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WHAT IS THE LIKELIHOOD OF BEING HEARD?

AN EXAMINATION OF THE RELATIONSHIP BETWEEN DECENTRALIZATION, STRENGTH IN INDIGENOUS MOVEMENTS, AND MEANINGFUL CONSULTATION WITH INDIGENOUS GROUPS IN LATIN AMERICA.

by:

BRITTANY BROMFIELD

Under the Direction of Jennifer McCoy, PhD

ABSTRACT

There is a gap in the literature that does not explain the circumstances under which Latin American governments allow MNCs to expand and violate indigenous protection laws. I examine how the capacities of indigenous groups, economic autonomy, and pro-indigenous policies impact government decisions in regards to indigenous land rights. In recent years, indigenous rights are increasingly recognized in Latin America, but with the pressure for economic development to compete internationally, Latin American governments sometimes violate indigenous rights in order to attract multinational corporations. I hypothesize that high economic autonomy, pro-indigenous policies, and strong indigenous groups lead to a higher likelihood that governments will hold meaningful consultations. I compare case studies in Ecuador, Bolivia, and Brazil. The results demonstrate that there is a positive, causal relationship with economic autonomy and meaningful consultations. Research of this phenomenon is imperative to furthering our understanding about the conflict between economic development and indigenous rights.

INDEX WORDS: Indigenous Peoples, Indigenous Rights, Human Rights, Latin America, Social Movements, Indigenous Movements, International Law, Resource Extraction

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A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2015

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Brittany Bromfield
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DEDICATION

I would like to dedicate this work to my supportive family- my father, Cleverton Bromfield, my mother, Lorene Bromfield, my sisters Briana and Simone; and my loving fiancé, Marvin Diaz.

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1 INTRODUCTION

Reports of human rights and environmental rights abuses targeted at indigenous groups abound in Latin America. Many of these stem from multinational corporation and central government negligence in protecting indigenous territorial rights. Curiously, there are provisions in Latin American constitutions that protect indigenous communities and territories. However, indigenous rights abuses perpetrated by multinational corporations operating in the host country and tolerated by governments continue to be reported. In this paper, I look at how the governments of some Latin American countries, specifically in Bolivia, Ecuador, and Brazil, respond to those abuses. I seek to understand why some governments step in to protect indigenous rights or why they ignore them.

1.1 Gap in the Literature and How I Resolve It:

Upon doing the preliminary research for this research proposal, I have found a gap in the literature in addressing why and how some Latin American governments allow these indigenous rights abuses to go ignored or unpunished. Very little existing literature adequately addresses when indigenous rights abuses go unpunished, especially when countries in Latin America have decentralized and their constitutions have recognized indigenous land and cultural rights. I examine the trends of indigenous rights abuses and under what conditions indigenous groups become successful in combating or even preventing these abuses.

1.2 My Argument:

I examine political, legal, and economic factors that improve government respect for indigenous property rights in Latin America. Specifically, I argue that Latin American governments are more likely to respect indigenous rights when economic autonomy is high, when pro-indigenous ideology is present, and when indigenous groups are strong.

First, economic autonomy is important because it allows for national governments to make economic decisions more independently without the fear of breaking agreements with their international lenders. Second, indigenous groups need to be numerous, strong, and strategic to improve their representation in politics (concepts of “strength” and “strategy” to be discussed further in the paper). If an indigenous population is too small and disorganized, they will be less likely to be represented in policy decisions. Lastly, a state’s constitution needs to recognize indigenous people as citizens with cultural and legal rights. The more official recognition in the constitution, the more pro-indigenous a state is with rights to prior, meaningful consultations. I hypothesize that all of these factors are critical in impacting whether or not Latin American governments respect indigenous land rights by holding meaningful consultations with indigenous groups. The project examines resource extraction in three cases- Bolivia, Ecuador, and Brazil- to identify patterns of abuse or respect of indigenous rights and to examine the role of the proposed variables in explaining those outcomes.

1.3 The Decentralization Puzzle and How Indigenous People Do Not Benefit From Decentralization Policies

Why are decentralized governments significant to national economic development and indigenous strength? Decentralization may mean more representation for local citizens and more

political and fiscal control for local governments. According to the literature, there are several types of decentralization: administrative, political, and fiscal (Treisman, 2007). Administrative decentralization is defined as a system in which “at least one policy is implemented not by the central government directly but by locally based agents.” Political decentralization is a system in which “at least one subnational tier of government has exclusive authority to make decisions on at least one policy issue,” and fiscal decentralization entails subnational governments accounting for a “large share of total government revenues or spending/decision-making on tax or expenditure issues” (Treisman, 2007, 28).

