PRO AND COUNTER STRATEGIES OF RESISTANCE IN ENVIRONMENTAL JUSTICE

An overview of Ecuador

ABSTRACT

Ecuador has a long history of natural resource extraction and exploitation, resulting in environmental injustices wherein local communities disproportionately suffer environmental burdens and harms. These injustices can generate conflicts; impacted communities resist extractivism in their territories, challenging development projects. This report provides a systematic overview of patterns of environmental justice in Ecuador. Using a co-produced database of 66 environmental justice cases in Ecuador, we examine conflict drivers, as well as the strategies that extractivist interests use to advance resource accumulation (pro-strategies) and the strategies that impacted communities use to resist environmental harms (counter-strategies). The report also analyzes strategies by conflict drivers to understand how different commodity projects produce conflict. In doing so, we shed light on the ongoing struggles of communities in Ecuador to achieve Sumak Kawsay, el Buen Vivir, and collective wellbeing.

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Executive Summary

- The geographic distribution of environmental injustices in Ecuador is highly uneven. Rural indigenous communities are heavily impacted - 73% of environmental justice cases in Ecuador occurred in rural areas. It is also racialized; Esmeraldas, the province in Ecuador with the highest population of Afro-Ecuadorians, is the most impacted province with nearly 20% of the total cases in Ecuador occurring there.
- Across all 66 cases, Fossil Fuel Development was the most common conflict driver, followed by Mining Development, Water Development, and Land Use Conflicts.
    - In the Coastal region, the most frequent conflicts were Land Use Conflict cases (31% of Coastal cases) and Water Development cases (23% of Coastal cases).
    - In the Andean region, Mining Development was the most frequent conflict driver (36% of Andean cases).
    - In the Amazonian region, the majority of cases (57%) were Fossil Fuel Development cases.
- Extractivist groups, including private corporations often aided by the Ecuadorian State, employed a variety of pro-strategies to advance the development of resource extractive projects. In total, we identified 20 pro-strategies. The most common reported pro-strategies were territorial and land displacement (52% of cases) and corruption (35% of cases). Pro-strategies involving physical violence and legal or political manipulation were also common.
- Communities employed a variety of counter-strategies to resist environmental injustices. In total, we identified 19 counter-strategies. The most common counter-strategies were lawsuits, court cases, and judicial processes (62% of cases), and protests and manifestations (59% of cases). Forms of coalition building were also common.
- Distinct conflict drivers manifest distinct forms of conflict; counter and pro-strategies vary depending on the commodity or type of resource extraction project.
    - Fossil Fuel Development cases involved high rates of pro-strategies which invoked physical violence against communities. Nearly 22% of Fossil Fuel Development cases involved assassinations, and 28% involved violent targeting of activists. This points to high tension in fossil fuel cases. Furthermore, there are often high levels of “amalgamation” between the State and extractive companies in these cases. Nearly 40% involved increased police or military presence, and 11% involved declaring a State of Emergency, which increases State control of an area.
    - Mining Development cases involved high rates of direct-action counter-strategies; 86% of Mining Development cases involved protests. Other collective efforts, such as community organizing, which occurred in 50% of mining cases, were common as well. This points to a widespread anti-mining sentiment in Ecuador, as well as a strong grassroots ethos in mining resistance.

- Water Development cases tend to rely heavily on legal avenues as counter-strategies. About 80% of Water Development cases pursued lawsuits, court cases, or judicial activism, evidencing that many of these projects are initiated outside of full compliance with the law. These legal irregularities have become a central argument in Water Development judicial cases pursued by communities.
- Land Use Conflict cases resulted in exceptionally high rates of land dispossession as a pro-strategy (nearly 90% of Land Use Conflict cases). Resistance efforts may be hindered by the dispersal of community networks, but despite this challenge impacted communities have found methods of resistance, and use counter strategies including involving NGOs, which occurred in 89% of Land Use Conflict cases, and occupation, which occurred in 33% of Land Use Conflict cases.

Introduction

Extractive capitalism or extractivism, which refers to the process in which raw goods are extracted for export and capital accumulation, continues to be an integral part of the global economic model (Dittrich, Bringezu and Schütz, 2012; Harvey, 2005; Latorre, Farrell and Martínez-Alier, 2015). Inherent to extractivism is the transfer and thus, loss of natural, cultural, social, and human resources from the places of extraction to the beneficiaries that capitalize on extraction. As such, these transfer flows reinforce inequitable distributions that are often hand-in-hand with other historic and political economic distributions not just across the North-South divide, but also within racial and class community differences (Pellow, Weinberg and Schnaiberg, 2001). Latin America in particular, has provoked new debates regarding extractive capitalism and its role in global inequality and sustainability because regardless of political party ideology, a heavy reliance on extractive economic models persists (Gudynas, 2009; 2010; Acosta Espinosa, 2011; Veltmeyer, 2013; Lander, 2014).

Ecuador, home to 17 million people (World Bank, 2021), is one of the smallest countries in South America, but one of the most biodiverse countries in the entire world (Blitz, 2015; Pachamama Alliance, 2020). Like other areas in the global South, it has a long history of extraction and exploitation. Impacted communities in Ecuador disproportionately bear the burden of exposure to harmful pollutants, loss of habitat and ecosystems services, and unsustainable rates of natural resource extraction, all of which threaten their human rights (Latorre, Farrell and Martínez-Alier, 2015). The recent Ecuadorian Constitution (2008) recognizes the rights of Nature, collective wellbeing (Sumak Kawsay in Quechua, or el Buen Vivir in Spanish) and declared Ecuador to be a pluri-national state (Ecuadorian National Constitution, 2008). These ideals aim to manifest a transformative future that is sustainable and just. However, despite these affirmations, administrations across the political spectrum have continued to rely on extractivist economic models that contribute to environmental injustices (Latorre, Farrell and Martínez-Alier, 2015) and deny a realization of Sumak Kawsay. These injustices often generate conflicts; impacted communities resist extractivism in their territories, challenging existing economic paradigms and hegemony, while exposing themselves to backlash and repercussions from powerful extractivist economic interests. These conflicts, referred by some as ecological distribution conflicts (Temper *et al.*, 2018), reveal the often inequitable allocation of environmental benefits and harms from extractivism.

This report provides an overview of patterns of environmental justice in Ecuador. The report investigates the geographic distribution, population type, and conflict drivers of such environmental justice cases in Ecuador. Additionally, it identifies strategies used by corporate actors and state agencies to advance extractivism (pro-strategies), as well as strategies used by communities resisting environmental injustices in their territories (counter-strategies). Finally, it compares these “pro” and “counter” strategies by conflict drivers, to better understand how certain commodities produce conflict.

Methods

Beginning in 2019, the s2e-Science to Empower team began collaborating with local environmental justice advocates and scholars in Ecuador. The data collection process started that year when the s2e team reviewed the data publicly available in Latorre, Farrell and Martínez-Alier (2015) paper and information from Ecuador in the EJ Atlas (ejatlas.org). The EJ Atlas is a co-produced database that collects, documents, and maps out environmental justice cases around the world. Taking Latorre, Farrell and Martinez-Alier (2015) database as a baseline, and in collaboration with local partners in Ecuador, we complemented the database to a total of 66 environmental justice cases in Ecuador, spanning from 1980 to the present (Latorre, Farrell, and Martínez-Alier, 2015; EJ Atlas, 2020).

These cases provide rich data to conduct comparative and descriptive statistical analysis. Gathered information includes: conflict location, population impacted, source of the conflict and the type of commodity, the actors involved (including companies, government entities, EJ organizations, and any other groups mobilized), conflict intensity, forms of mobilization employed, and resulting environmental, health, and socio-economic impacts. The database was cleaned to eliminate duplicates entries identified in the EJ Atlas; these were consolidated into singular entries. In addition, throughout this process, we collaborated with environmental justice advocates and scholars in Ecuador, who provided input during the data-gathering and cleaning process. These local partners inputted five additional cases and reviewed the updated database for accuracy and completeness.

During the statistical analysis, the s2e Team led some changes to the database. Most notably, we created a “pro-strategies” variable. “Pro-strategies” relates to any strategy that a state agency or private corporations undertook to pursue extractivist projects. In addition, we also coded a new “conflict driver” variable, which identifies a principal source of conflict. Analysis took place from August 2020 through December 2020, and the results of this analysis are summarized in this report.

Geographic distribution of environmental (in)justices

This report includes cases from all of Ecuador’s major mainland regions. These include the Coast (the Pacific region), the Sierra (the Andean region), and the Oriente (the Amazon region). There was a slightly higher number of cases in the Amazon than in other regions, and a slightly lower number of cases in the Andes. Only three cases spanned across multiple regions.

Figure 1: Ecuador's three main geographic regions

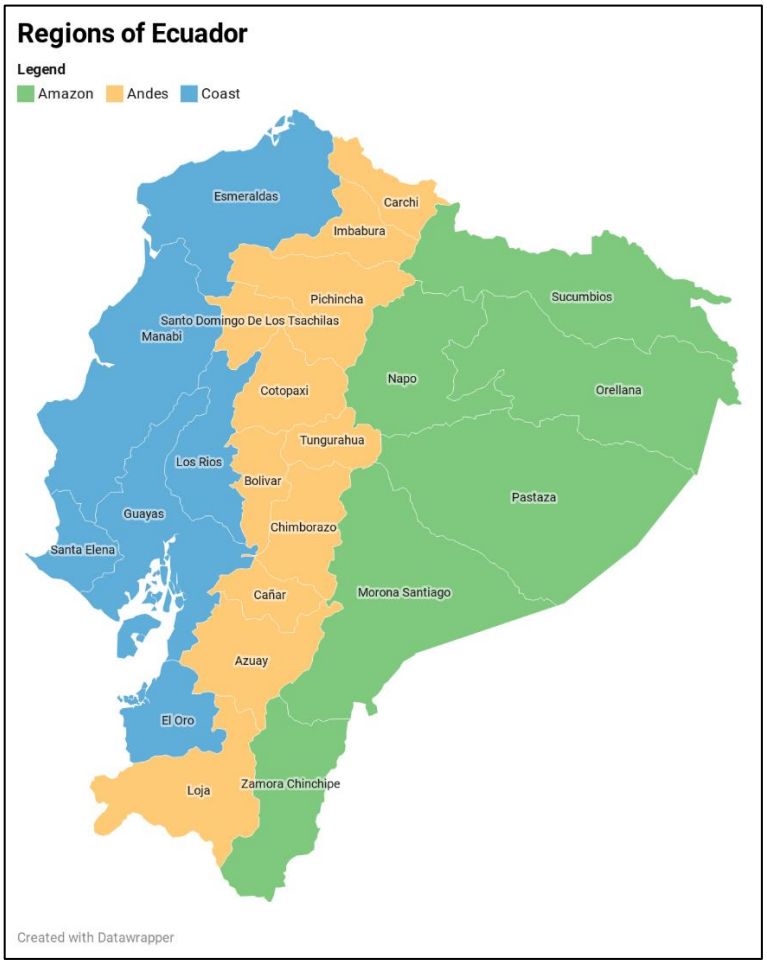
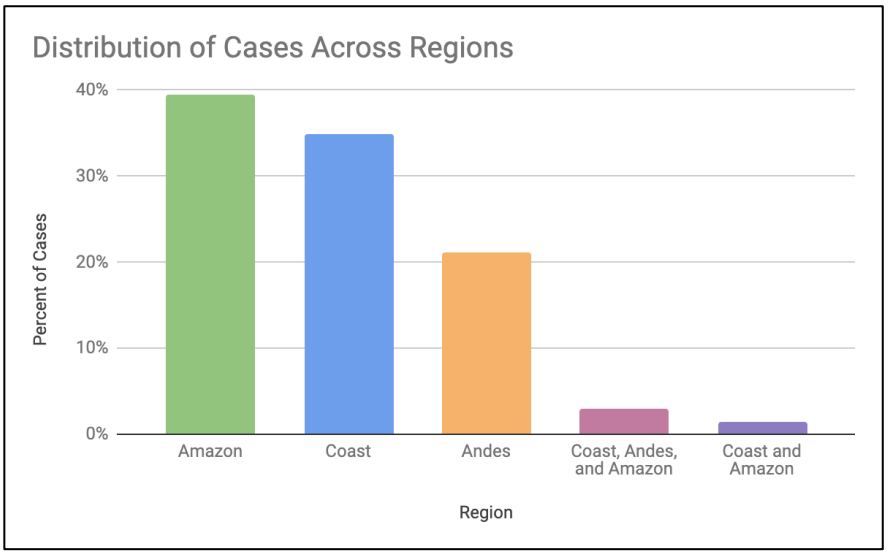


