Do local comprehensive plans support the Kichwa of the Ecuadorian Amazon in reaching their collective rights?

by

Fredy Rafael Grefa Andi

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Approved by:

READER (optional) ADVISOR – Todd BenDor
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I. INTRODUCTION

Ecuador is taking important steps towards building a plurinational and intercultural state, as proposed by indigenous, afro-descendants and montubios grassroots organizations. In the Ecuadorian context, plurinationality refers to transforming the modern liberal state into another form of state organization that recognizes the principles of political pluralism, democracy and diversity, in order to overcome subordinate relationships with “national minorities”, and allow cultural self-determination and self-government without affecting the unity of the state. Interculturality is the link between indigenous communities, nationalities and peoples, who exercise their collective rights, and the rest of Ecuadorian society (such as afro-Ecuadorians, montubios and mestizos). So, interculturality is necessary in order to facilitate the processes of exchange of knowledge, trade, etc., between different cultures (individuals, groups and institutions) as part of the process of forming a plurinational state. Ecuador is composed of 14 nationalities and 18 indigenous peoples, including groups of African descent and Montubios groups. In the territory, 12 languages are asking to be recognized in order to acknowledge the depth of Ecuador’s identity and historical cultural heritage (Secretaría Nacional de Planificación y Desarrollo [SENPLADES], 2009).

The 2008 Ecuadorian Constitution acknowledges Ecuador as a plurinational and intercultural state, as a way to recognize the millenary roots and the existence of indigenous groups in order to rebuild a new Ecuadorian society and to promote a new form of social coexistence, in diversity and harmony with nature, in order to achieve Good Living or “Sumak Kawsay” (Asamblea Nacional del Ecuador del Ecuador, 2008). Also, the 2009-2013 National Plan for Good Living, which is considered an instrument for developing policies, programs and public projects, programming and implementing the State budget and investments, and
coordinating power between central and autonomous governments, states as a principal outcome of its mandate “the construction of a plurinational and intercultural State” (SENPLADES, 2009). Similarly, the Organic Code of Territorial Organization, Autonomy and Decentralization (COOTAD), an instrument developed to provide specific regulations for each level of autonomous government in the different provinces within Ecuador, recognizes and reaffirms the intercultural and plurinational character of the Ecuadorian state (Código Orgánico de Organización Territorial Autonomía y Descentralización [COOTAD], 2011).

The relationship of indigenous peoples in Ecuador to Western society is fragile, as it depends on how the government advocates for the rights of indigenous peoples. So, coordinated organization efforts, mobilizations of indigenous peoples for their rights, and the proposal of the construction of a plurinational and pluricultural society have been influential in the development of new national politics. For the first time, the 1998 Ecuadorian Constitution incorporated the collective rights of indigenous peoples as a guarantee for the respect of indigenous rights. The 2008 Constitution went even further, recognizing Ecuador as a plurinational and intercultural State, and acknowledging the existence of indigenous nationalities. It also provided tools to promote the involvement of indigenous nationalities in the process of maintaining and developing identity, such as the creation of a local government model called Indigenous Territorial Circumscription (ITC). ITCs are special administrative and government regimes constituted according to ethnic and cultural characteristics (COOTAD, 2011).

The 2009-2013 National Plan for Good Living encompasses a vision that includes the process of accumulation and economic re-distribution for historically marginalized groups and working to create an equitable, free and democratic society (SENPLADES, 2009). It recognizes
the existence of diversity in Ecuadorian society and also promotes a new way of thinking about the planning process at the local and national levels.

It therefore becomes critical to analyze how development plans and public policies (defined by the Ecuadorian Constitution of 2008, The National Plan for Good Living, and the COOTAD), assist or fail to assist in achieving the constitutional rights of indigenous nationalities in Ecuador. In this thesis, I take as a case study the Kichwa of the Ecuadorian Amazon. I have chosen this group because it is considered one of the influential indigenous nationalities in Ecuador and its population and large territories encompass different provinces in the northern Ecuadorian Amazon. This thesis follows methodologies done by Berke, et. al (2002), who examined the influence of a national planning mandate to redress human rights violations of the Maori peoples in New Zealand. So, planning in indigenous territories becomes critical, because planners that do not take into account these national policies and the proposals made by indigenous groups will only speed up the process of cultural loss and assimilation of indigenous peoples (Berke, et. al, 2002). If indigenous groups lose the ability to govern territorial and sociopolitical affairs based on their own cultural practices, and if they cannot link with their cultural past, it will be hard for these groups to establish their own future (Erazo, 2008).

For this work, I will refer only to the limitations of existing development plans and try to identify some indicators of how those plans support or threaten the constitutional collective rights of indigenous nationalities and peoples. In order to find these indicators, I will analyze the content and quality of comprehensive (development) plans of 9 municipalities in the provinces of Napo and Orellana (which have a high population of indigenous groups, such as the Kichwa of the Ecuadorian Amazon) towards the advancement of a plurinational and intercultural Ecuadorian state. In this thesis, I will argue that planning only to meet the requirements of the
It is critical to evaluate the proposals and rights claimed by indigenous peoples from the Ecuadorian Amazon region and worldwide. Planners working in indigenous territories must also begin to consider these fundamental differences, because planning could interfere with the advancement of political sovereignty and social development (Sandercok, 2003). Following this, I will argue that the goal is not to create a planning process specifically for indigenous groups, because these plans could exclude others. Instead, we should create a new, coordinated planning process that includes cross-cultural planning, in order to work towards a harmonic plurinational and pluricultural state.

This thesis is organized as follows. Section II provides background information about the Ecuadorian Amazon context and the Kichwa of the Amazon nationality. Section III describes the study’s methodology and Section IV presents the results of the study. Section V provides a general discussion based on the findings and provides general recommendations. Section VI concludes.

II. BACKGROUND

A. The Ecuadorian Amazon context

In Latin America—in contrast to the British Crown’s recognition of the sovereignty of Native Americans in North America—Spaniards used the Conquest Doctrine to claim and take possession of territories that belonged to indigenous peoples. According to this doctrine, the victorious Europeans defeated the putatively pagan, inferior, and primitive civilization and had the right to take possession of their lands (Horna, 2001). After that, the “superior” and
“civilized” race developed paternalistic policies in order to “protect” the poor and ignorant local populations.

From the standpoint of the colonizers and “developers,” the Ecuadorian Amazon region was not fit to be permanently inhabited by people other than its indigenous inhabitants, due to its climatic conditions and geographic isolation. Although this region was taken over by criminals, missionaries, landlords, and adventure-seekers, indigenous peoples of this region managed to survive and maintain some of their cultural traditions (more so than their peers in the Ecuadorian Andes). However, development policies established by the national government have had an increasingly negative impact on the Ecuadorian Amazon and its indigenous nationalities and peoples since the mid-1960s (Muratorio, 1991).

Currently, indigenous nationalities and peoples are fighting to reclaim their right to survive and to live as peoples and nations according to their customs, traditions and ways of seeing the world. In the international arena, the recognition of the rights of indigenous peoples has been included in debates in the United Nations. The UN advocates for full, active and effective participation of indigenous peoples in national and local governance (United Nations Permanent Forum on Indigenous Issues, 2005). As a result, many countries, such as Ecuador and Bolivia, recognize the rights of indigenous peoples (Turpo Choquehuanca, 2006). Also, the increasing presence of indigenous nations, organizations, and advocates, as well as research on indigenous groups, supported the creation of the Permanent Forum on Indigenous Issues under the United Nations framework. After several years of debate, the Declaration on the Rights of Indigenous People was adopted by the General UN Assembly on Thursday, September 13, 2007 (United Nations, 2008).
The resistance of indigenous groups is not new. It is noteworthy that in the case of Ecuador, indigenous people have always been fighting against the dominance of Western society. In the early colonial period, when the Inca Rumiñahui discovered that the Spaniards had executed the king called “Atahualpa,” he burned Inca settlements near San Francisco de Quito, the capital of Ecuador. This was an attempt to resist Spanish dominance and control. Similarly, in the case of the northern Ecuadorian Amazon, there have been reports of riots organized by local indigenous leaders such as Archidona and Tena against the Spaniards and later, against White governors (Muratorio, 1991).