Hankla, Ponce Rodriguez, et al. (2014) theorize decentralization in another way. They break down decentralization into two main categories: whether a state is “democratically decentralized,” that is, if they have democratically elected subnational governments; or if the state is “party decentralized”, that is, if “the national leaders lack the power to select candidates for these sub-national elections.” Both Treisman (2007) and Hankla, et al. (2014) find that decentralization does not automatically mean that perfect representation and control in local political control. Levine and Molina (2011) explain why Mexico’s federal government is not able to combat violence and corruption caused by drug cartels despite the Mexican government being fiscally decentralized but not having an efficient politically decentralized system. They argue that “decentralization reforms that gave state and local governments more power of the purse without strengthening key governing institutions are partly to blame for this situation” (Levine and Molina, 2011, 98).

Of course, many factors determine the success of local municipalities. For example, in countries that are democratically decentralized and party centralized, “national leaders have significant powers, not the least nomination powers over sub-national politicians, and therefore,

can push them to optimally supply these goods” (11). This could mean that national governments in Latin America could dictate what policies local governments implement.

1.3.1 Limits to Decentralization Policies and How It Influences Indigenous Political Access

Literature on Bolivia suggest that since Bolivia’s decentralization reforms began in the 1990s, accountability and responsiveness at the local level, and in particular in rural areas, has improved and encouraged local participation among indigenous groups, resulting in more representation (Levine and Molina, 2011, 159).

With regard to fiscal decentralization, local governments also need to have a certain level of autonomy to represent local citizens. In a *Woodrow Wilson Center Report on the Americas* by Joseph Tulchin and Andrew Selee (2004), being highly dependent on national fiscal transfers “is said to reduce” the degree of autonomy that subnational governments have to set policy” (16). Tulchin and Selee go on to give the example that in “Mexico most federal transfers to states come with significant strings attached.” What can explain the link between decentralization and likelihood of governments to adhere to indigenous land rights?

Some multinational corporations can indeed have a positive relationship with indigenous groups, provided that local governments and indigenous groups actually have a say in when, where, and how MNCs can use their land without the expense of local indigenous communities. According to Gerald P. Neugebauer’s 2003 article “Indigenous Peoples as Stakeholders”, “direct contact as a stakeholder emphasizes—in terms easily grasped by the corporate mentality—how much petroleum development impacts indigenous communities and consequently informs corporations why it is in their best long-term interest to take the indigenous perspective into account when making resource-management decisions.”

When indigenous people speak up and take an active role in exercising their human rights and property rights in defining how MNCs can use their land, there tends to be less conflict and property rights abuses against indigenous people. The way this negotiation happens points back again to the level of decentralization. If a state is not democratically and party decentralized, then the MNC will consult with the central government without acknowledging the needs and preferences of local residents. Moser (2001) talks about MNCs' failure to consult with local communities:

An important consequence of prioritizing alignment with Central Government expectations is that these MNCs perceived themselves as operating largely in isolation from their local context, notably local communities living in the project area. They overemphasized their own importance, while underplaying the significance of the broader local social context of which they formed only a part. They frequently failed to acknowledge the indirect impacts of their activities (Moser, 2001, 301).

Summarizing the literature above, although decentralization has overall increased in Latin America and has thus, improved indigenous peoples' access to local government, limitations to environmental and natural resource policies that directly effect indigenous groups leaves them with little to no power on how the central governments can use natural resources located on their land. This presents the paradox that this paper will attempt to solve: despite having legal autonomy and ownership of their land, the constitutions of Bolivia, Ecuador, and Brazil permit central government to utilize natural resources on indigenous land whenever they need. I argue that economic autonomy, indigenous strength, and pro-indigenous ideology effects how a government responds to indigenous land rights violations.

1.4 Low Economic Autonomy and Indigenous Territorial Rights Abuse

1.4.1 Territorial Rights

In Latin America, indigenous people have been marginalized for centuries since the Spanish conquest. Not until the 1990s were indigenous people's rights widely recognized. The International Labour Organization No. 169 in the Indigenous and Tribal Peoples Convention, indigenous people and indigenous territorial protections are defined as:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions...

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country... (Whiteman, 2009, 102).

For many indigenous people, territorial rights are a direct link to maintaining cultural autonomy and livelihood. Article 7 of the ILO 169 describes protections of indigenous territory. It obligates governments to collaborate with indigenous peoples in assessment and participation with any development activity on land they inhabit. It also states that governments, with the cooperation of indigenous peoples, should take measures to protect and preserve the environments they inhabit (ilo.org). For example, many indigenous communities living in rural areas make their living on subsistence farming. If there is a large agribusiness company that wants another product produced using "western techniques" made at a cheaper price, then farming families' livelihood usually will be in danger. According to Petras. et al. (2005):

The 1980s presented a new conjuncture in the history of this new struggle... the implementation of a new economic model in the form of structural adjustment policy reforms created conditions that in the late 1980s reached crisis proportions...those indigenous communities and peasant farmers that retained access to some land were hit by a decline in demand in their product...(Petras et al., 139, 2005).

