correa canceled the initiative. The project only achieved a total pledged amount of \$116 million since it began to collect funds in 2010 (Gandhi, 2015). The Correa government decided to call off the Yasuní-ITT Initiative in 2013. He announced this in the TV speech and the statement that the oil exploitation he was promoting at that time would be less than 1% of the Yasuní national park (David Hill, 2013). Correa proceeded with this 'Plan B' decision, arguing that the international community fulfilled its obligation and needed revenue for Ecuador's economic development. Both national and international communities felt devastated by this decision—civil societies took to the streets and had significant disagreements. Acción Ecological, an environmental organization that has long been conducting partnerships with indigenous communities, did not want to give up on saving Yasuní.

Moreover, 'Plan B' received a great deal of criticism and organizations and scientists internationally. They still place their voices and actions toward promoting non-extraction. Although the government changed its campaign, arguing that only one percent of the block in question would be affected, local actors suspect this will have significant impacts (BBC News, 2013). The Yasuní-ITT Initiative program might be a unique solution to the conservation versus extraction dilemma. It also opens up a worldwide conversation about alternatives to extractive-led growth, allowing people to feel that with a global commitment, anything is possible. In this case, a post-extractive development future is possible (Damonte, 2012). Correa overlooked the essence of environmental rights and the effort to guarantee that they are effectively implemented. Indigenous peoples and environmental groups are not enabling misery or hunger by supporting environmentally practical measures like Yasuní-ITT. His sarcastic tone linked ecological and human rights issues, a colossal blunder. Instead, they are complementary to one another. His statement, or to put it another way, the Ecuadorian government's viewpoint, portrayed environmental rights as basic concepts that only have relevance if they do not hamper the country's economic goals (Torán, 2019). As a result, the rights of nature only apply when the state deems that recognizing those rights will benefit them economically.

The diminishing of the Yasuní-ITT Initiative program was indeed one of the various fronts of the Ecuadorian government. Eric Toussaint (2021), the spokesperson of the CADTM (Committee for the Abolition of Illegitimate Debt) International, quoted, "Rafael Correa's failure even to begin abandoning the extractivist-export model was a fundamental flaw of his presidency." Rafael Correa's administration was smooth and supportive initially, but then his

government clashed with a significant part of the social movements and opted for the modernization of extractivist-export capitalism. Starting in 2011, Rafael Correa made a U-turn on social, environmental, commercial, or debt-related terms. The government's relations with several important social movements, including the CONAIE, worsened. Later on, President Correa was clashing and kept conflicting with CONAIE. His successor, Lenin Moreno, broke away from Rafael Correa's policies and went back to brutal neoliberalism (Eric Toussaint, 2021). Lenin Moreno has had better discussion strategies and compromises with social movements, resulting in positive results. At the same time that he continued to open the nation to mining activities, he gave indigenous organizations more authority than Correa did (Torre, 2018). However, Moreno's policies were leaning toward neoliberal. He did aim to establish trade deals with the United States and the countries of the Trans-Pacific Partnership.

Furthermore, he made Ecuador return to go back to IMF. This sparked large public protests in September and October 2019, forcing the government to cave into the people's groups and repeal the mandate that had sparked the uprising. Moving on to the present presidential administration, Guillermo Lasso intends to attract foreign investment to drive Ecuador's economic growth, mainly through the discovery and exploitation of hydrocarbons and mining resources, in an attempt to alter the country's historic economy financial. As a former banker, Lasso is from the rightist. The oil industry continued to be a tool for the government to survive and grow the economy. It accounts for quite half of the country's export earnings (U.S. Energy Information Administration, 2021).

On the international scale, the ILO's Convention No. 169 and the UNDRP recognize indigenous peoples' right to own and control their lands and their rights to own, use, and manage the natural resources on those lands to varying degrees. Indigenous peoples' rights to development are believed to include the ability to choose the type of development that occurs on their lands and territories based on their priorities and cultures. Ironically, Ecuador has the same problem as other emerging countries' difficulty deciding whether to continue its growth by sacrificing nature. Their technology is not yet advancing, but they are also dealing with a financial crisis.

Moreover, the movement in the political spectrum away from Ecuador's leaders has a significant influence on indigenous people. As discussed above, Ecuador's last three presidential elections have different political spectrums. The one thing they all have in common is that the president in power usually leads to populism. They believe they have obtained support from indigenous peoples to influence citizens. However, they abandon or even turn against the indigenous people once they cannot forsake the economic problem.