Figure 2: Distribution of environmental justice cases across geographic regions



The Coastal region

The Ecuadorian Coast includes the lowland provinces west of the Andes Mountains. Most of these provinces border the Pacific Ocean, with the exception of Los Rios. Guayaquil, Ecuador's most populous city and largest port and commercial hub, is located on the Coast. Guayaquil is home to approximately three million people (World Cities Population, 2020), with many more living in sprawling unplanned suburbs on the outskirts of the city. About 35% of the country's environmental justice cases took place on the Coast. It is important to note that nearly 20% of the total cases in the country, and 46% of the cases on the coast, occurred in Esmeraldas, making it the sub-coastal province with the highest incidence of environmental justice cases. Esmeraldas also has the highest percentage of Afro-descendant Ecuadorians (Center for Human Rights and Justice, 2009), which coincides with the recurrent racialized impact of environmental (in)justice among Black and Indigenous communities.

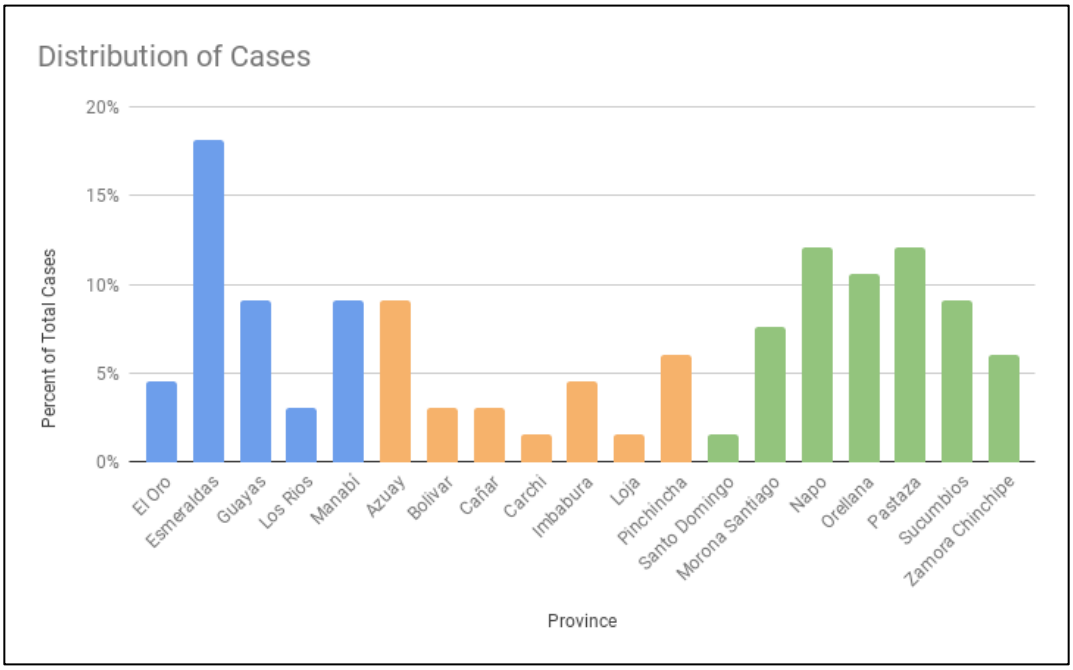
The Andean region

The Andes region includes the highland Ecuadorian region of the Andean mountain range. The vast majority of the population of Ecuador lives in the Andes, including a significant portion of Ecuador's Indigenous and peasant groups (World Population Review, 2020). Quito, Ecuador's capital and second largest city, is located in the central Andes. Around 21% of the total cases took place in the Andes, and within this region the province of Azuay had the highest concentration of environmental justice cases. Azuay had 35% of the cases in the Andes, and 9% of the total cases in the country.

The Amazon region

The Ecuadorian Amazon includes the lower eastern slope of the Andes mountain range and the Amazonian Basin. This area is home to numerous Indigenous groups, including the Tagaeri and the Taromenane, who live in voluntary isolation and who are threatened by expanding oil drilling and other environmental injustices (Pappalardo *et al.*, 2013). Extractivism also threatens the biodiversity of the region, which has been declared the most biodiverse in the world and is home to numerous endemic plant and animal species (Blitz, 2015). The Amazon is the largest of Ecuador's three regions, but smallest in population. The largest city in the Ecuadorian Amazon is Nueva Loja, commonly referred to as Lago Agrio, which was founded as a base camp for Texaco in the 1960s (Bernard, no date). This paradox - that the largest city in the region was founded as a site for oil exploration - serves as a foreboding prognosis for the region. A total of 39% of the environmental justice cases identified took place in the Amazon. All six Amazonian provinces were represented, and Pastaza and Napo provinces had the highest number of cases, each representing 29% of the Amazonian cases, and 12% of the total cases.

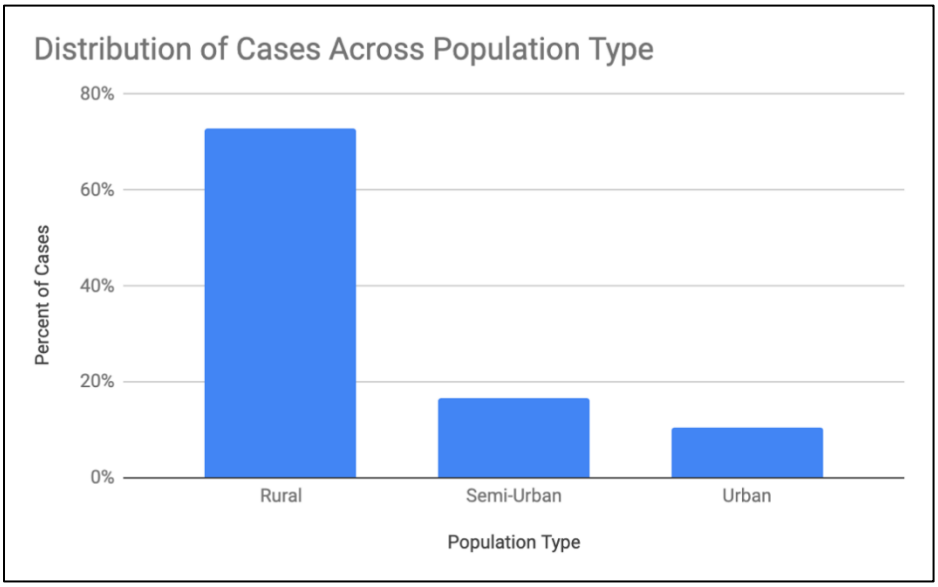
Figure 3: Distribution of environmental justice cases across provinces



Population affected

A significant majority of the cases surveyed were located in rural areas (73%). Urban areas represented 11% of cases, and semi-urban areas represented 17% of cases. This is consistent with North-South extractivism models, which tend to impact rural areas with high value natural resources at extraction frontiers (Moore, 2000; Latorre, Farrell and Martínez-Alier, 2015). Furthermore, it is consistent with the legacy of colonialism in Ecuador, where rural areas have higher populations of Indigenous groups. These groups have historically been subjected to racialized relations, which have defined access to basic services, as well as allocation of benefits and harms (Quijano, 2000).

Figure 4: Distribution of environmental justice cases across different types of population.