The ILO 169 Convention on Indigenous and Tribal Peoples was written in September 1989 and put into force in 1991. Even though several Latin American countries ratified the Convention (Bolivia ratified the Convention in the same year, 1991; Brazil ratified it in 2002; and Ecuador in 1998), there are still many cases where governments do not actually enforce this law.

1.4.2 Extractive Industry Exploitation in Indigenous Territories and Economic Autonomy

Latin America has used resource extraction for the development of their economies. In the 1990s, many Latin American countries received IMF loans, signed free trade agreements, and sought foreign investment in natural resource extractive industries. Many of these projects were to repay debts and to rebuild the economy after the strategy of Import Substitution Industrialization failed in the 1970s. Out of these attempts to develop, conflicts with indigenous people increased.

The problem with the foreign investment-led development strategy was that in order to attract international investment by multinational corporations, “labor and social policy standards have been gradually reduced to the minimum,” resulting in growing poverty (Rudra, 2008). In

Nita Rudra's "Globalization and Race to the Bottom in Developing Countries," (2008) she argues that globalization "leads to lower social welfare expenditures in labor-rich developing countries."

Levine and Molina (2011) discuss the concept of economic autonomy -- the more debt a government accumulates from a foreign institution or government, the less control they have over making independent decisions. They measure economic autonomy by using the indicator based on the value of foreign debt service as a percentage of the value of exports of each country in 2004 (World Bank 2006). The result of this percentage is the weight of debt on the economy: the "greater the weight of debt on the overall economy, the more likely it is that the country will be obligated to follow economic policies dictated by its creditors" (Levine and Molina, 2007, 25). For my study, I will use the indicators for the most recent time span the cases take place (2010-2014).

An article by Jonathan Watts in *The Guardian* supports this notion. Watts writes about a drilling project in the Yasuní Rainforest Reserve, one of the many projects Ecuador is carrying out on indigenous or protected lands because of pressure to "pay back debts to China" (2014). Though Bolivia is less involved with transnational trade, resource extraction is still a major method of its development. However, because many of the mining companies are nationalized, the government has more control in monitoring and enforcing social responsibility regulations on the companies. Rochlin (2007) writes:

That sense of social justice implies not only paying a sizeable tax to the government, it also entails a redefined corporate responsibility at the community level...mines are expected to provide clear social welfare and infrastructural projects to the communities in which they operate (1333).

Latin America's governments generally have moderate to high decentralization levels. According to the World Bank, the region of Latin America has made "long strides in improving decentralization policies". However, holes in decentralization systems exist. These include language requirements for voting and local governments being unable to impact environmental policy or what the central government uses natural resources located in subnational regions put indigenous peoples at a disadvantage when trying to change policy regarding the environment.

1.5 Pro-Indigenous Ideologies

Acknowledging indigenous rights in a country's constitution is an important step for national governments to respect indigenous rights. According to J. Wolff (2012), both Bolivia and Ecuador became "plurinational" states when they recognized indigenous nationalities and languages in the 1990s. Both Presidents Correa of Ecuador and Morales of Bolivia promised and initiated a more leftist approach to their governments. Both constitutions have allowed citizens to propose legislation, provide popular consultation, and have established regional or municipal and indigenous autonomies (Wolff, 2012, 5). Because Bolivia and Ecuador are not federal systems, but decentralized systems, they allow for "better institutional environments for indigenous municipalities, movements, and parties" (Van Cott, 2007, 26).

In addition to these institutional changes, both Bolivia and Ecuador are signatories of the ILO 169 on the Rights of Indigenous Peoples and Tribal Populations which states that governments "shall establish and maintain procedures through which they shall consult with these peoples...before undertaking or permitting any programmes for the exploration of such resources pertaining to their lands" (Schilling-Vacaflor, 2014). Although states like Ecuador and Brazil are signatories of this agreement that requires consultation, researchers have observed the

lack of “meaningful” consultation, which is a process that “permits a well-informed, culturally appropriate and influential participation of affected communities” (Schilling-Vacaflor, 2014, 2).

1.6 Indigenous Strength

1.6.1 Movements and Parties

As established above, indigenous people in Latin America lacked representation and respect from the government prior to the 1980s and 1990s, when an increased awareness of political rights, nongovernmental organizations, and other transnational institutions, pressured governments to remain accountable of international human rights standards (Barrera, et. al 2010). This part of the literature review will cover the impact of indigenous movements and political parties and how they become successful in affecting government decisions.

Recently, more and more indigenous groups have tried to change policy through protesting and forming their own political parties, such as Bolivia’s current governing party *Movimiento al Socialismo*, or the Movement toward Socialism (MAS). This party has been successful in recruiting white, mestizo, and indigenous supporters from various ethnicities. This has allowed for more protection of poor laborers and indigenous rights (Madrid, 2012).