Violence threatens their life

There are two kinds of mining: 'formal' mining, which refers to a project that has received official approval, and illegal mining, which occurs when extensive criminal networks target specific areas for resource exploitation. This has been one of the challenges to indigenous peoples that has gotten increasingly assertive in recent years. Indigenous peoples have taken local action to stop mining, and other economic activities on their lands where there has been no good-faith consultation process and their concerns have not been addressed. This has resulted in conflict, violence, and even death in other circumstances. Surprisingly, Ecuador is absent from the list of South America's dangerous states due to the government's lack of information and tracking (Sofía Jarrín, 2021). The government presents the false impression

that the nation is a tranquil haven where people may freely protect their rights and the environment without fear of being attacked. When, in fact, human rights and land rights activists are subjected to rampant violations, threats, and attacks. A deteriorated environment creates extra pressure on women, particularly when accessing clean water is more complex or when children suffer from pollution-related health issues. A large temporary non-indigenous male workforce near an indigenous community can negatively impact social cohesiveness, raise rates of sexually transmitted illnesses, drunkenness, and violence against women, and introduce prostitution (Burger, 2014).

The government lacks a robust protection framework that allows human rights defenders to access the judicial system. There is no legal category for this human rights violation, and there are no particular procedures to protect human rights and land rights activists, requiring them to file standard assault charges unrelated to the attacks' political character (Soffia Jarrín, 2021). In addition, the state has carried out extractive actions through legal control, such as creating laws and institutions that reproduce colonial power dynamics. Physical violence and extortion, among other ways, have become commonplace in the Amazonian indigenous groups' behavior. The creation of the Mining Law in 2009 and the weak implementation of environmental rights due to legal anthropocentrism, a lack of knowledge, and a lack of institutionalization of ecological rights. It is an example of how Ecuador's legal bodies are functional to the country's extractive desires (Torán, 2019). Neocolonial extractivism concerns racial capitalism's global flows, the eviction of Indigenous lands and peoples, and gendered violence. Despite their efforts, they are stuck in their ways, following the same practices and framework they have done for many years (Astrid Arellano, 2022).

Extractive companies, with the help of the Ecuadorian government, have contaminated the probabilistic seismic hazard assessment (PSHA) area and filled the villages with falsehoods and intimidation. CONAIE's female head asserts that neither justice gives women the right to a life free of violence. As a result, indigenous women remain silent regarding violence and sexual assault. Only a few public prosecutors adhere to the care rules for indigenous women. One of the indigenous leaders, Luisa Lozano, commented, "We do not want prison terms that do not allow for recovery or healing because this will lead to future rapes and femicides" (Ecuador's National Coalition of Women, 2020). These incidents of violence, as well as other allegations of escalating death threats and sexual assaults, convey a clear message to female leaders that organizing is dangerous and an attempt to silence them, given the shame that assault causes. It's also a tool that conveys a message to the entire community, quelling opposition and aiding territorial dispossession, to use one protest slogan's wording 'Violating Indigenous women to violate Mother Earth' (Bernal, 2021). Violence and threats against Indigenous women in extractive zones, like rape and violence against women in the past, are used as an instrument of total war. This growing practice is underreported, assuming it is reported or examined by the Ecuadorian authorities.

States and international organizations of jurisdiction should indeed be held even more actively and consistently responsible for violations of their human rights obligations, including when non-state actors violate their positive duties of diligence, both regionally and reach the right (Besson, 2015). However, based on the discussion above clearly stated, the human rights obligations of Ecuador's government toward indigenous rights are lacking. Instead, the government also showed its support for extractive industries by plans to expand oil and mining production on Indigenous lands to boost their economy. The Indigenous Ecuadorians have

endured numerous human rights violations. Human rights are crucial and must be protected because they safeguard the rights of indigenous communities to exist in dignity. The actions taken by indigenous peoples to struggle for their rights with the assistance of various parties will be covered in the next section.

