

Bachelor Thesis

*Voices unheard – silenced Communities, vanishing Forests:
Exploring the Ecological and Social Consequences of
the FPIC Implementation Gap*

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ABSTRACT

The phenomenon of the implementation gap is connected to the known model of the policy-cycle and refers to the incorrect or incomplete execution of agreed upon policies. Following up on the case of illegal oil exploitation in the Amazon due to fragmentary realization of international FPIC standards, this two-pieced case-study explored *the ecological and social consequences of the implementation gap regarding FPIC standards by the Ecuadorian government for the Indigenous Community (IC) of Sarayaku and its territory*, imposed by the Argentinean company CGC after 2001. The aim was to provide new understandings for the inter- and intragenerational suffering of Indigenous People under cultural hegemony and other structures of social oppression, as well as to highlight the importance of exploring opportunities for renewable energy sources to turn away from destructive extraction practices in the Amazon. The findings indicated that not only the Community's land and the adjacent river but also their social structures regarding traditional livelihood activities and quality of life were heavily disturbed, to the extent that a *'state of emergency'* was called in and communal customs were sustainably altered.

Keywords: FPIC; implementation gap; crude oil extraction; Sarayaku; social consequences; ecological consequences; Indigenous Communities

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LIST OF ABBREVIATIONS

CGC	Compañía General de Combustibles
EIA	Environmental Impact Assessments
FPIC	Free, Prior, Informed Consent
IACHR	Inter-American Court of Human Rights
IC	Indigenous Community
ILO (C)	International Labor Organization (Convention)
IP	Indigenous People
OAS	Organization of American States
UNDRIP	United Nations Declaration on the Rights of Indigenous People
UNHR	United Nations Human Rights

1. INTRODUCTION

1.1 Background

The constant struggle for materials and resources leads to border crossings, especially in the field of oil extraction. The far-reaching consequences are characterized by imbalance and inequality which minorities suffer the most, particularly in the global south. One of the most vulnerable groups are Indigenous People (IP's), which in theory are protected by special laws to preserve their unique ways of living as well as the natural habitat. One of the most important legal standards in recent years is the right to Free, Prior, Informed Consent (FPIC), which is used to protect their territories from mining or logging concessions without consultation (United Nations for Indigenous Peoples / Environment, n.d.). Still, although these laws exist, there is a so-called '*implementation gap*' in many countries. This refers to the fact that despite ratification of according treaties, laws are not acted upon, and gaps arise between formulated policies and their execution (Nadgrodkiewicz et al., 2012, p. 1).

Studies on the effects of FPIC implementation gaps in Latin America especially criticize that due to common practices like the systemically avoidance of consultations overall, there are "very few success stories of the standard itself" (Wright & Tomaselli, 2019, p. 437). Scholars argue, that even if consultation take place, they are rather "fraught with difficulties and inconsistencies", since very few opportunities are given for actual effective participation, a significant lack of transparency, the omission of documents and false declarations, as well as the lack of proper information and others (Wright & Tomaselli, 2019, p. 438). Additionally, a great problem is posed by so-called 'EIAs' (Environmental Impact Assessments) of said projects, since they are claimed to often being "build on biased information that reflects the economic interests and pro-extraction bias of national governments", rather than serving their purpose of presenting environmental impact scopes (Wright & Tomaselli, 2019). The non-compliance with FPIC laws then then often lead to illegal projects as for example the unlawful lithium exploration and exploitation projects in the case of Salinas Grandes-Laguna de Guayatavoc in Argentina (Rosti, 2019), or the illegitimate oil exploration and exploitation on the Sarayaku's territory in Ecuador, which will be essential to this paper.

The impacts of these oil extraction processes are widely studied. In similar cases, scholars found that oil related activities not only threaten the environmental sustainability, but also result in a loss of overall biodiversity. In addition, several studies have proven the relation between loss of biodiversity and its impacts on human life and cultural diversity. Scholars argue that therefore, oil extraction leads to "Indigenous People's loss of traditional ecological knowledge, epistemological assimilation, and the integration to the market economy" (Orta-Martínez & Finer, 2010, p. 208-211).

Ecuador is one example of a country where communities, and the land they are legally entitled to, are not adequately protected, and continue to suffer under the impacts (United Nations for Indigenous Peoples, n.d.). The state has implemented legislation that requires FPIC, but in practice continues to support

extractivist development strategies, without observing the regulations and the real interests of Indigenous Peoples (Ceballos, 2019, p. 202). Ecuador is home to around one million Indigenous Peoples, including the residents of the Kichwa community Sarayaku from the Pastaza region in Ecuador (Abate & Kronk, 2013, p. 179). The community became a victim of the implementation gap when the state of Ecuador granted 200.000 hectares to the Argentine oil company CGC for the “exploration and exploitation of oil”, including territory which was rightfully granted to the community in 1992, without consulting them first (Cejiil, 2021).

1.2 Research Problem

Despite research on the emergence of FPIC implementation gaps being done and separately, literature about the consequences of oil drilling existing, no research has yet been conducted regarding the concrete impacts of the FPIC implementation gap imposed by the Ecuadorian government onto the local Indigenous Communities or the directly affected land. Instead, most research regarding the issue of FPIC impacts in the form of oil related ecological and social consequences s looked onto single entities as e.g., different actors or single partial relations instead of looking at the bigger picture. Additionally, most of the studies only examined of either ecological or social effects in isolation.

This research will therefore contribute to the existing state of arts by connecting various relations which previously have only been observed individually. To study the real-world consequences, three separate steps will be examined and later combined into a causal chain, built up on counterfactual relations, meaning that it’s relying on a specific causal order (Fearon, 1997, p. 39). Therefore, concluding in the underlying premise of this paper, the oil extraction was imposed because of the implementation gap of FPIC standards created by the Ecuadorian government. This leads to the assumption that *if FPIC standards were exercised rightfully, no oil exploitation would have taken place and the community, and its territory would have been left unaffected*. This paper seeks to explain the overall link, referring to the ecological and social consequences for the community as caused through the oil exploitation in the area of Sarayaku by the company Compañia Argentina General de Combustibles (CGC) after 2001. Therefore, the different relations as presented later in the theory part arise and result in the following research question:

What are the social and ecological consequences of the FPIC implementation gap in Ecuador for the Indigenous Community (IC) of Sarayaku and its territory after 2001?

Additional, i.o. to break down the relations and to explore the topic more in-depth, additional sub-questions will be analyzed, to narrow down the necessary components applying to the relations A-C, which will be introduced in the theoretical section. To do so, the first two sub questions,

- a. ‘How did the FPIC implementation gap lead to the oil exploitation within the Sarayaku territory?’

b. *'What are general social and ecological consequences of oil exploitation?'*,

need to be clarified. Furthermore, as a supplementary branch, the final sub question

c. *'How are the ecological and social consequences connected with each other?'*,

helps to understand the connection between the chosen categories and highlights how they are linked.

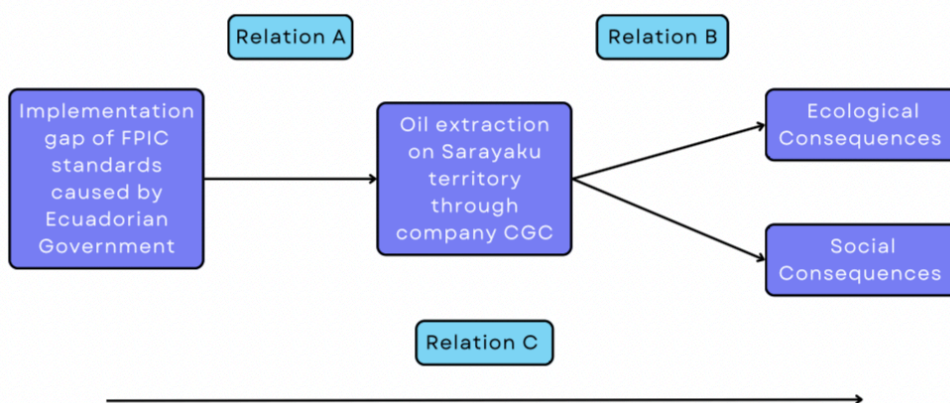
1.3 Research Approach

As a research approach, a qualitative case study was chosen, to analyze the specific ecological and social consequences for the Kichwa Community of Sarayaku and its territory within the Ecuadorian Amazon. Typically, the characteristics of case-study research make it a good fit for social sciences, by posing the opportunity to gain more understanding of complex issues in real-life settings. This is also the case in this particular occasion, since a case-study approach gives a more small-scale perspective to a global problem and therefore provides detailed insight as well as lots of flexibility onto a rather complex issue (George & Bennet, 2005). The data will be collected using secondary open-access sources, including secondary data through scientific literature and media articles, involving the IACHR case *Sarayaku v. Ecuador*. For the subsequent content analysis, the qualitative research tool Atlas.ti is used, whereby the coding scheme is based on sub-categories for ecological and social consequences which will be introduced in the theory section.