Indigenous strength depends on several factors, like ethnic fractionalization or inclusivity (Madrid, 2012; Levine and Molina, 2011). Once in power, or if still campaigning, the party must make up ten percent of the legislature to influence policy. In order to mobilize the most supporters, indigenous movements as well as indigenous politicians need to employ inclusive tactics to attract members of other indigenous groups or non-indigenous groups. Madrid talks about the difficulties that some indigenous movements faced when excluding non-indigenous

people:

A few indigenous parties and leaders have expressed hostility to the non-indigenous population, but these parties have traditionally fared extremely poorly in elections in Latin America, even among the indigenous voters they claim to represent. The radical “Indianista” parties in Bolivia, for example, never obtained more than 2 percent of the vote in national elections. The Movimiento Indígena Pachacuti (MIP), a Bolivian indigenous party whose leader, Felipe Quispe, has at times voiced hostility to non-indigenous people, did win 6 percent of the national vote in the 2002 Bolivian elections, but Quispe toned down some of his inflammatory rhetoric during the campaign (Madrid, 2005).

Those that are exclusive (i.e., only focus on mobilizing members within their own group and exclude other indigenous or non-indigenous people) will tend not to be successful in gaining support to push for policies or politicians that protect indigenous land rights. With the growing presence and support of NGOs, indigenous political strength now have new ways of organizing and attracting national and international attention.

1.7 The Role of INGOs

Transnational actors like nongovernmental organizations and international nongovernmental organizations can assist in supporting the protection of indigenous land rights. Studies by Sikkink (1998) illustrate the growing effect that NGOs and INGOs have on domestic governments. She states that the 1994 Chiapas conflict in Mexico got the world’s attention

(since electronic mail was the primary use of communication to other NGOs that then rose international awareness of the issue). On the eve of the ratification of NAFTA in early 1994, the National Zapatista Liberation Army (EZLN) organized and protested against NAFTA because they feared that this agreement would take away their subsistence and they would not be able to compete with large American corporations (Navarro, 2006). Keck and Sikkink's (1998) boomerang theory explains how protesters gain the support of the international community. First, protesters gain support and visibility from domestic NGOs. From there, domestic NGOs increase the visibility of the issue, shame the perpetrating government, and provide information to subnational entities and other INGOs or international governmental organizations (IGOs) (see graph 1 in appendix). Afterwards, INGOs pressure and inform intergovernmental organizations which then returns to the perpetrating government and pressures that government to stop its abuse. According to Sikkink, et al. (1998), the Zapatista National Liberation Army (EZLN) "demonstrated a sophisticated awareness of the international press and other transnational actors" (Keck and Sikkink, 1998, 115). As a result, the press, domestic NGOS, and INGOs closely monitored the conflict and the "government acted with greater restraint for a political solution in Chiapas because it was now accountable to constituencies beyond its borders which had raised the political costs of repression" (Keck, and Sikkink, 1998, 115). Furthermore, international governments will tend to use sanctions on human rights violators (Lutz; Sikkink, 2000).

Brysk (2000) agrees that the transnational network makes an impact on indigenous rights policies. Her research is an exact illustration of Keck and Sikkink's theory. She states in her research, that the "Global Transnational Network", or "institutional links across international borders (i.e. international organizations, integrated markets, and transnational social

movements)”, increases pressure on the state through raising awareness and pressuring (through protests and shaming campaigns that reveal human rights abuses) international institutions like the World Bank to stop payments or support for projects by MNCs:

Groups such as the National Resources Defense Council and the Wildlife Fund exerted constant pressure in 21 House and Senate hearings on World Bank performance and funding. The Environmental Defense Fund delivered 21,000 individual protest petitions to the World Bank. The World Bank suspended payments on the Polonoreoeste project in 1985 until modifications were made (Bryske , 2000).

Fundapaz is another example of how NGOs help to strengthen indigenous movements in Brazil. Fundapaz, a Catholic NGO, understood the cultural difference that caused a gap in communication and development in indigenous communities with non-indigenous communities. In 1997, Fundapaz specifically served indigenous communities by “promoting different kinds of projects in the Wichí (indigenous group) and criollo communities” (Eversole, 2003, 67). The NGO acted as a mediator between Wichí communities and as a lobby group in pressuring the government (Eversole, 2003, 67).

NGOs also played a critical role during the uprising of the “Black October” Indigenous Rights Movement in Bolivia (Martin et al., 2008, 586). The Black October Revolution gained international support and funding by the European Union in the Northern Oruro department called the Campesino Self-Development Project. This project funded local community developments in the form of ayllus which connected Oxfam representatives, indigenous leaders, and communities (Martin, et al., 2008, 575). These networks and the networks of other NGOs greatly strengthened indigenous groups in Latin America.

