

The role of the market of social norms in the yasuni itt initiative

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ABSTRACT

The idea of “having oil under the ground” was first proposed by the First Congress of Amazon Indigenous Nationalities of Ecuador, in 1998 in the middle of one of the most conflictive political periods in recent history. Over the following decade, indigenous groups played an important role in determining the allocation of political power in the country. After being elected, indigenous-backed government, lead by Rafael Correa adopted the initiative of keeping the oil under the ground, specifically that of Yasuni National Park, as a national policy.

In 2007, the Ecuadorian government launched the Yasuni ITT initiative, proposing to avoid extractive activities in Yasuni National Park, one of the most biodiverse places on Earth and home to indigenous voluntarily-isolated tribes. As compensation, Ecuador requested 3.6 billion dollars from the international community and launched a Trust Fund administered by the the United Nations Development Programme. On July, 2013, such initiative was abandoned on the grounds of a “lack of interest” from potential funders.

This paper analyzes the differences between the national success and the international failure of the Yasuni-ITT initiative and following Ellickson's market of social norms framework and backed up by ethnographic research. In both cases, an effort is made to identify key players and their roles as policy entrepreneurs, the coalitions that set in motion the initiative and critical differences that determined a different result.

Key words: climate change, international solidarity, Environmental conservation, Environmental policy, sustainable development, Ecuador.

1. INTRODUCTION

In 2001, Robert Ellickson published “The Market of Social Norms,” his model uses the principles of microeconomics to explain how the decisions and actions of individual actors play as supply and demand in the emergence of new social norms. Esteem and social sanctions (condemnation) are used as currency in this model and using these variables, he proposes a cost-benefit analysis for any given social norm (Ellickson, 2001).

The supply-side of the market is composed by self-motivated leaders, norm entrepreneurs and opinion leaders. The first usually obtain tangible benefits from the norm, while the two others gain mainly recognition in the creation of a new norm. They are different in the sense that norm entrepreneurs are specialized agents while opinion leaders are generalists who endorse norms to a bigger audience.

The demand-side are “appreciative observers”, those who care and provide esteem or condemnation to the supply-side.

In the following pages, we will use this model to compare both the global and local Yasuni-ITT Initiative, given that both of these processes have a common proposal or “action” and the same set of “appreciative observers”.

While the Yasuni-ITT initiative could be understood as two phases of the same process, a chronological division has been chosen because of the highly differentiated set of actors and motives in each phase.

The first process, which will be referred as “local” from now on, starts with the historic resistance to extractive activities in the amazon throughout the second half of the twentieth century and ends on June 2007, with the launch of the government’s initiative.

The “global” process, lead by the state, starts on that date and finishes on August 15, 2013 with the signing of the presidential decree number 74 which settles the “Yasuni ITT Initiative” trust-fund.

2. DEVELOPMENT

In 1992, the Ecuadorian state-owned company Petroecuador drilled three exploratory wells —Ishpingo, Tambococha and Tiputini (ITT)— in the Yasuní National Park, a Pleistocene refuge considered one of the most biodiverse areas on Earth (Bass et al., 2010, p. 3) and declared as Biosphere Reserve by UNESCO in 1989. At that time, their findings estimated the existence of 700 billion barrels of crude oil under the ground. In 2001, the government commissioned two new dwells. As a result, the number of expected reserves almost duplicated to 1500 billion barrels (900 proven and 600 probable). The amount of oil in the ITT, also known as block 43, was bigger than all proven reserves of the blocks currently held by private

companies in the rest of the country at the time (Weigerther & Maldonado, 2006, p. 2). The estimated revenues —considering only cost of production and final price—exceeded seven billion dollars.

Extraction in the zone, however, was complicated. Firstly, the reserves contained a heavy crude oil (API gravity 14.7°), this increases the cost of production as heavy petroleum requires a huge amount of infrastructure: pipelines, power plants and refineries in situ. Secondly, there are legal issues. The ITT is home of isolated tribes, Tagaeri and Taromenani, whose territory is protected as an intangible zone since 1999. All extractive activities are forbidden in these zones unless the National Assembly decides otherwise *after* obtaining consent from those affected. While the Law requires consultation only, the need for consent in Ecuador was settled after its government attempted to extract oil in the Sarayaku people's territory in 2002, without having consulted with them or obtaining their consent. The Inter-American Court of Human Rights ruled that prior to any major resource extraction projects in the country, adequate, effective and full consultation of the people should be conducted with regard to environmental impact (Verbeek, 2012, p. 278). However, not even consultation is possible when those affected are not willing to become part of modern civilization and that is the case in the Yasuni National Park. Indigenous tribes living there have resisted colonization during hundreds if not thousands of years. Tagaeri and Taromenane tribes split from the Huaorani people in the eighties after intensive attempts of colonization sponsored by the Ecuadorian Government (Oilwatch, 2005). Invasion of their territory often result in violence against the members of the tribes and those who attempted to do so (Chavez, 2003). Finally, as Bass et al. (2010, p. 7) explain, the Yasuní Reserve is