2. THEORETICAL FRAMEWORK

2.1 Theoretical Model: The Relations A-C

This paper revolves around the relations A-C as presented in the model below. In the theory section, the concept of the FPIC implementation gap, including its origins and its manifestation within the executive system of Ecuador will be explained. In the following, the consequences of oil exploration and extraction practices, with a special emphasis on the ecological and social sphere will be defined and divided into sub-categories.



Model 1: The causal chain - an overview over the 3 links

While other academic research on the topic did not hold the Ecuadorian government accountable, but only focused on the relations A or B, no paper has yet taken both connections into account while focusing on social *and* ecological consequences as well as their *interconnectedness*. The chain of cause as presented above illustrates all three different blocks and illustrates their relation to each other in a chronological order. Hereby relations A and B are considered as counterfactuals, based on causal interference. To determine the causes of events in social sciences, many scientists and historians use counterfactuals as “part of a larger rhetorical strategy”, when working under the premise or claim that “if A had not occurred, B would not have occurred” (Fearon, 1997, p. 39). So, although this paper’s research question aims to find an answer relating specifically to relation C, there is no “black box” when it comes to relations A and B. This research therefore uses counterfactual assumptions, concluding in the following premises:

- (1) If the Ecuadorian government had been respecting the Sarayaku’s right to FPIC, there would have been no oil extraction on their territory.
- (2) If there had been no oil extraction in the area, the Community and its territory would have been left (ecologically and socially) unaffected. (Höfler, 2005, p. 1-2)

In summary, the counterfactual relationship therefore emerges from the assumption,

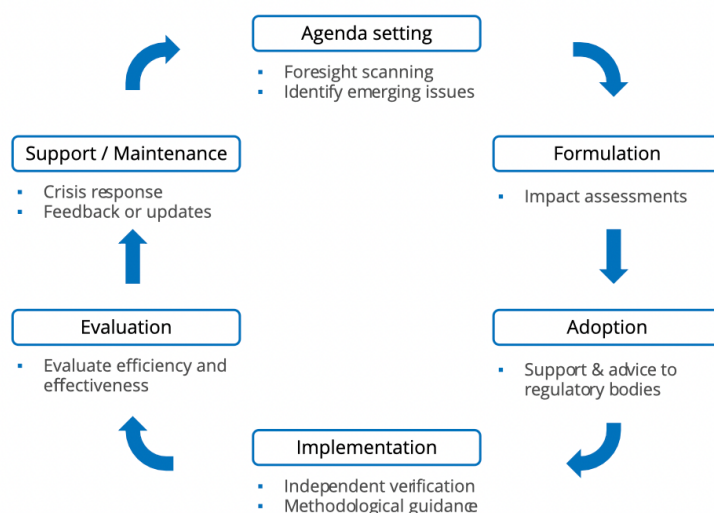
that the decision of the government to sign a crude oil exploration contract with the private Argentinean oil company (Compañía General de Combustibles (CGC)), which was vital for the start of

the oil production, took place without the necessary consultation according to the previously signed indigenous FPIC rights and that if the standards had been followed rightfully, the decision-making process (and therefore the social and ecological outcome) would have been different.

The assumption itself is based on the background of the lawsuit *Sarayaku v. Ecuador* before the Inter-American Court of Human Rights (Verbeek, 2012, p. 263).

2.2 Relation A: The place of the FPIC implementation gap in the policy cycle

The model of the so-called ‘policy cycle’ is originally rooted within US-American political sciences and is supposed to offer a way to explain the process of the emergence of new policies through the six stages as presented in the model below. Although the stages are constantly exposed to change and may vary by country due to domestic decision-making patterns, the idea itself can still be applied to most modern governance systems, including Ecuador (Cairney, 2016).



Model 2: The policy cycle. (n.d.). European Geosciences Union (EGU). <https://www.egu.eu/policy/cycle/>

Within this cycle, the “implementation gap” concerns a gap between the policy adoption- and the implementation step. Hereby, it “represents the difference between the expectations of policymakers and the actual policy outcome as to how the policy is exercised and can be recognized almost everywhere, where policies are made, and laws need to be applied” (Cairney, 2016).

According to Taiaiake and Constassel (2005), worldwide there are about 350 million Indigenous Peoples, spread over 70 countries. Unfortunately, these people and their communities regularly experience the rough reality of contemporary colonialism, as their lands, languages, histories, and traditional lifestyles are frequently attacked, denied, and deconstructed by colonial societies and states.

Contemporary colonialism therefore poses severe threats to Indigenous People's rights. In response to the ongoing issue of discrimination and oppression, international legal instruments have been developed to safeguard communities and ensure their adequate protection. One of the most important legal standards is the indigenous right to FPIC (Taiaiake & Constassel, 2005).

The concept FPIC refers to 'Free, Prior, and Informed consent' and is meant to give ICs and ethnic minorities the possibility to agree or reject projects which might influence their ancestral territories, whereby they additionally gain the right to withdraw their earlier given consent at any point in time (Food and Agriculture Organization of the United Nations, n.d.). While the right to FPIC is legally enshrined in many different frameworks, this research will particularly deal with its presentation within the sphere of United Nations Human Rights law (UNHR). Hereby it is provided within the United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP) and the ILO Declaration 107 and 169, which explicitly mention the standard (Rombouts, n.d., p. 1).

The UNDRIP was adopted by the UN General Assembly in 2007, with the aim to reaffirm and strengthen the rights of indigenous ancestral territory under the special mentioning of FPIC (Food and Agriculture Organization of the United Nations, n.d., p.4). The Treaty hereby highlights "their rights to their lands, territory and included resources", making it crucial to the environmental movement generally by putting a special emphasis on "caretaking of the environment as parts of the minimum standards for indigenous survival, dignity and well-being" (Admina, 2022).

The International Labor Organization (ILO) was created in 1919 "to reflect the belief that universal and lasting peace can be accomplished only if it is based on social justice" (Ens et al. 2012, p. 345). Since then, the organization has primarily devoted itself to social justice and the protection of human and labor rights. In 1946, the ILO became a specialized agency for the UN, which makes it part of the relevant framework of this paper. The ILO Convention 169/1989 was adopted by the ILO Conference in 1989 and is known to be the 'initial ground' for all indigenous rights to consultation and FPIC on an international level (Ens et al., 2021, p. 347). Although the ILO's Conventions generally concern the organizations mission "to promote social justice and labor rights", the ILO 169 specifically takes the discrimination and labor conditions of indigenous and tribal people into account (International Labor Office Geneva, 2013, p.1). Additionally, the Convention No. 169 is categorized as an international treaty and therefore becomes legally-binding to all 22 ratifying member states (including Ecuador since 1998). Beyond the ratifying parties, it emerges as "an international reference point, which is cited and used by UN bodies, regional human rights bodies and national courts" (International Labor Office Geneva, 2013, p.1). Additionally, ILO Convention 107 is known as the 'predecessor' or ILO C169. Although some scholars refer to it as "outdated", it remains in force and offers original ground for FPIC standards in several countries (Larsen & Gilbert, 2020, p. 85).

Within the empirical analysis, the FPIC implementation gap will be further analyzed, specifically in its role within the context of the *Sarayaku v. Ecuador* case. The trial showed, how the Ecuadorian government failed to safeguard exactly those rights which they previously ratified, by not offering

opportunities for participation and being responsible for transparency lacks, as well as non-compliance with the mandatory EIA processes (Vlahušić, 2020).

2.3 Relation B: Oil exploration and Extraction and its Consequences

When considering any kind of impacts of crude oil extraction methods, no matter if on- or offshore exploration, exercises like drilling and other related extraction activities are “inherently invasive and affect ecosystems, human health, and local cultures” (O’Rourke & Connolly, 2003, p. 594). Even before the actual extraction, a range of “remote sensing and satellite mapping techniques” are used to identify the potential of the reserves, which after their identifications are prepared through the building of platforms, roads, and pipelines, including invasion of construction crews as well as heavy vehicles (O’Rourke & Connolly, 2003, p. 594). After the construction of exploratory wells and infrastructure, the ground is prepared using subsurface explosives. Studies have found that in any case, “the physical alteration of environments from exploration, drilling and extraction can be even greater than from a large oil spill”, the major impacts include “deforestation, ecosystem destruction, chemical contamination of land and water, long-term harm on animal populations, human health and safety risks for neighboring communities and oil industry workers” (O’Rourke & Connolly, 2003, p. 594). Nowadays, many South American states are already engaged in the extraction of oil and other natural resources. The goal: increase of economic development. Still, many detrimental effects are not considered, especially when it comes to the ICs inhabiting those lands (Santamaria, n.d.).