Efforts made by Indigenous Ecuadorians to Fight Against Extractive Industries

Indigenous cosmovision views nature as a vital element of humankind as a belief system. Indigenous peoples in Ecuador are using their understanding of *Pachamama* (Mother Nature) to defend their territories from climate change (Minority Rights Group International, 2019). The notion of natural rights was not only legally novel; it also signified a significant shift in how the correct ethical connection between humans and nature would be expressed in the constitution (Akchurin, 2015). To protect their territory, indigenous people do the actual actions to fight against the extractive industries. Their effort demonstrates how much they regard environmental ideals. They are full of knowledge about nature that might save us from climate change. They have developed various conservation projects considering the interrelationships between Indigenous people and the environment. They incorporated multiple knowledge sets and worldviews into these systems, inclusive governance processes, and Indigenous rights to lands and resources. As one of the objectives of HRBA is to enable right holders to assert and use their rights, indigenous communities understand their role in protecting their rights. For further discussion, this section is based on five approaches of the human rights-based approach to analyze Indigenous peoples and conservation.

Participation

Everyone has the right to participate in decision-making processes to impact their rights actively. Regarding adopting a human rights-based strategy for development, rights-holders must be active participants in matters affecting their livelihood; consequently, advocacy and rights dialogues with duty-bearers are critical (Broberg & Sano, 2018). For indigenous peoples to have access to their rights and for the international norm to be applied, their involvement in political reform is the only alternative. However, indigenous peoples have repeatedly engaged in national politics in the hopes of winning constitutional and legislative amendments that would allow them to participate more fully in society (Pratiwi, 2017).

Pachakutik-New Country Movement for Multinational Unity (*Movimiento de Unidad Plurinacional Pachakutik-Nuevo Pas*) is an indigenous party in Ecuador founded in 1995 by CONAIE. One year later, a proposal to enable independent movements to vote in elections was passed in Ecuador, allowing them to join the political parties. Since then, this party was formed to choose candidates and inspire voters to fight for problems such as land rights, water rights, and the fundamental values of Ecuadorian sovereignty. Throughout the years, Pachakutik has faced the rise and fall in Ecuador's politics. Pachakutik is the only political movement that has managed to extend its base while surviving the demise of political parties. Furthermore, they can combine parliamentary pressure with social mobilization, which helps them shape the future political environment in Ecuador.

During Correa's presidential years, the relationship between Alianza PAIS and the indigenous movement deteriorated significantly. It became clear that CONAIE's leadership had determined to subjugate Pachakutik further. Despite this dispersion, Pachakutik support in subnational constituencies has been generally consistent, if not expanding, over the previous

two decades. Pachakutik was also the second most popular party in the country in the 2009 and 2014 elections for members of rural parochial boards (*juntas parroquiales*, Ecuador's lowest form of local government). This suggests that community-based organizations in areas with a large concentration of indigenous people have remained influential throughout the era. The CONAIE paradigm of political engagement and public mobilization has provided indigenous tribes with governmental representation and acknowledgment. It will continue to offer indigenous tribes respect and rights in Ecuadorian society, barring any unanticipated setbacks.

Even though Pachakutik did not pass to run for the 2021 Presidential Election, It still ascended to become "Congress's second-largest presence" and "changed the agendas" of the remaining presidential candidates. As a result, Guillermo Lasso and Arauz, as the two candidates remained, promised to "enact tougher environmental safeguards" and "give Indigenous peoples more say in resource exploitation" (Moore, 2021). When Lasso announced that he would double the oil production, Pachakutik tried to oppose his vision. Salvador Quishpe, a Pachakutik assembly member, responded by predicting that the next president's "drastic" policies would elicit widespread opposition from a broad coalition of social organizations. This comment is an obvious allusion to the October 2019 large protests, which were led by the indigenous movement and caused Lenin Moreno's administration to back down from austerity measures, including the removal of gasoline subsidies (Andrea De Lulio, 2021).

Aside from Pachakutik as the representation of indigenous people to participate in Ecuador's election, indigenous Ecuadorians also propose a plan to protect nature. Indigenous people have suggested the Amazon Sacred Headwaters Initiative, a new sustainable initiative that aims to conserve eighty percent of the Amazon in Ecuador and Peru. The bioregional program proposes shifting from the current extractive economic model centered on mining and logging to an ecological one based on sustainable entrepreneurship, community tourism, and Indigenous well-being principles (Latoya Abulu & Laurel Sutherland, 2021). A bioregional planning process is crucial due to the severe and rapid ecosystem fragmentation and degradation that this region of tremendous biological and cultural diversity is experiencing. The Amazon Sacred Headwaters bioregion (ASH), which lacks promising land-use planning approaches, is rife with land disputes. Indigenous peoples of the ASH bioregion are critical stakeholders with the necessary local knowledge and stewardship experience to start this process.