one of the two richest in the world for amphibian species, the second richest known to date for reptiles, within the top nine richest centers for vascular plants (and the top center for trees and shrubs), among the richest lowland areas for birds, high in mammal richness (particularly for bats), and very rich in fish species.

Any extractive activity would need to mitigate its impact, carefully studying and conserving already endangered species.

Public opinion was also an important factor. As of June 2013, 92.7% of Ecuadorians supported the idea of leaving the oil under the ground as long as the country receives a compensation but what is more important, 66.3% (2 out of 3) opposed any extractive activity irrespective of any monetary compensation. As was pointed out by president Rafael Correa, the Ecuadorian “society has been influenced by our ancestral people, who have guided the political reflection and the search for a

new economic model beyond the antiquated logic of short-term profits and short-sighted benefits,” quoted by Rival (2010, p. 359)

Yasuní ITT Initiative

On April 1, 2007, the Ministry of Energy and Mining published a Press Release outlining four possible scenarios for block 41 (Ishpingo-Tambococha-Tiputini). The first one was to leave the oil under the ground to protect the biodiversity of the rainforest and the life of the isolated tribes living there “as long as the international community deliver at least half of the resources that would be generated if oil exploitation is chosen.” Two days before, the president held a meeting with the Board of Petroecuador, and decided to stop the company tenants—which were described in the three remaining alternatives—to immediately begin the bidding process for the extraction of crude in the block (Martínez, 2013, p. 67).

One month later, the “Yasuni-ITT Initiative” was officially launched at the presidential palace. This milestone represents both an achievement for those who have proposed to leave the oil under the ground for years (local policy process) and the launching a political proposal to be adopted in the international framework (international policy process).

Local Process: The rise of the indigenous movement and Nature Rights

Ecuador, as most countries in Latin America, was subject to military dictatorships in the seventies. During this period, the government favored neoliberal policies as the country witnessed the oil boom. In 1979, the country resumed its democratic system and remained stable for two decades. This trend was interrupted by the economic crisis of 1997, which brought big political instability to the country. In this year only, the Presidential Office was occupied by five different people. Between 1998 and 2006, two presidents—Jamil Mahuad and Lucio Gutierrez—were elected and both of them had to resign after huge popular unrest. During this period, the indigenous movement became “a decisive electoral and political force” (Tanasescu, 2013, p. 846; Akchurin, 2015, p. 939). The future of a president would often be decided between the military and the indigenous people, protesting under the banner of the Confederation of Indigenous Nationalities of Ecuador (CONAIE).

Backed by left-wing political parties, including CONAIE's Pachakutik, Rafael Correa was elected as president in 2006. While Correa's government plan, presented during the election campaign, contained a proposal of a moratorium on oil extraction, this was not meant to be used at Yasuní National Park but the South of the country. Moreover, the proposal was framed as a mechanism to solve the existing public debt and not tied at all with the indigenous demands. It reads:

In this effort to rethink the oil policy, it appears with increasing force the need to think seriously about a *moratorium on the oil industry* in the southern Ecuadorian Amazon, tied to a suspension of foreign debt service. It would be unforgivable to repeat the environmental and social destruction experienced in the northern Amazon. Furthermore, the existing oil must be managed as an energy reserve for the future, to be extracted later, provided the sufficient safeguards to protect the main wealth of the Amazon: its biodiversity (Alianza País, 2006).

In 2007, Rafael Correa convoked a Constitutional Assembly. The new Magna Carta finally inserted indigenous principles at the center of the workings of the State. Here is where we witness the first recognition of Nature Rights in a National Constitution. While Pachakutik only had four, out of 130, representatives in the Constitutional Assembly, the indigenous influence through social mobilization against the neoliberal mode of political economy was decisive. Alberto Acosta, the first president of Montecristi Constitutional Assembly, was an eager proponent of recognizing nature's inherent values *irrespective of human use* (Acosta, 2008). However, this proved to be really difficult to accept for other constituents. Nevertheless, aided by the lack of understanding of his fellow representatives and tying the rights of nature to the rights of those who inhabited the Amazon, Acosta managed to include nature rights as part of the constitution (Tanasescu, 2013, p. 854). The following articles were approved:

Art. 71. Nature, or Pachamama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes.