The first findings of oil deposits in the orient of Ecuador were marked around the late 1960s, resulting in first large-scale extraction practices in the 1970s. Ever since, the oil production has been “the ‘engine’ of the nation’s economy” (Hurtig & San Sebastián, 2004, p. 205). This oil development process within the Amazon region includes a number of contamination processes, whereby “the extent of these pollution processes depends mainly on the environmental practices and technology used by oil companies”, which in the case of Ecuador have repeatedly been criticized (Hurtig & San Sebastián, 2004, p. 206). The extraction of oil as a natural resource by either the state or foreign companies has left its mark. Much of the environment around the extraction points has been contaminated and lands have been destroyed (Santamaria, n.d.).

2.4 Social and Ecological Consequences of Oil Exploration and Extraction

This research is built around an analysis of the ecological and social impacts of oil exploitation on the territory of the Sarayaku Community. Therefore, within this section, the key-concepts are defined, and the core-categories are introduced, which were chosen to facilitate the later analysis. It is important to acknowledge that it’s not possible to look at the two categories as isolated ones, but rather as two consequences that very much rely on and influence each other. The socio-ecological systems theory (SES) hereby describes how the two categories are very much linked, since it considered for humans to be more “part of” than “part from” nature (Pérez-Soba & Dwyer, 2016, p. 3). Scholars hereby highlight

how humans generally co-evolve their cultural identity with their environment, connecting it to biodiversity, community, land, and water (UNESCO SCBC Programme, n.d.).

Earlier research shows how extracting activities therefore influence indigenous territories in a special way, since their livelihood oftentimes stays “directly depended on the natural environment, who interact primarily through communal tenure systems and non-market forms of exchange” (Bozigar et al., 2016, p. 126). Additionally, literature highlights how “such extractive activities can potentially represent a major transformation of the social, economic, and environmental context” (Bozigar et al., 2016, p. 126). How this interconnectedness works, and which factors play a role within the individual spheres will be explained in the following.

2.4.1 The Ecological Consequences

Ecological consequences of oil exploration and extraction are difficult to generalize since variations can occur, depending on the peculiarities of the territory. Nevertheless, some commonalities within the Western Amazonian area can be found. Within many cases, the material consequences of large-scale resource extraction include “the construction of transportation infrastructure such as roads, the installation of extraction infrastructure such as mines and wells, the removal of natural vegetation and/ or soil, and the introduction of toxic material such as petroleum and mine tailings” (Bozigar et al., 2016, p. 126). The area is highly biodiverse, with intact tropical forests and stable climatic conditions amid global warming. However, oil exploitation since the 1920s has caused significant environmental and social harm, including large-scale “deforestation for access to roads, drilling platforms and pipelines, contamination from oil spills and wastewater discharges as well as impacts of seismic testing activities” (Finer et al., 2008). Furthermore, human settlement led to indirect consequences like increased logging and hunting.

In the case of Ecuador, the extraction practices included especially the drilling of exploratory wells, whereby the produced wastes “were frequently deposited into the open” (Hurtig & San Sebastián, 2004, p. 207). Studies have shown that “during the period of 1972 through 1993, more than 30 billion gallons of toxic wastes and crude oil were discharged into the land and waterways” of the Ecuadorian orient (Hurtig & San Sebastián, 2004, p. 207). Similar projects have taken place all over the world, although the environmental impacts can differ based on size of the project area and geographical location.

Case studies of the Niger Delta of Nigeria have shown the “environmental costs and responsibilities resulting from oil exploitation and production” (Elum et al., 2016, p. 12881). The Niger Delta cases as presented by Elum et al. (2016) and the Sarayaku territory show many similarities as their tropical climate, the geographic texture, as both areas are located close to major rivers and their dense vegetation, as well as their high level of biodiversity (Worlddata.Info, n.d.). Within the research of Elum et al. (2016), the results showed two major pillars within the sphere of environmental impacts, namely *water* and *soil pollution*, including depletion of (aquatic) wildlife. Hereby the findings indicated that due to cases of oil spillage and leakage as well as waste dumping and gas flaring as by-products of the

extraction process, living organisms, animals, aquatic life, and plants were destroyed (Elum et al., 2016, p. 12883).

2.4.2 The Social Consequences

As described before, this part of the research is built onto the SES theory, which argues that humans and nature are in fact not independent entities but rather interconnected (Caniglia, 2021). The interconnectedness between Indigenous People and 'mother earth' is hereby an even deeper bond, as they see the land they are living on as '*Kausa Sawach*', which translates to "living jungle" (Brunner & Quintana, 2012, p. 1). To fully comprehend how essential this mutual understanding between their surrounding and the people is, Indigenous Communities constitute it as their "life philosophy", where it "defines the socio-cultural and economic organization of their society", described as "*the animals, plants, rivers, mountains, stones, everything that is in their jungle has supay (spirit)*" (Brunner & Quintana, 2012, p. 1). With the background of this understanding, everything affecting nature, also has an effect on the community.

On this ground, studies have found connections between ecological and social impacts of oil extraction, arguing that ecological changes are in fact influencing social structures. Scholars hereby highlight how humans generally co-evolve their cultural identity with their environment, connecting it to biodiversity, community, land, and water that they are surrounded by (UNESCO SCBC Programme, n.d.). The consequences of such extraction practices and their by-products generate "immediate disruptions on ecosystems, rapidly rendering them very different from what they were like before" (Imbun, 2013, p. 6). Research has found that "numerous economic but also social effects" result from the environmental problems related to oil extraction projects, arguing for spill-over effects to happen (Eregha & Irughe, 2009, p. 161). The examples of the Niger-Delta studies by Opkuri and Ibaba (2008) and Aluko (2004), additionally found that oil exploitation activities within the area and the following environmental degradation were a significant reason for *changes of traditional livelihood activities*, since their routines oftentimes stay "directly depended on the natural environment", since the communities "interact primarily through communal tenure systems and non-market forms of exchange", as well as individual simplistic ways for food supply (Bozigar et al., 2016, p. 126). Therefore, the consequences are found to be undermining their "capacity to cultivate landscapes" and limit their abundance of plants and animals and the number of locations for harvesting, monitoring, sorting and honoring" by destroying animals, plants and natural habitats (Imbun, 2013, p. 6). Additionally, research has shown how extraction activities influence their *Quality of Life* (Salmón, 2000, p. 1328).

3. METHODS

3.1 Case Selection and Description

As a case study this research will revolve around the Sarayaku Community from one of the settlements of the indigenous Kichwa people in the Ecuadorian Amazon. Their population lives on community governed territory in the area of the province of Pastaza. The case was chosen since it provides generalization opportunities for other cases and important background information of the case is easily accessible. Additionally, the case itself is well-known for its trial before the IACHR, closed in 2012, where the community has fought successfully to defend their land against oil exploitation in a very open setting, making data available. This is especially important since many of the affected regions and communities are hardly reachable due to their geographic position, and some are even completely isolated from the outside world. Furthermore, many of the Indigenous Communities within the Western Amazon communicate within one of their many indigenous languages. The Sarayaku Community is one of the few that maintained their traditional ways of using and managing their territory as well as traditional forms of organization and still is very well researched. This is due to the closeness of the territory to the outside world and the resulting contact of members of the community with it but also due to the famous trial before the Inter-American Court of Human Rights, which brought a groundbreaking verdict for Indigenous Peoples Rights in 2012 and opened Indigenous struggles to a more global audience.

Additionally, this analysis will take place on the ground that the FPIC gap was the factor causing the ecological and social consequences which are meant to be researched. This requires the assumption that the community – if consulted properly and according to their rights of FPIC – would have prevented the oil extraction entirely. Regarding other cases, it would have been more difficult to underpin this assumption, due to lack of information on personal standpoints which could have only been hypothesized very vaguely. This is different here, since there is already a lot of research on this case, in particular through the community that gives rare insights through its active work as advocates for FPIC rights and their territory. In addition, there is the confirmation of this assumption by the legal steps that have been introduced and the judgment of the Inter-American Court for Human Rights. Therefore, this case offers a way to set the separate links into final relation. In conclusion, this case offers a unique possibility to investigate a phenomenon which has gained a lot of importance in research and real-life: the implementation gap and its consequences. Additionally, it imposes the opportunity for unique research which could be used for a deeper understanding of the theoretical frameworks used but also of the generalizability of the case-study itself.

