

Yasuní-ITT and Environmental Justice
Ecuador's Proposal to Leave Oil Underground as a
Move Towards Environmental Justice?



Mareike Ahrens

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Author:

Ahrens, Mareike

Freie Universität Berlin

Email: Mareike.Ahrens@fu-berlin.de

Editor:

Dr. Götz Kaufmann

Free University of Berlin

Email: goetz.kaufmann@fu-berlin.de

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Abstract

Ecuador's Yasuni-ITT initiative, introduced by President Rafael Correa in 2007, aims to leave 846 million barrels of oil located in one of the world's most biodiverse spots, Yasuni National Park, underground in exchange for international financial contributions. Goals of the initiative are the preservation of pristine rainforest, the protection of indigenous tribes living in the area in voluntary isolation, and a contribution to climate change mitigation efforts by the avoidance of extraction-related carbon emissions. This paper analyses the initiative in the context of environmental justice and raises the question whether it contributes to the self-determination of indigenous groups inhabiting the area with respect to their environment and to a distribution of environmental goods and bads that is more favourable to indígenas than the present situation. Assessing the initiative according to different parameters, the papers concludes that while ITT contributes to distributive justice through the avoidance of emissions, participatory justice for indigenous groups is lagging behind due to the central question of the initiative's financial viability.

Annotation

At the time of writing, the collection of financial contributions was in full swing. However, on August 15, 2013, Correa declared the failure and abandonment of the initiative: "The world has failed us," (Watts, 2013) announced the President, referring to the insufficient amount of international funding and the lack of understanding for the initiative's vision of globally shared responsibility for climate and biodiversity protection. The extraction of oil will be carried out by the state-owned company Petroamazonas – preempting the sale of drilling licenses to foreign companies, whose offers Ecuador might not have been able to infinitely reject due to the country's need for revenue – and the fields are expected to yield the first barrel of oil within two years (Meléndez, 2013). Correa's announcement was followed by an outcry of civil society and Ecuador's population, rekindling the debate about the origins and goals of the initiative. Civil society leaders are now pushing for a referendum to overturn the executive abandonment of the initiative – as of August 26, the outcome is unclear (Vidal, 2013). This turn of events is symptomatic of the ongoing conflicts surrounding the initiative, particularly between the Ecuadorian executive and civil society, and impressively illustrates the paradox of post-neoliberal resource politics and the crucial aspect of the initiative's financial viability, treated at length in this paper.

Introduction – The Yasuní-ITT Initiative and Environmental Justice

In 2007, Ecuador's president Rafael Correa advanced an innovative proposal in front of the UN General Assembly: Ecuador, although a developing country dependent on the export of oil, would forgo the extraction of 846 million barrels in one of the most biodiverse spots on earth, Yasuní National Park, if the international community compensated the country for approximately half of the expected oil revenue, USD 3.6 billion. The proposal would simultaneously protect the park's biodiversity, (uncontacted) indigenous groups inhabiting the area, and support climate change mitigation efforts by avoiding extraction-related CO₂. The initiative, named ITT for the oil fields in question – Ishpingo, Tambococha, Tiputini – quickly garnered popular support and in 2010, a trust fund, administered by the UNDP, was established to which governments, private, and public actors can contribute. The revenue will be invested in conservation, renewable energy projects, and social development for indigenous peoples. So far, the initiative has been financially successful: In 2011, it surpassed its contribution goals and in 2012, the sum of pledges reached \$300m (“The Yasuní-ITT initiative: shifting paradigms,” 2012; “The Yasuní Initiative,” 2012; Vidal, 2012).

This paper will focus on the contributions of the initiative to the field of environmental justice (EJ). Martinez-Alier (2002) identifies three strains of environmentalism: the “cult of the wilderness,” which focuses on the preservation of pristine nature, the “gospel of eco-efficiency,” emphasizing the sustainable use of resources, and the “environmentalism of the poor” (p.1), whose main interest is “not so much a concern with the rights of other species and of future generations of humans as a concern for today's poor humans” (p.11); it demands “contemporary social justice among humans” (p.11). An outgrowth of the U.S. Civil Rights Movement, this last strain developed in response to “ecological distribution conflicts caused by economic growth” (p.14). Most visibly, it manifests itself as the EJ movement in the U.S., but exists in other parts of the world as well. In South America, it often consists of indigenous struggles for the recognition of their territorial rights (p.176) that, though formally granted, are being violated to extract oil that brings progress to urban elites, but has devastating consequences for native peoples and their lands (Kimerling, 2012).

While the Yasuní-ITT initiative contributes to the first two strains of environmentalism – nature would be protected and trust fund money used for sustainability projects – this paper is going to pursue the following question: In how far is the initiative also a mechanism of environmental justice; that is, in how far does it contribute to indigenous self-determination with respect to their environment and to a distribution of environmental goods and bads that is more favorable to indigenous groups who are at present disproportionately bearing the cost of oil extraction?

To attempt an answer to this question, several parameters need to be defined. In accordance

with John Rawls' theory of justice, justice is understood as both distributive justice, concerning the outcome, and procedural justice, concerning the process through which an outcome is reached. Environment is understood as exceeding ecological factors and encompassing the social realm in which we "live, work, [and] play" (Bullard, qtd. in Schweizer, 1999). Environmental justice, then, is concerned with "the right to the environment": the right to determine in which environment one wants to "live, work, [and] play" (ibid.).

An analysis of the academic and media discussion of the ITT initiative suggests that its contribution to environmental justice needs to be assessed on several levels. At the heart of the initiative lies an ongoing struggle between global and local success: while the initiative is a very progressive and emancipatory approach for the Ecuadorian state on the international scene and provides a vision of internationally shared responsibility for climate change, the protection of biodiversity, and discrepancies in development, those who had initiated the project even before Correa presented it in 2007, indigenous and environmentalist groups demanding respect for native land titles, are being marginalized in the process (Arsel, 2012, p.203) – the initiative has become about climate change mitigation rather than indigenous rights.

Thus, ITT contributes to EJ on a distributive level: the negative effects of oil drilling and carbon emissions will be averted on both the local and the global level. On the other hand, while non-extraction is ultimately beneficial for indigenous groups, little room is left for participation from outside Ecuador's national government in furthering the initiative, which undermines the right of civil society groups to procedural justice. However, the initiative still makes an important contribution: it attempts to shift the discourse on climate change mitigation to the *avoidance* of emission rather than emission trading, and thus attempts to alter established power relations: a developing country is calling upon industrial nations to assume responsibility. Therefore, if successful, the initiative could contribute to a new value framework on the international level that, through its new vision of development and respect for the natural world, is more conducive to the enforcement of indigenous rights and further bottom-up moves towards EJ in Ecuador and beyond.

In order to be able to evaluate the contribution of the ITT initiative to environmental justice more thoroughly, I will begin my paper with a more detailed definition of the above-mentioned parameters: justice, environment, and environmental justice. Following those theoretical considerations, I am going to apply the defined parameters to the situation in the Ecuadorian Amazon: First, the historical and current situation of environmental injustice that indigenous groups experience will be outlined, followed by a chapter concerned with the effects that a mechanism like Yasuni-ITT might have on this situation.