All persons, communities, peoples and nations can demand public authorities enforce the rights of nature. To enforce and interpret these rights, the principles set forth in the Constitution shall be observed, as appropriate.

The State shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.

Art. 72. Nature has the right to be restored. This restoration shall be apart from the obligation of the State and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems.

In those cases of severe or permanent environmental impact, including those caused by the exploitation of nonrenewable natural resources, the State shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.

Art. 73. The State shall apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles.

The introduction of organisms and organic and inorganic material that might definitively alter the nation's genetic assets is forbidden.

Art. 74. Persons, communities, peoples, and nationalities shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good living.

Environmental services shall not be subject to appropriation; their production, delivery, use and development shall be regulated by the State.

Additionally, Article 57 includes provisions to protect constitutionally what previous governments protected by decree. The Rights of communities, peoples and nations sections are detailed here. A selection will be included to discuss on this paper:

Art.57. Indigenous communes, communities, peoples and nations are recognized and guaranteed, in conformity with the Constitution and human rights agreements, conventions, declarations and other international instruments, the following collective rights (...)

4. To keep ownership, without subject to a statute of limitations, of their community lands, which shall be inalienable, immune from seizure and indivisible. These lands shall be exempt from paying fees or taxes.

5. To keep ownership of ancestral lands and territories and to obtain free awarding of these lands.

6. To participate in the use, usufruct, administration and conservation of natural renewable resources located on their lands.

7. To free prior informed consultation, within a reasonable period of time, on the plans and programs for prospecting, producing and marketing nonrenewable resources located on their lands and which could have an environmental or cultural impact on them; to participate in the profits earned from these projects and to receive compensation for social, cultural and environmental damages caused to them. The consultation that must be conducted by the competent authorities shall be mandatory and in due time. If consent of the consulted community is not obtained, steps provided for by the Constitution and the law shall be taken.

11. To not be displaced from their ancestral lands.

20. To restrict military activities in their territories, in accordance with the law.

The territories of the peoples living in voluntary isolation are an irreducible and intangible ancestral possession and all forms of extractive activities shall be forbidden there. The State shall adopt measures to guarantee their lives, enforce respect for self-determination and the will to remain in isolation and to ensure observance of their rights. The violation of these rights shall constitute a crime of ethnocide, which shall be classified as such by law.

The constitution was approved with an overwhelming majority on September 28, 2008. Presidential Decree 2187 (2007) is the first official document that define the perimeter of the “No-Go-Zone” called Intangible Zone. It has been criticized mainly due to technical inconsistencies and anthropological data that shows the presence of Tagaeri Taromenane clans outside the this perimeter (Pappalardo et al., 2013, p. 3).Origins of the Yasuni ITT Initiative

In the past, conflict in the Yasuni ITT area had led to suspension of oil-related activities, as happened right after the assassination of Alejandro Labaka by isolated tribes in 1987. Back then, the state declared a moratorium to avoid further bloodshed. Five years later, Huaorani people reached an agreement with Repsol to end the moratorium (Trujillo, 2001, p. 106). However, local communities claimed that they were not consulted by their leaders and asked for a new thirty-years long moratorium in 1997 (CONFENAIE, 1998). Concessions to state and oil companies were made afterwards resulting in a significant damage to their territory, this motivated the Organization of Huaorani Nationality of the Ecuadorian Amazon to write a declaration (ONAHE, 2005) to demand the following:

The Government of Ecuador immediately institute a moratorium on oil exploration and exploitation for ten years in indigenous territories. The Government of Ecuador, the International Monetary Fund and World Bank meet with the indigenous peoples of Ecuador to *discuss the moratorium and the cancellation of part of the Ecuadorian foreign debt* (emphasis added). The President of Brazil, Lula da Silva, remove the company Petrobrás Yasuni National Park and the Huaorani territory.

The territory of the Tagaeri and Taromenani communities be protected in a special way.

The Government of Ecuador look for alternative forms of energy different from oil, which do not destroy life or the people or nature.

The declaration finished with an invitation to all indigenous nationalities of Ecuador, the Amazon and the world, to ecologists, NGOs, organizations and individuals of the world “to this struggle for life, to enable a sustainable future for all our children and all human beings that inhabit our land,” i.e. this was an invitation to all appreciative observers (Ellickson, 2001, p. 17). Amazon tribes, due to their small number, were usually underrepresented within the national indigenous movement and their demands silenced. This is why the creation of a stronger coalition was paramount for the success of their demands.