Indigenous people in the Ecuadorian Amazon, especially the Kichwa, have had to fight against many different methods used by outsiders to subdue and change them (Muratorio, 1991). These methods include:

1. Paternalistic policies. In the Ecuadorian Constitution of 1830, the Catholic Church assumed custody of the indigenous people (Article 68).

2. “Tax” models. Indigenous peoples had to pay tributes to the state in the form of gold.

3. Expropriation of indigenous lands.

4. Religious indoctrination.

5. “Disciplined labor force.” Missionaries used indigenous peoples as a labor force to build houses, convents, churches and schools.

6. Changing production and social norms. Indigenous people were forced to adopt a farming lifestyle.

According to Villavicencio (1984, Cited in Muratorio, 1991), around 1850, the Ecuadorian Amazon region served “as a penitentiary for political criminals” (p. 73). For that reason, it was only at the end of the nineteenth century that the Ecuadorian Amazon received
attention from the national government because the international demand for rubber created a
“rubber boom.” This “transformed” the indigenous peoples into a native labor force. The
discovery of gold in the 1920s and 1930s led to a minor colonization of this region. In the
absence of the permanent presence of the Ecuadorian Government, missionaries, merchants and
landowners controlled the destiny of this region (Muratorio, 1991; Gianotti, 1997).

Indigenous people have lived in the Ecuadorian Amazon since before the conquest, as
shown by different archaeological remains found in the area (Viveiros de Castro, 1996).
Nowadays, the Ecuadorian Amazon is home to those eleven indigenous nationalities that resisted
and survived: the Kichwa of the Amazon, Shuar, Achuar, Shiwiar, Siona, Secoya, Cofan,
Waorani, Tagaeri, Taromenane and Zapara (See Figure 1). According to Kimerling (1993), in
1993, indigenous nationalities and people in the region had an average of 170,000 inhabitants,
representing around 37% of the population.

In the process of adapting to a complex ecosystem, indigenous people of the Ecuadorian
Amazon developed their own culture, allowing them to survive. Indigenous peoples of the
Ecuadorian Amazon have based their subsistence on small-scale agricultural practices for
centuries. In doing so, they kept a good balance with the environment. The tropical forest
provided food, clothing and medicine (Robinson 1987; Gamboa, 1999). Some nationalities, like
the Tagaeri and Taromenane, maintain a higher degree of cultural richness by avoiding contact
with Western society and fighting to protect their lands and integral wealth (Kane, 1995, El
Comercio, March 27, 2002).

As previously mentioned, in recent decades, indigenous nationalities and peoples of the
Ecuadorian Amazon region have been negatively affected by the implementation of economic
development programs such as oil, timber and palm plantations, tourism, and the construction of
roads and farms, among others. Current pressures for indigenous people in this region include a change in subsistence activities and competition for land, food, wood, and local resources (Redford, 1993).

![Map distribution of indigenous nationalities in the Ecuadorian Amazon. Source: Adapted from CODENPE (2011).](image)

**Figure 1.** Map distribution of indigenous nationalities in the Ecuadorian Amazon. Source: Adapted from CODENPE (2011).

**B. The Kichwa of the Ecuadorian Amazon**

The Kichwa of the Ecuadorian Amazon exist in the provinces of Pastaza, Napo, Orellana and Sucumbíos. They are Kichwa-speaking peoples, a linguistic-ethnic cultural group known as a “nationality” and self-identified as “Runa,” which means fully human beings. Their language, which in the Pastaza and lower Napo regions, seems to stem from Amazonian Perú (Whiten

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2008, 2011) belongs to the Quechua language family, with approximately twelve million speakers in Colombia, Ecuador, Perú, Bolivia, and Argentina. There are about 150,000 Amazonia Kichwa speakers in Ecuador (Uzendoski & Whitten, 2013).

Throughout history, poor planning and development policies were implemented in the Ecuadorian Amazon. When creating development projects in these areas, developers did not consult the Kichwa or make them aware of the potential impacts of development projects. For example, roads were built without the consent of the Kichwa communities, invading their sacred areas as well as places used for hunting, fishing, and subsistence farming. Road construction caused environmental impacts—forests were fragmented, and terrified wildlife retreated further into the forest. As a result, food reserves for the Kichwa became scarce, creating dependency on Western products (Whitten, 1985).

In reaction to these projects, the indigenous nationalities and people of the Ecuadorian Amazon have developed some strategies to ensure their survival. For example, the Kichwa of the Amazon focused on:

1) Promoting and strengthening their own cultural practices in indigenous territories,
2) Adapting the “Comuna” system as a model of governance in indigenous territories,
3) Legalizing ancestral indigenous territories through national government agreements,
4) Promoting and developing traditional practices,
5) And promoting and assuring Kichwa existence through a process of cooperation with Western culture.

C. Oil industry development

The Ecuadorian Amazon, a region of 130,035 square kilometers, was incorporated in the Ecuadorian economy and gained national attention in 1967, when significant oil reserves were
discovered in the Sucumbios, Napo, Orellana and Pastaza provinces (Whitten, 1976; Kimerling, 1993). This allowed the first oil “boom.” All following Ecuadorian governments based their development policies primarily on the petroleum industry but with few environmental regulations (Kimerling, 1993). Since then, oil has been the centerpiece of the national economy, representing about 57% of exports between 2004 and 2010 (Vallejo, et.al, 2011). In order to develop the oil industry in Ecuador, the national government established “oil blocks,” potential areas given as concessions to national and transnational companies for oil development. However, it was not taken into account that many of these “oil blocks” involved indigenous nationalities and peoples’ territories (See, Figure 2).

Figure 2. The Ecuadorian Amazon, showing oil blocks. Source: Secretaria de Hidrocarburos de Ecuador, 2012
As the Ecuadorian oil industry developed, only a small percentage of the country's population enjoyed its large benefits, and only a small percentage of revenues have been reinvested in the Ecuadorian Amazon. This is corroborated by the Ecuadorian government’s reports, which show that between 2001 and 2006, approximately 81.1% of the total Ecuadorian indigenous population was living in extreme poverty, at less than USD $1 a day (SENPLADES, 2009). The provinces with major oil industry development, such as Orellana, Napo and Sucumbíos are receiving immigrants in search of jobs. For example, from 2001 to 2011, the total population in the province of Orellana grew about 6%, compared to the 2% national average (Instituto Ecuatoriano de Estadísticas y Censos [INEC], 2011). While population has increased in states with oil production, the majority of towns lack public services such as clean water, sanitation and health services (Kimerling, 1993). A study by the Ecuadorian government conducted in 1989 revealed that the city of Shushufindi, a major oil production town, had no major public facilities. Water and electricity were provided only to 0.2% of households (Center for Economic Research and Social Rights [CESR], 1994).