3.3 Method of Data Collection

After explaining the theoretical background of the research, it is important to define the methodology to answer the research question. Hereby, the research question leads to a qualitative investigation approach,

as this research will be based on the analysis of textual information, making it of *interpretative* nature. Under investigation are the aforementioned relations A and B, whereby both will be examined through a content analysis of fitting, solely secondary data.

For relation A, to include the context and background, this paper relies on existing scientific articles as well as legal documentation regarding the case *Sarayaku v. Ecuador*, to find out how the FPIC implementation gap has come about and how it caused the start of the oil project by the company CGC.

For relation B, a content analysis of carefully chosen scientific articles and media contributions on the impacts of oil exploration on the community and their land is expected to provide the necessary information, so that details about the oil related ecological and social impacts in block 23 can be extracted. The original method for this paper was to include key-expert interviews, to create a triangulation of data, but due to limitations in resources like time and fitting interview partners, as well as the conflict of language (author speaks the countries language, but no indigenous variety), this paper opts for written sources only. The included papers were chosen based on their content and their ability of providing useful insights, therefore they had to include awareness concerning the social and ecological changes within the study area. To provide as much representation as possible, the data sources were chosen from a broad range of years (2003 until 2020). The articles will be reviewed and analyzed according to specific codes which are selected based on the previously found information presented in the theory part, examining the literature in relation to earlier mentioned concepts. A table including all data sources that were used for the coding process is to be found in Appendix A. For the analysis, the Atlas.ti research tool, which helps to find insights faster and to simplify direct analyses of the sub-categories, will be used to perform the qualitative content analysis by providing space for coding terms and phrases (Ang, Embi, Yunus, 2016). The theoretical concepts of social and ecological impacts will therefore be operationalized through observable codes. The qualitative content analysis “extracts relevant information” in the “subsequent search for patterns in the data and integration of these patterns into a systematic, theoretically embedded explanation” (Forum Qualitative Social Research, n.d.). In addition to the thorough reading of the texts, the program will be used to carry out text-searches including topic-related words (such as oil, extraction, FPIC etc.), to make ensure that no words or phrases that could indicate relevant information are missed.

3.4 Method of Data Analysis

Since this paper follows a process-tracing approach for the counterfactual analysis, the exploration will take place in a two-step process. Generally, process-tracing analyses include “the systemic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator” (Collier, 2011, p. 823). As a sub-category of such approach, Bennett (1987) presents the analysis of causal statements, which includes the original thoughts of a process-tracing analysis, to “describe political and social phenomena and to evaluate causal claims” (Collier, 2011, p. 823) and transforms into a chain of *dependent counterfactuals*. He distinguished between *subsumption* and

counterfactual analyses of causal statements. This paper will emerge from the standpoint of the later, referring to the underlying statement that “x caused y, meaning that something to the effect that if it hadn’t been x there wouldn’t have been y” (Bennett, 1987, p. 368), covering the underlying assumptions that have already been explained in detail (see 2.1). In the case of this research, X hereby refers to Relation A and Y to Relation B. Therefore, in the following of this paper the relations A and B will be investigated separately, to later put together the puzzle within the conclusion (Relation C). The verification for relation A is already covered through the backing of the counterfactual assumptions to be found in the theory section. An additional content analysis will contribute additional findings, especially regarding the conviction of the state of Ecuador by the IACHR.

To find evidence for relation B, process tracing research methods will be used. Process-tracing as such is a tool of qualitative analysis, which is often used as a method for within-case analyses to “add inferential leverage, which is often lacking in quantitative analyses”, whereby it can “contribute to both, describing political and social phenomena and evaluating causal claims (Collier, 2011, p. 823). To analyze the chosen papers and articles and to extract the information needed, the documents get uploaded in the computer-assisted qualitative data analysis software Atlas.ti. The method used is a mixed open coding, meaning that the codes equal the categories that were chosen *a priori*, as seen below. The text will then be thoroughly read with a special focus on the (sub-) categories. Hereby the parts of the studies that are fit to answer the research question are marked for quotation and get a label attached (code). This way, the data is sorted and can give analytic handle to help organize the core ideas.

3.5 Operationalization of key concepts and coding scheme

The research of this paper concerns itself with the ecological and social consequences of the oil extraction processes on the Sarayaku territory as a follow-up impact of the FPIC implementation gap. After exploring the key theoretical insights, the expectations regarding the findings of this studies will be transformed into sub-groups for the later analysis. As introduced above, the studies mentioned certain factors attributed to the categories of “social” and “ecological” consequences. Therefore, for the later analysis of this paper, the following sub-groups are introduced as they were based on and framed by earlier studies, which have shown the category’s importance and probability to find similar results. Both factors were chosen due to their earlier explained interconnectedness (see 2.1), meaning that it would be artificial to look solely at one of the two categories.

Based on the geographical similarities, the variable of ecological consequences will hereby consist of the following sub-categories, leaned onto the research by Elum et al. (2016) and Eregha and Irughe (2009):

- a. Water
- b. Land

This category will hereby revolve around the impacts that potentially caused destabilization and harm to the ecosystem and biodiversity. Additionally, the variable of social consequences will be structured around the sub-categories of:

- a. Change of traditional livelihood activities
- b. Quality of life

which are based on the results of previous studies regarding the Amazon Basin and the Indigenous Communities who are native to the land. These variables surround the problem of social risks and impacts which result from the violence of the oil extraction processes themselves as well as secondary through the destruction of their natural habitats. These sub-categories were translated and further defined into the following coding scheme:

<i>Category / Sub-category</i>	<i>Summary</i>	<i>Exemplary keywords</i>
<i>Ecological consequences</i>	General ecological consequences that do not regard the two chosen sub-categories	Logging and cash cropping activities
<i>Land</i>	Changes regarding soil, natural vegetation, and wildlife	infertile grounds; harm of crop; degradation of farmland
<i>Water</i>	Changes regarding water quality, sediment, and quantity of fish available	Damage of aquatic ecosystems; pollution of traditional fishing grounds
<i>Social consequences</i>	General social consequences that do not regard the two chosen sub-categories	Displacement; military force/ violence
<i>Change of traditional livelihood activities</i>	Changes of substantial traditional customs within the community	Decrease of farming activities; suspension of communal schools
<i>Quality of life</i>	Changes involving indigenous knowledge systems and communal health care	Health hazards through pollution and flaring of gas from oil production; decrease of food security
<i>Both – ecological and social consequences (overarching code)</i>	Changes that include both – ecological and social sphere but do not regard any of the four sub-categories	Placement of explosives leading to 'state of emergency'

Table 1: coding scheme for qualitative analysis of social and ecological consequences

4. ANALYSIS:

After conducting the coding as the first step of the analysis within the program Atlas.ti, this chapter now aims to provide answers to the research questions. To do so, the analytical findings regarding relations A and B will be presented and put into context. Hereby, the aforementioned sub-categories are maintained and expanded by additional, concrete observations from the chosen literature and media articles.

4.1 Examination of Relation A

As the relation A concerns the FPIC implementation gap by the Ecuadorian government which led to the oil extraction project by the Argentinean company CGC, it is important to take the legal context into account. Although most of the scientific literature and media contributions acknowledge the FPIC implementation gap as a background, the term itself has not been used. Originally, proof for the relation was already covered through the backing of the counterfactual assumptions in the theory section. Still, during the research new insights have shown that Petroleum as such is “of great value to the Ecuadorian state, whose economy is highly dependent on income from crude oil export” (Cultural Survival, 2012). Research shows that the so-called “wave of multicultural constitutionalism”, as a wave of reforms to protect indigenous land, started during the late 1980s, bringing a new generation of recognition of Indigenous rights within the constitutions of the Latin American States. Still, while almost all geographically concerned countries – like Ecuador – are party to the UNDRIP and have ratified the ILO Conventions 169 and 107, only a few have also included the “right to consultation and FPIC” in their domestic *Magna Cartas* - Ecuador only did so in 2008 (Tomaselli & Wright, n.d., p. 2). The Ecuadorian government has therefore widely acknowledged the collective rights of the nearly two million indigenous- and Afro-descendant peoples among its population, including their right to possess their ancestral lands and territories without any time restrictions. However - despite of the constitutional recognition - governmental officials have neglected their presence and failed to safeguard these rights, which should have been secured by the numerous international and domestic agreements (Santamaria, n.d.). Therefore, causing the issue that, while indigenous rights have increasingly been experienced and recognized, “many decisions made at the international level are not always implemented at the national level, and Indigenous People’s voices are all too often marginalized, if heard at all (United Nations for Indigenous Peoples, n.d.).

