

The University of Colorado at Boulder

Lo peor del extractivismo que no se puede ver¹:

Oil Extraction, Land Rights, and Environmental Racism in Afro-Ecuadorian Communities

Ruth Woldemichael

IAFS 4500 Senior Seminar

Dr. Yaffa Truelove

28 April 2022

¹ The worst of extractivism that cannot be seen

INTRODUCTION

Latin America has a deep history of colonialism, erasure of Afro-descendant and Indigenous peoples, and popular struggles and resistance. Ecuador is not immune to this. In the Fall semester of 2021, I studied abroad in the coastal region of Esmeraldas, Ecuador where Afro-descendant women spoke to me about the various ways state oppression appears in their rural communities and the hyper-invisibility they fight to bring global attention to the realities of oil extraction, land rights, and environmental racism in Esmeraldas.

Current scholarship and media around extractivism are centered on generalized regions of the Global South and Latin America, Brazil, and the Ecuadorian Amazon; this is usually paired with analyses on Indigenous impacts and resistance. In “Injustice and Environmental Racism in the Ecuadorian Coast,” Esthefanía Cárdenas, self-proclaimed anthropologist, internationalist, decolonial feminist, and human rights activist, says “The coastal region of Ecuador has had decades of intense environmental suffering, mainly linked to structural issues of racism that allow these ecosystems and their inhabitants to suffer from a slow death”. The extractivist industries and stakeholders - national companies, transnational companies, and the Ecuadorian state- are responsible for the deaths and suffering of many Afro-descendant and Indigenous communities due to oil spills, mining, deforestation, air and water contamination, health threats, labor abuses, and “the lack of access to justice and reparations” (Cárdenas). All this to say, Afro-descendant communities also face environmental racism because of oil extraction on the coast of Esmeraldas, Ecuador, and it is a serious threat to their livelihood.

This analysis will explore two main questions:

1. How do the 2008 Ecuadorian Constitution and additional policies enable oil extraction?
2. What are the socio-ecological impacts on the Afro-communities and lands of Esmeraldas?

These are significant because they shed light on the struggles and resistance of Afro-Esmeraldan communities around the themes of extractivism, environmental racism, and political ecology.

This topic serves as another reminder that political, social, and environmental systems are not only intimately connected, but racialized. Under this framework, this paper will provide a brief geographical context of Ecuador and the political context of the 2008 constitution reform in the age of “post-neoliberalism,” then highlight constitutional contradictions that have allowed for the expansion of capitalist developments through oil extraction. This analysis argues the 2008 Ecuadorian Constitution was purposely created with loopholes to mimic the language of radical anti-capitalist thought, while simultaneously expanding capitalist development through the exploitation, and therefore slow death, of Afro-descendent communities and territories.

Definitions

For a better understanding of the content of this paper, I will provide definitions of a few frequently used terms and frameworks that lay out the analysis.

First, I will be using **Afro-descendant(s)**, **Afro-Ecuadorian(s)**, and **Afro-Esmeraldan(s)** interchangeably throughout this work. Afro-descendant is largely used in Afro-community descriptions of Latin America and Ecuador (Spanish: afrodescendiente). Afro-Ecuadorian refers to Afro-descendant/Black communities in the larger region of Ecuador, while Afro-Esmeraldan is specific to the region of Esmeraldas.

Extractivism is the process, and “political and economic model and ideology,” of natural resource extraction for exportation (Still Burning).