Theories and Concepts

In order to analyze the environmental injustice that indigenous groups in the Ecuadorian Amazon are experiencing and the potential contributions of Yasuní-ITT to environmental justice, several terms need to be defined for the context of this paper: What is environment, what is justice, and what is the combination of the two, environmental justice? For this purpose, I am first going to introduce two aspects of John Rawls' theory of justice that are central to the EJ movement and the assessment of environmental justice in this paper: distributive and procedural justice. Subsequently, I will look into different understandings of environment – environment as an ecological sphere and environment as a social sphere – and finally put the terms justice and environment together by looking at the environmental justice movement that emerged in the United States of the 1980s.

Conceptual Considerations I: John Rawls' Theory of Justice

In “A Theory of Justice,” Rawls examines principles of justice and the development of this fundamental virtue. Corresponding to the concept of a state of nature in the tradition of social contract thinking, he begins to develop his theory by describing a hypothetical situation from which principles of justice can emerge; an original state in which “no one knows his [sic] place in society, his class position or social status, [nor] his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like” (1972, p.12). Given this hypothetical situation, principles of justice are chosen behind a “veil of ignorance” (ibid.): Nobody is able to manipulate principles of justice in their favor; there are no power discrepancies and in this context Rawls conceives of “justice as fairness” (ibid.), as principles of justice are reached through agreements and bargaining in an initially fair situation.

Given the ignorance about one's social position, Rawls assumes that two main principles would be chosen in order for everyone to be in a favorable situation:

“First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.” (1972, p.60)

While the first principle is a precondition to the second and refers to basic political and civil rights like freedom of speech and universal suffrage (ibid., p.61), the second principle contains two expressions that point to the different dimensions of justice Rawls' theory entails: “to everyone's advantage” (ibid., p.60) and “positions and offices open to all” (ibid.).

The former, “to everyone’s advantage” (ibid., p.60), refers to the idea of distributive justice, or justice of outcome: how are “benefits and burdens of social cooperation” (ibid., p.7) adequately distributed? Following Pareto’s concept of optimality, Rawls argues that benefits do not necessarily have to be distributed in a way that provides everybody with the same share, but rather in a way that means “doing [...] better for some individuals without doing any worse for others” (ibid., p.67). For example, the distribution of wealth and income does not have to be exactly equal, but to everyone’s advantage. Some people having and generating more wealth than others is not unjust per se, especially if the poor also profit from the increased overall amount of wealth – it is about improving the position of the poor without compromising the standing of the rich. It would be unjust, however, to enrich oneself at the cost of others.

Equally important is the latter: “positions and offices open to all” (ibid., p.60), procedural justice, the opportunity to participate in processes that create distributive outcomes. For Rawls, participation is almost more important than the actual outcome. If positions and offices weren’t accessible to all, but occupied by people whose work was beneficial to those not in decisive positions, those left out of the decision making process would still feel treated unjustly, and, in Rawls’ opinion, rightly so, as they are “debarred from experiencing the realization of self which comes from a skillful and devoted exercise of social duties” (ibid., p.84). In a certain view of procedural justice, an outcome is just as long as it has been developed in a just process¹ – this, of course, requires a just system of institutions such as “a just political constitution and a just arrangement of economic and social institutions” (ibid., p.87); not every outcome that has undergone *any* established process is automatically just.

Concerning the first aspect, distributive justice, there is an important critique advanced by Wolfgang Sachs (2009) that is relevant to considerations about distributive environmental justice in this paper: In Rawls’ model, distributive justice is achieved without redistribution – as long as the rich do not enrich themselves at the cost of the poor, Rawls does not object to the concentration of wealth in the hands of the rich. His idea is closely related to a recurrent metaphor of economic development: if the cake of wealth is constantly growing, there will be more for everyone (or, internationally speaking, every nation) – every actor’s situation will improve in absolute terms without adjusting the relative portions actors receive. Sachs perceives this focus on growth as a

¹ Rawls distinguishes three types of procedural justice: perfect procedural justice, where objective criteria for a just outcome exist and a procedure can be devised that guarantees this outcome (a person cutting a cake into equally sized pieces), imperfect procedural justice, where criteria exist but the procedure does not guarantee a just outcome (criminal trials), and pure procedural justice, which considers the outcome as just as long as it is the result of a just and accessible process (1972, p.85 ff.).

mechanism of sidestepping the “hard question of justice” (Sachs, 2009, p.24f.): instead of finding ways of redistributing benefits and burdens, the overall amount of benefits is increased and distributed according to an unequal ratio.

This approach, however, ignores the negative side effects of growth: the increasing scarcity of resources and ecological crises in the form of environmental destruction and climate change. Therefore, “greater equity cannot lie any longer in the perspective of ongoing growth” (ibid.) – but the hard question of how many resources can be consumed by any given actor, also with regard to the needs of future generations, needs to be addressed, which entails questions the national and international political economy. Going beyond Rawls, then, justice is about capping the excessive consumption of the rich rather than elevating the consumption of the poor to an equally destructive level. Against the background of this critique, distributive justice in this paper will also be analyzed with respect to its contribution to an alternative to growth – or, put differently, against the background of the following question: how can distributive justice be improved without retreating to destructive growth?

Conceptual Considerations II: The Ecological and the Social Environment

Following the definition of justice, the second crucial term needs to be operationalized: the environment. Particularly relevant for this paper is the relation between the natural environment and society. In the early phase of academic sociology, natural concerns were deliberately excluded from sociological considerations. While this happened to establish Sociology as a discipline free from natural determinisms², it prevented a more productive dialectic consideration of the relation between nature and society (Grundmann, 1997, pp.533-535). Although theorists who came to be considered as constitutive of the sociological canon, like Weber and Marx³, perceived nature and society as inextricably intertwined, in what followed, sociology came to be constructed “as if nature did not matter” (Murphy, 1995, p.688). Nature was perceived as the ecological factors surrounding society and not as a realm in close interaction with the social. This exclusion caused sociology – and society – to be ill-prepared for environmental problems: the reciprocal effects that nature and society have on each other were not a topic of sociological investigation (Grundmann, 1997, p.533).

² In the 16th century, climatic and racial factors were often considered explanations for social phenomena; in the early 20th century, social Darwinism continued this tradition, causing the emergent discipline of Sociology to reject those alleged explanations in order to develop its own identity. (Grundmann, 1997, p.533)

³ Karl Marx perceives precisely the dialectic relation between society and nature that Grundmann (1997, p.543) would find conducive: He sees a “social-ecological metabolism” (Bellamy Foster, 1999, p.378) – a close interdependence between humans and nature in the process of production. Similarly, Max Weber was aware of the relation between ongoing processes of rationalization and resource use; a combination steering society into “mechanized petrification” until “the last ton of fossilized coal” has been burnt (ibid., p.399).