While the general public associates the idea of leaving the oil under the ground in exchange for monetary compensation with the proposal made public by Rafael Correa (who also claimed the authorship of the initiative on National Television), most of the literature (Arsel, 2012, p. 157; Rocha, 2016, p. 4) points out to a preexistent document redacted initially by the environmentalist group Acción Ecológica (2005) and presented at the meeting of the Panel of Experts on Protected Areas, held in Montecatini-Italy. “An ecological call for conservation, climate and rights. Proposal for the Yasuní Biosphere Reserve” was later included in the book “Asalto al paraíso: empresas petroleras en áreas protegidas” [Assault to paradise: oil companies in protected areas] edited by Elizabeth Bravo and Ivonne Yáñez (Oilwatch, 2005). Among the proposed “actions”, we find:

- A declaration of emergency in the Yasuni National Park and the Intangibles one;
- Cancellation of all existing contracts with oil companies;
- Refraining of new oil explorations in the Biosphere Reserve;
- Creation of an international commission to evaluate all existing reserves and transform them into “repressed carbon [emissions]”.

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- Creation of an international commission composed by the Ministries of Foreign Affairs, Economy, Environment and Social Welfare which will seek recognition at the international level. Such recognition will translate in economic compensation that will allow the State to fulfill its duties.
 - A legal categorization of the protected area in order to reinforce its conservation.

This proposal has come to be known as the Yasuní-ITT initiative, and it became a national initiative mainly due to the support of figures like Esperanza Martínez, member of the constitutional assembly and Alberto Acosta, its first president and proponent of the rights of nature and Minister of Energy and Mining at the moment of the launching of the Initiative (Arsel, 2012, p. 160).

Going back to Ellickson's model, we should also analyze the trade-offs in this process. What do marginalized people have to lose in proposing radical change? Very little. Huaoranis were abandoned by the State, their land was being exploited and they lived amid disease and poverty. The tangible benefits from oil companies were real but very little when you compare them to the damage they were suffering. Huaorani tribes, in this case, acted as "self-motivated leaders" as they would receive the most tangible benefits of ceasing oil activities. Out of 1,520 families living in a ratio of 500 meters from oil infrastructure, 1,252 (82%) have suffered diseases related to pollution derived from oil extraction (Oilwatch, 2005). Their houses had been destroyed, their territory invaded and their culture threatened (Shelton, 2014, p. 226). The high level of technical knowledge possessed by the NGOs Acción Ecológica and Oilwatch, allowed them to act as "norm entrepreneurs" and make an existing demand made by the Huaorani people—to keep the oil under the ground and look for economic compensation from abroad—a more appealing initiative. Political leaders like Alberto Acosta and Esperanza Martínez acted as "opinion leaders" and were in a unique position to play that role. Both were members of the Constitutional Assembly and the former was the one with most votes overall. His decision to support the initiative as head of the Ministry in charge of exploiting natural resources played a pivotal role which catalyzed the concretion of the new norm.

Global process: Internationalization of the Yasuni ITT Initiative

What allows a comparison between the local and global processes of the Yasuni-ITT initiative is that they share core elements. Both initiatives have the same proposed *action*: to leave the oil in the ITT fields under the ground in exchange of monetary compensation. In order to understand why this action was successful in the local process and failed in the global one, we have to compare then the two other elements of the market: demand and supply.

As we pointed out before, what is interesting about the Yasuni-ITT initiative is that it puts a price on esteem and it allows for a real-world comparison of the market of social norms. The trust-fund created for the effect states that “*You should support Yasuni if you believe that we have a collective responsibility to protect and preserve all species of life around the world, and that a shift away from pollution-heavy natural resources such as oil and towards clean and renewable energy sources is crucial for the long-term health of our planet,*” (UNDP, 2010) emphasis added.

As explained in the introductory section, a big majority of Ecuadorians endorsed the initiative in spite of not receiving anything in exchange. In other words, they were willing to give up the money they could receive from oil exploitation in exchange of esteem and recognition Others were willing to give up part of the money in exchange of esteem.

In the global process, world leaders would pay money in exchange of nothing but recognition from the international community. Five days before the Climate Change Summit held in Copenhagen, Roque Sevilla, president of the Administrative Council for the Yasuni ITT Project, announced that Germany, Spain and Belgium had pledged between USD 972 million and USD 1,232 million for the Yasuni-ITT fund, which would be paid during the next thirteen years; France and Sweden, on the other hand, offered USD 532 million. These contributions represented 76% of the expected donations (Bucaram & Trujillo, 2015).