Drivers of conflict

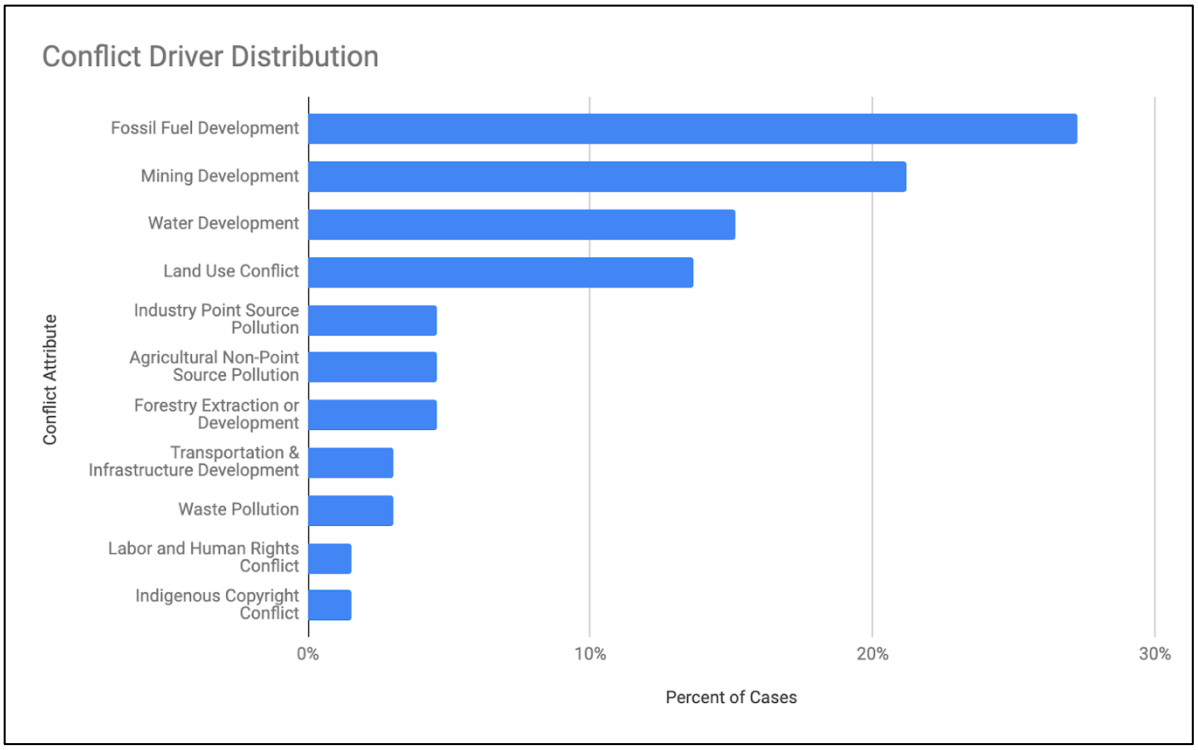
Across all 66 cases, the most common conflict driver was Fossil Fuel Development, followed by Mining Development (see Appendix A). Both of these conflict drivers exemplify archetypal extractivism models; one of the first commodities extracted from the Americas were precious metals. The violent conquest of present-day Ecuador by the Spanish culminated in a dramatic ransom negotiation - conquistador Francisco Pizzaro captured the Incan emperor Atahualpa, who reigned from present day Quito, and demanded a hefty ransom of gold and silver for his safe return. After receiving the ransom, the Spanish reneged on their promise and executed Atahualpa (Encyclopedia Britannica, no date). This colonial extractivist history foreshadowed the coming centuries of exploitation in the Americas. Mega-mining currently only represents approximately one percent of Ecuador's GDP (World Bank, 2018), but is the second most-common conflict driver. This implies that Mining Development has extremely high negative impacts on nearby communities, prompting community response and fueling a historically strong anti-mining ethos from impacted communities. Despite this, the Ecuadorian government has been committed to expanding Ecuador's potential mega-mining projects, and the mining sector is growing rapidly (Sánchez-Vásquez, Espinosa and Eguigiren, 2016).

While precious metal mining remains an intensely salient topic, fossil fuels are indisputably Ecuador's most prominent economic export. In 2018, over half of Ecuador's exports were fossil fuels, and until 2020 Ecuador was a member of the Organization of Petroleum Exporting Countries (OPEC). Ecuador withdrew in January 2020, citing concerns over limited OPEC quotas and a desire to increase exports (Reuters, 2019). Fossil fuels are an especially eminent conflict driver in Ecuador due to the duality of their impact; fossil fuel extraction embodies both localized and globalized environmental injustices. Localized injustices occur at the site of crude extraction, during transport, or during processing, while globalized injustices occur during the

release of CO2 from the combustion process, leading to climatic changes which have been linked to El Niño events, decreased precipitation, and other climatic impacts (Burke *et al.*, 2010). Water Development, the third most frequent conflict driver, is a growing sector and must not be overlooked. In Ecuador, Water Development primarily refers to large hydroelectric projects which are often funded by international actors in the form of large loans that can be difficult to repay, or which must be repaid in oil barrels at ever fluctuating and inconsistent prices (New York Times, 2018). Despite controversial environmental and social aspects of hydroelectric dams, the Correa regime promoted hydroelectric mega projects as a way to reduce greenhouse gas emissions and increase economic development. Correa was Ecuador's most recent "progressive" president; he oversaw the creation of the 2008 constitution which recognized the collective wellbeing and the Rights of Nature. However, hydropower was embraced, replicating historic patterns of violence and exploitation of former governments. Many hydroelectric projects lacked prior informed consent from nearby communities and were initiated with incomplete or inadequate reviews and plans, resulting in inefficient and costly projects that have not produced expected returns on investment (Teräväinen, 2019).

Figure 5 presents the percentage of environmental justice cases per type of conflict driver. Note that some conflict drivers can go hand-in-hand with other conflict drivers (e.g., a water development conflict that transfers water benefits to certain users can then create a land use conflict if these users displace others from their land to facilitate water and land use production). Thus, some of these conflict drivers may be related or provide context for other environmental justice conflicts in Ecuador.

Figure 5: Drivers of conflict in environmental justice cases in Ecuador



Geographic distribution of conflict drivers

Each region of Ecuador has unique natural resources, as well as distinct socio-economic and political histories, which in turn create unique extractivist opportunities and uneven geographic distributions of conflict drivers.

The Coastal region

The majority of Coastal conflicts are related to Land Use Conflicts (31%) or to Water Development (23%). Nearly 90% of all Land Use Conflicts and 60% of all Water Development conflicts in the country took place on the Coast. Agricultural Non-Point Source Pollution constitutes an additional 12% of Coastal cases.

The Coast is a principal area for agricultural development, which is strongly associated with these conflict drivers. The cultivation of cash crops, like sugar cane, palm oil, and bananas, generates a significant share of Ecuador's exports. Bananas, in particular, are critical to the Ecuadorian economy as bananas are Ecuador's second largest export, after fossil fuels, and Ecuador is the world's largest producer of bananas (Brassel, Breilh and Zapatta, 2011). Cash crops use large tracts of land and are a major driver of land displacement. Furthermore, these crops require significant water resources to grow, and wealthy corporations steer large water projects to maintain consistent access to low-cost water resources, thus increasing their water supply and often transferring associated externalities to small farmers and communities (Foro de Recursos Hídricos, 2008). These impacts regularly cause diminished water supplies to small farmers and communities, thus producing more social and economic vulnerability (Brassel, Breilh and Zapatta, 2011). To note is that the only Labor and Human Rights Conflict reported in the database is registered on a coastal palm oil plantation.

The Andean region

Mining Development is the most frequent conflict driver in the Andes, representing 36% of total Andean cases. Next, Water Development, Industry Point Source Pollution, and Agricultural Non-Point Source Pollution each represent 12% of the cases. There is significant opposition to mega-mining activities in the Andean region; many Indigenous groups oppose the presence of mining in their territories. Indigenous cultures in the Ecuadorian Andes generally view mining as deeply invasive and contrary to their cosmovision (Sánchez-Vásquez, Espinosa and Eguigiren, 2016). Additionally, many Indigenous communities rely on agriculture either for subsistence farming or as a principle economic activity, and mining activities often have negative externalities on land and water resources in nearby areas (Navas, Mingorria and Aguilar-González, 2018). A common protest phrase in Ecuador directly draws a comparison between water and mining, stating simply that "el agua vale más que el oro," (water is worth more than gold) or "sin oro se vive, sin agua se muere," (without gold you live, but without water you die).

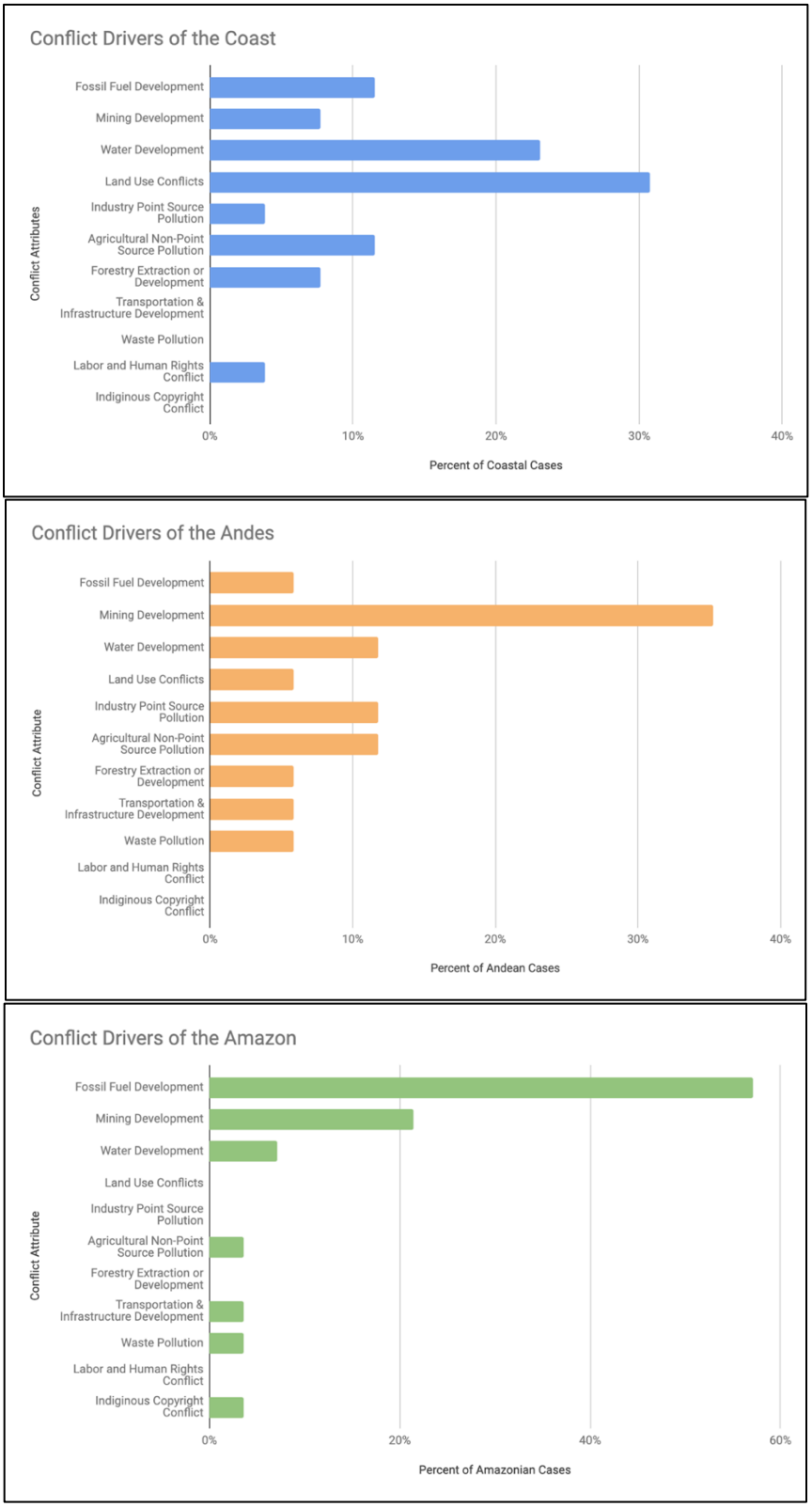
The Amazon region

The majority (57%) of the Amazonian cases were related to Fossil Fuel Development. This finding is expected, as the majority of Ecuador's crude reserves are located in the Amazon (U.S.