Brazil's indigenous movement is unique because of the role the Catholic Church in mobilizing indigenous people in Brazil (Brysk, 2000, 78). Due to the threat that indigenous land ownership status was to be revoked, Catholic missionaries assisted in providing transportation and food, and encouraged indigenous leaders from different groups to come together to share their unique experiences with resource extraction on their land. After some time these indigenous groups united to become the Union of Indian Nations (UNI). The UNI gained national attention and support from other NGOs like the Brazilian Anthropological Association and the National Association of Geologists. Because of symbolic and pressure politics (like protesting or shaming), the Brazilian government redistributed land back to the original indigenous owners in the 1980s through 2006 (M. Carter 2011). However, due to the continued push for extractive projects for development, there have been recent reports of the Brazilian government ignoring its constitutional law of prior consultation (Amazon Watch, 2014, <http://amazonwatch.org/news/2014/0311-indigenous-leader-condemns-brazils-rights-abuses-at-united-nations>). With international support and collaboration among various indigenous Brazilian tribes, indigenous groups have stepped in and succeeded in getting a proposal passed in congress that would, if approved, prevent the demarcation of indigenous lands by farmers or agri-business groups (Survival International, 2014, <http://www.survivalinternational.org/news/10623>).

1.8 Theory:

Though predicting a government's decision on giving meaningful consultation is complex, certain factors help predict the likelihood of governments carrying out meaningful consultations. I argue that if a state is highly autonomous economically, if it has a constitution

that supports indigenous rights and autonomy, if the ideology of a state is pro-indigenous, and has strong indigenous groups, then the state will tend to carry out more meaningful consultations.

1.9 Independent Variables:

1.9.1 *Economic Autonomy*

- a) **Conceptual Definition:** The amount of control a government has to make economic policy decisions independently from its obligations from loan agreements that the government is engaged in.
- b) **Operationalization:** Levine and Molina measure economic autonomy by using the indicator based on the value of foreign debt service as a percentage of the value of exports of each country in 2004 (World Bank 2006). The result of this percentage is the weight of debt on the economy: the “greater the weight of debt on the overall economy, the more likely it is that the country will be obligated to follow economic policies dictated by its creditors” (Levine and Molina, 2007, 25). For my study, I will use the indicators from the World Bank’s measure of the value of foreign debt service (which is “the sum of principal repayments and interest actually paid in currency, goods, or services on long-term debt, interest paid on short-term debt, and repayments (repurchases and charges) to the IMF” (<http://data.worldbank.org/indicator/DT.TDS.DECT.EX.ZS?page=2>)) as a percentage of the value of exports. I use this measurement for the most recent time span, the cases take place in 2010-2014). That percentage is then subtracted from 100. The difference would be the economy that is separate from repayments to the IMF and, therefore, the economic autonomy. The higher the number, the more economically autonomous the state is. To distinguish among high and low autonomy, I will implement a scale of high, moderate,

and low autonomy: 0-37% is no autonomy; 38%-58% is low autonomy; 59%-79% is moderately autonomous, and 80%-100% is high economic autonomy.

- c) **Hypothesis:** The closer to 100 the state's economic autonomy is, the more likely it is to have meaningful consultations with indigenous groups.

1.9.2 *Pro-indigenous Ideology & Policies:*

- a) **Conceptual Definition:** A state is pro-indigenous when it recognizes indigenous people as citizens of the state with constitutional rights to be protected, and that supports the cultural and territorial autonomy of indigenous peoples.
- b) **Operationalization:** This IV is dichotomous in that a state is considered "pro-indigenous" when it includes all of the following qualities: (1) it is a signatory of the ILO 169 and (2) it includes in its constitution that the state is plurinational, that is, made up of different ethnic groups and recognizes indigenous languages as official languages of the state. If a state does not have both of these characteristics, it will not be considered "pro-indigenous".
- c) **Hypothesis:** States that are signatories of the ILO 169 and recognize indigenous peoples and languages as protected citizens in their constitutions with rights to cultural and political autonomy, tend to carry out meaningful consultations.

1.9.3 *Indigenous Strength:*

- a) **Conceptual Definition:** indigenous strength is defined by indigenous groups that are protesting against the violating government or corporation who demonstrate

unity (minimal fractionalization among different types of indigenous ethnicities), inclusivity (including non-indigenous constituents in support network), and ability to gain international support (any international support from international NGOs, i.e. advocacy, sanctions, financial contributions, protests, and technical support, for policy change, and pressure in form of sanctions can count as INGO pressure).

- b) *Operationalization:* Indigenous fractionalization refers to how cohesive the affected group is. If all members of affected groups are in agreement with what they want get out of the consultation and their plan of action to defend their land rights, they will count as cohesive. For indigenous strength, I will use Madrid's theory (which defines inclusive as the affected indigenous group working with other indigenous, ethnic, or non-indigenous groups in their movement) and the ability to attract attention of domestic or international NGOs to pressure the domestic government to enforce protection of indigenous land rights over its original plans or the plans of other resource extractive company in the affected area. Even though I will follow Keck and Sikkink's Boomerang Theory to determine this pattern, it is not necessary that the pattern follow exactly the order of the "boomerang effect" present to cause the change. The pressure can come from domestic systems or international sources. The end is if indigenous groups achieve change in their favor.
- c) Hypothesis: Indigenous peoples that are inclusive in their protests and movements and are able to gain national and international support to pressure the perpetrating state are more likely to achieve meaningful consultations.