As other Indigenous Communities, the Sarayaku were forced to see their traditional ways of life under threat, ever since large oil reserves were found on their ancestral lands (Cultural Survival, 2012). In 1992, the community was awarded “an undivided parcel of land in the Amazonian region”, confirming their ancestral title, meant to provide the community with the legal rights to their territory (Brunner & Quintana, 2012). Only three years later, on July 26, 1996, the state of Ecuador signed a contract with the Argentinean oil company (“CGC”), which permitted them to explore and extract oil capacities within the region of block 23 (see figure 1 and 2). Out of this territory, 65% belonged to the ancestral territories of the community.

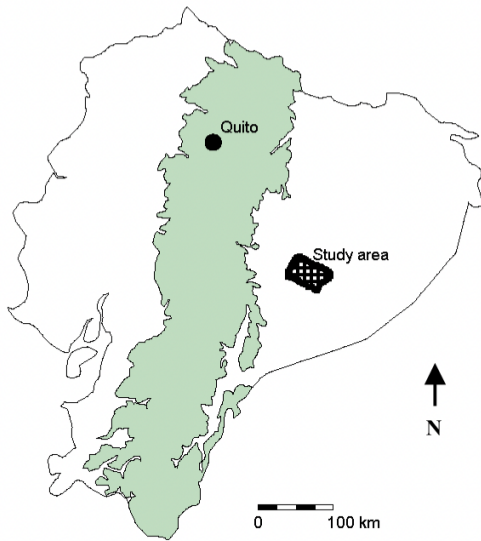


Figure 1: study area of “Block 23”; Sirén, 2004, p. 37

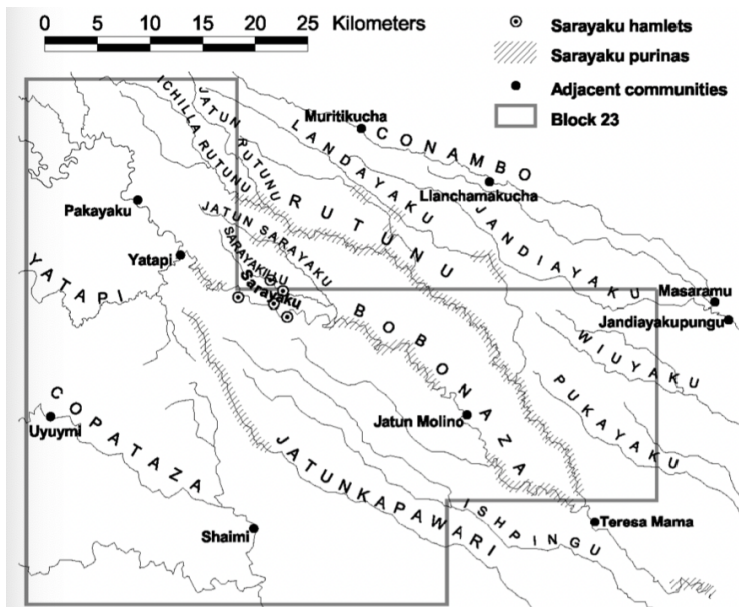


Figure 2: close-up of the Study area of “Block 23” and surrounding territory; Sirén, 2004, p. 39

Within the contract, “CGC’s obligations included, among others, preparation of an Environmental Impact Assessment and obtaining from third parties permits needed” (Brunner & Quintana, 2012). Additionally, the EIA for the project was never executed. Instead, the company “entered the Sarayaku territory and started carrying out its exploration activities, which included the opening of seismic lines and the installation of large amounts of ‘pentolite’ explosives on the surface and the subsoil” (Verdonck & Desmet, 2017, p. 2) – all without the consultation or permission by the Sarayaku or their neighboring communities (Brunner & Quintana, 2012, p. 2). Furthermore, to provide access to the ground, trees and plants were cut down, resulting in the destruction of resources and “sites of great importance for the culture and worldview of the Sarayaku people” (Verdonck & Desmet, 2017, p.2). In the end, the

activities between October 2002 and February 2003 resulted in around 1433 kilos of pentolite explosives put into the ground, exposing the Sarayaku community and their territory to great risks “and threatening their access to dignified life” (Inter-American Court of Human Rights (ACHR), 2012).

In 2003, the community put an end to the activities by CGC by requesting an immediate stop of CGC’s activities to the Commission of the IACHR, arguing that “their relationship to their land, their right to FPIC, their right to life/ freedom of movement/ human treatment, and their right to due process and judicial protection” were endangered (Verbeek, 2013, p. 174). During the same year, the community filed a lawsuit against the state of Ecuador, which got submitted on April 16, 2010, to the IACHR by the Inter-American Commission on Human Rights, supporting their claim for reparations (Inter-American Court of Human Rights (IACHR), 2012). During the trial, the Sarayaku people argued that said company conducted non-consensual seismic exploration within 2002-2003, which “greatly disturbed their quality of life, while at the same time disrupting the environment” (Verbeek, p. 263, 2012, p. 274). The term ‘non-consensual’ hereby refers to the circumstances of preparation regarding the FPIC rights of the Sarayaku. Not only failed the CGC to present a required Environmental Impact Assessment (EIA) to be able to “perform all efforts necessary to preserve the ecological balance within block No. 23”, but they also declined “to obtain the consent of the Indigenous People that resided in the region” and therefore did not meet the requirements as stated within common FPIC law (Verbeek, 2012, p. 274). The final decision on the case *Sarayaku v. Ecuador* was issued on June 27th, 2012, when the Court of Human Rights stated:

“that the State of Ecuador is responsible for the violation of the rights to consultation, to indigenous communal property, and cultural identity, in the terms of Article 21 of the American Convention, in relation to Articles 1(1) and 2 thereof, to the detriment of the Kichwa Indigenous People of Sarayaku (...), for granting a permit to a private oil company to carry out oil exploration activities in its territory from the late 1990s, without previously consulting the Sarayaku.”

Additionally, the state of Ecuador was held responsible

“For severely jeopardizing the rights to life and to personal integrity, recognized in Articles 4(1) and 5(1) of the American Convention, in relation to the obligation to guarantee the right to communal property, in terms of Article 1(1) and 21 thereof, to the detriment of the members of the Sarayaku people. This was regarding the actions from the oil exploration phase, including the placement of high-powered explosives in various parts of the indigenous territory.” (Inter-American Court of Human Rights (ACHR), 2012).

The verdict of 2012 therefore left no room for doubts that “the state failed to consult the Sarayaku People about the award of an oil concession that would directly impact their territories, their cultural identity

and their way of life in general” (Verdonck & Desmet, 2017, p. 49). Their legal victory therefore serves as evidence against the Ecuadorian government for its failure to consult with the community regarding proposed oil exploration, which led to unlawful exploitation and mining activities (Etchart, 2022, p.1).

4.2 Extrapolation to the Counterfactual Analysis

To return to the counterfactual analysis and to further underpin the assumptions as presented in 2.1, the remoter impacts of the Sarayaku v. Ecuador trial were taken into account. The research has highlighted that it is very reasonable to assume the accuracy of the underlying assumptions, as the oil extraction in fact did not only *stop* after the verdict, but the Court also ordered the government to several *reparation measures*, including the removal of explosives that were left under the surface, as well as payments for the damages (Vlahušić, 2020, p. 240). Furthermore, all data sources highlighted that despite the CGC’s attempts to win the Sarayaku for their cause by bribing community members and other measures, they did not let it affect them. Finally, official statements by the community have shown their clear stand against exploitation projects, as they defend the nature as part of their own (Sirén, 2004). In addition, the empirical analysis again highlighted the strong opposition of the community, as their protests lead to the suspension of the project and finally to their legal actions before the IACHR (Vlahušić, 2020, p. 240). Therefore, to connect the two analyses and to build a final bridge for the conclusion, the results regarding relation B will now follow.

4.3 Examination of Relation B

The examination of relation A in 4.1 offered an overview of the disruption of the environment on said land, that was supposedly granted protection in 1992 (Brunner & Quintana, 2012). Therefore, as to relation B, the empirical analysis of the social and ecological consequences of the exploration project by CGC for the Community and its territory resulted in a variety of findings for both categories.