It is little surprising, then, that once ecological concerns did arise in response to an ongoing industrialization with destructive effects for humans and nature, they were characterized by the very same understanding of the separation of humans from their environment. Afore-mentioned Martinez-Alier (2002) analyzes two such strands: the “cult of the wilderness” (p.1) and the “gospel of eco-efficiency” (ibid.). In both cases, nature and society are perceived as separate realms: the former wants to protect landscapes and wildlife for their own sake and certainly also for human enjoyment, the latter focuses on the resources one realm, nature, provides for the other, society.

In contrast to this separate perception there are other views of what the environment is that are more conducive for the field of environmental justice and this paper. The environment can also be understood in ways that exceed ecological perceptions. A central figure of the early EJ movement, Robert Bullard, argued: “the environment is everything: where we live, work, play, go to school, as well as the physical and natural world” (qtd. in Schweizer, 1999). Here, the environment is more than a variety of ecological factors; in fact, it is everything that is not the unit in question itself, and the physical and the social environment are inextricably intertwined. This view allows for a much richer understanding of the environment that includes non-ecological factors that might have effects on the unit in question. The field of environmental research is thus opened up to questions of social relations – how is the environment of a given unit in question structured, what does it consist of, and what are the power relations in this environment?

Putting it Together – The Environmental Justice Movement (EJM)

It is precisely those questions related to the social environment that the Environmental Justice Movement⁴, which emerged in the 1980s in the U.S., is concerned with. “Communities are not all created equal,” (Bullard, 1993, p.15) stated afore-mentioned Robert Bullard in reference to a problem for which awareness began to gain momentum on the level of grassroots activism in the U.S. shortly after the Civil Rights Movement: the “disproportionate allocation of toxic waste to Latino or African-American communities in urban-industrial situations and in the USA” (Martinez-Alier, 2002, p.168), or, generally speaking, the disproportionate burdening of minority groups with pollution and hazardous waste.

According to Low and Gleeson (1998), the environment comprises both “‘good’ and ‘bad’ elements” (p.102) which need to be distributed across communities, nations and the globe – goods

⁴ It is important to emphasize the distinction between the Environmental Justice Movement and Environmental Justice academic research. Awareness for the problem of environmental injustice emerged on the level of grassroots activism, followed by the establishment of an analytical frame in EJ research. Today, the movement is an expression of the analytical frame that has been formed by grassroots struggles.

being, for example, clean air and fresh water; bads being the opposite, such as polluted air, hazardous waste – in short, land uses with harmful consequences for humans. Often, the land uses per se are socially accepted; their physical proximity, however, causes concerns about human health and environmental destruction, turning siting decisions into highly political affairs. A prime example of this is the desire for low energy prices and protest against siting decisions of nuclear reactors or waste disposals. While most people favor the former, nobody wants the consequences of the latter in their environment – not in my backyard (NIMBY) is the formula that summarizes this antipathy to the direct confrontation with environmental hazards (Low & Gleeson, 1998, p.114).

In the political and economic climate of the U.S. in the 1980s, geared towards economic growth,⁵ the question of where to locate industrial residues became ever more pressing and in the same decade, activist groups in the spirit of the Civil Rights Movement began to show the nation what they had perceived for a long time: hazardous waste sites, landfills, incinerators, smelters, and polluting industries (summarized as locally unwanted land uses (LULUs) by Low and Gleeson (1998, p.112)), were increasingly and intentionally located in those areas whose inhabitant had the weakest political clout to protest against siting decisions: communities inhabited mainly by “Blacks, Latinos, Indigenous peoples, Asians, migrant farm workers and low-income people” (Gosine & Teelucksingh, 2008, p.4). In the absence of comprehensive regulation, environmental bads were distributed according to racist criteria, causing ethnic minorities to disproportionately bear the consequences of pollution without being able to participate in the design and implementation of environmental policies (Low & Gleeson, 1998, Bullard, 1993, Gosine & Teelucksingh, 2008).

African-American civil rights leader Ben Chavis coined the term “environmental racism” (Hasler, 1994, p.417) to describe this phenomenon, an extension of institutional racism that structurally disadvantages non-white citizens. A crucial incident of protest against environmental racism took place in Warren County, North Carolina, in 1982: A hazardous waste facility was to be placed in Afton, the poorest community in the state with an overwhelmingly African-American population (84%), far away from the white middle class. The residents organized to avert this case of PIBBY, place in blacks’ backyards (Gosine & Teelucksingh, 2008, p.2), and although they were not able to overturn the siting decision, this instance of grassroots protest is considered the beginning of a social movement: the Environmental Justice Movement, which, in its early phase,

⁵ Following the Fordist compromise of the post-WWII decades, U.S. society experienced a set of political and economic changes in the 1980s sometimes subsumed as “Reagonomics.” Market liberalism and processes of neoliberalization began to proliferate, leading to decentralization, deregulation of financial markets, privatization, flexible labor relations and social austerity in the name of economic growth and the strengthening of the U.S. position in the global economy. The environment was not conducive for concerns about negative impacts of economic growth or even skepticism towards growth as such (see, for example, Harvey, 2005).

constituted an “organized movement against ‘environmental racism’” (Martinez-Alier, 2002, p.168); it made claims for the equal treatment of all ethnicities with respect to the distribution of environmental bads.

Following the Warren County incident, the notions of environmental racism and environmental justice gained momentum in the national debate. Studies conducted by Reverend Ben Chavis and the United Church of Christ’s Commission for Racial Justice (see Chavis & Lee, 1987) elaborated race as the strongest predictor for the deliberate siting of locally unwanted land uses. This observation reveals the power discrepancies underlying environmental injustices: for minorities, factors like a non-white ethnicity, lower levels of education and a lower income are often inextricably intertwined, making it harder for minorities to either avoid the injustice by moving away (Bullard, 1993, p.21) or to influence policies in a favorable way. Minorities often do not have the political clout the white middle-class has; therefore, increased middle class resistance against LULUs and resulting environmental regulations favored the middle class and contributed to aggravating the situation of the poor, both nationally through siting decisions and internationally through the export of waste into developing countries (Bullard, 1993, Low & Gleeson, 1998).

As briefly mentioned in the previous chapter, Martinez-Alier (2002) identifies two strains of environmentalism that have preceded environmental justice: the “cult of the wilderness”, following the tradition of John Muir, and the gospel of eco-efficiency: calls for the “efficient and sustainable use of natural resources” (p.169). Unlike those two strains, environmental justice does not stem from a desire to protect or sustainably use the natural world, but it focuses on humans living *within* the environment and the environment as a “requirement for livelihood” (ibid., p.11). It is concerned not so much “with the rights of other species and of future generations of humans [than with] today’s poor humans” (ibid.) and their right to their environment. If the cult of the wilderness and sustainable resource use are the domain of the white middle class (Chavis & Lee, 1987, p.6), environmental justice is “the environmentalism of the poor” (Martinez-Alier, 2002), which connects environmental concerns, in the sense of ecological, to conflicts created by economic growth (p.14), broader struggles against racial and gender inequality and for social justice. The movement is aware of the close relation between racism and environmental destruction, which Jeffrey Myers (2005) neatly summarizes: “[R]acial oppression and environmental destruction [are] inherently and historically related [since] the ethnocentric outlook that constructed ‘whiteness’ over and against the alterity of other racial categories is the same perspective that constructed the anthropocentric paradigm at the root of environmental destruction” (p. 5).