In late 2012, the Ecuadorian government launched the 11th oil bidding process to administer new oil blocks (Secretaría de Hidrocarburos Ecuador [SHE], 2012). These oil blocks are located in the central and southern areas of the Ecuadorian Amazon, and, according to the national government, the oil blocks will expand the national economy and support development programs. One proposal of the former government was the exploitation of the Ishpingo-Tambococha-Tiputini (ITT) oil field, considered the block with the greatest oil reserves in the country and part of it is located within the Yasuní National Park in the Orellana province. However, in 2007, the current Ecuadorian President, Rafael Correa, proposed forgoing exploitation of the region if the country received a fair national and international financial
contribution. This proposal is known internationally as the Yasuní ITT Proposal (Yasuní ITT Trust Fund, Terms of reference, 2010). However, it never accomplished its goal, and the ITT is being prepared to be exploited (Dudenhoefer, 2013).

D. Creation of National Parks and Conservation Areas

Ecuador has only 5% of the Amazon rainforest, but it is one of the most biologically diverse areas in the world (Bass, et al. 2010). Its high biodiversity and endemism require strong environmental conservation policies. Conservation has been done mostly through the creation of national parks and biodiversity reserves, including the Yasuní National Park, The Cuyabeno Wildlife Reserve, National Park Sumaco-Napo-Galeras and Limoncocha Biological Reserve, which are mainly located in the northern part of the Amazon.

According to Varea (1995), Ecuador has no planning policy in relation to exploration and exploitation of oil in national parks. Although conservation areas, such as national parks, wildlife reserves, and recreation areas have been created, they have not been respected and protected by the government that promoted them. There are laws, such as the Forest and Conservation of Natural Areas and Wildlife Law, that protect the “heritage of the Natural State Areas.” Section 107, paragraph 24 of this law explains the purpose of a national park: “Maintaining the area in its natural condition for the preservation of the ecological features, aesthetic aspects and culture and being prohibited from any exploitation and occupation.” Despite this, petroleum extraction is allowed in national parks, such as the Yasuní and the Cuyabeno.

Although oil exploration and exploitation are allowed in protected areas, indigenous peoples are prohibited from entering these areas to extract natural resources. This creates resentment, because the original territory of the indigenous peoples has been expropriated by the central government. The creation of the Yasuní National Park was done without any consultation
of the Kichwa and Waorani communities. In the Orellana province, the Kichwa claim territorial rights in the Yasuni National Park. Some indigenous leaders have mentioned that one day helicopters were flying over their territories and their purpose was not explained to the Kichwa, just after that, Kichwa were ordered by government officials to leave their land, because according to the Ecuadorian State, they were living in conservation areas (Vargas, per. Comm.; FCUNAE, 1990). This situation could change with the COOTAD, which states that “ancestral territories of communities, peoples and indigenous nationalities, afro-Ecuadorians and Montubios that are in protected areas, will continue to be occupied and managed by them, in a community manner, with policies, plans and conservation programs and environmental protection according to their knowledge and practices in accordance with the policies and conservation plans of the National System of Protected Areas of the State. The State shall take the necessary mechanisms to expedite the legalization of ancestral territories” (COOTAD, 2011, pg. 66).

E. Land reform

Land reform and colonization policies (1964 and 1973) sponsored by the Ecuadorian government, through the Ecuadorian Institute of Colonization and Agrarian Reform (IERAC), created waves of colonization in the Ecuadorian Amazon (Southgate, et.al 2009). These programs sought to distribute only “abandoned” lands as a way to alleviate growing social and economic problems in other regions (Figure 3) (Sawer, 1997). However, ancestral territories of indigenous people were also expropriated by settlers. None of these land reform plans included sustainable management programs of natural resources. The land reform required that 50% of each parcel of land should be converted to farming activities (Assies, et. al. 2001). Thus, more than 16% of the Amazon region was colonized, and this number continues to rise.
Indigenous peoples, such as the Kichwa of the Amazon, witnessed the expropriation of their ancestral lands. They were forced to adopt the “Comuna” administrative system as a way to legalize ownership of their own land. For example, the Kichwa community of Eden, localized in the Orellana province, obtained its “land possession certificate” recognition of 23,000 hectares in 1982. This process was legalized by the Ecuadorian government under the communal land property regime in 1990 (ECOLAP, 2000). Communal land legalization was an important step used by different indigenous communities to ensure their cultural survival. However, the original ancestral lands that belonged to the indigenous peoples were reduced, and some indigenous territories remain under the local administrative government framework and are not managed by indigenous peoples at all (Erazo, 2008).

Figure 3. Ecuadorian Government’s settlement map in 1963. Source: Southgate, et.al 2009.

Competition for land is one of the main problems in the Ecuadorian Amazon. Since 1960s, settlers have come to the region, especially from other parts of Ecuador, such as the coast
and the Andes (El Comercio, January 9, 2002). In the Orellana province, a struggle for land tenure is unfolding among the Kichwa, colonizers, the government, and developers (Whitten, 1985; Lu, et. al, 2009). Settlers without money to buy land take possession of any available land, which generates land conflicts, especially in Kichwa communities. Sometimes these communities organize to drive trespassers out of their territories. Furthermore, because of the lack of a previous planning process in the Amazon region, population and agricultural development have increased, and peasants continue colonizing the northern part of the Ecuadorian Amazon (Macdonald, 1979).

The construction of roads has increased deforestation problems in the region. The government has controlled and maintained service of 1,836.72 kilometers of roads and has programs intended to expand and improve them, such as the Troncal Amazonica, which is the main arterial road that interconnects all provinces from south to north. Proposed projects involve improving farming, communication, marketing, and transportation systems. An important factor that has contributed to increased road construction is the development of projects of exploration, exploitation and transportation of oil. New roads allow developers and farmers to access remote areas within the Amazon (Kimerling, 1993; Lu, et. al, 2009). This implies that road construction projects encourage land expropriation and illegal logging. A land use change study by Peñaherrera (2007) states that in the Dayuma sector (localized in the Orellana Province), in an area of 131,632 hectares, natural forest has changed at a rate of 1.2% annually between 1986 and 2002, which means a deforestation rate of 1,540.8 hectares per year (Figure 4). However, when comparing the indigenous groups and the colonizers, Lu, et. al (2009) found that indigenous populations showed lower deforestation rates. The deforestation rate in all of Ecuador is estimated at 198,000 hectares per year, the largest in South America (FAO, 2010).
F. Indigenous communities, nationalities and peoples and the COOTAD

In 2010, Ecuador adopted the Organic Code of Territorial Organization, Autonomy and Decentralization (COOTAD), which aims to establish an equitable and unified country that protects individual and collective human rights. This code seeks to protect national unity in diversity through sustainable development and citizen participation at various levels of government. The COOTAD (Art. 93 and 94) acknowledges and defines the process for the creation of Indigenous Territorial Circumscription (ITCs) as established in the 2008 Ecuadorian Constitution. ITCs are “special schemes for decentralized self-government established by self-determination of peoples, nationalities and indigenous, Afro-Ecuadorians and Montubios as part of their ancestral territories, respecting the political and administrative organization of the State, to exercise the jurisdiction of the appropriate level of self-government. It shall be governed by the Constitution, international instruments and their constituent statutes to the full exercise of collective rights” (COOTAD, 2011 p. 64). ITCs have resources from the state budget allocated to them. In order to create an ITC, it must be proposed by 10% of the population at a local administrative level and adopted through local referendum. The goal of an ITC is that indigenous peoples, Afro-Ecuadorians and Montubios assume regulatory capacities corresponding to the administrative level of a local government (COOTAD, 2011).