4.3.1 Ecological Consequences

The data indicated that most of the factors that impacted the community, and their territory were not caused by oil as an element directly (as through oil spills etc.) but rather indirectly through the measures of the oil production process itself, including deforestation for new infrastructure and logging of trees for seismic exploration activities, causing an *ecological chain of effects*. Based on the previously chosen sub-categories, the analysis led to the following findings for *Land* and *Water*:

Land

Most of the literature stating the consequences regarding the land and soil of the Sarayaku territory started with *heavy deforestation* as “the most obvious impact of oil exploitation” in the Amazon, caused “the construction of roads along the pipeline and to the oil wells” (Sirén, 2004, p. 50).

Besides the simple *erosion of trees and plants*, the roads additionally facilitated the *practice of logging* as well as *cash cropping*, leading to even heavier cases of deforestation (Sirén, 2004, p. 34). As in many other tropical rainforests around the world, the felling of the trees therefore did not only have a direct impact on the ecosystem, but also indirectly, as “the logging roads also connect the land to regional markets, making it profitable to clear the forest in order to plant cash crops” (Sirén, 2004, p. 259).

Additionally, concerns were raised that the “natural resource depletion may affect (...) biodiversity and the status of ecosystems” around Sarayaku (Sirén, 2004, p. 259). The water holding capacity of the soil decreased, resulting in *heavier movement of water*. In recent years, heavy rain periods have led the adjacent Bobonaza river “to rise up to 4m”, with *floods* that “destroy all seeds every 2 years” (Sandra, 2020, p.1). Furthermore, the roads were not closed for commercial use only but rather invited “thousands of settlers following the roads and taking over the Indigenous People’s lands”, leading to *heavy waste pollution* through “batteries and other garbage that belonged to the oil industry” (Sirén, 2004, p. 159). Additionally, the company started to drill hundreds of survey holes into the ground and packed them with around 1400 kilograms of explosives, many of which remain in the ground. These practices did not only lead to the *destruction of a huge part of the ‘sacred jungle’* (Tobar, 2013, p. 31), but also to severe *pollution of the soil*, “through the release of untreated wastes, as well as accidental oil spills, through *hydrocarbons and heavy metals*” (Sirén, 2004, p. 50 & 258). The pollution lead from “*decreasing soil fertility and increased problems with weeds and pests* (Sirén, 2004, p. 23) to widespread *centers of completely infertile lands* (Tobar, 2013, p. 10).

The *diminishment of soil productivity* hence led to a *diminishment in agricultural productivity* (Sirén, 2004, p. 189), leading to growing concerns regarding the “increasing *scarcity of natural resources*” within the community (Verbeek, 2012, p. 3). Especially the observation that “land for farming got scarcer around the village, and consequently *fallow periods became shorter*” (Sirén, 2004, p. 140), got many members concerned that resources which they depend on for their livelihood won’t be sufficient in the future (Sirén, 2004). Additionally, the findings indicated, that people “got concerned about the *decreasing abundance of wild game*” (Sirén, 2004, p. 17), as “CGC’s exploration activities (...) caused animals to migrate” (Verdonck & Desmet, p. 15).

Water

In addition to the pollution of the soil, the oil exploitation practices also caused “*pollution of water with hydrocarbons and heavy metals*” (Sirén, 2004, p. 223). Besides of the *heavy surface stream contamination* (Guidi, 2016, p. 1), the data also shows that “dumping of millions of gallons of *toxic wastewater into rivers*” left “unlined pits of *contaminated sludge* that poisoned thousands of people” (UN University, 2015, p.1). For the community of Sarayaku this meant the *destruction of water sources* that were urgently needed to “provide drinking water to the community” (Verdonck & Desmet, 2017, p. 16).

The attenuated deterioration logically also affected the aquatic wildlife due to the heavy pollution “related to mining and oil exploitation”, “stocks of commercially valuable fish species are being

depleted” (Sirén, 2004). The oil exploitation hereby has led the water salinity to increase up to the point that it “*inhibits fish reproduction*” (Sirén, 2004, p. 223). The community observes this “*decrease in the abundance of fish*, although they consider this decrease to be less drastic than wildlife” (Sirén, 2004, p. 19). Particularly affected are hereby the “catch of large fish, particularly catfish” (p. 155), while “small fish have been less affected” (Sirén, 2004, p. 23).

4.3.2 Social Consequences

Within the following two paragraphs, the results regarding the previously chosen categories *change of traditional livelihood activities* and *Quality of Life* will be presented. During the seismic activities as part of the exploration the company CGC was accused of “disrupting the Kichwa people so substantially, that they declared a *state of emergency* within their territory” (Verbeek, 2012, p. 14). During the trial, the IACHR highlighted, the “serious impacts suffered by the People owing their profound social and spiritual relationship with their territory and, in particular, the destruction of part of the forest and certain places of great symbolic value” (Verdonck & Desmet, 2017, p. 58). Also within their final judgment the reference to the impact on the community’s environment was mentioned with a special emphasis on the “strong bond that exists between the elements of nature and culture, on the one hand, and each member of the People’s sense of being, on the other” (Verdonck & Desmet, 2017, p. 15), highlighting the “special relationship and the profound intangible and spiritual bounds that the Sarayaku have with their territory (Sirén, 2004, p. 3). The findings hereby clearly indicated that the “*interactions between humans and nature in the area have undergone significant changes*” (Sirén, 2004, p. 3), caused directly by the ecological destruction. While the Sarayaku society was found to be “*experiencing crises on several fronts* (Sirén, 2004, p. 17), the aforementioned depletion of resources was especially found to have significant impact on the ways of local livelihood (Sirén, 2004, p. 20).

Change of traditional livelihood activities

Primarily, the data indicated that the change of land transformed the community and their structures substantially, as “oil development *threatens local democracy*” (Sirén, 2004, p. 17) and *new forms of organization* emerged to oppose the ecological destruction. In this context, it is important to highlight the social role of women within the community that has undergone significant changes. Although women have always played a big role as leaders, they suddenly found themselves “at the center of the indigenous resistance” (UN University, 2015, p. 1). As part of the analyzed data, a displayed interview cited Sarayaku human rights defender and environmental activist Patricia Gualinga, saying that “the women have been very steadfast and strong in saying we are not negotiating about this. We are the ones who have mobilized for life”, as she retells how “100 women from seven different indigenous groups marched 250 kilometers from their jungle communities to Quito, where they *addressed the National Assembly*” (UN University, 2015, p. 1). Additionally, *structures regarding the property of land changed* as the community decided “that secondary forests belong to people that first cleared it and must not be cleared by others without the permission of the owner”, as a reaction on the sudden shortage of fertile

lands (Sirén, 2004, p. 140). Resulting in “people starting to clear steep slopes and stony soils”, to be able to contribute to the local harvest (Sirén, 2004, p. 140).

Furthermore, the burying of the pentolite explosives resulted in the Kichwa people being “*unable to practice their traditional means of subsistence* within their territory (Brunner & Quintana, 2012, p. 2), as they put an “unlawful restriction on their movement, and on their hunting and other traditional activities in certain sectors of their property, owing to the obvious *risks to their life and integrity*” (Verdonck & Desmet, 2017, p. 48). This was especially a problem, since most of the members “make their living based on agriculture, hunting and fishing” (Sirén, 2004, p. 20), but due to the observed depletion of the natural resources and the restricted access to their crops, *traditional harvesting activities were confined* (Sirén, 2004, p. 21). A sudden change for the community was the influence of the depletion of wild game close by the settlements, as it “forces the hunters to walk further away in order to hunt and decreases the overall efficiency of hunting” (Sirén, 2004, p. 23). This was found to have a special influence on the so called “festival hunters”, as they had to “travel further and further away in order to hunt wooly monkeys”, leading to the circumstance that “a trail was made all the way to Wiuyaku, which up to then had been perhaps the only remaining parts of Sarayaku territory where there were no *hunting trails*”, additionally the ‘festival hunters’ soon had to go there almost every year, although beforehand the tradition was celebrated around every four years (Sirén, 2004, p. 141).