3. RESULTS

In conclusion, there was a high demand for recognition and esteem from both the national and international community that can be clearly quantified. If this is true, with a shared action and a similar demand, the outcome variation could be attributed to the “supply side” of the market of norms: change agents.

According to Ellickson, the adoption of a new norm depends heavily on the works of norm entrepreneurs and self-motivated leaders in the initial phases. As it was pointed out in the previous section, 76% of the expected donations were compromised five days before the Climate Change Summit held in Copenhagen, signaling that a big audience was committed enough to accept the new norm. Nevertheless, the day of the summit, president Rafael Correa didn't show up claiming later that the government did not have enough authority over the Trust Fund and no deal was made that day. This severely undermined the trust from international parties (Marx, 2010, p. 1170). Sevilla (2011) points out that there were other deterrents that made the Ecuadorian government seem untrustworthy:

“Approaching countries that represent serious threats to Europe [while trying to convince them to pay] is contradictory (...) is nonsense.” Ecuador’s refinery development also sent contradictory signals as did the exploitation of the 31 block—with similar characteristics to Yasuni National Park. To make things worst, the government was actively preparing its plan B and was very explicit about it. “I had to ask the president not to talk about [plan B],” said Sevilla. All these factors cause a cascade-like effect that ended up burying Yasuni-ITT. Opinion leaders, however, have maintained their position and envision the Yasuni Initiative not as a failure but as an idea which has yet to be realized (Calligaris & Bellini, 2015, p. 240).

With over 76% of the funds ready (i.e. general acceptance), is it worth asking what was absent in the global process that made it fail. With norm entrepreneurs already compromising opinion leaders, we must now direct our attention to the most important role in the market: the self-motivated agent.

Was there a self-motivated agent in the launch of the global Yasuni-ITT initiative? A self-motivated leader wants to change a norm because “he anticipates receiving an unusually high level of net tangible benefits from challenging the existing norm” (Ellickson, 2001, p. 13). In the local case, this was crystal clear to the point in which Huaoranis would be willing to stop oil extraction even in the absence of any reward as can be understood by their proposals of a moratorium. The Ecuadorian government, however, conditioned its tangible benefits to a foreign source and was not happy without receiving such reward. Additionally, the government had a “plan B” which contemplated the exploitation of the ITT in the absence of enough funding. This was more than an hypothetical scenario, it was fully operational. A memorandum of understanding to exploit the ITT was signed with PETROBRAS (Brasil), SINOPEC (China) and ENAP (Chile), on March 2007. Moreover, an environmental license was granted to Petrobras to access block 31, also part of the Yasuni National Park. Negotiations were being developed with China and Iran to discuss the exploitation of the ITT, and the government antagonized environmental groups who supported the initiative the most (Martínez, 2013, p. 68).

After the presidential elections of 2013, when Correa was elected for a third period (second under the new Constitution), the government distanced even more from ecologic groups because they did not need the popular vote anymore. As Downs (1957, p. 137) points out, political parties formulate policies and serve interest groups in order to gain office. Finally, the increase in oil prices and plummeting prices of carbon credits (analogues to the Yasuni certificates) made Plan B much more appealing.

In conclusion, while the local process had self-motivated leaders in the side of change agents, there was no self-motivated leaders in the global process.

4. CONCLUSION

By comparing the local and global processes of the Yasuní ITT Initiative, we were able to control the effects of the demand side in the market of social norms (as both processes share the same appreciative observers and social audience). Hence, we were able to study the effect of suppliers where we found variation between different roles, mainly self-motivated actors. The complete absence of self-motivated leaders might have played a pivotal role as these actors facilitate communication and coordination, something that apparently was missing given the statements of contradictory messages from the proponents of the initiative (Martin, 2014).

The Initiative also experienced external shocks. The acquisition of Ecuadorian commodities from the Chinese government was later linked to lines of credit from the Chinese Development Bank (Escribano, 2013, p. 157). In addition, there was a dramatic change in the membership of both the ruling political party and the Yasuní ITT Commission. Either planned or by chance, this had significant impact in the provision (or lack of) of evidence of acts that would trigger a broader adoption of the norm. Finally, the Yasuni ITT Initiative presented all four conditions described by Ellickson (2001, p. 30) as impeding factors to correct an inefficient norm: costs mostly deflected to outsiders, difficulty coordinating the aggregate amounts of its rewards to worthy change agents, insufficient amounts of rewards to overcome the inertia favouring the status quo and vulnerability to reputational cascades towards inefficiency. Further studies are required to evaluate the influence of each on of these factors on the overall results.

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