In order to do justice to this recognition, the EJM wants to go beyond not-in-my-backyard

approaches. Unlike the mainstream environmental movement of the white middle class, the EJ movement “refused to say ‘not in my backyard’ without questioning or caring about whose backyard the problem ended up in” (Taylor, 1993, p.54). Consequently, the movement demanded that environmental injustices like hazardous sites should not be located in *anyone’s* backyard (NIABY) or not even on planet earth at all (NOPE) (Taylor, 1993; Low & Gleeson, 1998), implying a severe reconsideration of the national and international political economy and a critique of the “*production of risk*” rather than the “*spatial allocation of risk*” (Low & Gleeson, 1998, p.131).

Following the initial exposure of environmental racism, and in line with Low and Gleeson’s call for an analytical move towards the root of the problem, the movement’s conception of the environment, justice, and consequently of its own goals, have become broader. In 1991, 17 principles of environmental justice were developed at the First National People of Color Environmental Leadership Summit, principles that include the right of self-determination with regard to one’s environment as well as the equal participation in decision-making processes – John Rawls’ concept of procedural justice (Gosine & Teelucksingh, 2008, p.10-11). In fact, the concept of environmental justice has over time become institutionalized and is now defined by the United States Environmental Protection Agency (EPA) as follows:

“Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.” (EPA, 2013)

This definition shows that the focus of the early movement, the racialized distribution of environmental bads, has been extended and correlates with Rawls’ understanding of justice: both procedural and distributive justice are relevant. EJ is achieved when “everyone enjoys the same degree of protection from environmental and health hazards” (EPA, 2013), distributive justice, and everyone has “equal access to the decision-making process” (ibid.), participatory justice. Also, the definition of environment exceeds ecological approaches and is similar to Bullard’s approach: we “live, learn, and work” (ibid.) in the environment. The physical and the cultural environment are inextricably intertwined and EJ as defined by the EPA refers to both the quality of the ecological surroundings as well as the quality of human life that can develop within those surroundings.

“Is All Justice Environmental,” then (Hamlin, 2008, p.145)? And how is EJ different from

social justice (SJ) if the environment is a social environment? Against the historical and theoretical background presented, I argue that the difference between the two is of an analytical rather than a factual nature – the phenomena the two describe are very similar; what differs is the perspective. While I understand social justice as a macro approach that analyzes the distribution of justice within a society as a whole – which groups have access to which resources; does everyone have the same opportunity to participate in decision-making processes, and why are certain groups disadvantaged – EJ takes communities as starting points and asks whether members of that community have the right to determine and the capacity to enforce how they want to live, work, and play. Since EJ began as a movement against environmental racism, its emphasis on social issues functions as a corrective to traditional environmentalist concerns. It highlights the close relation between social exclusion and environmental destruction – ecological concerns are embedded in a social context. This can take place on a top-down level focused on frameworks like human rights, but also on a more critical, bottom-up level that asks for the discrepancy between the consensus within a community concerning their environment and the environmental reality.⁶

What EJ and SJ have in common is a concern with power relations between actors. Rawls' "veil of ignorance" helps to illustrate this characteristic: Only in this hypothetical situation does Rawls see the beginning of justice – in a situation, in which power discrepancies are eliminated. Consequently, injustice is closely related to actors' awareness of their social position and of power differences and it is precisely those power differences that both social and environmental justice highlight. Both concepts are means to point out similar patterns of power and domination and as both concepts often reveal that the same groups experience different injustices, they are potentially emancipatory tools that can provide alternative narratives to dominant understandings that lead to precisely those injustices.

Environmental Injustice in the Ecuadorian Amazon

Drawing on the conceptual considerations of the previous chapter, I am now going to analyze the situation of indigenous groups in the Ecuadorian Amazon against the background of oil extraction in the rainforest. The underlying question here is the following: In how far are indigenous peoples in the Amazon experiencing distributive and procedural injustices with regard to extractive industries? This is necessary in order to outline the situation that a mechanism like Yasuní-ITT

⁶ For the latter approach, it is important to continuously question and, if necessary, revise the notion of community – we need to question whom we perceive as part of a community and if in fact everyone has the chance to contribute to a community consensus so as not to enforce a top-down vision of community on a potentially incoherent group.

could improve.

Oil Extraction and Indígenas – The Initial Situation

Following the large-scale discovery of oil in Ecuador in the 1960s⁷, the country has turned into a nation that is heavily dependent on the export of oil (Pichón, 1992, p.664, Kimerling, 2012, p.236). For its size, Ecuador has fairly large oil reserves, the third largest reserves on the South American continent: an estimated 7.2 billion barrels. Ecuador is the second largest provider of oil for the West Coast of the United States and half of the country's export earnings as well as about one third of the federal budget stem from the extraction of oil (U.S. Energy Information Administration, 2012). The largest reserves are located in the country's east, the Amazon basin, with the amount in Yasuní's ITT fields, Ecuador's second-largest reserve, constituting 20% of the country's overall reserves (Larrea et al., 2009).

As Ecuador's Amazon region is inhabited by a large number of indigenous nations who subsist on rain forest land, the discovery of oil in this area is inextricably intertwined with the fate of those groups. While indígenas in the Amazon had mostly lived in isolation from the rest of the Ecuadorian nation until the 1960s, two mutually reinforcing developments turned contact with and appeasement of indigenous tribes into a "national imperative" (Kimerling, 2012, p.237): the agrarian reforms of 1964 and 1973, leading to the 1964 "Ley de Tierras Baldías", Law of Public Lands, and Texaco's 1967 discovery of oil in the province of Napo (Perreault, 2001, p.386, Sawyer, 2004, p.11). In order to enable extractive activity and relieve densely populated urban regions, a government-promoted colonization of native lands in the Amazon began that portrayed those lands as "baldías", empty.

Due to the emerging network of petroleum infrastructure, the Amazon region was made more accessible and attractive to settlers (Perreault, 2001, p.386). It is here that the multilayered negative consequences for indigenous peoples become particularly visible: the search for oil led to violent entries into native territories, formerly isolated tribes like the Huaorani were forced to establish contact with the rest of the nation in order to guarantee access to oil, peoples were relocated, traditional subsistence processes interrupted, and indígenas pushed into a dependency on trade relations (Kimerling, 2012, p.239).