In the Amazon region, some nationalities, such as the Kichwa of Pastaza, have begun creating a task force to promote ITCs (Viteri, 2005). However, the ITC initiative has generated criticism from both indigenous and non-indigenous people. The non-indigenous see ITC as a tool to empower the indigenous. Opponents state that ITCs create a new kind of domination and segregation. Indigenous people argue that the tool is intended to divide indigenous territories because usually their territories cover large areas spanning many local governments, and even
different provinces. Other nationalities, such as the Waorani, have legal possession of large tracts of land, but when they want to propose the creation of an ITC, they may not obtain enough votes in the referendum, because of their small population. In places where there is a majority of indigenous people and they may be able to create an ITC, there are also non-indigenous people who have business interests (landowners, merchants, transportation companies, organizations, etc.) and do not look favorably on the idea that their activities will be subject to indigenous administrative powers.

However, Article 95 of the same COOTAD provides an alternative for the communities, peoples, and indigenous nationalities that cannot become indigenous territorial circumscriptions. It states that “according to the provisions of the Constitution, they shall exercise collective rights established therein, especially their own ways of living, social organization and authority, in their legally recognized territories and their community ancestral lands possession; for which the decentralized autonomous governments shall establish a joint planning process and will be able to delegate powers to legitimate legally established authorities by peoples, nationalities, communities or indigenous “Comunas”. Those nationalities that are territorially separated from the indigenous territorial circumscription will be integrated in the system of governance of the corresponding nationality or people to exercise the collective rights on all of its communities” (COOTAD, 2011, pg. 65-66).

Another tool that is being used in the province of Orellana is the creation of an intangible zone. This moratorium zone covers an area of approximately 758,051 hectares, and is specifically designed to prohibit any kind of development activities. It was created in 1999 to protect indigenous people living in voluntary isolation, such as the Tagaeri and Taromenane, who have a sedentary lifestyle. However, road construction and illegal exploitation of wood
make contact with these populations imminent. On March 6, 2013, a group of indigenous people living in voluntary isolation killed two Waorani people who were living close to their territorial borders. According to the Waorani leaders, there is an ancient dispute for leadership and territory between the Tagaere-Taromenane and the Waorani. After that incident, some Waorani members, seeking revenge for their relatives, perpetuated the murder of some non-contacted indigenous people. All these issues have generated national and local controversy regarding the effectiveness of establishing policies to protect indigenous people living in voluntary isolation (Plaza, Jaime 2013).

**G. Building the Collective Rights of Indigenous Communities, Nationalities and Peoples**

Indigenous people of Ecuador have been constantly demanding respect for indigenous rights in order to continue living according to their objectives and culture. Some progressive governments, such as that of President Eloy Alfaro in the late 1890s, provided steps towards the creation of indigenous rights in Ecuador by recognizing indigenous people as Ecuadorian citizens who were entitled to education, judicial protection, exemption from territorial taxes and subsidiary work (Muratorio, 1991).

However, the most important development in indigenous proposals arose in the late twentieth century. Indigenous leaders from all over Ecuador, sponsored by the Catholic Church, particularly the Church of the Poor, began to receive strong support to create indigenous and peasant organizations. As a result, the first indigenous organizations appeared, such as the Ecuadorian Federation of Indians in 1950s (in the Ecuadorian Andes), the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) in the 1980s, and the National Coordinator of Indigenous Organizations of Ecuador (CONAIE) in the same year, among others, forming what is called the Ecuadorian Indigenous Movement (CODENPE, 2011).
The 1990s represent a turning point in the indigenous movement in Ecuador. During this time period, these organizations demanded that the national government and society frame a new process for remodeling the Ecuadorian nation. They sought more inclusivity for indigenous people in the larger society, and acceptance of the rights of indigenous peoples and nationalities in Ecuador. The first indigenous uprising, in 1990, demanded differentiated public policies for indigenous peoples. In 1992, the Indigenous Kichwa Organization of Pastaza (OPIP) walked from the Amazon to Quito. This successful protest resulted in the adjudication of 1,115,000 hectares for the Kichwa, Achuar and Shiwiar nationalities of the Pastaza province, located in the central part of the Ecuadorian Amazon. In 1994, the great Ecuadorian indigenous uprising was against a national government project to privatize water and land tenure (Consejo de Desarrollo de las Nacionalidades y Pueblos del Ecuador [CODENPE], 2011).

There is no doubt that the struggle of the indigenous movement in Ecuador had a huge impact in the national arena. The mobilization of thousands of indigenous peoples fighting for their rights, taking over and closing roads and having violent confrontations with the police were backed by Ecuadorian society and the international community. This activism, combined with the proposed vindication of the rights of indigenous people, pressured the former governments to recognize many of the reforms and define a process of open dialogue between indigenous and Western society regarding the policies to be carried out in indigenous territories. So, in addition to achieving the formal legalization of major communal indigenous land, another achievement was the creation of governmental offices to serve the demands and requirements of indigenous people, such as the Bilingual Education System, the Indigenous Issues Ministry, the Development Council of Nationalities and Peoples of Ecuador (CODENPE), and the Indigenous Health program, among others (CODENPE, 2011).
After significant debates, the 1998 and 2008 Ecuadorian Constitutions provided recognition of the collective rights of indigenous peoples, and the latter recognized Ecuador as a plurinational state. Current debates are centered around where the country should go with the theme of establishing a plurinational state, and what kind of substantive elements this model of a state must have. Many are asking if is possible to create independent states without destroying the unity of the country (CODENPE, 2011).

III. METHODS

As mentioned in previous sections, the 2008 Ecuadorian Constitution, the National Plan for Good Living and the COOTAD recognize and mandate the adoption of different programs and policies in order to promote the construction of a plurinational and intercultural Ecuadorian state. In order to find out how these policies and mandates are being implemented, this research focuses exclusively on the quality and content of local comprehensive plans at the municipal level, which will be corroborated using surveys of each municipal planning director and indigenous leader in the provinces of Napo and Orellana. Different available sources of data and information were used and analyzed for this research: 1) the comprehensive plans of nine municipalities, 2) a set of questionnaires, and 3) census data.

A. Comprehensive Plans

By March 2014, as required by the COOTAD, most of the different decentralized autonomous governments (DAG) have developed their own Comprehensive Plans. In Ecuador, those plans are known as Development and Land Use Plans. The municipality level, especially those located in the provinces of Napo and Orellana, was selected for this study because of the high presence of the Kichwa of the Ecuadorian Amazon nationality and the ancestral indigenous
territories. Both provinces encompass a total of 9 municipalities located in the northern Ecuadorian Amazon, as illustrated in Table 1 and Figure 5.

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<th>PROVINCE</th>
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<td>Napo</td>
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*Table 1.* List of municipalities included in the study.

*Figure 5.* Area of study (provinces of Napo and Orellana)
In order to conduct a content analysis of each municipality’s comprehensive plan, an evaluation protocol was developed to identify the incorporation of the Constitutional mandate of collective rights of communities, peoples and indigenous nationalities. The evaluation protocol was based on Berke et al’s evaluation protocol (2002), which was developed to evaluate district plans for the advancement of the rights of the Maori people in New Zealand. The first protocol evaluates the quality of the comprehensive plans according to the general principles established in the 2008 Constitution regarding the collective rights of indigenous nationalities and peoples. A second protocol was developed to have a more detailed analysis of how each plan accomplishes each of the 21 Constitutional rights stated in the Collective Rights of Indigenous Nationalities and Peoples section. For both processes, measures for the elements were ordinal (“0” = no item present, “1” = item present and vaguely explained, “2” = item present and deeply explained). The definition of the evaluation for both protocols is illustrated in the Table 2 and Table 3.