1.10 Dependent Variable

1.10.1 Meaningful Consultation

- a) *Conceptual Definition:* culturally competent talks between the affected indigenous group (the people and land which is being unwillingly used for resource extraction by the government or by the MNC) with the leaders and planners of the natural resource extraction activity, along with a representative of the central government, that are not usually under time pressures by the corporation. The end decision, though a compromise between the two parties, must reflect the interests of the affected indigenous group.
- b) *Operationalization:* Meaningful consultation, also dichotomous, will be defined in my study as including the characteristics used in Schilling-Vacaflor's study. A consultation is considered "meaningful" when (1) it lasts approximately 13 weeks or more (the average amount of time it takes for a meaningful consultation in Bolivia); (2) the consultation is held in both Spanish and the language(s) of the affected indigenous group(s), and when concepts that are only understood in one culture are translated to the other culture to ensure full understanding; (3) and when final decisions are adjusted to reflect interests for the affected indigenous groups.

Table 1 How the Independent Variables Interact to Effect the Likelihood of Meaningful Consultations

	Pro-Indigenous	Not Pro-indigenous
High Economic Autonomy only	Sometimes	Almost Never
Strong Indigenous Group only	Sometimes	Sometimes
Both Strong Indigenous Group and High Economic Autonomy	Almost Always	Sometimes

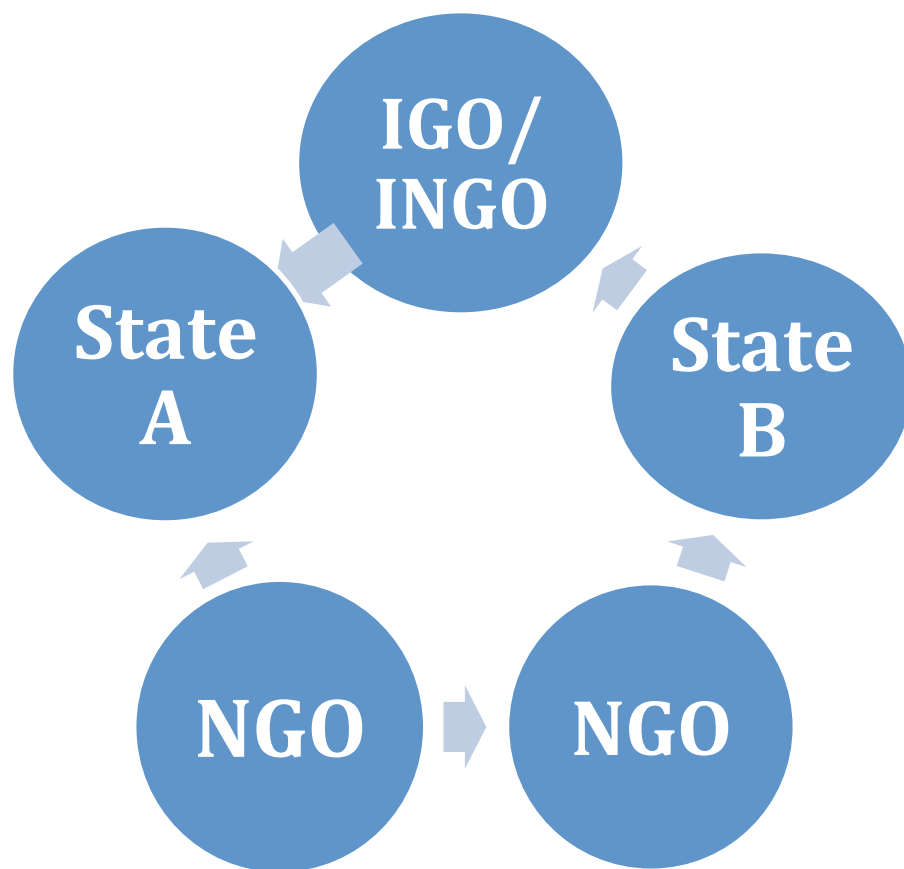


Figure 1 Keck and Sikkink's Boomerang Theory for Raising International & Transnational Awareness and Support

Starting from the left, the first NGO tries to pressure State A (the perpetrating government). Then the first NGO from the home state raises awareness and attention from other NGOs in different countries, which then pressures that government to respond to State A's violations. State B then goes to an international government organization to receive support in pressuring State A. After the process of pressuring State A (through shaming politics or sanctions, etc.), State A then intervenes to stop indigenous rights violations.