⁷ The history of oil development in Ecuador dates back to 1878, when the National Assembly granted M.G. Mier the exclusive right to extract natural resources. In 1937, Shell received the first concession for exploration in the Oriente region, but the large-scale oil extraction did not gain momentum until the late 1960s (Texaco, n.d.).

Distributive Justice, Procedural Justice, and Indigenous Protest

Put very simply, indigenous groups in the Amazon are experiencing a severe case of distributional injustice. While oil did bring progress to elites in urban settings, it brought destruction for natives in the form of environmental degradation and human health impacts (Kimerling, 2012, p.237, Perreault, 2001, p.386). This discrepancy is in accordance with a phenomenon known as the oil curse (“The paradox of plenty,” 2005, Vidal, 2011): developing countries dependent on one single resource and export good are usually not able to sufficiently diversify their economy and generate wealth for society as a whole, which leads to profit for a small elite at the cost of large shares of the population – a Rawlsian injustice. In Ecuador, indígenas who inhabit the region in which the oil is located “have borne the costs of oil development without sharing in its benefits” (Kimerling, 2012, p.237) a problem of distributive justice that negatively affects a non-white part of the population.

How did indigenous peoples react to this situation? Like in the early phase of the EJ movement in the United States, indígenas began to organize and protest on a grassroots level (Sawyer, 2004, p.15). While the first indigenous federation was founded in the 1960s and the network of associations has grown and is now organized on the local, regional, and national level with CONAIE, the Confederation of Indigenous Nationalities of Ecuador, constituting the umbrella organization, their most spectacular public protest didn’t take place until the 1990s: In 1992, more than 2000 indígenas marched from the Amazon to Quito to demand the legal recognition of land titles⁸ for large shares of traditionally used rain forest land that would prohibit extractive activity in indigenous territory (Sawyer, 2004, p.27).⁹

The recognition of indigenous rights within but independent from traditional civil rights was a notion that began to gain momentum in the late 1970s (Araújo, 1991, p.23), and over time, Ecuadorian indígenas attained several successes: In 1990, the land of the Huaorani was legally enlarged, and following the protest march of 1992, indígenas received legal title to 55% of claimed land (Kimerling, 2012, p.239, Sawyer, 2004, p. 50). The same holds true for constitutional rights: In 1983, the indigenous language Kichwa was mentioned in the constitution as being part of Ecuador’s national culture (Marés de Souza Filho, 1991, p.30), and the constitution of 1998 explicitly grants

⁸ Another central demand was the recognition of Ecuador’s plurinationality, as indígenas are not a coherent ethnic minority, but constitute around 40% of the country’s population and consist of diverse nations (Smith, 1992, p.102). In addition, legal action has been brought against oil companies, for example against Texaco in 1993 and in 2003 against ChevronTexaco (Kimerling, 2012).

⁹ Interestingly, when fighting for what is an issue of environmental justice – the right to exercise self-determination with regard to the environment one lives in – native activists have repeatedly drawn on another strain of environmentalism, the cult of the wilderness. By depicting themselves as the “guardians of the Amazon” (Sawyer, 2004, p.53), indígenas employed the rhetoric of (Western) conservationists in order to make their actual concern, indigenous rights and self-determination, more familiar to the white middle class, nationally and internationally.

collective rights to the country's central non-white groups, indígenas and afroecuatorianos. In 2008, the constitution was expanded to strengthen indigenous rights and it also became the first constitution in the world to grant rights to nature. What is more, two indigenous concepts found entry into the constitution and reinforce the nation's plurinational character: Ecuadorians have the right to "sumak kawsay", *buen vivir* in Spanish, the good way of living in a healthy and ecologically balanced environment, and nature is referred to as "Pacha Mama", and has the right to "integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes." (Political Database of the Americas, 2011).

Although several of those developments have a progressive character, victories for indigenous people were never complete and it becomes clear that indigenous groups are experiencing procedural injustices. The 1992 land grant, for example, divided the land into different sections irrespective of the territorial boundaries indígenas themselves perceived, resulting in conflicts between clans that undermine coherence and solidarity. Moreover, in spite of the titling, the policies that had enabled colonization of the Amazon region remained in place until 1997 (Kimerling, 2012, p.238) and a severe legal loophole that affects both land titles and constitutional rights remains to this day: the state is the owner of natural resources located underneath titled territories (Smith, 1992; p.104). As a consequence, land titles didn't protect indígenas from further invasion and destruction of their territory by oil companies, to whom the state as the owner of resources had granted concessions, and even in the 2008 constitution, natural resources are listed as the "unalienable heritage of the state"; they are "strategic resources" (Political Database of the Americas, 2011) which the state, though required to minimize harmful ecological and social effects, can command.

It becomes clear that the basic injustice that is happening to Ecuadorian indígenas is the lack of recognition of their land titles. While this is a strong case of social injustice – legal rights of a non-white segment of society are undermined in favor of economic growth – it is also a case of environmental injustice, as the environment in which indígenas want to "live, work, [and] play" (Schweizer, 1999) is negatively affected by the failed recognition of land ownership and, following this underlying injustice, by environmental degradation and health hazards related to oil extraction. While this is not a typical siting decision – the location of the oil cannot be changed – environmental racism is still visible. Harm to indigenous groups who have little political clout is accepted in order to provide a social good, wealth, for more affluent, usually non-indigenous, parts of the nation. In the following section, I am going to analyze whether, and if so, how, the Yasuní-ITT initiative contributes to environmental justice on the distributive and procedural level.

Yasuní – A Mechanism of Environmental Justice?

Concerning the ITT initiative, there is an ongoing tension between global and local politics that is central to the assessment of the initiative's contribution to environmental justice. The tension concerns the main goal of the initiative: Is it mainly a means of mitigating climate change or is it an attempt to reach indigenous self-determination and environmental justice for the groups affected by oil extraction? In this chapter, I am first going to outline the content of the initiative and then analyze its contribution to distributive and procedural justice. Following the argument that procedural justice is lagging behind, I will present possible reasons for this problem, most importantly the initiative's financial viability. Further, Enzensberger's idea of global projection will be relevant to the analysis of tensions between the national and international spheres.

Yasuní-ITT: An Overview

On September 24, 2007, Ecuador's newly-elect president Rafael Correa presented an "Initiative to Change History" (Larrea et al., 2009, p.1): Although the country depends on the export of oil, the administration proposed to indefinitely forgo the extraction of 846 million barrels of oil located underneath one of the world's most biodiverse spots, Yasuní National Park. As the non-extraction is financially harmful in the short run, Correa challenged the international community to assume co-responsibility for the global problems of climate change and biodiversity loss and to support the proposal by partially compensating Ecuador for the provision of this environmental good, an intact Amazonian ecosystem, with a sum of \$4.6 billion (Correa, 2007, p.2).¹⁰ If the proposal succeeds, three goals will be met: First, the initiative is an innovative option for combating global warming by avoiding the emissions associated with the extraction of oil – 410 million tons of CO₂; secondly, it contributes to the protection of biodiversity and supports the voluntary isolation of two indigenous tribes, the Tagaeri and Taromenane, and finally it forms part of a strategy directed towards post-petroleum approaches of human development (Larrea et al., 2009, p.2, UNDP, 2012).