1. **Clear interpretation of the mandate.** Articulation of how constitutional provisions focused on collective indigenous rights are interpreted in the municipal context.
   1.1. Is there a clear explanation of how the plan recognizes and provides for resources of significance to local Kichwa of the Amazon and establishes and maintains such resources as collective indigenous rights? (Art. 57, 2008 Ecuadorian Constitution)
   1.2. Is there a clear explanation of local Kichwa responsibility in the guardianship and stewardship of land and resources? (Art. 57, 2008 Ecuadorian Constitution)
   1.3. Is there a clear explanation of how the plan takes into account the principles of the rights of communities, peoples and nationalities? (Art. 57, 2008 Ecuadorian Constitution)
2. **Clear identification of issues.** Explanation of indigenous rights issues in terms of local values and the management of effects.
   2.1. Are indigenous collective rights issues clearly identified in terms of an effects-based orientation?
   2.2. Do the issues reflect values from indigenous groups present in the local municipality?
3. **Thorough fact base.** Incorporation and explanation of the use of quantitative and qualitative data in issue identification and the development of objectives and policies.
   3.1. Are maps/diagrams included? Do the maps display information that is relevant and comprehensible?
3.2. Are facts presented in relevant and meaningful formats?
3.3. Are methods used for deriving facts cited?
3.4. Are issues prioritized based on explicit methods?
3.5. Is benefit/cost analysis performed for main alternatives?
3.6. Is background information/data sourced/referenced?

4. Internal consistency of indigenous collective rights elements of plans.
   Issues, objectives, polices, and so forth are consistent and mutually reinforcing.
   4.1. Are objectives clearly linked to issues?
   4.2. Are policies clearly linked to certain objectives?
   4.3. Are methods linked to policies?
   4.4. Are anticipated results linked to objectives?
   4.5. Are indicators of outcomes linked to anticipated results?

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Table 2. Criteria for evaluation of quality plans. The criteria evaluation for this research was based on the criteria evaluation developed by Berke, et. al,(2002).
Does the local plan identify and establish policies and programs to achieve the following collective rights?

1. To maintain, develop and freely strengthen their identity, sense of belonging, ancestral traditions and forms of social organization.
2. To not be subject to racism and any form of discrimination based on their origin, ethnic or cultural identity.
3. To the recognition of, reparation and compensation for communities affected by racism, xenophobia and related intolerance and discrimination.
4. To maintain imprescriptible property of their communal lands, which are inalienable, indefeasible and indivisible. These lands shall be exempt from taxes and fees.
5. To maintain possession of ancestral lands and territories and get free allotment.
6. To participate in the use, usufruct, management and conservation of renewable natural resources found on their land.
7. To the free, prior and informed consultation, within a reasonable time, on plans and programs of exploration, exploitation and marketing of non-renewable resources found on their land and that may affect them environmentally and culturally; the right to participate in the benefits from such projects and receive compensation for the social, cultural and environmental damage they cause. The consultation process to be made by the competent authorities shall be mandatory and timely. If the consent of the community was not obtained, it should proceed according to the Constitution and the law.
8. To preserve and promote their management practices of biodiversity and natural environment. The State shall establish and implement programs with the participation of the community, to ensure the conservation and sustainable use of biodiversity.
9. To maintain and develop their own ways of life and social organization, and exercise of authority in their legally recognized territories and ancestral community land ownership.
10. To create, develop, implement and practice their own or customary law, which may not violate constitutional rights, in particular those of women, children and adolescents.
11. To not be displaced from their ancestral lands.
12. To maintain, protect and develop their collective knowledge; their sciences, technologies and ancestral knowledge; genetic resources containing biodiversity and agro-biodiversity; their medicines and traditional medicine practices, including the right to recover, promote and protect the ritual and sacred places, as well as plants, animals, minerals and ecosystems within their territories; and knowledge of resources and properties of fauna and flora. All forms of appropriation of their knowledge, innovations and practices are prohibited.
13. To maintain, restore, preserve, develop and preserve their cultural and historical heritage as an indivisible part of the heritage of Ecuador. The State will provide the resources for that purpose.
14. To develop, strengthen and promote the bilingual intercultural education system with quality criteria, from early stimulation to the university level, according to cultural diversity, care and preservation of identity consistent with their teaching methodologies and learning. Decent teaching careers will be assured. The administration of this system will be collective and participatory, with temporal and spatial alternation based on community oversight and accountability.
15. To build and maintain organizations that represent them, in the context of respect for pluralism and cultural, political and organizational diversity. The State shall recognize and promote all forms of expression and organization.

16. To participate through their representatives in government agencies established by law, the definition of public policies affecting them, as well as in the design and choice of priorities in the plans and projects of the State.

17. To be consulted before the adoption of legislative measures that may affect any of their collective rights.

18. To maintain and develop contacts, relations and cooperation with other peoples, especially those who are divided by international borders.

19. To promote the use of clothing, symbols and emblems which identify them.

20. The limitation of military activities in their territories, in accordance with the law.

21. That the dignity and diversity of their cultures, traditions, histories and aspirations are reflected in public education and in the media, in addition to the creation of their own media in their own languages that is accessible to others without discrimination. The territories of peoples in voluntary isolation are irreducible and intangible ancestral possessions, and they shall be closed to all extractive activity. The State shall take measures to ensure their lives, protect their decision and willingness to remain in isolation, and safeguard the enforcement of their rights. The violation of these rights constitutes the crime of ethnocide, to be punishable by law. The State shall ensure the implementation of these collective rights without discrimination, in conditions of equality and equity between women and men.

**Table 3.** Criteria for evaluation of local plans based on the twenty-one principles of the collective rights of indigenous nationalities and peoples

The first criteria evaluate the quality of the plans in four categories, with a total point range of 0 to 40, where forty is the maximum score. The maximum score for each category is ten, and because in each element of each category, the maximum score that can be obtained is two, the total sum of each category sometimes can be four, as in the fourth category. In this last category, the sum of each element gives a total of 4, so the fourth category will get 10 (a score of 4 gives 10 points). Similarly, the second criteria used a range of 0 to 42. This is because each of the 21 elements is multiplied by the maximum possible score, which is two. The result in the second criteria is the sum of all values for each of the 21 elements.
B. Questionnaires

A questionnaire containing 10 questions was developed and sent with a letter to each municipality. The possible responses to the questions were nominal (“Yes”, “No”) and in some cases descriptive. This questionnaire was sent to the person in charge of the planning area of each of the nine municipalities. In order to get a more effective response, a letter of support from the undersecretary of planning and development of Zone 2 of the National Secretariat of Planning and Development (SENPLADES) was attached to the questionnaire, explaining the objective of the study. For a detailed illustration of the ten questions used in the survey for the planning directors, see Appendix 1: Questionnaire for the municipality planning directors.

A different survey was developed for indigenous leaders. All of the questions were nominal (“Yes”, “No”) and the questionnaire was sent by email. Because of the difficulty of reaching most of the indigenous leaders, especially those who represent Kichwa grassroots organizations, such as the Federación Intercultural de Comunidades de la Nacionalidad Kichwa de la Amazonía Ecuatoriana (FICKAE) and the Federación de Organizaciones Indígenas de Napo (FOIN), only a few members of those organizations were contacted. Fortunately, indigenous leaders were able to provide responses to the questions. For a detailed illustration of the questions used for the survey, see Appendix 2: Questionnaire for indigenous leaders.