Energy Information Administration, no date). In fact, nearly 90% of all fossil fuel cases in the country took place in the Amazon. Crude reserves are extracted in this region before being transported via pipelines across the country to refineries elsewhere. As a result, Fossil Fuel Development conflicts in other geographic regions are related to transportation or processing, as opposed to extraction.

Additionally, the only Indigenous Copyright Conflict identified in the Ecuadorian EJ Atlas took place in the Amazon. An Indigenous Copyright Conflict refers to cases in which traditional ecological knowledge is exploited and patented for profit and development. The biodiversity of the region poses an incredible opportunity for discovery of useful chemical plant properties, including the potential for pharmaceutical discoveries or genetic advances (Rose, 2016). However, Indigenous groups are rarely appropriately credited or compensated, and may not have consented. In this way, Indigenous Copyright Conflicts reproduce colonial structures of knowledge extraction (Mugabe, 1999).

Figure 6: Conflict drivers per region



Pro-strategies that enable environmental injustices

Private corporations, aided and on occasion even led by the Ecuadorian state, deploy multiple strategies to move forward with extractivist economic projects. We hereby call strategies used by these enabler groups to move forward with these projects, and delegitimize and undermine environmental justice movements as "pro-strategies."

The s2e team reviewed the 66 cases and identified 20 pro-strategies. It should be noted that certain strategies may overlap. For example, "criminalization of activists" often occurs alongside "militarization and increased police presence." However, while these two strategies may co-occur, they maintain important distinctions relevant to a more complete understanding of environmental justice conflicts (see Appendix B for further details and expanded definitions). The number of pro-strategies per case varied from zero to twelve strategies, with a median of three.

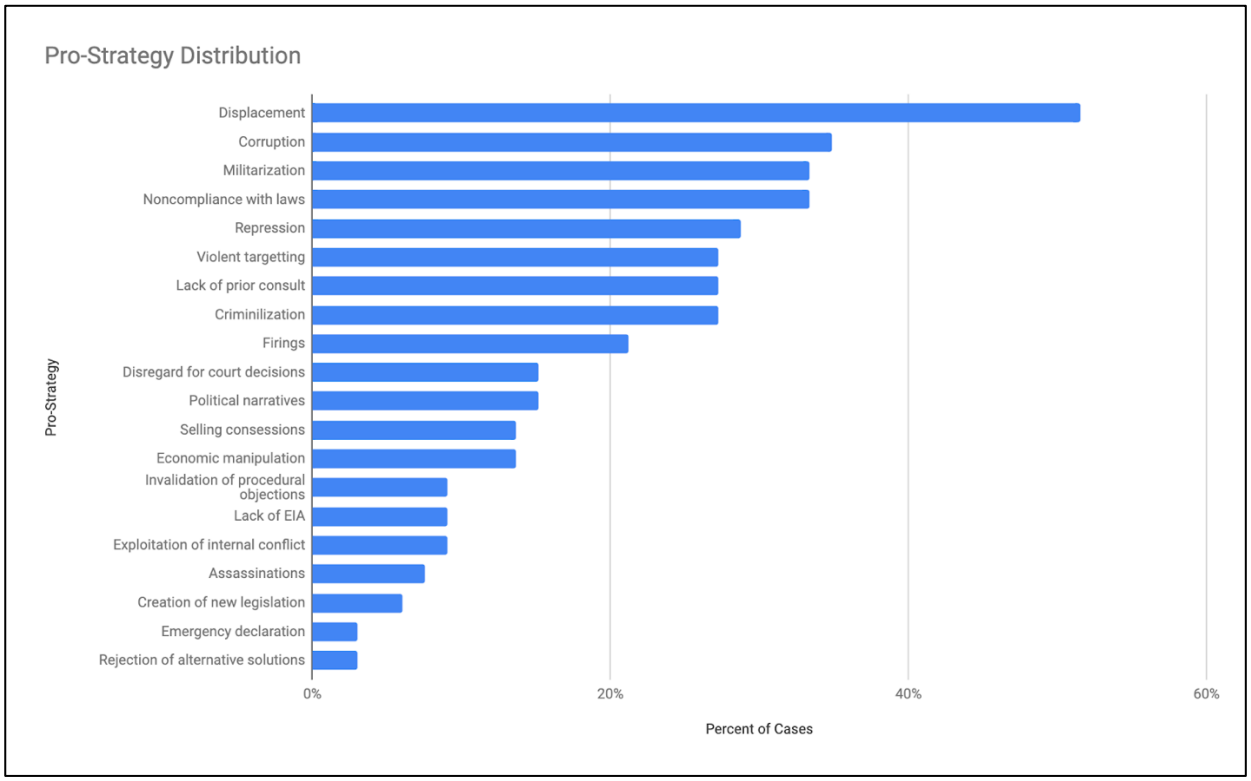
The most common pro-strategy utilized was territorial and land displacement: 52% of all cases involved displacement, which poses a profound threat to the livelihood of Indigenous communities and peasants, having severe and often irreversible impact on their way of life. Furthermore, displacement drives community insecurity, as community networks are diffused via forced migration. Other pro-strategies weaponize community disruptions or ruptures as well: the second most common strategy was the corruption or co-optation of local actors, which impacted 35% of all cases. Another related strategy was to exploit existing internal conflict (9%). This includes activities such as signing agreements with individuals that do not represent the community to justify project activities or making promises to one subgroup in order to achieve their cooperation in repressing a different subgroup. These types of strategies, which undermine overall community relationships and trust, can lead to instability and expose communities to further exploitation in the future. Another pro-strategy worth noting is selling concessions to alternate economic groups, which occurred in 14% of cases. This is a practice in which a community successfully blocks a proposed or developing project, and the titleholder, unable to continue with extractivist operations and seeking to recoup losses, sells its concession to a new company. This places communities in ceaseless battles, in which new actors with replenished energy and economic resources supplant prior actors, and thus start the assault anew.

Another important category of pro-strategies includes what can be broadly defined as "physical violence". UN special rapporteur on the rights of Indigenous Peoples, Victoria Tauli-Corpuz, stated in March 2016 that "the pattern of killings in many countries (of environmental defenders) is becoming an epidemic." (United Nations high Commissioner for Human Rights, 2016). Around 27% of reviewed cases included violent targeting and harassment of activists. This follows a substantial number of cases (8%) which involved assassinations. A subset of physical violence is specifically state sanctioned violence. This includes methods like the criminalization of activists (27%), and militarization and increased police presence (33%).

Other forms of oppression included noncompliance with laws or legislation, a strategy used in 33% of cases. Some cases even went so far as to enact new legislation to justify extractivist activities (6%). This category exposes the close relationship of the State with extractive industries. Another, even more potent example of this is related to court decisions. This includes cases in which the court rules in favor of impacted communities, and the extractivist activities continue unabated regardless of rulings (15%). Lack of consent or prior consultation (27%), as

well as rejection of official complaint mediums (9%), also point to a disregard for the recognition of rights of impacted communities and to the close relationship between the State and he extractive industry (private sector).

Figure 7: Pro-strategies used in environmental justice conflicts in Ecuador



Counter-strategies of resistance

Communities employ a variety of counter-strategies in response to environmental injustices. These communities mobilize to prevent environmental injustices from occurring or to recoup damages, while simultaneously challenging prescribed ideas of development and entrenched power relationships.

Communities mobilize utilizing a variety of advocacy strategies. Each of these 19 counter-strategies are described in Appendix C. These strategies are derived from the strategies listed in the EJ Atlas but have been revised to reflect the specific context of Ecuador, as well as to reduce duplication. For example, the EJ Atlas included "strikes and blockades", as a separate category from "protests and manifestations," but in the recent political context of Ecuador, it is almost impossible to separate the two, and as such we have incorporated "strikes and blockades" into "protests and manifestations." The number of counter-strategies varied between one and thirteen strategies; the median number of strategies employed per case were four.

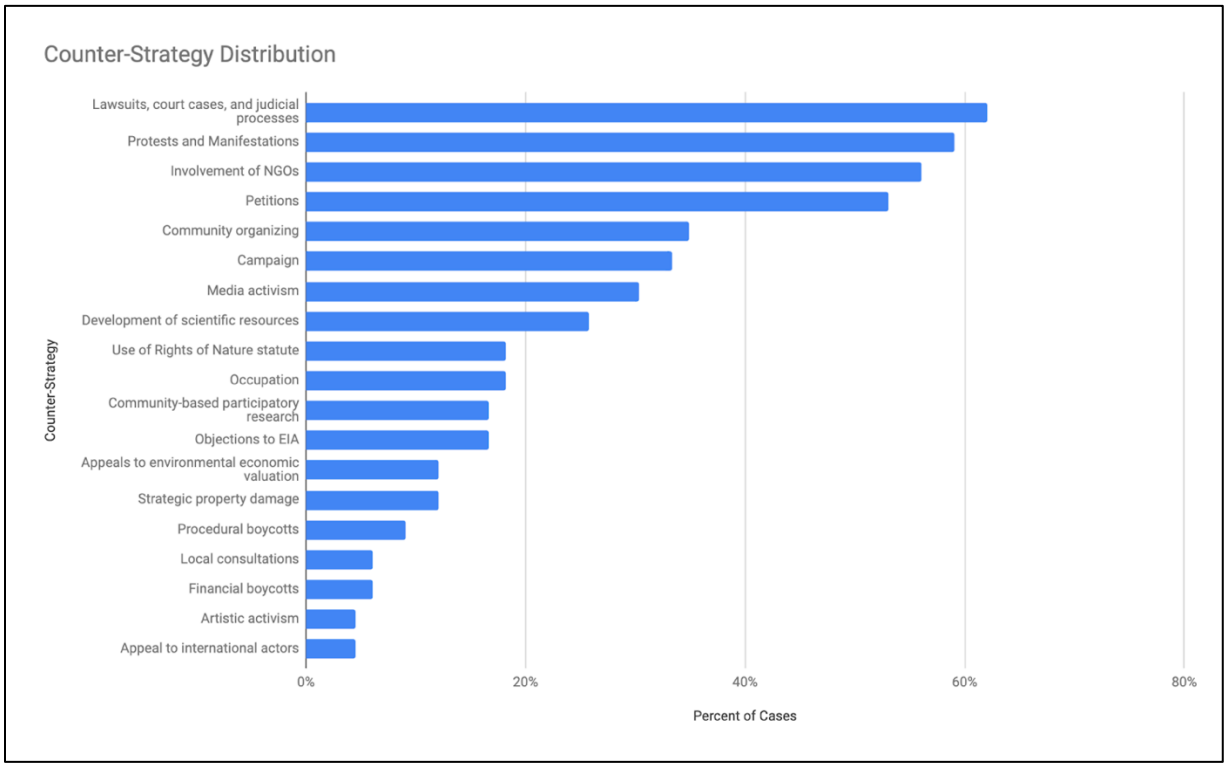
The most common counter-strategy identified was "lawsuits, court cases, and judicial processes": 62% of the cases utilized this as a strategy. This exposes the high incidence of projects that have legal challenges, also suggesting that projects may often initiate without full legal compliance. Additionally, other political advocacy measures rank high in prevalence, including official complaint letters and petitions (53%) and objections to the environmental impact assessments (EIA) (17%). Antithetically to this, nine percent of cases rejected or boycotted official procedures altogether, pointing to the recognition that legal institutions may reproduce power dynamics which benefit already powerful economic and political groups.