The oil constitutes 20% of the country's reserves and is located in three fields underneath Yasuní National Park. In 1979, the National Park was established to protect the area's outstanding biodiversity – it has the greatest diversity of amphibians worldwide, the greatest concentration of tree and shrub species, and one single upland hectare contains more tree species than the continental U.S. and Canada combined (Martin & Finer, 2010, part 1). In 1989, the UNESCO made the park a

¹⁰ While Correa in his initial proposal asked for \$4.6 billion, articles referring to his speech at the General Assembly usually talk about a demand of \$3.5 billion over either ten or 13 years, or a contribution of \$350 million for each of either 10 or 13 years.

World Biosphere Reserve, limiting the activities allowed within the reserve to “cooperative activities compatible with sound ecological practices, including environmental education, recreation, ecotourism, and applied and basic research.”¹¹

Yasuní is also the ancestral and current home of the Huaorani, an indigenous population, and their distant relatives Tagaeri and Taramenane, who live in voluntary isolation and have no peaceful contact with outsiders. In order to protect the traditions of the isolated tribes, a part of Yasuní was declared “Zona Intangible”, untouchable zone, in 1999 and officially put off-limits to the oil industry (Finer, Moncel & Jenkins, 2010, p.64). However, due to the mentioned loophole in Ecuador’s Constitution, the state remained the owner of natural resources and can proceed with extractive activity even in protected areas if deemed in the national interest. Consequently, oil extraction has taken place within the National Park and the Intangible Zone, accompanied by protest of indigenous peoples, and previous administrations had already developed plans to exploit the ITT fields, a part of which overlaps with the intangible zone (cf. Finer & Martin, 2010).

The collection of funds for the initiative is organized by the United Nations Development Program: In 2010, a trust fund was established to which other nations, organizations, and individual actors can contribute. The trust fund consists of two windows: the Capital Fund Window, which attempts to collect \$3.6 billion¹², half the expected foregone revenue, and the Revenue Fund Window, to which contributions that support the larger goals of the initiative, social and sustainable development, can be made. Pledges and contributions can take the form of direct cash commitments, but also, for example, debt swaps. In exchange for a contribution, the donor receives a Yasuní Guarantee Certificate over the contributed sum that guarantees the perpetual oil moratorium and becomes redeemable in case of extraction by a subsequent government (UNDP, 2012).¹³ In 2011, the initiative surpassed its contribution goals and in 2012, the sum of pledges and deposits reached \$300m (“The Yasuní-ITT initiative: shifting paradigms,” 2012; “The Yasuní Initiative,” 2012; Vidal, 2012).

Not in Anyone’s Backyard: ITT and Distributive Justice

The contribution of Yasuní-ITT to distributive justice is particularly visible with regard to Sachs’ critique of justice without redistribution: in order to prevent further environmental degradation,

¹¹ See <http://www.sosyasuni.org/en/>; accessed 03/05/2013

¹² While the initial proposal called for the collection of \$3.6 billion over a period of 13 years, Correa indefinitely extended the deadline in 2009, giving more credibility to Ecuador’s goal of non-extraction (Martin, 2010, p.34).

¹³ At some point of the development of the initiative, the idea of including Yasuní Guarantee Certificates into Kyoto-recognized emission trading schemes; this, however, has been abandoned again.

alternatives to development strategies based on economic growth need to be found. ITT goes into precisely this direction: As stated by the UNDP, the initiative is a move towards strategies of human development that are not based on non-renewable resources (UNDP, 2012). In accordance with Ecuador's 2008 constitution, development is to be restructured along the lines of the indigenous concept *sumak kawsay*, *buen vivir*, harmonious co-existence with nature (Arsel & Angel, 2012); however, the implementation has been lagging behind as the country depends on revenue from oil extraction. ITT with its mechanism of compensation now provides Ecuador with a financially viable option of leaving the oil underground. While the initiative has been criticized for its focus on compensation instead of the application of already existing rights (Finer, Moncel & Jenkins, 2010, p.65), international contributions help the developing country to comply with its internal laws and regulations. At the same time, the initiative attempts to decommodify our understanding of nature¹⁴ – it is not only relevant as a source for national resources, and other forms of value, such as an intact ecosystem, gain recognition. It becomes evident that the initiative is attempting to alter our understanding of value (creation) and development.

Therefore, the proposal goes into a NIABY rather than a NIMBY direction: If oil remains underground, indigenous groups on the local level will not be confronted with the immediate negative consequences of drilling in their backyard or environment. Deforestation, extensions in infrastructure, the risk of destructive oil spills, negative effects on human health, and the destruction of biodiversity are simply avoided; they no longer take place in anyone's backyard. Simultaneously, an environmental good is made accessible: an intact and diverse ecosystem. On a global level, the NIABY effect is also visible. If extraction and infrastructural processes surrounding extraction do not take place, a large number of CO₂ emissions is avoided altogether – like the ecologically destructive local effects, a certain amount of emissions is simply avoided; an important contribution to climate change mitigation efforts that was advanced at a time at which awareness for the destructive effects of global warming increased (see, for example, IPCC Report, 2007).

ITT and Procedural Justice

While ITT does contribute to distributive environmental justice on a local and global level, opinions diverge concerning the aspect of procedural justice and the ability for various groups of actors to

¹⁴ While Yasuní might become decommodified with regard to oil, commodification is still visible: as will be discussed later, the value of the protected area is measured in relation to the market price of carbon. While Ecuador might want to transcend commodified versions of nature, this is financially harmful for a developing country dependent on resources. Consequently, relapses to established paradigms – development through resource extraction, the commodification of nature – recur throughout Correa's time in office: his decidedly post-neoliberal approach frequently draws on neoliberal practices (Arsel, 2012, Bebbington & Bebbington, 2010).

participate in the proposal's design and advancement – a topic that is closely related to the financial viability of the initiative. In order to understand the debates about procedural justice, the origins of the initiative need to be analyzed.

While Correa is often portrayed as the initiative's ideological father, he is in fact indebted to ideas that have emerged within civil society a decade before the proposal was presented. When the organization Oilwatch was founded in 1996, protest against oil extraction grew and the created a more coherent network of opponents, which soon advanced the idea of an oil moratorium to stop extraction (Arsel & Angel, 2012, p.214). One of Ecuador's most vocal organizations, *Acción Ecológica*, belongs to the opponents of oil extraction as well¹⁵. Similarly, CONAIE, Ecuador's federation of indigenous groups opposes the destructive neo-colonialism exercised by transnational corporations – such as Texaco – in indigenous villages.¹⁶ In 2005, this network presented a report named “An Eco-Logical call for conservation, climate and rights,” outlining the basic idea of compensation for non-extraction and starting the public debate (Arsel & Angel, 2012). What is more, in 2009 Alberto Acosta, future Minister of Energy and Mines, published “The Curse of Abundance”, in which he draws on the resource curse thesis and argues that Ecuador will not be able to overcome its social and environmental problems by further relying on the extractive industry (Arsel & Angel, 2012, p. 214).