C. Census Data

The 2010 Census Data from INEC was used in this study. Population data was used in order to understand the total population in each municipality, and the data of self-identification according to customs and culture was used to identify the percentage of indigenous and non-indigenous people.
IV. RESULTS

A. Do local comprehensive plans enhance Collective Indigenous Rights?

The results obtained using the first criteria protocol are shown in Figure 6. According to the plan quality criteria, the municipality of Archidona obtained a high score compared to its peers. It scored 29.3/40, equivalent to 73% compliance in plan quality towards enhancing indigenous collective rights. On the other hand, the municipality of Quijos obtained the lowest score, 5.1/40, equivalent to 12.75% of the quality plan. At first glance, one might consider a positive correlation between the plan quality scores and the percentage of the population that is indigenous in each municipality. This is true for Archidona, where the population is 80.3% indigenous, and for Quijos, where the population is 6.5% indigenous, as shown in Figure 8. However, there is not a positive correlation in the other municipalities. The municipality of Aguarico is 77.4% indigenous, but it has a score of 16.2/40, equivalent of 40.5% in plan quality. Similarly, Francisco de Orellana, the administrative center of the Orellana province, scored 21.8/40, equivalent to 54.5% in plan quality, whereas its indigenous population is 26.7%.

Indigenous peoples in the municipality of Loreto make up 67.4% of the population. However, this municipality only scored 8.5/40, equivalent to 21.25% plan quality. This shows that Loreto, despite being a municipality with a large indigenous population, has a local development plan that does not meet the quality benchmark to provide recognition of the collective rights of indigenous peoples and nationalities. It is critical to analyze the reasons behind this score in Loreto in detail. Another indicator to analyze is the reason for the decline of indigenous population in the municipality of Loreto, from 70.7% in 2001, to 67.4% in 2010 (INEC, 2010). Likewise, the municipality of Tena, considered the administrative center of the
Napo province, with an indigenous population of 58.7%, scored 15/40, equivalent to 37.5% in quality of their municipal comprehensive plan.

The average score for a plan in terms of its ability to recognize and enhance indigenous collective rights is 36.6% for the 9 municipalities. It is noteworthy that according to historical data, Tena, Archidona and Quijos territories contained greater presence of indigenous peoples and nationalities (Muratorio, 1991) in the early Hispanic colonial period. However, census data shows, the modern municipalities of Quijos and El Chaco have very low percentages of indigenous peoples in their populations. This is represented in the programs and policies of their development plans, which place minimal focus on the advancement of an intercultural and plurinational state. Such evidence indicates the potential process of loss of ancestral indigenous cultures in these municipalities, and nothing is being done to rescue these cultures.

![Bar chart showing scores of evaluation of quality plans to enhance collective indigenous rights by municipality.](image)

**Figure 6.** Scores of evaluation of quality plans to enhance collective indigenous rights by municipality. **Note:** Scores range between 0 and 40
B. Does a local comprehensive plan identify and establish policies and programs in order to achieve Collective Indigenous Rights?

Figure 7 presents the results of compliance with each of the 21 statements about the collective rights of communities, nationalities and peoples of Ecuador (Constitución del Ecuador 2008, Article 57). As the chart shows, Archidona, the municipality with the largest indigenous population, receives a compliance score of 23/42, or 54.7%. Other municipalities with high indigenous populations, Aguarico and Loreto, scored 6/42, or 14.28%, and 13/42, or 30.9%, respectively. The municipality of Tena scored 7/42, which corresponds to 16.6% compliance; while Francisco de Orellana scored 17/42, or 40.4% compliance. For the nine municipalities, the average rate for achieving the collective rights of the communities, nationalities and indigenous peoples set forth in Article 57 of the 2008 Ecuadorian Constitution is 25.09%, much lower than expected.

The municipalities with the worst results are El Chaco and Quijos, while the municipalities that have made some progress on the issue of recognition and plan to comply with the constitutional mandate on collective rights of indigenous peoples and nationalities are Archidona and Francisco de Orellana. It should be noted that although Archidona is undergoing a constructive process of recognizing collective rights, it still only complies with 54% of the statements of collective rights, this indicates that a process must be implemented to improve the proposals and policies so they comply with the constitutional mandate. Otherwise, the outcome will be diminished indigenous rights in the long run.

While the first chart in this section (Figure 6) shows how local development plans incorporate methodologies, maps, statistical information, and issues regarding the basic principles of collective rights of indigenous peoples. The second chart (Figure 7) shows how
development plans incorporate policies and programs to meet the 21 statements on the collective rights of indigenous peoples. There is a positive correlation between the assessment of the quality of the plans and compliance with the 21 statements about collective rights.

**Figure 7.** Scores for the 21 principles on Constitutional Collective Rights of commune, peoples and indigenous nationalities by municipality.  **Note:** Scores range between 0 and 42.

**Figure 8.** Percentage of population that is indigenous by municipality. Source: INEC, 2010
C. Questionnaires

Planning Directors

A questionnaire with the relevant questions (see Appendix 1) was sent by mail to each planning department director or representative of the 9 municipalities included in this study. Surveys were sent with a letter of sponsorship signed by the Undersecretary of the Planning Zone 2 of the National Secretariat for Planning and Development (SENPLADES), based in Tena. Unfortunately, at the time of this study, Ecuador was in the process of electing new authorities for different levels of government such as provincial and municipal governments. The election was held on February 23, 2014, and in the provinces of Napo and Orellana, only three officials were re-elected: the mayors of Quijos, Aguarico and Francisco de Orellana (CONSEJO NACIONAL ELECTORAL DEL ECUADOR [CNE], 2014). This election process and results may have influenced the directors of each planning department in the municipalities, as the new officials were not part of the survey. Each new mayor also tends to come with new departmental directors.

On the other hand, the process for creating local development plans in each municipality is detailed in Table 4. As shown, five of the nine municipalities conducted their local development plans by hiring consulting firms, and the same consultant advised three municipalities (Arosemena Tola, El Chaco and Aguarico). Eight of the nine municipalities have a planning department. Arosemena Tola, small in terms of landmass and population, is the municipality without a planning department. The municipalities that serve as administrative centers for their province have their own planning department, which is an advantage in terms of infrastructure, financial resources, human resources, and political leadership. Undoubtedly,
having a planning department also provides opportunities to increase technical capabilities, which may be reflected in the quality of local development plans.

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<tr>
<th>Province</th>
<th>Municipality</th>
<th>Does the municipality have a comprehensive plan?</th>
<th>Does the municipality have a planning department?</th>
<th>The comprehensive plan was prepared by</th>
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<tr>
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<td>Loreto</td>
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Table 4. Details about planning capacity for making comprehensive plans. Compiled by the author, 2014

Indigenous people’s participation in the process of creating municipal comprehensive plans.

Figure 9. Results of survey administered to presidents of Kichwa grassroots organizations.
Surveys were administered to eight presidents from different communities and Kichwa organizations in the study area. The surveys were randomly selected, although most representatives belonged to the Napo province. Surveys were also emailed to presidents of indigenous communities and organizations in the province of Orellana, however no reply was received. Figure 9 shows the results of the survey distributed to presidents from different communities and organizations of the Kichwa nationality. It can be noted that only two organizations claim to possess Life Plans (Planes de Vida). Life Plans are planning tools created by indigenous communities and organizations for sustainable and economic development according to their views and culture within their territories. Life Plans are usually funded with support from national and international NGOs (Pueblo Kichwa de Sarayaku, 2006).