Another important mode of resistance is "protests and manifestations": 59% of all cases analyzed included this counter-strategy. Ecuador has a long history of protests and manifestations, often led by Indigenous groups. In the 1990s and 2000s, Indigenous-led protests successfully ousted three presidents from leadership, and in 2019 a nine-day long protest successfully reversed certain International Monetary Fund (IMF) imposed austerity measures supported by the government of Lenin Moreno (Washington Post, 2019). These protests have the potential to involve violence, but, as one author of this report saw spray painted across city walls stores during the 2019 protest, "violentos son los que provocan la desigualdad social, no los que luchan contra ella" (those who provoke social inequity are violent, not those who fight against it). This phrase reverses the narrative of "violent" protestors to point back to the State, which sought to delegitimize movements based on social norms which are applied subjectively to certain actors and not others (see prior section regarding pro-strategies). Furthermore, evidence shows that protesters are more likely to face violence than perform violence (Pérez-Rincón, Vargas-Morales y Martínez-Alier, 2019).

Another counter-strategy of resistance includes community organization efforts to develop social networks and coalitions. Around 56% of cases involved national or international NGOs, and 35% of cases involved the creation or development of a network or coalition for collective action. These actions show that communities actively build alliances with other sectors to broaden the scope and incorporate diverse actors in their movements. In this regard, 26% of cases explicitly developed alternative reports, proposals, or approaches, which also point increasingly towards propositional system changes. In this way, communities involved in such

conflicts emerge as both oppositional, while also propositional and proactive (Scheidel *et al.*, 2018; Temper *et al.*, 2018).

Figure 8: Counter-strategies used in environmental justice conflicts in Ecuador



Zooming into pro- and counter-strategies used in Fossil Fuel, Mining, Water Development, and Land Use Conflicts

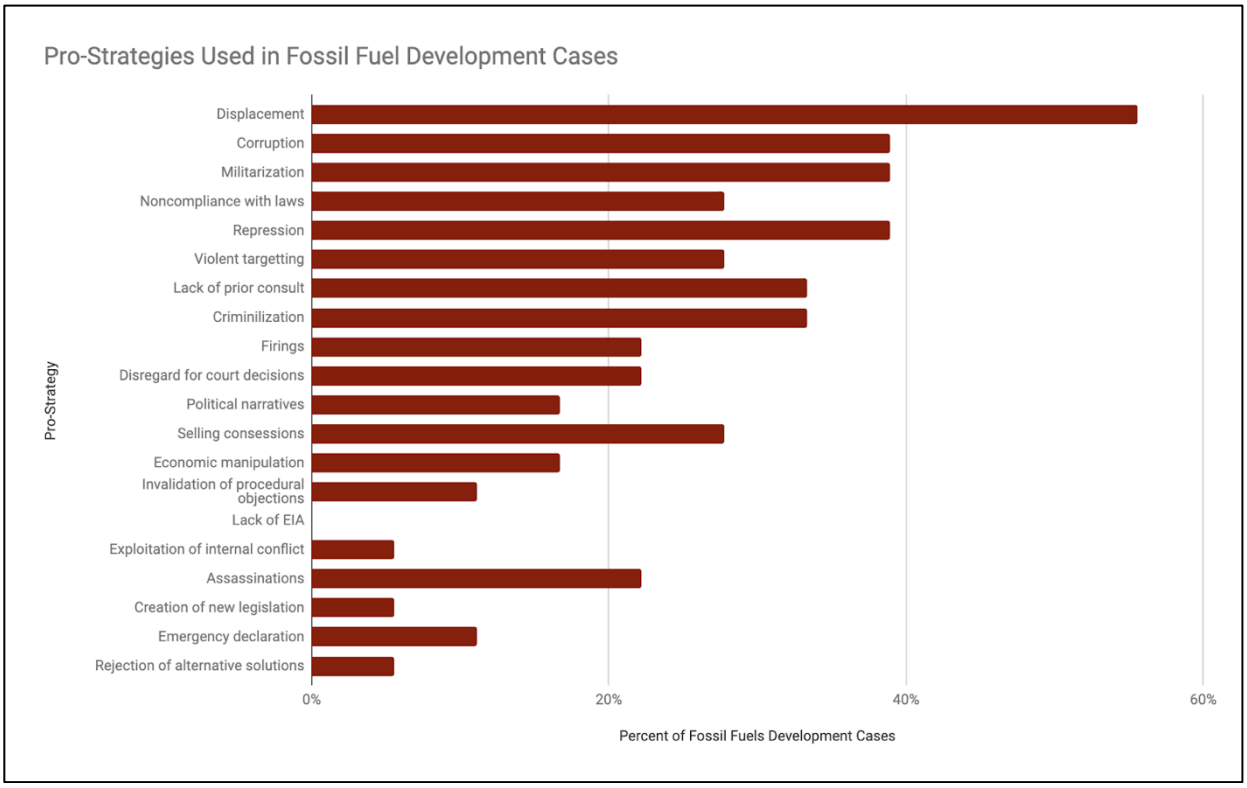
In order to compare if certain strategies had a higher prevalence in specific case types, we compared the pro and counter-strategies used with each of the four most common conflict drivers: Fossil Fuel Development (n=18), Mining Development (n=14), Water Development (n=10), and Land Use Conflict (n=9). Every pro and counter-strategy for each of these four conflict drivers was summarized categorically to create the plots below.

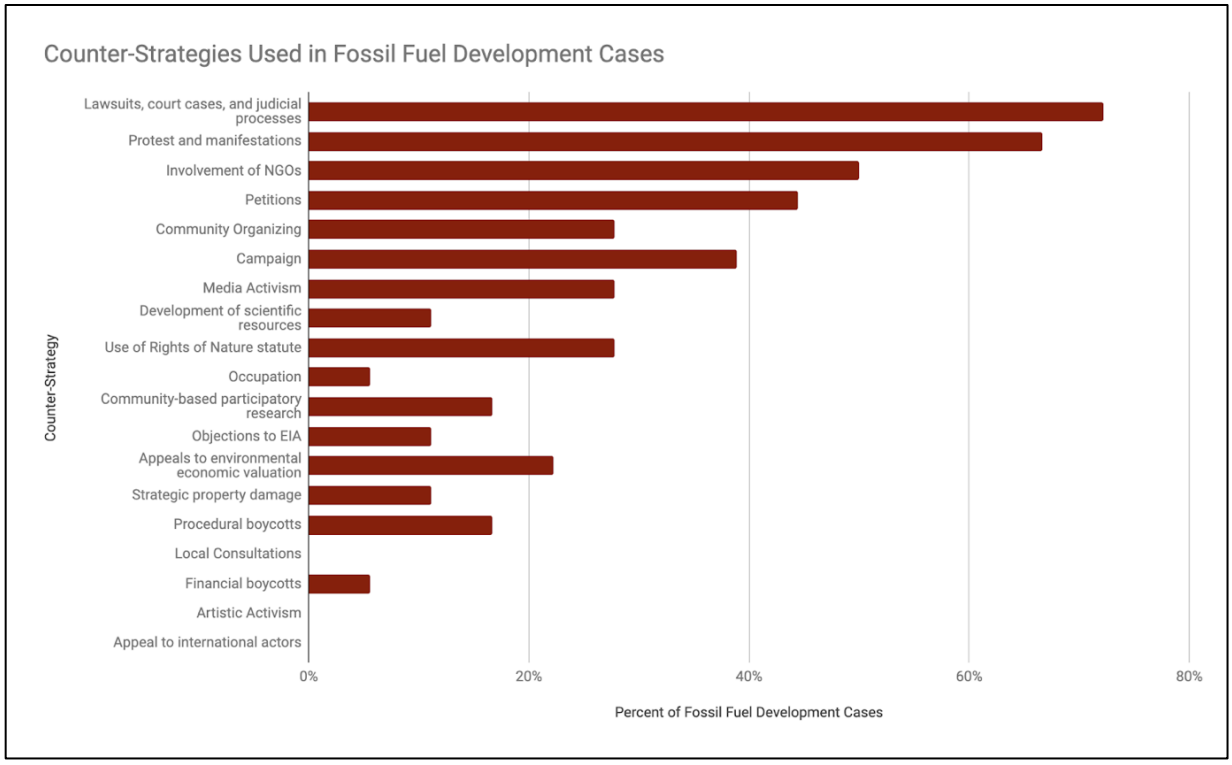
Fossil Fuel Development

Fossil Fuel Development conflicts (n=18) are the most common conflict experienced in Ecuador. Noteworthy is that fossil fuel cases involved much more violent pro-strategies than the other three conflict drivers. Nearly 40% of cases involved increased militarization and police presence, which is associated with 33% of cases involving the criminalization of activists, and approximately 28% of cases involving the violent targeting of activists. The State invoked emergency declarations during fossil fuel conflicts significantly more than in any other conflict source, and over 22% of cases involved the assassination of activists. This points to high tension in fossil fuel cases, as well as to increased “amalgamation” between the State and extractive oil companies. This is effectively exemplified via the creation of the pseudo public-private organization, Petroecuador, which facilitates the government apparatus with economic incentives to mobilize fossil fuel extraction (Reuters, 2020). The high degree of violence in these cases, while perhaps unsurprising due to the State-dependence on fossil fuels as a revenue source, is especially concerning given the high prevalence of fossil fuel cases in Ecuador.

The most common counter-strategies used in Fossil Fuel Development cases were lawsuits, court cases, and judicial processes (72%), and other legal activism, including petitions (44%), and invocation of the Rights of Nature statute (28%). However, it is noticeable that despite this high prevalence of legal activism, 17% of cases involve boycotting such official procedures altogether. This trend is clarified with the examination of pro-strategies; extractivist actors did not comply with laws in 28% of cases, and in 33% of cases, extractivist actors failed to consult with the community prior, as is statutorily required by law. Furthermore, 22% of cases involved disregard for court decisions, and 11% of cases involved invalidation of official complaint mediums brought forward from the impacted communities. Nearly 40% of cases involved corruption or co-optation. Altogether, these patterns show that while affected communities use formal legal procedures as a counter-strategy, in the absence of the application of rule of law they also deploy other counter-strategies in response to deep distrust and skepticism of the State.