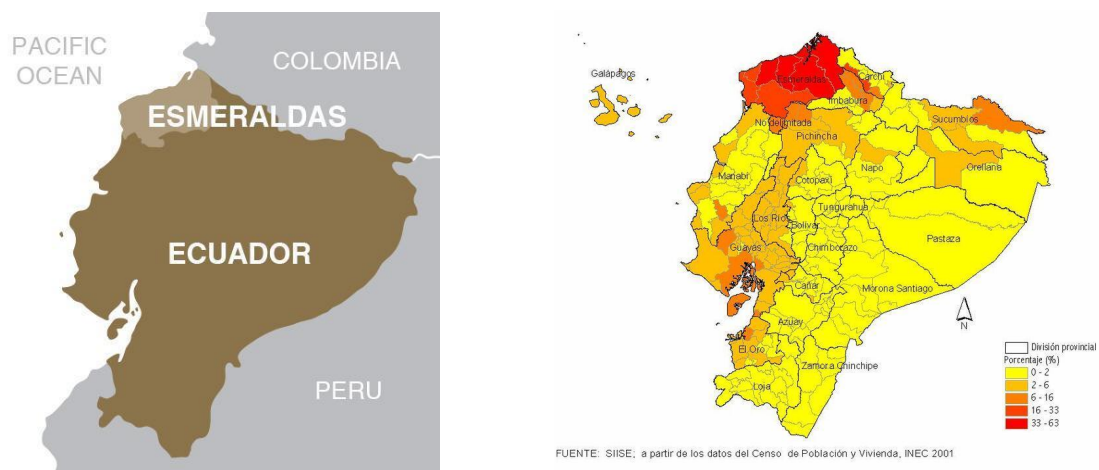
Neo-extractivism, then, is when “the state takes an even more active role [in] large-scale extraction of raw materials... justified by the fact that a considerable part of the profit remains with the state” (Still Burning). Oil extraction can be from the ground through mining, or from water through hydrocarbon extraction processes, both used in Esmeraldas.

Environmental racism, specifically in the context of this analysis, is defined as "the intentional selection of communities of color for wastes disposal sites and polluting industrial facilities, essentially condemning them to contamination” (Chavis). Cárdenas adds to this definition by clearly naming racial discrimination and structural racism.

Political ecology is an interdisciplinary field of study to analyze “the forms of access and control over resources and their implications for environmental health and sustainable livelihoods" (Robbins 6-7). A political ecology approach “documents environmental changes, social activism, and power dynamics” between stakeholders (Woldemichael 1). For the purposes of this paper, a political ecology framework helps explore the ways the Ecuadorian state and said stakeholders have access to and control over the Afro-descendant land, exploited resources, and profits alongside the long-term socio-ecological effects on their communities.

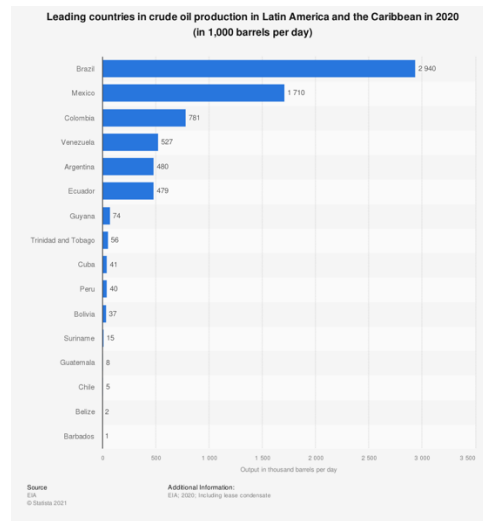
BACKGROUND

Ecuador is a country in South America, right between Colombia and Peru and Esmeraldas is the northwestern province along the Pacific coast. Ecuador is home to 1.3 million Afro-descendant people out of a total of 13.5 million people in the country (Minority Report)². Of those 1.2 million Afro-Ecuadorians, 70% live in Esmeraldas. Though the largest Afro-descendant communities inhabit Esmeraldas, there are also Afro-Ecuadorian communities in the Valle del Chota, Quito, and spread out across other parts of the country as well. This study will only focus on Afro-Ecuadorian communities of the territories of Esmeraldas.



Esmeraldas has been historically considered the ancestral territories of Afro-descendant communities. Afro-descendant peoples settled in Esmeraldas after the revolution against their Spanish colonizers. After Ecuador's abolition of slavery in 1852, Afro-Esmeraldan communities advocated for "state recognition of their collective territories, in some cases having collectively purchased lands directly," leading to the 1937 Ley de Comunas (Law of Communes) that gave Afro-Esmeraldans recognition of their ancestral lands, along with various land and water rights granted to them (Rapoport Center, 10). Esmeraldas has always been *of the* Afro peoples.

² It is important to note these numbers are estimates because of the history of inaccurate data through surveying processes and varying forms of racial/ethnic self-classification.