Amazonian indigenous chiefs called for further study to better understand the importance of indigenous territory and protected conservation ecosystems to global carbon sequestration, recognizing the importance of green spaces in international climate discussions. Data was collected and interpreted with the participation of indigenous groups and communities (Walker et al., 2014). Civil societies, industries, scholars, and national, regional, and local governments must define the solution routes for effective bioregional planning. One of the Bioregional Plan's objectives is to improve Amazonian wellbeing. Assist indigenous peoples in gaining self-determination and sovereignty over their lands. Stop the expansion of extractive industries, support forest and river conservation and restoration, and put a stop to forest loss and ecosystem deterioration (Amazon Sacred Headwaters Initiative, 2021).

By political participation, indigenous people as citizens in Latin America can influence and take action for their rights in the government system. They are not only voting in electoral processes, but the importance is the freedom to speak out; indigenous people have a part in decision-making and the opportunity to become candidates. Indigenous people do their

campaign through formal politics to be elected and make progress on the rule of a system in government (Pratiwi, 2017).

Accountability,

The duty-bearers (mainly the state and its representatives) are held accountable under a human rights-based approach. At the same time, participatory agents of the rights-holders are given a more prominent role (such as representatives of local communities). Duty-bearers are held liable if they fail to perform their responsibilities to rights-holders. When human rights are violated, effective remedies should be available. Duty-bearers must mitigate possible negative human rights consequences and ensure that decisions affecting rights-holders are made by human rights principles, such as transparency and participation. On the other side, rights-holders must be able to have violations and grievances addressed. Under international human rights law, human rights specify and delineate substantive obligations. It establishes duty-bearers and rights-holders, as well as their connection, which includes the normative content due to rights-holders and the nature of duty-bearer responsibilities regarding that content (Global Education Monitoring, 2017).

Executive Decrees 95 and 151, issued by Lasso in July and August 2021, are legislation aimed at boosting Ecuador's 'economic development by giving over control and extension of mineral wealth to foreign oil and mining companies. Luciana Grassi, one of the founders of *Emergencia Amazonia*, identified governmental corruption as one of the key reasons for the dilemma in a recent interview with Shado magazine. She gave her opinion that politicians and corporate owners have turned the notions of sustainability and social responsibility into a 'marketing game' (Samara Almonte & Hernandez, 2022).

Apart from being an act of knowledge preservation, indigenous people reclaiming their 'Land Back' is also a demand for capitalism to be dismantled. Indigenous communities are delaying and reversing the exploitation of the Earth by regaining self-determination over natural resources. This is why, no matter how much "green" ornamentation politicians and businesses put into their plans to exploit natural resources or how much potential income may be garnered, the argument remains the same: natural resource extraction threatens Indigenous sovereignty, and hence climate justice. As a result, indigenous demands for equality and participation were more visible. Indigenous and environmental groups, without a doubt, play an essential 'watchdog' role in political contexts regarding nature's rights (Lalander et al., 2019).

Despite demanding local authorities, indigenous people also expressed their problems at the international level to ensure indigenous rights are respected. In 2015 during the UNFCCC Conference of Parties (COP) 21, Sarayaku leaders hauled their 'Canoe of Life' 6,000 kilometers from the Amazon to Paris. This action urges worldwide climate action, recognizing the apparent link between the quest for oil and exacerbating climate change. On that occasion, they also introduced *Kawsak Sacha* or Living Forest. Three years later, in August 2018, the proposal of *Kawsak Sacha* was launched, claiming that 13 million hectares of living forest are destroyed annually, that fossil fuels are the primary factor destroying the environment, and that the world's indigenous peoples are the most affected communities. Their mission urges that the Ecuadorian government conserve and protect the lands that provide for the material and spiritual well-being of indigenous peoples in Ecuador's Living Forest (Minority Rights Group International, 2019). *Kawsak Sacha* might become a prominent solution to recognize indigenous rights and territories for Sarayaku and others (Leila Salazar-López, 2018).

Non-discrimination and Equality

This working principle entails determining those with uneven access to and control over resources, assets, and services. It entitled all individuals to their rights without discrimination of any kind. All types of discrimination should be prohibited, prevented, and eliminated. Indigenous communities' grassroots anti-extractivist opposition grew as resistance and counter-political movement to decolonize the state's co-opting of *Sumak Kawsay/Buen Vivir* and its use of violence to gain social control over resources, politics, and management. Grassroots anti-extractive populism has been defined not only by Indigenous political actors' intellectual and political protagonism but also by the rise of new women's organizations, the prominence of female land defenders, and the incorporation of Pachamama discourses and anti-extractive philosophy into their organizational and mobilization logics. This gender component must be stressed to appreciate anti-extractivist grassroots populism and fully comprehend the gendered dimensions of violence perpetrated against it (Bernal, 2021).