Table 2 Independent Variable Variation

This table illustrates the characteristics of each case. Because Bolivia is pro-indigenous, has indigenous strength, and has high economic autonomy, Bolivia is more likely to have meaningful consultations. This will be explained in the case studies.

	Bolivia	Ecuador	Brazil
Pro-Indigenous	✓		
Indigenous Strength	✓	✓	✓
High Economic Autonomy	✓	✓	
Moderate Economic Autonomy			✓
Low Economic Autonomy			

1.11 Methodology:

To investigate my question, I employ three case studies. I will write one and compare one case for each country: the Guarani case for Bolivia, as it could be considered by some as an example of success in holding meaningful consultations; the Yasuní case in Ecuador; and construction of the Belo Monte Hydroelectric Dam Complex in Brazil which are two examples of failure to hold meaningful consultations for indigenous groups. I compare why in the Bolivia case the government facilitated consultation with the Guarani and why in Ecuador and Brazil the

governments did not enforce meaningful consultations. I examine how my variables of economic autonomy, pro-indigeneity, and indigenous strength play roles in the outcomes of these cases. I chose these three countries because of their differences in the outcomes and characteristics.

Though decentralization is not a variable, I briefly state how each country is decentralized and why decentralization policies in these countries do not prevent MNCs or central governments from extracting natural resources from their land. For this study, I define decentralization as the presence of regional and municipal (local) governments. Because the number of municipalities varies for each state and the names for each regional government (i.e. departments, provinces, etc.) differ, I will only categorize a state to be “decentralized” or “not decentralized”. This uniform definition is used to include all the forms of decentralization in each state and to focus on why none of the decentralization systems benefit indigenous people since this is the common factor.

Country	Indigenous Population	Economic Autonomy	Strong Indigenous Groups	Pro-Indigenous Ideology
Bolivia	Majority (62%) –World Bank	Highest	Yes	Yes
Ecuador	Minority (25%) –World Bank	High	Yes	No
Brazil	Minority (.4%) -Survival International (http://www.survivalinternational.org/tribes/brazilian)	Moderate	Yes	No

I use online news sources and NGO websites to monitor the coverage on the indigenous protests of the dams in Brazil and the Yasuní development project in Ecuador. I examine how indigenous

groups were able to collaborate with other indigenous and non-indigenous ethnicities and/ or politicians for support. I also use UN reports and briefs on the Guarani case in Bolivia. For decentralization, I use data from the *Georgetown University's Political Database of the Americas*.

I chose my cases to show variation in the dependent variable among a universe of episodes of natural resource extractive activity in indigenous areas. In the Bolivian case, consultations with indigenous groups have taken place whereas in Ecuador and in Brazil they have not, despite their being signatories of ILO 169. I choose the Guarani case in Bolivia because it is an example of what meaningful consultations look like, and also, what other conflicts can arise from consultations. For example, how inclusion and cohesion of different indigenous ethnic groups can influence effectiveness in the consultation process, or how being a country with an indigenous majority can even complicate the consultation process..

On the contrary, in Ecuador, which is a country with an indigenous minority (that live mostly in rural or forested areas) and a signatory of the ILO 169, had the shift from being pro-indigenous during the governments prior to Correa to less pro-indigenous during Correa's presidency. This shift resulted in the president not carrying out consultations at all with indigenous people.. Brazil also has not carried out consultations about the proposal of the hydroelectric dam despite it also being an ILO 169 signatory.

2 CASE STUDIES

2.1 Ecuador

2.1.1 Problem

The Yasuní National Park is located at the intersection of the Amazon, the Andes Mountains, and the equator. It is recognized as one of the most bio-diverse areas in the world, which also houses a large oil reserve (Finer, Vijay et al., 2009, 1). It is also recognized for its cultural diversity as well as its home for the Guarani and other indigenous groups (Finer, Vijay, et al., 2009, 1). Because of these factors, there is a growing interest on the international and national level for several motives like resource extraction and environmental conservation. At the expansion of oil and petroleum development in the 1980s, there were more cases of illegal logging and oil exploration. By 1999, a decree of '*Zona Intangible*' was marked in the lower region of the Yasuní to set an off-limits area from extractive activities (Finer, Vijay, et al., 2009, 9).