Ecuador is also one of the leading countries in oil extraction, production, and exportation right next to Brazil, Mexico, Colombia, Venezuela, and Argentina, with 479 thousand barrels of oil per day (Statistica). This makes sense, given that “Latin America holds one-fifth of the world’s oil”- Ecuador specifically holds three percent of the oil reserves (Aljazeera). As of 2011, Ecuador, along with Colombia and Argentina, only contributes 17% of the regional oil production compared to the 80% from Brazil, Mexico, and Venezuela (Al Jazeera).

The Pink Tide in Ecuador

In the late 2000s, Latin American social movements rooted in anti-imperialism and anti-capitalism rose against neoliberal economics and politics. Such mass movements lead to the election of “left-wing” governments in Venezuela, Bolivia, and Ecuador. But not too left- the rise of the Pink Tide came with waves of neo-extractivism and neo-capitalism:

An abundance in raw materials drove growth and was a central source of state revenue for Latin America between 2000 and 2010. The classic use of extractivism included neoliberal policies of deregulation, transnationalization, and privatization. The

left-leaning governments of the region used extractive activities, especially mining, as an economic tool for increased social spending and poverty reduction (Severns).

Rafael Correa was elected to the Ecuadorian presidency in 2006, during a peak of various “Indigenous-led movements to fight oil and mining extractivism on Amazonian territories,” promising to protect the environment and implement anti-capitalist policies (Severns). Correa came into office after the U.S.-dollarization of the Ecuadorian state currency in 2000 and a monetary crisis. He decided to solve this by cutting relations with the World Bank and International Monetary Fund and instead leaned into China for loan agreements where “Ecuador would pay primarily through oil, mining and developing hydroelectric plants [which] led to a deepening of dependence on natural resources” (Severns). This followed a capitalist state-led development model- “economic ‘development’ ... based on the exploitation of people and nature” (Still Burning)- expanding the very thing Correa’s presidential campaign promised to fight against.

On paper, the goal of extractivism under the facade of post-neoliberalism was the argument that the extraction of oil will produce profits controlled by the state to redistribute to the communities and fund social welfare programs. In practice, not so much.

Constitution and Crisis

Rafael Correa amended the Ecuadorian Constitution in 2008 with the frameworks of his “left-winged post-neoliberalism,” neo-extractivism, and capitalist development- just as contradictory as it sounds. Using Indigenous and anti-capitalist language around the protection of Pachamama (Mother Earth) under Sumak Kawsay (Good Living), the Constitution is made with intentional loopholes for the expansion of capitalist development through neo-extractivism.

Instead of the profits of exploitation and extraction benefiting the communities, extractivism has caused “environmental pollution, damage to health, violence, land misappropriation, and the forced expulsion of the affected populations” as well as “threaten food security and traditional ways of life” to Indigenous, Afro-Descendent, rural, and poor communities- particularly women (Villarreal and Muñoz).

Particularly with Esmeraldas and the Afro-Esmeraldan communities, extractivism has resulted in various levels of human rights crises and threats to livelihood regarding oil spills, fisher industries and inhabitants, deforestation, and severe contamination of air, water, and soil (Cárdenas). In 2014, a local news article reported that 786 barrels of crude oil spilled because of a pipe burst, contaminating the waters and quickly affecting the fishing industry (El Comercio). In the year 2020 alone, 2 oil spills from hydrocarbon industries were repeated every week (Cárdenas). Dangerous events like these have led to various community demands and resistance movements. This crisis deserves immediate attention to address the slow death of the Afro-descendant people, waters, and territories of Esmeraldas.

Stakeholders

Stakeholders and their respective interests include the following:

The Ecuadorian state government's interests lie between economic growth and Chinese loan debt, politically progressive and post-neoliberalist public image, and mitigating/responding to social resistance movements (Martínez).

The privatized stakeholders are the national extraction company- Petroecuador -and other transnational corporations whose interests are rooted in profit and capitalist development frameworks.

The resistance movements from Indigenous, Afro-descendant, and rural local communities have interests in dignified living conditions under anti-capitalist models of development through the true radical spirit of Sumak Kawsay- they are interested in the “struggle for survival” (Villarreal and Muñoz).