The basic idea to leave oil underground out of which the ITT initiative developed stems from a context that is traditionally concerned with environmental and indigenous rights. Its initial goals related to the protection of the environment and the right of indigenous groups to live in an intact environment and, in the case of the Tagaeri and Taromenane, to continue their voluntary isolation in the “Zona Intangible”, or, put differently, to be able to determine in which environment to live. It is a question of indigenous rights: While rights had been previously granted to indígenas, and even fortified and expanded to nature with the 2008 constitution, their application is lagging behind and the ITT initiative started as an attempt to enforce non-extraction in indigenous territory.

Although the idea of an oil moratorium emerged within civil society, the initiative is today portrayed as the centerpiece of Correa's *revolución ciudadana* the citizen's revolution and the country's approach to go beyond resource-based development (Arsel, 2012). Moreover, as the administration needs financial contributions from the international community, negotiations are largely taking place on the international level. How does this affect the ability of civil society and indigenous communities to participate in the further development and implementation of the

¹⁵ See <http://www.accionecologica.org/>; accessed 03/05/2013

¹⁶ See <http://www.conaie.org/sobre-nosotros/que-es-la-conaie>; accessed 03/05/2013

initiative, that is, their right to procedural justice?

Pamela Martin (2010), a researcher involved with the initiative, sees the proposal as a challenge to existing institutional norms that, due to the global relevance of its demands, requires the coordination of and dynamic interaction between different levels of actors: civil society, national and international governments and NGOs. In a first step, interaction took place between the Ecuadorian civil society and the national government. Once the administration had adopted the proposal, it needed to be presented on the international level, as it implies new international institutional norms. In order to be internationally successful – and Ecuador depended on this success for the acceptance of (financial) co-responsibility by others – existing international norms need to be altered, and during this process, the national government represents the claim. While Martin concedes that participation for non-governmental initiators can be difficult at this stage (p.19, also see Warnars, 2009, p.61), she maintains an optimistic outlook and argues that “domestic supporters who were originally involved in the initiative [...] re-engage and ultimately dialogue with the government and international supporters to re-fashion the initiative.” (2010, p.31).

Murat Arsel and Natalia Angel (2012) are more pessimistic. They argue that the proposal that emerged as the result of long-standing grassroots resistance from indigenous and environmentalist groups against oil extraction and advanced to an idea articulated by the country’s civil society “had effectively been appropriated by a state machinery whose actions and processes – regardless of their intent – had marginalized the very people that advocated the proposal in the first place” (p.218). Negotiations are largely taking place on the international level with little access for Ecuadorian non-governmental organizations; local movements are only mentioned in UNDP document as supportive of the proposal (ibid., p.217). In this view, procedural justice is not given for indigenous and environmental groups. As “their” initiative gained international momentum, it becomes increasingly hard for the original initiators to participate in the further process.

Procedural Justice and Financial Viability

In order to answer the question of why procedural justice is lagging behind, the political context from which the initiative emerged as well as several transformations it underwent have to be taken into account. First of all, the initiative needs to be understood against the backdrop of a changing political scene in several South American countries: the promise of a political left turn in response to neoliberal policies that had aggravated poverty and inequality, spearheaded by presidents of three countries: Rafael Correa (Ecuador), Evo Morales (Bolivia’s first indigenous president), and late

Hugo Chávez (Venezuela).¹⁷ In order to develop a counter-narrative to neoliberalization, political leaders have begun to address precisely those issues that had been left to the market by previous regimes, such as economic redistribution and natural preservation (Arsel & Angel, 2012, p.216).

At the heart of this left turn lies a crucial conflict: At the same time as concerns for nature and social equity become relevant, additional financial means are needed in order to fund an expanded social agenda, requiring the state to generate more revenue, which in the case of a petroleum-exporting developing country signifies a turn to increased activity in the extractive sector, the difference to neoliberal approaches consisting in the nationalization of resources. Thus, at the same time as Ecuador granted constitutional rights to nature, the extractive industry became increasingly important (Arsel & Angel, 2012, p.211). Kaup (forthcoming, qtd. in Bebbington & Bebbington, 2012, p.12) diagnoses a path dependency of the afore-mentioned resource curse – a country dependent on one stable export has not been able to sufficiently diversify its economy in order to generate revenue from other sources and resumes a practice harmful to their ultimate goals: social and environmental well-being.

As ambiguous as this underlying conflict is Correa's position towards the initiative. While publicly supporting "Plan A", non-extraction, he has repeatedly referred to "Plan B": business as usual, the extraction of oil, and oscillates between the two goals (Martin, 2010, p.23). Here, debates about granting drilling concessions for blocks in the direct neighborhood of Yasuní undermined international credibility of the ITT proposal (ibid.). On a more general level, Correa oscillates between openly associating with civil society organizations and publicly offending them. When running for office, he employed a fairly populist agenda and aimed to end Ecuador's "long neoliberal night" (qtd. in Bebbington & Bebbington, 2010, p.6) and thus joined forces with actors of civil society who had long protested against neoliberalization. In 2007, however, he denounced several of his supporters as "extortionists [,] terrorists [,] romantic environmentalists and [...] infantile leftists" (qtd. in Bebbington & Bebbington, 2010, p.7) and claimed that those groups constitute a small fraction of society that does not represent peoples from the Amazon, who allegedly support the extraction of oil.

Given this unstable political background, it is not surprising that the international coordination of relevant actors is equally unstable, particularly in relation to the mechanism of

¹⁷ Since the late 1990s, an increasing number of left-wing politicians came to power in South America; a tendency that has colloquially been described as a „pink tide“. Prominent examples of this tendency in elections are the afore-mentioned late Chávez (1999-2013, when he passed away and Nicolás Maduro took his place), Morales (2006), and Correa (2007). Those leaders openly oppose further tendencies of neoliberalization that had aggravated social and environmental problems in their respective countries and pursue similar political – and often fairly populist – agendas (Arsel, 2012, Bebbington & Bebbington, 2010).

compensation (Martin, 2010, p.32 ff.). In the first drafts, the international community was to contribute out of valuation for biodiversity and receive Yasuní Guarantee Certificates as a guarantee of perpetual non-extraction in exchange. At first, the value of the certificates was to be based on the 2009 price of petroleum in accordance with the initiative's main goal; in a later version, however, the idea arose to base the value on the price of carbon and to open up existing emission trading schemes like the European Union Emission Trading Scheme for the certificates, emphasizing the initiative's contribution to combatting climate change. As Martin (2010) summarizes, "the concept of leaving oil underground, while still central to the proposal, had been transformed to the environmental benefit of avoided emissions" (p.35). Today, the price of guarantee certificates is still based on the market-value of carbon; however, rather than including them into emission trading schemes, they are a symbolic guarantee of non-extraction and thus a tool towards post-Kyoto mechanisms of climate change mitigation – the avoidance rather than trading of emissions.