Resulting out of the “*state of emergency*” that the community was put in, the community’s *daily activities were heavily interrupted* (Verdonck & Desmet, 2017, p. 21). Schools were suspended and the community adults dedicated themselves to the struggle by “clearing a large area of forest – which was originally community farmland”, where “they established emergency camps and plotted their resistance (UN University, 2015, p. 1). Around this activity of opposition, all resulting “life was brought to halt, resulting in *suspension of schools*” (Verbeek, 2012, p. 14), having great effects “on the ancestral education (...) of the children and younger people were also affected as due to the suspension of classes in schools for three months (...) the youngest children were left at home and the young people joined the Peace and Life Camps to protect their territory” (Verdonck & Desmet, 2017, p. 21). In addition, the “*destruction of the sacred jungle*” (Tobar, 2013, p. 31), whereby the territory “functions as a space for knowledge production” for the community (Tobar, 2013, p. 48), resulted in a heavy “impact on teaching children and young people about their traditions and cultural rituals, and on perpetuating the spiritual knowledge of the sages” (Verdonck & Desmet, 2017, p. 21). Results furthermore showed how the “*lack of access to their territory*” and the destruction of “sacred places of cultural importance and paces for traditional practices” (Tobar, 2013, p. 50), may “prevent them from using and enjoying traditional activities, accessing their traditional health system and might *jeopardize the preservation of their way of life, customs, and language*” (Tobar, 2013, p. 51)

In terms of customs, the Sarayaku had previously “relieved their economic hardships by cashing in natural resources, particularly timber or minerals” with outsiders temporarily, as expanding road networks led to “*drastic socio-economic and environmental changes*” (Sirén, 2004, p. 189). With increasing

scarcity of farmland becoming a serious problem for the community, the improvement of agricultural productivity without having to compromise sustainability became a serious problem, forcing the community to take such exchanges of natural resources “such as cash cropping or extraction of oil and timber” into account (Sirén, 2004, p. 257). Therefore, another finding has been the transformation of the local economies shaped by self-production into “market-driven economies that (...) increasingly resemble dominant modern cultures” (Tobar, 2013, p. 34).

Quality of Life

As to the *Quality of Life*, the results showed that among others, the Sarayaku were most impacted in terms of their “*limited freedom of movement within and outside of their land*” (Brunner & Quintana, 2012, p. 8) which made them “unable to fully exercise their rights to control lands which they had a legal title to” (Verbeek, 2012, p. 22). Instead, they were “*forced to retreat into the forest* because of the *land mines used in seismic exploration*, resulting in people *not having access to their crops and other food sources* for a period of app. 3 months between 2002 and 2003”, *heavily influencing their wellbeing and standard of living* (Verbeek, 2012, p. 14).

Moreover, the community claims that the *destruction of sacred sites* impacted traditions and religious rituals of the community. Activities such as the “establishment of heliports, the cutting down of valuable trees and plants, the destruction of water sources and destruction of sites of great importance to their culture and worldview” (Verdonck & Desmet, 2017, p. 2), influenced the ways of spiritual life. As some of the seismic lines that were explored by CGC “passed near sacred sites used for ceremonies initiating young people into adulthood” (Verdonck & Desmet, 2017, p. 21). The IACHR found that the activities seriously *jeopardized the integrity of the community* (Verdonck & Desmet, 2017, p. 14). The same goes for the dispossession indigenous land, as “colonists from the coast and the highlands poured into the area, *displacing the Indigenous People living there*” (Sirén, 2004, p. 50 & 132).

More general social tensions arose from the activities with the “continued attempts to discredit the leadership of Sarayaku” by the CGC (Sirén, 2004, p. 132). The company started to broadcast radio programs to “slander, insult, and threaten Sarayaku members in general, and the Community leaders in particular” (Sirén, 2004, p. 263), with the goal of diminishing societal support for the community. Their efforts resulted in decreasing support for the Sarayaku by other communities, of which some even contributed in “*closing off river transport*, so that the only way to get to town was by airplane, which was very expensive” (Sirén, 2004, p. 264).

Additionally, the community frequently had to defend itself and their territory from the military, since as the tensions and issues between the community and the CGC workers continued to be unresolved, the “government announced that it will send military to Sarayaku in order to make way for the oil exploration, while Sarayaku on the other hand, was preparing to defend its land” (Verbeek, 2012, p. 269). The “*use of violence and military forces*” (Cejil, 2012, p. 1) sustainably shaped the community. Results showed that the peaceful protests by the community “were met with a brutal response: people

were attacked, and leaders were detained and tortured” (Guidi, 2016, p. 1). Within the interview series of one of the data sources, a community member stated that “in the six months of struggle, there was *torture, rape, and strong suffering of our people, especially our mothers and children (...)*. We returned with psychological illness” (UN University, 2015, p. 1). Still, despite of the threats and the hostilities from the state’s side, as well as the *violent attacks by the military*, the community “defined their own life choices and pursued their goals of defending their territory” (Tobar, 2013, p. 47).

Besides of the violence, another factor was impacting the physical integrity of the community, as the “conditions of severe environmental pollution” caused “*physical illness, impairment and suffering*” (Verdonck & Desmet, 2017, p. 20). Their exposure to the oil impacts, as the “dumping of millions of gallons of toxic wastewater into rivers” and the “unlined puts of contaminated sludge” (UN University, 2015, p. 1), “has *increased incidences of cancer and other diseases*” within the community (Sirén, 2004, p. 24). An additional *threat was imposed through the presence of the explosives* within the surface, which imposed great risk to the physical safety of the people, due to their activation and detonation (Verdonck & Desmet, 2017, p. 52). Also, through their period of food shortages, “there was a case of illnesses that mainly affected the children and the elderly, a situation described as ‘fatal to health of Sarayaku members who were prevented from having access to health care centers, which affected their right to life’” (Verdonck & Desmet, 2017, p. 21).

Furthermore, the “routine release of untreated wastes, as well as accidental oil spills” affected the health of the community heavily, as the pollution “implied increased incidences of *cancer, spontaneous abortion, fungal disease, diarrhea, gastritis, pains in head and ears and irritation of eyes, nose, and throat*” (Sirén, 2004, p. 258). Additionally, the urban wastes were believed to have polluted not only the waters within the river, but also “may affect the fish consumed by the Sarayaku people” (Sirén, 2004, p. 223). “*elevated levels of hydrocarbons and mercury in water and sediment*” (Sirén, 2004, p. 223), making it very unhealthy to consume.

Finally, the IACHR stated that in their case, “human rights have been violated because serious psychological harm was caused to the children of the community who witnessed the confrontations with the soldiers, the police and CGC security personnel. In their claims for reparation, the representatives specified the effects on health and safety as follows: the children have lived in fear of the militarization of the territory and for the fate of their parents” (Verdonck & Desmet, 2017, p. 23).

5. CONCLUSION

5.1 Introduction

The exploitation of indigenous territory, especially in the Amazon region, is a long-standing problem and to this day a late consequence of colonialism. One problem in particular is presented by the oil industry. Still supported by the government through non-compliance and violation of existing FPIC law, Indigenous People and their land are being sustainably affected. One of the indigenous populations that fell victim to such practices are the Sarayaku from Ecuador. The community was greatly affected by an unlawful contract between the Ecuadorian state and the Argentinean oil company CGC, which led to seismic exploration and exploitation projects in the early 2000s, until the community took matter to its own hands and pressed charges against the Ecuadorian State before the IACHR. In their groundbreaking verdict of 2012, it was finally decided that “there is no doubt that the placement of explosives in the Sarayaku territory constitutes such pollution, given that the Court held that the state, by allowing explosives to be introduced in the territory, was responsible for having put the community’s rights to life and physical integrity at grave risk” (Verdonck & Desmet, 2017, p. 28).

This paper has addressed the environmental and social implications of the oil project for the community and analyzed how the FPIC implementation gap has affected the people of Sarayaku and their territory. For this purpose, two separate relations were taken into account, as presented in the theoretical model earlier presented. To now answer the overall research question, the sub-questions as presented within the introduction will be answered and merged into the according relation C (see 2.1).

1.1 Answer to the Research Question and Sub-questions

As to sub-question A ‘*How did the FPIC implementation gap lead to the oil exploitation within the Sarayaku territory?*’, the research indicated that the state of Ecuador is party to the UNDRIP and has ratified the ILO conventions 169 and 107. Therefore, within these frameworks, the state makes legal commitment to following the FPIC principles. Still, reality has shown that although the community earned their legal rights over the territory in 1992, the state of Ecuador decided to break its commitment by signing a contract with the company CGC in July 1996, transmitting block 23 (of which 65% belonged to ancestral Sarayaku territory), without any consultation with the Sarayaku first, while additionally not following the EIA standards neither (Brunner& Quintana, 2012). In praxis this means that within the model of the policy cycle, the transition between policy adoption and policy implementation did not work. This led to the unlawful decision on the contract between the State of Ecuador and CGC, resulting in the seismic exploration and exploitation of oil on the territory, as the IACHR highlighted in their verdict of 2012.

As to sub-question B “*What are general social and ecological consequences of oil exploitation?*”, the theoretical section led to the insights that there are different types and practices when it comes to the seismic exploration and extraction of oil, while all of them are still considered as invasive in terms of their effects on ecosystems and livelihood in their surrounds. The explorations usually

include “remote sensing and satellite mapping techniques” and are further shaped by deforestation for road and pipeline building while the extraction itself includes the use of drilling and explosives. Generally, this leads to heavy disruption of the ecosystem and its habitants. Socially, the environmental degradation led to “changes of traditional livelihood activities” of all sorts. More detailed insights were presented in the theory section, whereby the findings regarding the case-study in specific are presented in connection with relation C as the final answer to the research question.