I would be remiss in not acknowledging the pro-extraction movements outside of the state and privatized industries, but from the working class fueled by myths of generating more employment, more localized benefits and profits, and hopes of “clean and safe” extraction (Isch 168).

POLICY ANALYSIS

The 2008 Ecuadorian Constitution was regarded to be one of the most progressive constitutions during Latin America’s Pink Tide. The following section will summarize the key sections of the constitution related to this topic around the radical leftist language, the acknowledgment of land rights and racial identities, and the state ownership and privatized control of land and resources with respective intentions, benefits, and drawbacks. A critique will follow, highlighting the ways in which the “pink” constitution contradicts itself on paper and in practice.

Progressive language

The preamble of the constitution promotes the ideas of Pachamama, Sumak Kawsay, and a plurinational (or multinational), intercultural, inclusive Ecuadorian state. The beginning of the constitution uses progressive language rooted in the Indigenous thought and traditions of the Kichwa (also called Quechua) people.

Pachamama translates to Mother Earth and is used to embrace the coexistence of all things living- humans and nature. The 2008 Constitution specifically grants rights to Mother Earth around environmental preservation, eco-systemic conservation, “the prevention of environmental harm, and the recuperation of degraded natural spaces” (Rapoport Center, 27) for the “right to good living” (República del Ecuador Constitución de 2008, Article 14). Later in Article 57, the constitution claims to prioritize state development around Pachamama values:

To “recover and conserve nature and maintain a healthy and sustainable environment that guarantees to persons and collectivities equitable, permanent and quality access to water, air and soil, and to the benefits of subsoil resources and natural heritage”.

Pachamama is our environment, our ecosystem, our nature, our natural resources- and the constitution promises to nurture and protect it for the benefit of Sumak Kawsay.

Sumak Kawsay- el Buen Vivir in Spanish or Good Living in English- is an idea rooted in Indigenous anti-capitalist models of development where the beings of Mother Earth (human beings and nature alike) are valued over our material wealth (Coryat 7). The constitution’s use of this language “faces the imposition of a [imagined] globalized culture through an indigenous practice” (Isch 167). Sumak Kawsay, in theory and practice, offers radical alternatives to capitalism to embrace Pachamama, therefore in its essence is also anti-extraction, anti-exploitation, and anti-oppression.

Lastly, Ecuador self-proclaims itself as a **plurinational, intercultural, and inclusive** state. This language follows the Latin American trend of the 2000s-2010s, supposedly steering to progressive leftist democracies.

Land Rights and Racial Identities

More specific to Afro-Ecuadorian communities, the 2008 Constitution recognizes the racialized identities, human rights, and ancestral territory land ownership of Afro-Ecuadorian peoples. Title 2, Chapter 4 of the constitution, labeled “Rights of communities, peoples and nations,” lays this out, guaranteeing:

“collective rights Afro-Ecuadorian people are recognized” (Article 58).

“collective land ownership is recognized as an ancestral form of territorial organization” (Article 60).

The constitution explicitly names Esmeraldas as Afro-descendant territories included in the ancestral territorial organization. These same collective rights were granted to Indigenous populations as well. This is significant to the analysis of oil extraction and land rights in Afro-communities because **the recognition of Afro-descendant territories also implied that neither the land nor resources could be bought or sold** (Brown). They legally belonged to the local Afro-Esmeraldan communities.

State and Privatized Control

In Title 4, Chapter 2- “Biodiversity and natural resources,” Section 4 lists the ways in which the State deals with the “Natural resources” of Ecuador:

All “nonrenewable natural resources... are the unalienable property of the State” (Article 408).

“The State shall participate in profits earned from the tapping of these resources, in an amount that is no less than the profits earned by the company producing them” (Article 408).

“The State shall guarantee that the mechanisms for producing, consuming and using” extracted goods make it “possible to have living conditions marked by dignity” (Article 408).

In summary, Section 4, Article 408 of the constitution clarifies that the Ecuadorian state owns the land and resources, all profits will be split with [private, national, transnational] companies, and ensures safe extraction mechanisms for the benefit of the Ecuadorian peoples, again in the spirit of Sumak Kawsay.