Figure 9: Pro- and counter-strategies used in Fossil Fuel Development cases in Ecuador



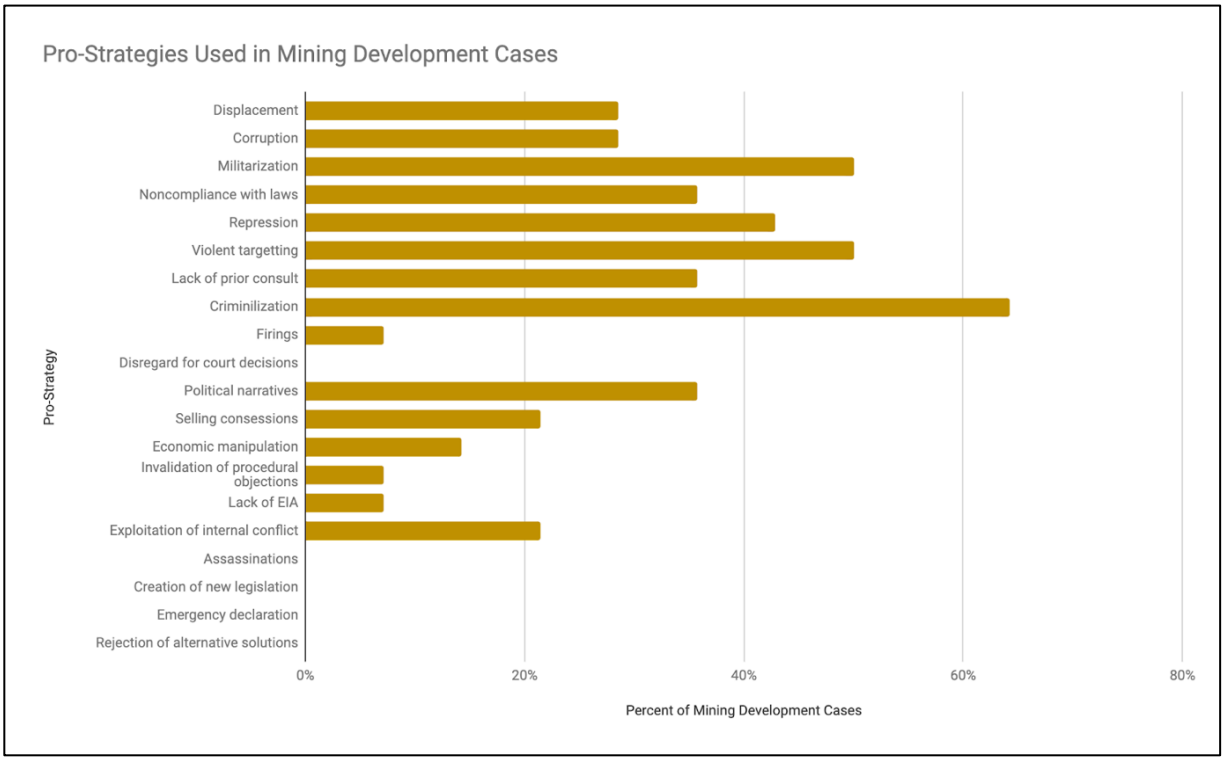


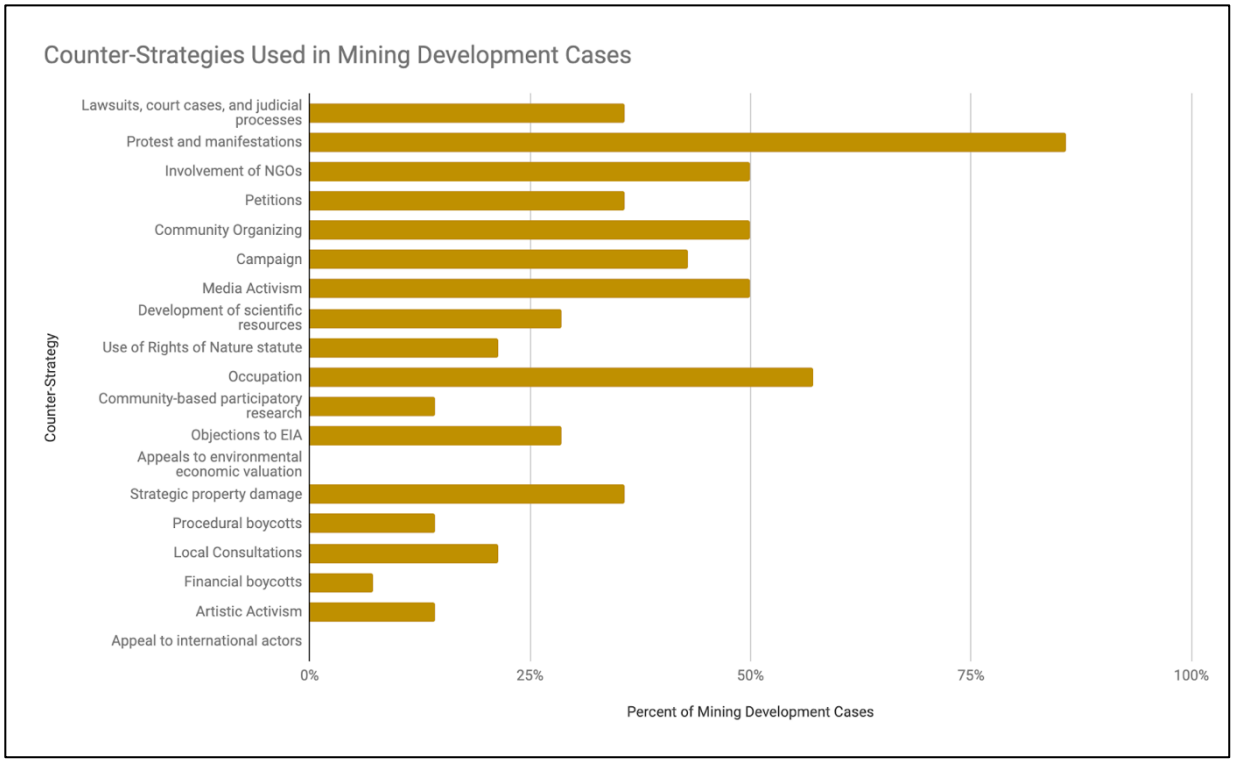
Mining Development

The most common pro-strategy in mining cases (n=14) was the criminalization of activists (64%); this technique is deployed more in mining cases than in any other conflict driver. This explains militarization and increased police presence in areas experiencing mining conflicts (50%), which is strongly related with violent targeting of activists (50%). It should also be noted that mining cases involve high rates of political deception. For example, mining cases involved the exploitation of internal conflict over 20% of the time, much more than other conflict drivers. This pro-strategy tends to weaken community ties and trust, and points to the divisiveness of mining conflicts. Mining Development conflicts also ranked exceptionally high in political campaigning, taking advantage of political contexts, or creation of political narratives (36%). Examples of this include invoking the concept of a strong united Ecuadorian identity, thus faulting small communities for the opportunity cost of not mining, while at the same time excluding those same communities from other benefits of the Ecuadorian state. For example, one case in our database involves a copper deposit discovered in the Amazonian province Morona Santiago. Rafael Correa, president at the time, announced that extraction of the copper could lift the entire province out of poverty and support the national economy. This assumption neglected the perspective of the local Shuar Indigenous communities' lives and livelihoods (Temper *et al.*, 2018; EJ Atlas, no date).

Mining cases provoked the highest number of protests and manifestations of any conflict driver - 86% of all mining cases involved protests. This points to a widespread anti-mining sentiment in Ecuador, as well as a strong grassroots ethos in mining resistance. Other direct actions also ranked high - nearly 60% of cases involved occupation of land and buildings, and 36% of cases involved strategic attacks or property damage, both far more than any other conflict driver. Mining cases also involved a high degree of external communication or coalition building - 50% of cases involved community organizing and the development of a network or coalition, the involvement of an NGO, or media-based activism. Finally, mining cases involved more actions of artistic activism than any other conflict driver (14%).

Figure 10: Pro- and counter-strategies used in Mining Development cases in Ecuador