While this compensation mechanism was finally settled in the 2010 trust fund agreement with the UN, it becomes evident that crucial negotiations concerning the funding took place on the international level and not in close contact with Ecuador's indigenous and environmental actors. Although the initiative in its "globalized" form is still beneficial to its initiators, a significant transformation has taken place that hampered non-governmental access to the process of shaping the initiative. As a result of the trust fund negotiations, the initiative's contribution to climate change has become the central focus of the project and other positive effects of the oil moratorium seem to take second place: the emphasis on indigenous rights – most importantly the Tagaeri and Taromenane's right to live in voluntary isolation – are often mentioned in the same breath as the protection of biodiversity, making the tribes sound like another component of biodiversity rather than actors that claim the right to live within the environment of their choice.

This reframing of the initiative is necessary to gain international recognition and, consequently, financial support. While non-extraction out of ethical reasons or concern for indigenous rights do not constitute ideas that easily create international resonance and cause alterations of the political economy of industrial nations, protecting the rainforest and mitigating climate change, on the other hand, are issues that are relevant to other international actors, especially as awareness for the risks associated with climate change is growing. Therefore, like the indigenous protest groups who depicted themselves as the guardians of the pristine rainforest in the 1990s (Sawyer, 2004), it is easier to gain the necessary public support for the initiative and to alter international norms by appealing to reasons that are familiar to other actors. Put radically, at the expense of its initiators' ideas, the initiative has been made publicly and financially viable.

There is a concept that is helpful to describe the dangers of the ongoing tension between negotiations on the national and international level: Hans Magnus Enzensberger's idea of global projection. Enzensberger (1974) argues that the ecological movement often uses the metaphor of a "spaceship earth" to portray the earth as a "closed and global eco-system." By doing so, Enzensberger sees "one of the oldest ways of giving legitimacy to class domination and exploitation [...] resurrected": by appealing to a feeling of "global brotherliness", or the universal relevance of an issue, questions that are relevant on a smaller scale like an analysis of the "distribution of costs and profits" are sidestepped in favor of larger goals. This is related to Wolfgang Sachs' (2002) view on economic growth: the global ideal of economic growth is reinforced to sidestep the hard question of justice (p.25). In the context of ITT, conflicts within Ecuador – indígenas and environmentalists fighting for the application of constitutional rights – might be increasingly downplayed in favor of the climate change mitigation efforts the initiative brings with it on a global scale.

The projection of the initiative onto the global climate change mitigation scene is nicely illustrated by the advance of members of civil society into ministerial jobs. Arsel and Angel (2012) speak of an "exodus of major figures from civil society to the state" (p.216): several people who were involved with the idea of an oil moratorium were recruited by Correa for his administration when the initiative gained momentum on the national level – Alberto Acosta, author of "The Curse of Abundance", who was named Minister of Energy and Mines in 2007, and Maria Fernanda Espinoza, regional director of the International Union for the Conservation of Nature, who became Correa's Minister of Coordination of Heritage (Arsel & Angel, 2012, p. 215). Persons who had initially been involved with the proposal advanced from local figures to globally relevant actors, turning the initiative into a state policy rather than an activist proposal. While those appointments clearly document the initiative's national success, they also illustrate the danger of influential civil society leaders to dissociate from their original role and to neglect close interactions with civil society in favor of the international sphere. In fact, the global projection has succeeded to obscure the origins of the initiative: A webpage answering frequent questions about the initiative states that several environmental and indigenous organizations have endorsed the proposal.¹⁸

Conclusion – A New Framework for Environmental Justice?

Does the Yasuní-ITT initiative contribute to environmental justice for indigenous tribes in the Ecuadorian Amazon? The initiative pursues goals both on the international and the national level

¹⁸ See <http://awildidea-movie.com/faq.php>; accessed 03/05/2013

and in consequence involves negotiations on different programmatic levels: between the Ecuadorian civil society and the Ecuadorian government, as well as between the Ecuadorian government and other governments and international NGOs. This situation raises the question of how to reconcile those goals and therefore, the answer to the initial question depends on the perspective from which the issue is analyzed.

On the level of distributive justice, the answer is yes, locally for indígenas, but also on a global level. In the Amazon region, the foregone oil extraction prevents further environmental degradation and negative effects on human health. While indígenas have previously borne the cost of oil development, the initiative eliminates the costs of extraction altogether. Not only do they no longer take place in indigenous peoples' backyards, they are no longer located in anyone's backyard – a goal in line with critical approaches to environmental justice that entail a reconsideration of the political economy. On a global level, this NIABY approach is also visible: if emissions are avoided, their contribution to climate change is avoided, sparing anybody the risk of dealing with an additional 410 tons of carbon.

Concerning procedural justice, the matter is more opaque. As negotiations take place on several levels, and as Ecuador depends on international financial support, the initiative has to be presented in a way that resonates with the donor organizations, a situation that threatens to compromise the original intent. When focusing on climate change and the protection of biodiversity, other strands of environmentalism seem to be more present than environmental justice. It is not as much about the assertion of indigenous self-determination; rather, the “cult of the wilderness” with its focus on the protection of pristine nature and the “gospel of eco-efficiency” with its quantification of natural resources are visible.

However, in the long run the initiative might uniquely connect those two strains of environmentalism to environmental justice. ITT proposes a turn towards a post-petroleum society and a strategy of development centered on *buen vivir*, the harmonious co-existence with nature. By doing so, the initiative suggests a perception of an intact nature as a form of value native to developing countries and attempts to transcend dominant understandings of commodified ecosystems. The initiative is an emancipatory proposal that implies the alteration of established international norms and ideas and in this regard, it might contribute to procedural justice for Ecuador on the international level: A developing country is posing a challenge to the international community, and thus a challenge to established power relations.

What is more, the initiative might also promote procedural justice for indígenas. While inconsistencies continue to threaten the initiative's success until today and the success of the trust

fund remains to be seen, the initiative, while currently not mainly a mechanism of environmental justice on the community level, proposes a promising framework in which environmental justice for indigenous groups can be further pursued: the potential alteration of perceptions of the global political economy and subsequent improvements in social and ecological conditions. Put differently, a new framework of international norms might emerge that is more conducive to environmental justice than the current paradigm: if development is no longer simultaneous with the extraction of oil, concepts like *sumak kawsay* stand a chance of being implemented and of improving the socio-environmental situation of disadvantaged groups. Equally important is the replicability of the initiative for other developing countries rich in biodiversity: an alternative model of development is presented which might contribute to a sustainable alteration of discourse – and thus power relations – on the international level.

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Abbreviations

EJ – Environmental Justice

EJM – Environmental Justice Movement

NIABY – Not In Anyone’s Backyard

NIMBY – Not in My Backyard

NOPE – Not on Planet Earth

PIBBY – Place in Blacks’ Backyards

SJ – Social Justice