Fifty percent of respondents state they were invited to participate in the public hearing process for the development of the comprehensive plans in their municipalities. This shows that there is a high level of participation of different indigenous leaders in the development process of local municipal plans. However, 100% of people surveyed indicate that they were not invited to coordinate the process of creating municipality comprehensive plans when the hearing process needed to be done within Kichwa communities and territories. This would confirm what some Kichwa leaders have been continuously claiming; there is low or limited interest from local governments to give them the recognition as authority of indigenous communities and organizations as recognized by the 2008 Ecuadorian Constitution. In other words, indigenous organizations that have had a history of fighting for the vindication of the rights of indigenous people, as the case of Federation of Indigenous Organizations of Napo (FOIN) are not given the respective recognition as authorities that represent a large group of the Kichwa nationality members.
Likewise, 100% of the respondents to the survey believe that the local municipal comprehensive plan does not include the aims and demands of the Kichwa communities. They also believe that the comprehensive plan fails to support the construction of a plurinational state as mandated in the 2008 Ecuadorian Constitution of Ecuador, the national Plan for Good Living, and the COOTAD. These numbers demonstrate that the voice and the rights of indigenous communities are not given the respective support and authority.

V. DISCUSSION AND POLICY IMPLICATIONS

The results obtained in this study indicate a clear trend of municipal governments of Napo and Orellana not including the constitutional mandate on collective rights of communities, nationalities, and peoples of Ecuador in their comprehensive plans. Municipalities with significant Kichwa representation in their populations such as Loreto, Aguarico, and Tena, in their development plans have little incentive to comply with the constitutional mandate addressed in this study. The municipality that complies most fully with the collective rights is Archidona, but even Archidona has not yet reached 100% compliance.

It is noteworthy that over 50% of comprehensive municipal plans were conducted by consulting firms, and three municipalities hired the same consultant firm despite having their own planning departments. The construction of a good comprehensive municipal plan is also correlated with political and administrative support as well as the authorities’ intention for the comprehensive plan to become a real tool for planning within their jurisdiction. The plan also serves as an element contributing to a different regional planning process. Creating a comprehensive plan at the municipal level that does not reflect the aspirations of its people, but rather is only designed to fulfill legal requirements in order to obtain economic resources, is not
adequate. Instead, local government planning tools should be strengthened; planning departments should be provided with necessary infrastructure, top-notch equipment, and high quality human resources to fully comply with their planning processes for development within their territorial jurisdiction.

On the other hand, the COOTAD, within its principal objectives, clearly states “the affirmation of intercultural and plurinational character of the Ecuadorian State” (COOTAD, 2011, pg. 11). Similarly, it claims to “ensure the collective rights of communities, peoples and nations” in the processes of citizen participation (COOTAD, 2011, pg. 13). Moreover, the COOTAD determines exclusive jurisdiction powers that each level of government should execute to avoid duplication of functions. Similarly, the COOTAD determines that one of the functions of the municipal government is to "design and implement policies to promote and build equity and inclusion within its territory, under its constitutional and legal powers” (COOTAD, 2011, pg. 39). One of the exclusive powers determined by the COOTAD for a municipal government is to “plan, along with other public sector institutions and actors of society, the cantonal development and formulate appropriate land use plans, in concordance with national, regional, provincial and town planning, in order to regulate the use and occupation of urban and rural land, under the intercultural and plurinational framework and respect for diversity” (COOTAD, 2011, pg. 41). Although interculturality and plurinationality are established by law and required by planning tools within, it is not clearly determined how the Collective Rights of peoples and nationalities should be included and enacted at the local government level. Specific requirements set out in COOTAD for local governments makes them prioritize fulfilling these items, while adapting the plurinationality concept to the interests of the government, and not
including the rightful constitutional compliance regarding Collective Rights of communities, nationalities and peoples in their planning process (Constitution of Ecuador, 2008, Article 57).

There is no clear mandate regarding how to incorporate collective rights in planning at the level of local governments. The collective rights of the nationalities and peoples are primarily framed for compliance and defined by public policy by the central government. However, some of the mandates on the collective rights of indigenous policies can be handled at the local government level because of the “day to day” relationship through planning and decision making that affects or benefits indigenous nationalities. Therefore, some of the collective rights of indigenous nationalities and peoples need to be managed and implemented through policies and programs at the local government level. For example legalizing territories of nationalities and peoples is a central government policy because territorial legalization goes through public institutions such as the National Institute of Agrarian Development (INDA) and the Ministry of Agriculture and Livestock of Ecuador (MAGAP). At the same time, at the local government level, there must also be clear, defined policies that allow the territory of the nationalities and peoples to receive specific planning, taking into account the particularities of the territory and the populations that inhabit it (Berke, et. al 2002). Thus, planning in indigenous territories becomes a critical part of the planning at the local municipal level in order to achieve municipality objectives, and the municipal planning supports the achievement of the objectives of the communes, nationalities and peoples.

A. Recommendations for achieving a plurinational and intercultural state through planning

The Ecuadorian Indigenous Movement has achieved the highest objectives in history: the recognition of indigenous rights in the Ecuadorian Constitution, the acceptance of the Kichwa and the Shuar languages as the cultural interrelation languages, and the acknowledgment of
Ecuador as a plurinational and pluricultural state. The National Plan for Good Living 2009-2013 establishes the process for the construction of a plurinational state and provides a series of objectives to support the development and the existence of indigenous nationalities and peoples. However, the Ecuadorian Indigenous Movement has realized that most of the objectives that they proposed were based on the romantic view of the past. The goal of indigenous autonomy and sovereignty seems to look back to the times when indigenous peoples were used to gathering food from the forest, hunting, fishing, and living in harmony with nature, among other views.

The current reality is far different from what indigenous leaders envisioned for the future of indigenous peoples in the Ecuadorian Amazon. I will enumerate some recommendations that could support the effort to construct a plurinational and intercultural state in Ecuador:

1. The Amazon region is the home of 11 indigenous groups self-identified as indigenous nationalities. Each nationality has its own interpretation of the world and nature, and has its own cultural development objectives. Different views and objectives bring different planning processes, but the overall outcome has to be a plurinational planning process supporting national development objectives. In this sense, indigenous and non-indigenous nationalities should demonstrate an open and equal dialogue process of building a plurinational society and avoiding expressing that one culture is better than the other.

2. The governance model of each nationality is different. For example, with regards to the Waorani nationality, the model of governance at the local level is based on the “chief,” who takes leadership of the clan, composed of a small number of members, and each clan is scattered in different areas throughout the Waorani national territory. The “chiefs” or so-called “warlords”, transmit their leadership to their children. Therefore, there is no democratic leadership in the clan. This leadership model contrasts with the model at the regional level, where the Waorani
adopted a westernized model of organization and representation. On the other hand, the system of the Kichwa governance is more adapted to the Western model, using the “Comuna” system. Therefore, it is incredibly difficult to maintain a uniform model of governance, and there are discrepancies between the models of governance of different indigenous peoples. However, these models of governance should be respected, while presenting alternative participatory processes that do not inhibit their existing governance model, but rather provide sufficient public input when developing comprehensive plans.

3. The National Indigenous Organizations (CONAIE) and other non-indigenous organizations created the Pachakutik, a political off-shoot of the CONAIE. The Pachakutik selected candidates for local government elections. The leaders of the CONAIE argued that political power was necessary to organize indigenous proposals and aspirations. Initially, the Pachakutik movement received support, and many candidates were elected to different municipalities, provinces, and the National Ecuadorian Assembly. However, internal disputes between indigenous leaders who wanted to remain in power diminished the support of the indigenous people. Moreover, other indigenous leaders wanted to run for elections through other political parties. As a result, internal fragmentation weakened the Pachakutik movement. In this sense, indigenous nationalities and peoples should refrain of participating in political parties; rather, the government should establish policies to ensure that representatives of indigenous nations also be directly involved in matters of public policy by allowing them specified representation in the local and national government council. In doing so, internal governance of indigenous nationalities is respected and strengthened.