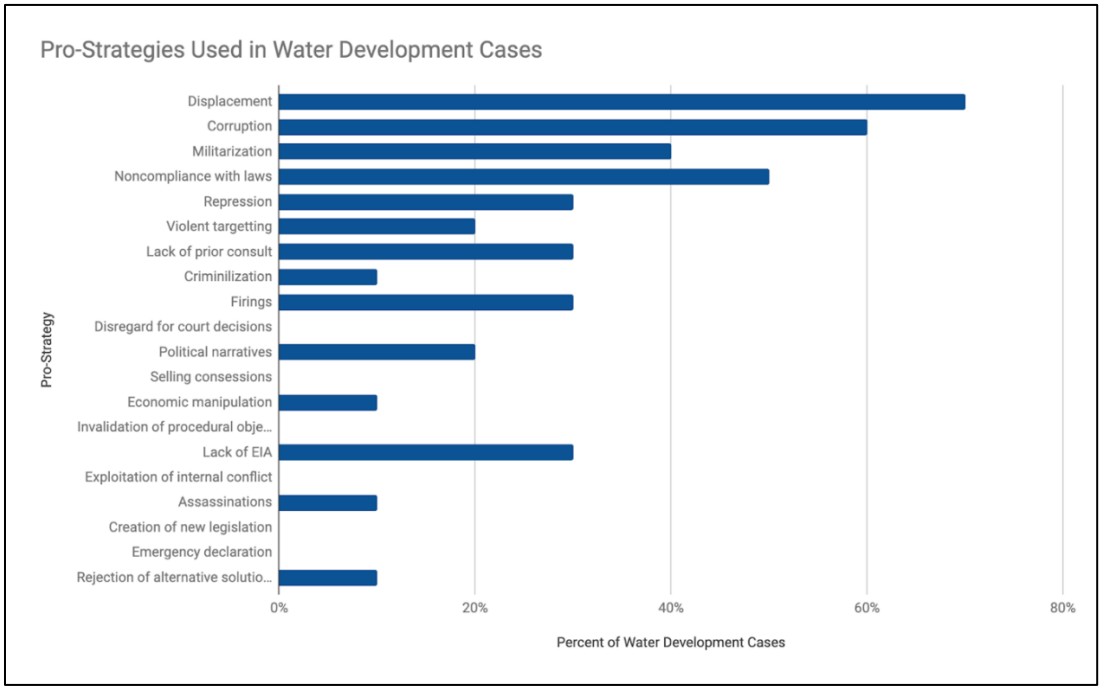


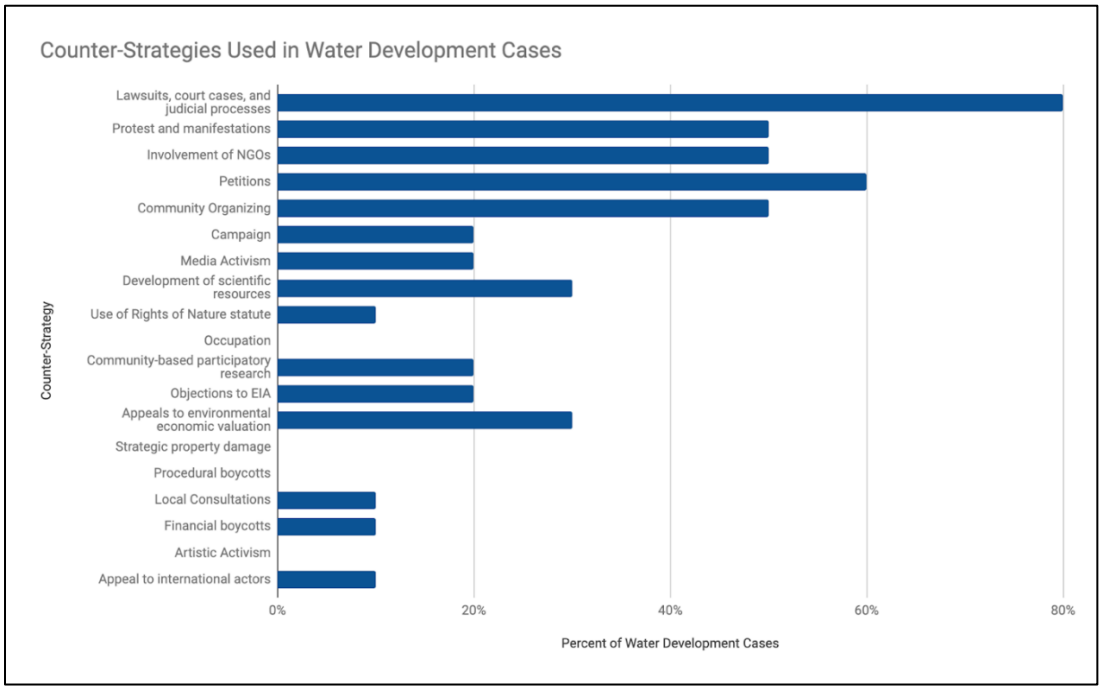
Water Development

Communities involved in Water Development cases (n=10) frequently pursued legal avenues as counter-strategies; 80% of cases pursued lawsuits, court cases, and judicial activism, and 60% of cases involved official complaint letters and petitions. This points to the pervasiveness of water projects that do not fulfill or meet existing legal requirements. This is well documented by activists and academics. For example, El Foro de Recurso Hídricos (The Hydraulic Resources Forum) advocated for a reimagining of water resources management in the creation of the 2008 Constitution, which would have committed the government to enforcing laws and given more decision-making power to peasant communities (Foro de Recursos Hídricos, 2008). However, despite these advocacy efforts, President Correa's legacy was wrought with mega projects, including hydroelectric dams (Nathanson, 2017). He often used these projects in his political campaigns as proof of economic development and spoke to their low carbon footprint (The New York Times, 2018*)*, while not acknowledging their negative externalities. Furthermore, Water Development projects were associated with corruption - 60% of Water Development cases involved corruption or co-optation. In response, approximately 50% of cases involved the development of a network for collective action or involved an NGO. Nearly 30% (more than any other conflict driver) developed alternative scientific materials, including reports, proposals, or approaches.

Despite these efforts, Water Development projects persist, and their associated violent and indirect forms of violence are pervasive. Nearly 70% of Water Development projects involved displacement, and repression and violent targeting of activists occurred frequently (30% and 20%, respectively). Around 10% of Water Development cases involved the assassination of activists.

Figure 11: Pro- and counter-strategies used in Water Development cases in Ecuador

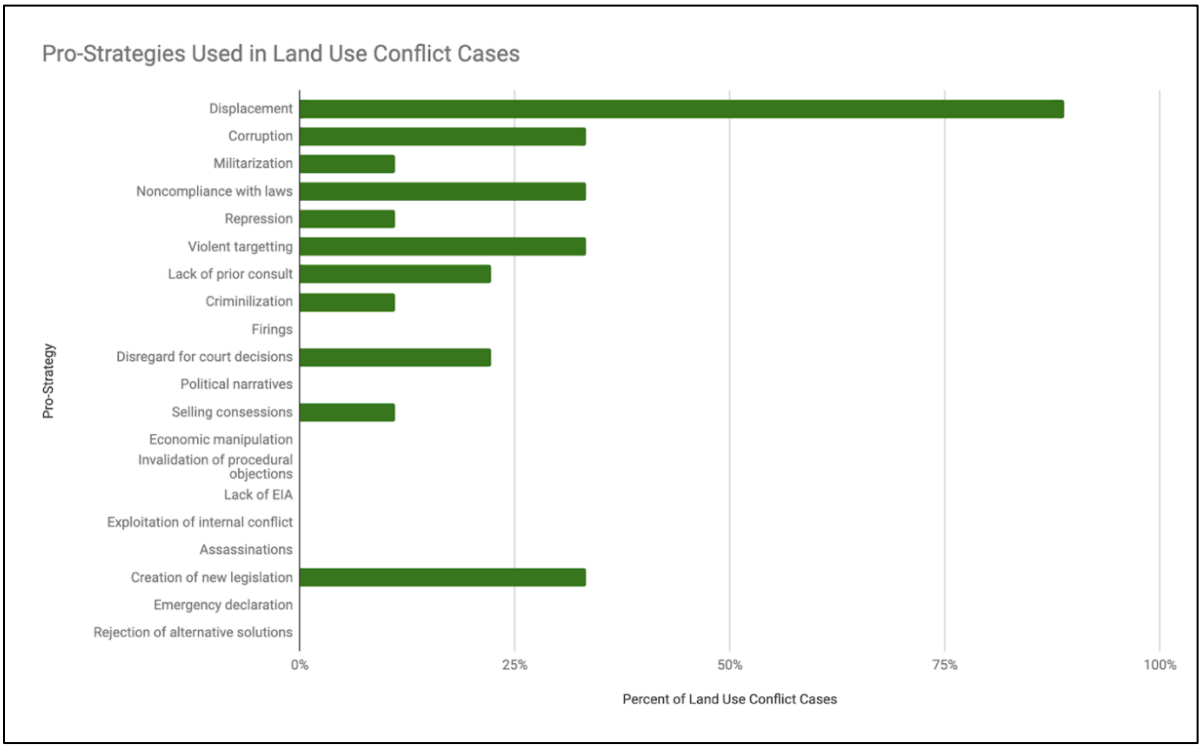


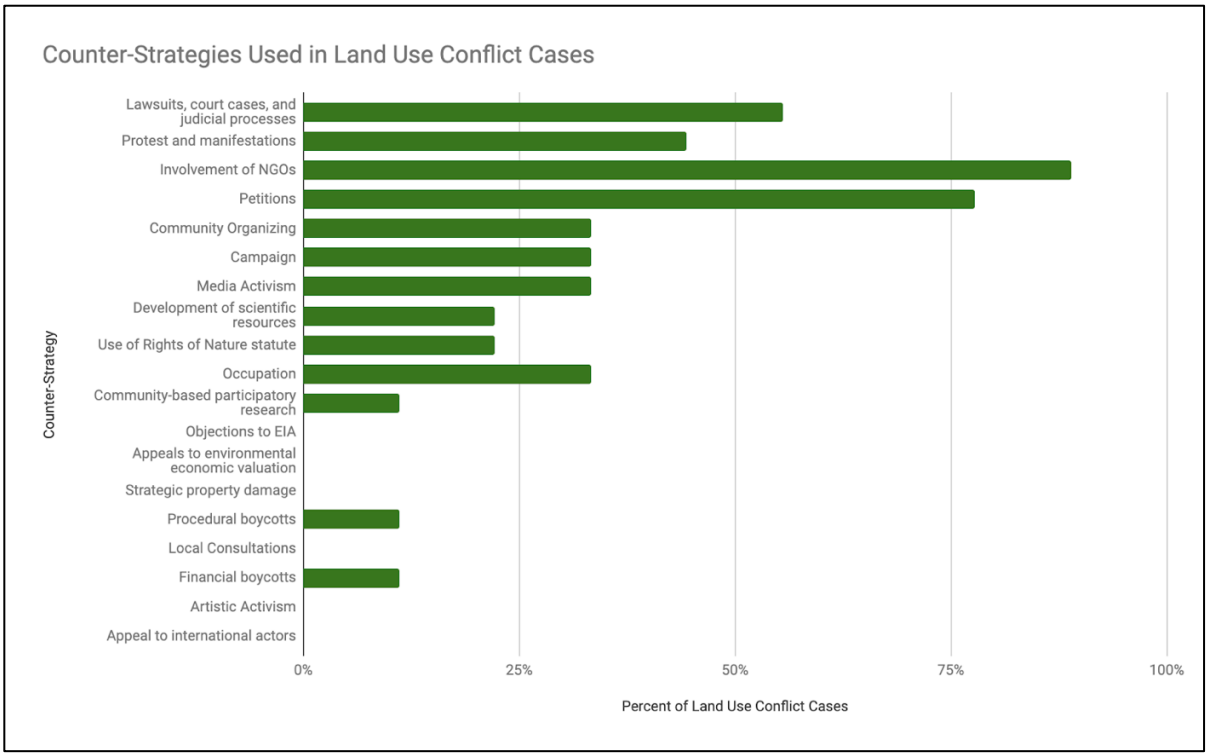


Land Use Conflict

Land Use Conflicts (n=9) skew heavily towards the involvement of NGOs. Nearly 90% of all Land Use Conflicts entail the involvement of an NGO, significantly more than any other conflict driver, suggesting that communities involved in Land Use Conflicts rely heavily on NGOs assistance. Resistance efforts may be hindered by the pervasiveness of territorial displacement and land dispossession - by far the most common pro-strategy in these cases. Almost 90% of all Land Use Conflict cases involved displacement, suggesting the disruption of networks, community ties or livelihoods. Communities attempted to resist by refusing to give up their land or by exerting their physical presence; for example, 33% of cases involved the occupation of land or buildings. The prevalence of such efforts may also be explained by the lack of legal recourse that communities led in land use cases. Often, Land Use Conflicts leveraged the creation of new legislation to justify land expropriation. This happened in over 30% of cases. The creation of new legal mechanisms prevented communities from pursuing legal avenues and exposes the working relationship between the legislative system and the State and economic actors who pursue extractive economic projects.