Supporting Policies

After the 2008 constitution reform, the Ecuadorian state passed the Law of Mining in 2009 and recently amended the Law of Hydrocarbons in 2021. Together, these additional policies both insist that “non-renewable natural resources are the sole and sovereign property of the state, which has the exclusive right to explore and exploit them” (Zaldumbide), reinforcing the claims of Title 4, Chapter 2, Section 4, Article 408 of the constitution. This reinforcement of the constitution opened more doors for the rise and expansion of oil extraction projects through Petroecuador and other private companies (International Energy Agency), regardless of the harm to Pachamama and threats to Sumak Kawsay.

Paradoxical Constitution

As a clear remnant of the Pink Tide in Ecuador, the 2008 constitution is full of loopholes and contradictions that seem left-leaning but enforce capitalism through neo-extractivism. The progressive language around protecting Mother Earth for the benefit of dignified Good Living and honoring the ancestral land rights and ownership of Afro-Esmeraldan peoples is in direct contrast with the State’s declarations of land and resource ownership between the government

and the companies, and the imminent harm faced by Afro-communities through extraction processes. The goals of the Constitution and additional supporting policies are to expand the economic development of Ecuador as a means of improving the welfare state. During his presidency, Rafael Correa did have some points of success:

“...There was a 38% reduction in poverty and a 47% reduction in extreme poverty. Of the total GDP percentage, social spending more than doubled. Enrollment in education increased substantially and Ecuador had the biggest share of GDP spent on higher education” (Severns).

Although Correa did meet goals around various measurements of development, like rates of poverty, GDP, and education, these successes are paradoxical to the language of the constitution. Radical anti-capitalist and anti-extractivist language is used on paper, with promises of reaching developmental goals within these frameworks, yet in practice, some of these economic and social goals were met through neo-extractivism. Meaning oil extraction was still used but through the centralized control of the state. This is the tradeoff and disjuncture of implementation, and the socio-ecological impacts for Afro-descendant communities included:

- Loss of ancestral territories through environmental degradation and/or Afro-community displacement (Rapoport Center 31)
- Threats of “both the effluents (liquid waste) and the air pollution generated by the extraction of oil palm have led to further environmental degradation, observed by the death of fish populations in nearby rivers, and rashes on the bodies of people who bathe in these waters” (Rapoport Center 33)
- Contamination from agrochemicals used for oil palm extraction (Rapoport Center 33)

Overall, the Ecuadorian government reports on the various improvements of the state of development during the periods of hyper-extraction but ignores the serious threats to Afro-Esmeraldan ecosystems and livelihoods. For a government that guarantees harmony with Pachamama for the sake of Sumak Kawsay, Ecuador's capitalist dependence on extractivism for socio-economic improvement on one end is also "based on the exploitation of nature and communities" (Isch 166). The economic boom relies on the rise of inequality- the success of capitalism runs on the oppression of the invisible, racialized, rural communities.

In "The Extractivism as a Denial of the Constitution of the Republic," Edgar Isch argues that exploitation itself requires a capitalist dependency based on the idea that the Ecuadorian state has unlimited natural resources to sustain exploitation and constant biodiversity (166). Isch critiques this and the constitution by explaining that extractivism creates a false hope that capitalist economic systems can be "something in harmony with nature" that can "guarantee Good Living"- it cannot (166). Capitalism and extraction will always work against Pachamama and Sumak Kawsay. Esperanza Martínez builds on this in "The Mining and Oil Policies of the Citizens' Revolution":

"Instead of the Constitution of Sumak Kawsay as an alternative to such processes of depletion, the Ecuadorian government... has concentrated on the conditions for extraction of wealth... [Oil extraction is] an essential factor for the expansion and globalization of capitalism" (173).

Although Correa promised to implement policies truly rooted in leftist, Indigenous, anti-capitalist frameworks, he rode with the Pink Tide, which "in practice, efforts are made to do the opposite" (Martínez 177) in the name of economic development and national debt. Oil extraction will always require more land occupation, more water and air contamination, and

more profits generated by the State and privatized companies. Neo-extractivism *is still* capitalism, therefore is paradoxical to the progressive language of the 2008 Constitution and reinforcing policies.