4. The 2008 Ecuadorian Constitution provides tools for the establishment of the ITCs as a means of creating indigenous local governments in areas where most of the population is
indigenous. However, the process of creating ITCs has stalled. Indigenous peoples oppose this process. They state that indigenous territories are not confined to a particular political administrative level because they cover two or three levels of government vertically and horizontally. Furthermore, at some political administrative levels where indigenous populations are the majority, there are non-indigenous peoples, who often have their own economic interests and are not willing to predominantly undergo by indigenous administration. One proposal should be to strengthen the indigenous nationalities’ and peoples’ systems of governance without dividing the territorial integrity, rather than identifying cooperative planning processes along different local government levels.

5. Many indigenous territories are not yet legalized as ancestral lands. This means that few territories have been legally recognized by the national government and titled to indigenous nationalities and peoples as their “Comuna.” However, there are still other indigenous peoples who are not organized in a formal “Comuna” system; they consider themselves to be indigenous peoples. Their land is considered private property, and is therefore taxable and easy prey for the real estate market. So, there is a need to delimit and entitle indigenous nationalities and peoples’ ancestral land; zoning schemes could identify special land use in areas whereas indigenous people live but do not have a “Comuna” land title scheme.

6. The legalization of communal lands has been made by different schemes. Some of these lands have been recognized under the regency of the Ministry of Agriculture of Ecuador, the Ministry of the Environment, the Institute of Agrarian Development (INDA, ex-IERAC) with the support of the Development Council of Nationalities and Peoples of Ecuador (CODENPE). In order to get communal recognition as indigenous nations, the CODENPE conducts exhaustive research in order to provide an argument for the land title recognition in the name of indigenous
communities. There are two types of land titling in Ecuador: direct administration and certification agreements or contracts. The first is a legalization process conducted under the responsibility of the INDA. Depending on demand, the titles can be individual or collective. For example, collective titles are granted to a group of people with interests in common land ownership, such as indigenous communities. Land legalization by agreements or contracts is a certification process in which individuals or companies sign agreements with the INDA to legalize possession of land belonging to third parties, such as those lands administered by the Ministry of Environment in the System of Protected Areas. Communities recognized by the Ministry of Agriculture include indigenous people under the Association scheme, which allow the association to recognize private property. The process of ancestral land legalization for indigenous nationalities and peoples should be using clear land titling policies by a unique public institution.

7. The emergence of different indigenous organizations (regional and local) means that indigenous people are fighting for the right of indigenous organizations and not for the right of indigenous nationalities and peoples. In this sense, indigenous organizations are considered at the same level as Women's, Farmers’, and Teachers’ organizations. Due to this, the power and value of indigenous organizations has weakened and deviate from the principal topics and proposals such as indigenous peoples’ sovereignty, communal property rights, indigenous law, indigenous peoples’ relationship with the government, plurinationality building, and economic development in indigenous territories, among others. In this sense, indigenous grassroots organizations should put aside their interests and allow the strengthening of a government model accordingly to each indigenous nationality’s and peoples’ model.
VI. CONCLUSION

This study has identified empirical elements regarding the process of building a plurinational and intercultural state in Ecuador. The 2008 Ecuadorian Constitution, the National Development Plan for Good Living, the Organic Code of Territorial Organization, Autonomy and Decentralization, and Code and Public Finance state the mandate for the construction of a plurinational and intercultural Ecuadorian state. However, despite this plurinationality legal evidence at the local and national government level, it will take much more effort in order for the plurinational state to become a reality. Apparently, in view of the process of structural change which is going through the country, the government’s priorities are focused on providing services through infrastructure, education, and improvement of the productive matrix provision that has caused the national government to not give enough interest to the process of building an effective intercultural and plurinational state. This can be evidenced in this study, since nine municipalities located in the northern Ecuadorian Amazon populated by the Kichwa of the Ecuadorian Amazon nationality are not incorporating the constitutional mandate on the construction of a plurinational and intercultural state, nor are they incorporating policies for the achievement of the collective rights of indigenous communities, nationalities and peoples. This study found that the nine municipalities investigated only meet 36.6% of the quality local comprehensive plans incorporating methodologies and information regarding basic principles of the collective rights of communities, nationalities and peoples. Similarly, the 9 municipalities averaged 25.09% in fulfillment of incorporating projects and programs to meet the Collective Rights of indigenous of the Kichwa of the Ecuadorian Amazon nationality. In order to achieve a plurinational and intercultural state, the national government and the indigenous nationalities
should gather together in order to identify policies and practices that enhance the fulfillment of the Collective Rights of communities, nationalities and peoples.
VII. REFERENCES


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Appendix 1: Questionnaire for the municipality planning directors:

1. Is the municipality developing or updating the Municipal Comprehensive Plan (PDyOT)?
   - No  
   - In development  
   - Updating  

2. Indicate the major stakeholders that have participated in the process of creating the Municipal Comprehensive Plan:
   - NGOs  
   - Central government institutions  
   - Local government  

3. Does the Comprehensive Plan consider as an important input the Ecuadorian National Plan for Good Living (PNBV) 2009-2013?
   - Yes  
   - No  

4. Does the Comprehensive Plan consider as an important source of input the fundamental principles established in the 2008 Ecuadorian Constitution?
   - Yes  
   - No  

5. Do you know what a plurinational country is?
   - Yes  
   - No  

6. Do you know what the collective rights of indigenous peoples and nationalities of Ecuador are?
   - Yes  
   - No  

7. Are there indigenous nations or peoples at the municipal level?
   - Yes  
   - No  
   - Kichwa de la Amazonia __%  
   - Other indigenous nationalities __%  
   - Shuar __%  
   - Waorani __%  

8. What strategies is your municipal government implementing to contribute to the construction of a plurinational state?
   Include detail:

9. Were workshops for the construction of the Comprehensive Plan conducted in indigenous communities?
   - Yes  
   - No  
   Name of the principal communities:

10. What are the main programs that your municipal government is implementing to achieve indigenous collective rights?
    Describe 5 principal programs:
Appendix 2. Questionnaire for indigenous leaders.

1. Was your indigenous organization invited to actively participate in the consultation process for the creation of the Municipal Comprehensive Plan?
   - Yes
   - No

2. Was your indigenous organization invited to actively participate in the consultation process for the creation of the Municipal Comprehensive Plan, especially those processes within indigenous communities?
   - Yes
   - No

3. Do you know if community members of your organization participated actively in the public consultation and participation processes for the creation of the Municipal Comprehensive Plan?
   - Yes
   - No

4. Does your indigenous organization have a “Life Plan” document as an alternative for your own development? If so, when was it created?
   - Yes
   - No

5. If you answered “Yes” to question No. 4, in your opinion, were the main proposals stated in your “Life Plan” included in the Municipal Comprehensive Plan?
   - Yes
   - No

6. Do you agree that the Municipal Comprehensive Plan includes the main aspirations and objectives of the Kichwa communities?
   - Yes
   - No

7. Do you agree that the municipality plan supports the construction of a plurinational state as stated by the 2008 Ecuadorian Constitution concerning the collective rights of indigenous peoples and nationalities?
   - Yes
   - No