Figure 12: Pro- and counter-strategies used in Land Use Conflict cases in Ecuador





Conclusions

This report provides an overview of patterns of environmental justice cases in Ecuador. First, it explores geographic regions, impacted populations, and conflict drivers of environmental justice conflicts. Then, it takes a deep dive on the strategies that extractivist groups and impacted communities use in these environmental justices cases. Finally, it examines the most common conflict drivers and the pro and counter-strategies used by both sides in these conflicts. Unsurprisingly, different conflict drivers manifest distinct forms of conflict, and involved parties utilize various pro and counter- strategies.

Environmental injustices occurred in all major regions of Ecuador, and the Amazonian region had the highest incidence of cases, followed by the Coastal region and the Andean region. Regional and racialized areas within these regions had even higher rates of environmental conflict cases. For example, nearly 20% of all environmental justice cases in the country occurred in Esmeraldas, the province with the highest population of Afro-Ecuadorians (Center for Human Rights and Justice, 2009). The next most impacted provinces were the Napo and Pastaza provinces in the Amazon, each with 12% of the total cases. In general, rural areas are much more impacted than urban areas, consistent with extraction models which seek to export raw materials. Around 73% of cases occurred in rural areas, and only 11% of cases occurred in urban areas. Rural areas are often home to Ecuador's indigenous and peasant groups, and these environmental burdens reinforce inequitable environmental distributions that are often hand-in-hand with other historic and political economic distributions not just across the North-South divide, but also within racial and class community differences (Quijano, 2000).

The most common conflict drivers were Fossil Fuel Development (27% of cases), Mining Development (21% of cases), Water Development (15% of cases), and Land Use Conflicts (14% of cases). These conflict drivers are concentrated along resource frontiers (Moore, 2000; Latorre, Farrell and Martínez-Alier, 2015) and thus occur unevenly across regions - almost 90% of the Fossil Fuel Development cases occurred in the Amazon, and Water and Land Use conflicts are concentrated on the Coast. A significant amount of Mining Development cases took place in the Andes. Extractivist groups and impacted communities used a variety of strategies in response to these conflicts.

Extractivist groups, often aided by the Ecuadorian state, often used pro-strategies associated with political or legal maneuvering. For example, 35% of cases involved the corruption of local actors, and in 15% of cases the extractivist group did not comply with court decisions. In 6% of cases, new legislation was enacted to justify extractivist activities. Certain conflict drivers, in particular, disproportionately generated these types of pro-strategies; 60% of Water Development cases involved the corruption of local actors, and 33% of Land Use Conflict cases prompted the creation of new legislation to justify land dispossession. In these instances, the Ecuadorian State chose to enforce or not enforce standards in manners that benefited extractivist groups over impacted populations. Laws that should have theoretically served to protect the environment and human rights were ignored or not enforced, while new legislation was written on behalf of the extractivist industry.

However, despite this strong alignment between the Ecuadorian State and extractivist groups, communities still used legal mechanisms to resist injustices. In fact, the most common counter-

strategy was to pursue lawsuits, court cases, and judicial activism (62% of cases), followed by the submission of formal petitions (53% of cases). Certain conflict drivers utilized these strategies even more frequently - 80% of Water Development cases involved lawsuits, and 78% of Land Use Conflicts involved formal petitions. The only conflict driver in which communities did not often engage with legal strategies was Mining Development, in which only 36% of cases pursued either lawsuits or petitions.

Mining Development cases instead frequently utilized another important strategy: protests and manifestations. Protests occurred in nearly 60% of cases across conflict drivers, and in 86% of Mining Development cases. Despite the mediatic depiction of protests as "violent," protests were largely peaceful (Pérez-Rincón, Vargas-Morales y Martínez-Alier, 2019). In fact, extractivist groups were much more likely to pursue direct physical violence as a tactic than community groups. No counter-strategy identified in the database was explicitly violent, but two pro-strategies were: assassinations (8% of cases), and the violent targeting of activists (27% of cases). Furthermore, certain pro-strategies weaponized the State as a form of violence - 33% of cases involved the militarization of an area. Fossil Fuel Development cases, in particular, had higher levels of violence in comparison with other conflict drivers; assassinations occurred in 22% of fossil fuel cases, and increased militarization occurred in nearly 40% of Fossil Fuel Development cases.

A final important broad category of counter-strategies involves organizing tactics which increase the movement's power and scope. In 35% of cases, communities engaged in coalition formation, and in 26% of cases, communities developed alternative scientific resources. Around 55% of cases involved an NGO. This shows that community resistance to extractivism seeks not only to oppose specific projects, but also to build community power and propose new alternatives. These types of strategies were utilized consistently across all conflict drivers, which demonstrates that community resistance to extractivist industry is both oppositional and propositional. By resisting extractivist projects despite strong oppression, communities challenge extractive capitalism as a viable and equitable economic model and oppose its assumptions on economic growth and development. Instead, communities actively propose an intersectional environmentalism (Martínez-Alier *et al.*, 2016) that includes the true recognition and realization of Sumak Kawsay, el Buen Vivir, and collective wellbeing (Acosta, 2013).

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APPENDIX A:

The s2e team systematically reviewed the database to determine a singular primary conflict driver for each case. Each of these 11 conflict drivers are defined below.

Conflict Driver	**Expanded Definition**
Fossil Fuel Development	Conflicts related to fossil fuel exploration, extraction, combustion, or transport, as well as climate change or climate justice.
Mining Development	Conflicts related to mining or minerals exploration, extraction, processing, or tailings leftover from mines. Includes mineral ores or building materials *(excludes oil and gas).*
Water Development	Conflicts related to water development issues, especially related to dams and hydropower, but also other water distribution conflicts.
Land Use Conflict	Land conflicts, *excluding those related exclusively to agricultural pollution*. Including land acquisition disputes, and establishment of parks or reserves.
Industry Point Source Pollution	Conflicts related to point source pollution from industrial or manufacturing activities.
Agricultural Non-Point Source Pollution	Conflicts related to pollution from agriculture, often related to plantation crop production and monocultures, including livestock and aquaculture
Forestry Extraction or Development	Conflicts related to forestry extraction (deforestation) or development (monoculture plantations)

Transportation & Infrastructure Development	Conflicts related to transport infrastructure networks, including port and airport projects. Additionally, any pollution related to transport.
Waste Pollution	Waste management concerns, including municipal and industrial landfills, toxic waste treatment, or uncontrolled dump sites.
Labor and Human Rights Conflict	Cases related to labor exploitation and human rights.
Indigenous Copyright Conflict	Cases related the exploitation of traditional ecological knowledge for patenting and profits.

APPENDIX B:

The s2e team systematically reviewed the database to identify strategies used by groups to advance extraction. Each of these 20 "pro-strategies" is defined below.

Pro-Strategy	**Expanded Definition**
Displacement	Cases in which people and communities were forced off their land.
Corruption	Cases in which the conflict increased corruption or co-option of local actors.
Militarization	Cases in which the area experienced an increase in police presence and militarization.
Noncompliance with Laws or Legislation	Cases in which the State or companies did not comply with laws or legislation *(excluding EIA)* or in which they used a resource or occupied an area illegally.

Repression	Cases that involved repression.
Violent targeting	Cases in which activists or their families were harassed and violently targeted.
Lack of prior consult	Cases in which the communities deny that meaningful consultation was conducted.
Criminalization	Cases in which activists are criminalized and potentially arrested.
Firings	Cases in which workers were fired from their job due to activism or resistance.
Disregard for court decisions	Cases in which the company or State ignores or rejects decisions made by the court system that aren't in their favor.
Political narratives	Cases in which a political narrative was deployed in order to gain support (ex: a politician advising that it is "patriotic" to support a certain project).
Selling concessions	Cases in which a company is unable to complete its project due to local resistance and sells the rights to the project to an alternate group, with the understanding the project will be completed by the alternate group despite resistance.
Economic manipulation	Cases in which companies or the State make promises that cannot be ensured and are not true in order to gain support for a project (ex: This dam will create x number of permanent jobs).
Invalidation of procedural objections	Cases in which companies or the State deny the validity of official complaint mediums (ex: declaring signatures of a petition invalid).
Lack of EIA	Cases in which an EIA was not completed and should have been.

Exploitation of internal conflict	Cases in which the State or companies take advantage of internal conflict (ex: signing agreements with certain people that do not represent the group as a whole).
Assassinations	Cases in which assassinations or murders of activists and community members occurred.
Creation of new legislation	Cases in which new laws were created in order to provide legitimacy to certain activities.
Emergency Declaration	Cases in which a State of Emergency was declared, in order to increase control of an area.
Rejection of alternative solutions	Cases in which alternative (community-led) solutions were ignored or rejected.

APPENDIX C:

The s2e team systematically reviewed the database to identify strategies used by groups to resist extraction. Each of these 19 "counter-strategies" is defined below.

Counter-Strategy	**Expanded Definition**
Lawsuits, court cases, and judicial activism	Cases where the impacted community attempted to use the court system to achieve justice.
Protests and Manifestations	Cases where the impacted community mobilized protests and manifestations. Including blockades and strikes.
Involvement of NGOs	Cases in which NGOs and community-based organizations intervene. Includes both national and international NGOs (Amnesty International, etc.)
Petitions	Cases in which impacted communities filed complaints through official mediums (petitions, comment periods, etc.)

Community Organizing	Cases in which communities successfully organized into a network or took collective action to protect an area. Refers to endured organization over a period of time, not acute actions.
Campaigns	Cases in which the impacted community mounted a widespread public campaign in response to the environmental (in)justice.
Media activism	Cases in which the impacted community used the media, including alternative media sources (especially relevant in Ecuador due to State influence in national media).
Development of Scientific Resources	Cases in which the impacted community created scientific resources, including alternative reports, proposals, or approaches that challenged the dominant report, proposal, or approach. Includes alternative impact assessments, etc.
Use of Rights of Nature Statute	Arguments that call for the rights of Nature, which is included in the 2008 Ecuadorian Constitution.
Occupation	Cases in which the impacted community occupied land or buildings as a method of protest.
Community-based participatory research	Cases in which the community participated in medical research to demonstrate impacts.
Objections to EIA	Cases in which the community challenged the environmental impact assessment, often due to incomplete EIAs or lack of EIA. *(Not related to cases in which the complaint relates to lack of meaningful consultation during the EIA process).*
Appeals to environmental economic valuation	Cases in which the community points to the economic valuation of the environment and the externalities imposed by a project.
Strategic Property Damage	Cases in which the community engages in targeted attacks or strategic property damage, often of machinery, offices, etc.

Procedural Boycotts	Cases in which the community refused to participate in official procedures due to perceived injustices in the procedural structure itself.
Local consultations	Cases in which the community called a referendum or another local consultation.
Financial boycotts	Cases in which groups boycotted products, refused to sell products, etc.
Artistic activism	Cases in which groups engaged in art, including guerilla theatre, murals, etc.
Appeal to International Actors	Cases in which cases were brought to international actors, like the UN, the Court at the Hague, etc.