There are various trade-offs around the implementation of this policy in theory and in practice: capitalist development or lack thereof; foreign debt or environmental and social justice; Mother Earth or extraction. For the resistance movements, the trade-offs are to give in, to be silent, or to fight back. Afro-descendant communities of Esmeraldas are fighting back.

COMMUNITY RECOMMENDATIONS & DEMANDS

“It is imperative to support the processes of resistance and defense of the human rights of the Emeraldan populations to avoid greater catastrophes in the future in this homogenizing and racist national system,” says the human rights activist Cárdenas. In the spirit of reciprocity and uplifting the existing resistance, the following policy recommendations are grounded in Afro-Esmeraldan community-centered demands and actions. They are also grounded in the framework of political ecology, because “we can no longer talk about ecosystems, but socio-ecosystems” to fully address distributive justice and social-environmental justice (Solíz 179). There have been various waves of activism against oil extraction in Ecuador, but based on a social media analysis, local Afro-communities are most frequently fighting for the following.

Terminate all Extraction Projects

Similar and very connected to the activist “Basta ya” (Enough/stop now) counter-extractivist movements in the Amazon and Intag Cloud Forest regions of Ecuador, there have also been calls from Afro-Esmeraldans for the protection of biodiversity, non-capitalist development models, and sustainability along with the values of Sumak Kawsay and

Pachamama. There are additional calls to dismantle Petroecuador. The focus on terminating all oil extraction projects is centered on the fact that extraction can never be anti-capitalist, clean, safe, or sustainable- the oil will run out, the environment will deplete, and the communities will be left, still, suffering a slow death.

Legislative Reform

In the Rapoport Center's extensive "Forgotten Territories, Unrealized Rights: Rural Afro-Ecuadorians and their Fight for Land, Equality, and Security," recommendations are specifically made to the Ecuadorian government (47-49), the United States government (49-50), the Inter-American Commission on Human Rights (50), international aid/financial institutions (50-51), and non-governmental organizations (51). Common themes from these recommendations revolve around legislative reform and intentional programming to address the clear contradictions of the political state of Ecuador regarding the ancestral land sales and displacement, compensation to and active involvement of direct Afro-Esmeraldan communities, guarantee the protection of human rights and environmental rights, and structural racism that holds up existing policies and the invisibility of the Afro-community.

Social Reparations and Nature Rehabilitation

Lastly, even with the termination of oil extraction projects or legislative reform or Afro-descendant community involvement, the Afro-communities of Esmeraldas and their environments would be left with the ongoing crises. Under the framework of political ecology, we know various stakeholders have access and control over politics, economics, and social standards of sustainable environments and livelihoods. In Fernanda Solíz's "Mining: Repair, Resist, and Reject- The Conflict of Mining from the Country of the Rights of Nature,"

recommendations are centered around distributive justice, socio-environmental reparations, social and environmental rehabilitation, restoration of human rights, and application of ways to avoid repetition of harm and crisis.

CONCLUSION

Afro-descendant communities are so deserving of dignified livelihoods, land rights, and human rights, in accordance with the truly radical and anti-capitalist roots of Sumak Kawsay. Through this brief study on the geographical and political contexts of Ecuador and the myths of post-neoliberal thought, I lay out the paradoxical contradictions of the 2008 Constitution from the remnants of the Pink Tide. These policy loopholes have upheld and sanctioned the serious socio-ecological crises that Afro-descendant communities and territories confront. I come to the conclusion that neo-extractivism of oil- through both land and hydrocarbon- is expanded capitalism.

This case study is not only an example of the racialization of politics and the political ecology of Esmeraldas and Afro-communities but another example of Afro-pessimism in an international context. With further research, Afro-pessimism might be used to explore the continued oppression and social death of Afro-descendant peoples as an arm of economic development and deservability politics.

It is always the most oppressed and the most invisible who suffer under capitalism, even under the pretty usage of radical language. The worst of extractivism *will* be seen. For now, the legacies of Afro-descendant resistance will continue until their demands for survival, visibility, dignity, and anti-capitalism are met. ¡Que viva la revolución!

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