Women's current involvement in Indigenous mobilizations across Latin America results from past contestation processes. Indigenous women represent political organizations that are not peripheral nor haphazard but are rooted in a long history of political opposition (Picq, 2018). Patricia Gualinga, a Kichwa leader in Ecuador, has joined the *Mujeres Amazonicas* (Amazon Women) organization, which seeks to protect indigenous lands from extractive industries. The organization also advocates for indigenous women's rights and fights gender-based violence. It brings together indigenous women from Ecuador's Amazon from six different tribes. It's not only a problem of environmental justice; it's also a matter of survival for Indigenous peoples. According to studies, indigenous tribes are better at managing natural resources and reducing biodiversity loss and deforestation on their land than non-indigenous groups. Governments and conservation groups have generally overlooked these tribes despite centuries of traditional environmental expertise. *Mujeres Amazónicas* has called for swift investigations into cases of gender-based violence, a study of the scale of the problem, appropriate public policies, and punishments for those involved in the face of these abuses. They've also used human rights classes and healing circles to empower women in communities, especially in locations where women's leadership receives minimal male support (Christina Noriega, 2021).

More investigations into the issue of sexual abuse and the generation of more statistical data on the matter are what Amazonian women demand from the government. They hope the government can create better public policy to protect women in these areas and apply the necessary sanctions to those actors in the oil and mining industries who are found guilty of such acts. In March 2018, 300 indigenous women from all over the Amazon arrived in Puyo to participate in the International Women's Day march (Kimberly Brown, 2018). Based on CONFENIAE's vice president, Castillo, women's mandate had been months in the making. Still, it was finally completed during a three-day gathering over the weekend near the Amazonian city of Puyo. Indeed, Patricia Gualinga's assertion is defined by these sorts of behaviors. She admitted, "It's true; it is only because we, the indigenous people, have battled for our lives to safeguard the rainforests that we still have them. We have put our lives on the line to express unequivocally that this cannot continue and that life cannot be seen just in economic terms. That life isn't only about exploitation and extraction for profit. Our worldview is based on protecting ecosystems that are critical to humanity's survival" (Astrid Arellano, 2022).

Empowerment

This approach emphasizes that everyone has the right to assert and exercise their legal rights. Individuals and communities must be aware of their rights and be able to participate in the formation of policies that impact them. The primary purpose of this method is to give people and groups more political, social, and, or economic power to safeguard better their own (rights-related) interests (Broberg & Sano, 2018).

The Ceibo Alliance exemplifies what they may do when multiple Indigenous groups come together to work toward a similar objective. The Siona, Waorani, Kofan, and Secoya make up the Ceibo Alliance, founded in 2017. The Ceibo Alliance fights to save their territory from being exploited and destroyed. Their mapping system is one of their most effective defenses (Moore, 2021). The mapping effort is a microcosm of Amazon Frontlines and the Ceibo Alliance's agenda. It's headed by Opi Nenquimo, a young Waorani leader, with the help of the Oakland non-profit, Digital Democracy. The immediate goal of the project is to present a symbolic alternative to governmental and economic maps that portray Waorani land as an undeveloped resource zone ripe for exploitation. Where most government-produced base-layer maps show undifferentiated nature and petroleum deposits, the interactive Waorani map displays ancient ceremonial and brawl sites, ancient cave sculptures, jaguar treks, medicinal herbs, animal fertile ground, fishing holes, and others related to the conservation (Alexander Zaitchik, 2019).

The Waorani communities have constantly included environmental rights in their human rights discourses and activities, utilizing them as a vehicle for formalizing environmental preservation to increase the realization of their rights. On the one hand, the establishment of inter-ethnic organizations resulted in more vital social manifestations and more effective counter-knowledge dissemination, demonstrating that violations of the rights to free, prior, and informed consent, ancestral property, and self-determination are a systematic trend that occurs throughout the Amazon (Torán, 2019). The Waorani people were able to obtain international support and attention through the use of social media campaigns. The design of the living map challenges the state's colonial view of their land, ecology, and traditional lifeways by rejecting the oil-block divide.