As to sub-question C “*How are the ecological and social consequences connected with each other?*”, the socio-ecological systems theory (SES) describes how the two spheres, responding to the special connection between humans and nature are interlinked. In the case of Indigenous People, this relation is particularly exceptional, as the concept of *Kausa Sawach* describes. The term refers to the “living rainforest” as a spiritual and breathing, omnipresent being which has major influence on the community, causing ecological damage to have direct effects on the social and personal lives as well.

Finally, to answer the original Research Question of this paper “*What are the social and ecological consequences of the FPIC implementation gap in Ecuador for the Indigenous Community (IC) of Sarayaku and its territory?*”, findings indicated and proved the relation between ecological and social sphere, as most ecological destruction was found to have substantially altered social structures within the community. Hereby the *ecological consequences* were divided into affects on *land/ soil* and *water*.

Results showed that most findings were part of the *ecological chain effect*, meaning that they were not caused by oil directly as through spills etc., but rather through the circumstances of the exploration and extraction activities, specifically naming deforestation, construction of roads and pipelines for the oil wells, as well as waste dumping from the platforms. Consequently, natural resources heavily depleted and many scholars mentioned an exhaustion of biodiversity. Additionally, the deforestation led to heavier floods and waste pollution through garbage and oil spills leading to the destruction of sacred territory. The following pollution of the soil through hydrocarbons and heavy metals lead to a decrease in soil fertility and the abundance of wild game. As to the specific consequences regarding the variable *water*, heavy surface stream contamination led to the destruction of water sources and the abundance of aquatic life, especially regarding bitter fish as e.g. catfish, while smaller fish were affected less (Sirén, 2004). In conclusion, the extraction activities by CGC, “including the detonation of explosives, destroyed forests, water sources, caves and subterranean rivers and caused animals to migrate” (Verdonck & Desmet, 2017, p. 15). Due to the heavy destruction within the ecosystem, many community members are worried that with continued destruction, the mountains will collapse and the Bobonaza river basin will be left heavily affected. Finally, almost all sources additionally concluded that once the forest has been cleared, future generations have lost their habitat.

The variable *social consequences*, including *change of traditional livelihood activities* and *quality of life*, showed how the seismic activities influenced the community by disrupting their traditional customs to the extent that the community had to call out a “state of emergency”. Connecting back to the SES theory and *Kausa Sawach*, the results have contributed to the understanding of the deep connection

between the community and its surrounding, as results especially showed how the ecological destruction of their territory threatened local democracy and new forms of organization emerged. Hereby, women took a leading role in the opposition to the oil project, even addressing the National Assembly. Furthermore, the custom of clearing lands changed. As natural resources and fertile farmland got restricted, the decision was made that clearance was allowed without the permission of the owner. Additionally, the community was unable to practice their traditions and customs as traditional hunting and harvesting activities were put on hold, due to their restriction of movement caused by the danger of the explosives. An additional factor was the depletion of natural resources, which led to the exploration of new hunting trails. This circumstance also influenced the economic hardships of the community, as the majority is depended on self-production and exchange of goods within the community, but due to the depletion of those, the Community found itself in the position of having to continuously take part in market exchanges with outsiders. Furthermore, the state of emergency led to a restructuring within their communal activities, as schools were suspended and “Peace and Life Camps” were built to peacefully protest against the activities by CGC. Also, the destruction of sacred jungle and ritual places resulted in changes regarding the celebration of communal rites. As to their *Quality of Life*, the data has shown that the land mines used during the seismic exploration has heavily influenced the community’s wellbeing and standard of living. Hereby the destruction of sacred sites has prevented the Sarayaku from practicing their communal rituals as part of their spiritual everyday life. Furthermore, members of the community became victims of displacement, since their territory was obtained by settlers which reached the territory through the roads build as part of the exploration activities. The sources have additional shown how the community got severely cut-off from the outside world and had to suffer from the physical as well as psychological violence by the military. Finally, the fatal food shortages between October 2002 and April 2003, as well as the frequent pollution of soil and water through a list of toxins had negative influences on the community’s physical integrity.

1.1 Discussion

Although most of the results were mutually supportive, a critical look must also be taken at the results. Although the research question could be answered completely, it must still be taken into account that contradictions occurred. Many of the results cannot be exclusively related to the CGC project and the limitation of the time frame. While the extent to which the state of Ecuador is complicit in the consequences for the community and its land is not in question, the larger picture must be considered. First, the explorations took place in the early 2000s, when UNDRIP and ILO Declarations 107 and 169 were already in place, and yet the right to FPIC has only been enshrined in Ecuador's constitution since 2008. This does not exempt the government from accountability, as the trial before the IACHR has shown, but the legal framework has only really been developed after the trial.

In addition, some of the social and environmental consequences could not be clearly attributed, since cross-circuits and concatenations of circumstances often impacted them. This concerns, for example, the fact that agrarian colonization also led to drastic changes within the Amazon as early as the

1970s. In addition, the depletion of wildlife is also found to be related to poachers and finally, that many of the fish species located in the Bobonaza River are migratory, which means that "the causes of these changes must be sought for on larger spatial scale than just the Sarayaku territory" (Sirén, 2004, p. 23). In the end, however, the results are robust to a certain extent and prove beyond doubt the negative impact of the project.

Additionally, this paper evolves around different scientific literature as well as media sources regarding the same topic. The analysis itself was conducted as a content analysis, supplied by the program Atlas.ti. The building of a counterfactual chain as a bridge between the research topics A and B hereby added robustness to the process-tracing background, while also making it possible to explore the interconnect-edness of the two categories. Therefore, this research makes a two-fold contribution to the state of art: the main contribution was in terms of theory, as the connection of the two fields (jurisdictional and empirical) added knowledge to the study. In addition, the analysis added relevant, methodological depth, as the case has not yet been explored in the same way, as from a scientific perspective this research fills a geographical gap, while also contributing to more evidence-based knowledge regarding the legal oppression of communities in Ecuador. This is especially important since the historically western science paradigm still dominates most niches, leading to very few research being conducted in aid of Indigenous Communities. Despite of the call for an increase of diversity, research involving Indigenous People's struggles is still very underrepresented in academia.

Nevertheless, it must be acknowledged, that the originally anticipated triangulation of data (including interviews) could have added more profundity, as for now the study is very depended on earlier research and secondary data. The limitations regarding time and resources therefore possibly led to restricted insights. As to further research, a more effective coding technique and the inclusion of dialogue with members of the community is recommended.

1.1 Relevance & Practical Implications

As to its scientific relevance, this research has highlighted the challenges of Indigenous Peoples connected to natural resource extraction, while shedding lights on its impacts on environment, conservation and culture. Following up on O'Rourke and Connolly (2003), the destruction of ecosystems as well as the harm on animal-populations was confirmed. Hereby, the interdisciplinary approach added the sphere of changes in social structures, connecting directly to the arguments by Pérez-Soba and Dwyer (2016) on how humans are more *part of* than *part from*. Additionally, this paper proved Cairney (2016) to be right by saying how the gap between policy adoption and implementation is to be widely recognized, as the results shed light on the issue of general exclusion of IPs from decision-making processes. The findings of Santamaria (n.d.) as to the death and sickness of uncontacted tribes through diseases caused by environmental pollution were underpinned and even explored further as the Sarayaku as a community with access to healthcare was equally affected by increasing rates of cancer and other diseases.

The social relevance of this paper lies within the social justice visibility of indigenous issues regarding their community's wellbeing within this paper, allowing for better understanding and allyship.

Furthermore, the results can be translated into improvements for future communication under more ethical standards, as it is meant to contribute to indigenous empowerment, while decreasing oppressional hierarchies through government accountability in social research. Additionally, the research directly points out lacks within the domestic legal system of the country, seamlessly connecting to the IACHR verdict in support of environmental conservation and activism movements. It is hereby meant to contribute to public awareness and advocacy of the topic within the broader societal context.

Finally, this paper potentially benefits Indigenous Communities by helping to provide necessary background information for policy discussions regarding national legislation and international frameworks, by pointing out the great necessity of open and accessible decision-making processes regarding corporate and governmental activities. A special emphasis is hereby put on the identification of the importance of *good faith practices* regarding the execution of already existing, but also the development of future FPIC policies.

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APPENDIX

Appendix A: table including all data sources used for the coding process in alphabetical order

Appendix B: Atlas.ti Code Report