These political techniques enabled the Waorani to advocate environmental and human rights as two interconnected components of their historical liberation effort, based on non-dominant nature ontologies that do not distinguish people from nature (Torán, 2019). In the ideology articulated throughout the lawsuit and the social media campaign, the Waorani resistance embodies the goal of changing industrial society's habits via consciousness. The action was filed in response to a previous infringement of their right to free, prior, and informed consent to extractive activity on their land (Severns, 2020).

Legality

As a result of this approach, it provided people or organizations with legal tools to help them better their circumstances. People in developing nations, who are the poorest, are made aware that they have rights that may be enforced, according to the human rights-based approach (Broberg & Sano, 2018). This approach should be consistent with the legal rights outlined in both local and international legislation. More importantly, the regions where indigenous rights are legally recognized have lower deforestation rates than other places beyond borders.

On the 4th of February, 2022, Ecuador's (Supreme) Constitutional Court, the country's most potent judicial authority, recognized indigenous peoples' competence to make judgment calls on oil, mining, and other extractive projects that affect their lands for the first time (Amazon Frontlines, 2022). This victory starts from the struggle of Ecuador's northeast indigenous people, A'i Kofán. They began to mobilize against mining in their territory after witnessing heavy machinery for the first time on the banks of their most significant river, the Aguarico, in 2018. Officials from the Ministry of the Environment stated it was illegal mining, but the A'i Kofán sued after learning that the government had approved it. The institutions named as defendants in the complaint claimed that the earlier consultation process was unnecessary because the mining activity took place outside of Kofán territory and did not harm the community's interests or rights, according to the appeal hearing on September 5th. "There is a blatant lack of information on the side of the ministries, as well as an act of ill faith on their part," Espinosa stated at the time (Antonio José Paz Cardona, 2019).

According to the court, Private companies and the government must pay reparation orders from lower courts. Indigenous peoples have long expressed concerns that the law will require the state to violate their water and land rights. However, the A'i Kofan could effectively map their area and utilize it to win a court fight to safeguard their land from mining. Their success in stopping mining concessions was primarily due to their collaboration with the Ceibo Alliance (Moore, 2021). They also implement holistic and multilevel strategies such as doing strategic litigation and support by collecting evidence on mining companies' crimes and violations, strengthening the community guard capabilities. As a result, the rulings are a significant victory for Ecuador's indigenous people, who make up 70% of the population of the Ecuadorian Amazon (Juanita Rico, 2022). The verdict grants the right of veto to all 14 indigenous nationalities in Ecuador's Amazon to any project proposed for their lands. More significantly, this ruling respects Indigenous peoples' right to life and culture. It guarantees their right to live in their homelands free of resource exploitation and the resulting dangers to their lives (Kevin Koenig, 2022).

CONCLUSION

The dilemma of developing countries to continue their development without sacrificing nature preservation is an unavoidable debate in world politics. In the case of Amazon countries, especially Ecuador, it is hard to choose one of them. Considering how long this country has relied on extractive industries, it barely keeps going back and forth to commit to even more sustainable development. Populism in Latin America becomes a problem when the mainstream political parties exclude marginalized people, such as indigenous people, from politics. Rafael Correa and Lenin Moreno's presidential reflected how the failed implementation of populism turned back against the reality of Ecuador's financial struggle. Inconsistency from the government makes public questioning about their obligation as duty-bearers.

Through that core problem, indigenous people in Ecuador faced ups and downs in protecting their rights. The existence of natural constitutional rights, even though it does not guarantee natural preservation, still holds a magnificent law. After all, indigenous people are included in the history of making that law and how it can significantly help protect their rights for now or even in the future. Various actions and conservation from indigenous people prove that they are watching and taking their rights seriously as rights-holders.

The analysis of HRBA, in this case, shows that the Ecuadorian government was considered unstable in its capacity as a duty bearer. The inability of the government to fulfill its duties is a loss for indigenous communities. However, Indigenous Ecuadorians do not stand still. They are actively living up to the five principles of HRBA with the help of various parties. Persistence in demanding their rights from local and international authorities might lead to further recognition of indigenous rights. As there are a lot of indigenous communities in Ecuador, and each of them has their struggles and ways to fight for protecting their rights, the authors suggest that the next studies to conduct comparative research to measure the effectiveness of the method used by each of the communities.

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