When President Correa was elected, he tried to build from the momentum of the Pachakutik Movement. The Pachakutik Movement was a social justice movement in the late 1990s that later became a political party that gave indigenous communities and other disadvantaged groups an alternative for political representation and an opportunity to move away from neoliberal policies that many indigenous groups disagreed with (Beck, 2008, xi.). Correa, promising to prioritize indigenous and environmental rights, decided to launch the ITT (named after the three untapped oil fields: Ishpingo–Tiputini–Tambococha) Initiative which was to provide an alternative to drilling in the ITT oil fields in “exchange for international compensation” (Beck, 2008, 12). Because of the lack of international financial contributions, President Correa was pushed to drill in those areas to supply for

the national income through oil extraction since, according to Escribano (2013), oil extraction has been the primary source for development for over thirty years (and the ITT reserves make up one-fifth of the country's oil reserves). Ecuador has also relied on loans from China to help reach their development goals and to pay back their international loans in exchange for oil. Due to this agreement with China, Correa is now faced with pressures to drill in the Yasuní area. There have been many other instances where President Correa has been reluctant or has even ignored indigenous land protections for development, going as far as to cancel the Yasuní ITT initiative in August of 2013(sosyasuni.org). The president has overstepped many controls of his office and has gone back on many of the promises he made before becoming president. Below are sections that explain how economic autonomy are related to this phenomenon.

2.1.2 Decentralization

Despite the challenges their efforts have faced to create local governments since the 1980s, Ecuador has continued to develop its local government systems (Daughters, et al., 2007). Ecuador is divided into 21 provinces with autonomous councils and has 221 municipalities in which municipal government officials are elected through secret popular vote (localdemocracy.net). Fiscally, according to a report by the Inter-American Development Bank, the local governments only use 23% of central government expenditure. So, fiscally, local governments are decentralized but are unable to change policy because the natural environment sector is nationally controlled. This decentralization has allowed for the creation of regional organizations like the AIECH, *Asociación de Indígenas Evangélicos de Chimborazo* (the Indigenous Evangelist Association of Chimborazo), and FEINE (Ecuadorian Evangelical Indigenous Federation) as “local resources

became more available for indigenous groups to organize and hold local elections” (Lucero, 2005, 33). Despite Ecuador’s challenges to implement political decentralization laws in the early 2000s, there was political opportunity for transnational actions to support de facto decentralization in some areas like health, education, and water management (Kauffman, 2011, 6). However, like in Bolivia, environmental management is under the jurisdiction of national ministries like the Ministry of Environment of Ecuador, which the central government controls (Kauffman, 2011). According to MacDonald (2011), Ecuador’s 2008 constitution gives *Jurisdicción Indígena* (Indigenous Jurisdiction) over territory but does not specify to what extent indigenous peoples have control over natural resources. MacDonald (2011) argues that this is true because the state does not want to give absolute control over to local governments and risk losing and accounting for its over all wealth. The Political Database of the Americas at Georgetown University also shows that Ecuador’s constitution gives the central government power to enforce environmental policies that “will be applied cutting across all sectors and dimensions” (pdba.georgiatown.edu). Because environmental resources are under central government control, it is more challenging for local governments to fight policies or environmental extraction projects that were approved or overlooked by the national government.

2.1.3 Constitutions, Ideology, and Movements

Ecuador became a plurinational state at the recognition of indigenous people in Chapter Four, Article 56 of the 2008 Constitution:

Indigenous communities, peoples and nations, the Afro-Ecuadorian people, the back-country people (*montubios*) of the inland coastal region, and communes are

part of the single and indivisible Ecuadorian State (Political Database of the Americas, <http://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>).

Also, upon signing the ILO 169 in 1998, the Ecuadorian government acknowledged and promised to protect indigenous lands and conserve their culture. Even though, like Bolivia, Ecuador officially recognizes indigenous communities as citizens with constitutional rights. However, “being indigenous” does not have the same meaning and weight as it does in Bolivia. In Bolivia, indigenous groups transcend class and geographic lines, whereas in Ecuador, the overwhelming majority of indigenous communities live in extreme poverty and in non-urban areas (Gustafson, 2009). Furthermore, indigenous languages are not recognized in the Ecuadorian constitution; only Spanish is recognized as the official language (Gustafson, 2009, 11). As a result, it is more clear as to who is indigenous and who is not in Ecuador than in Bolivia.

Instead of supporting the ITT initiative and land rights of indigenous people, as President Correa promised during his campaign, there have been reports revealing that President Correa is purposefully ignoring indigenous rights to meaningful consultations:

After president Correa cancelled the Yasuní ITT Initiative on 16 August 2013, people started to demonstrate in many parts of the country. Despite this, the national parliament, where Correa’s *Alianza Pais* holds absolute majority, approved the president’s oil exploitation plans in October of the same year- without consulting Ecuadorian citizens (sosyasuni.org)

According to Raul Zibechi of the Center for International Policy’s Americas Program, Correa does not take the constitutional rights of indigenous groups seriously:

Albert Acosta, Ecuadorian economist and former president of the Constitutional Assembly, posits that it is crucial that laws be passed in language that is rooted in everyday life. If this doesn't happen, no matter how advanced the Constitution is it will mean nothing. The problem is that President Correa believes that laws about water and communication aren't important, which, for Acosta, is the same as saying that "the Constitution is neither fundamental nor a priority". He wonders: "Could it be that President Correa sees the Constitution as a straight jacket?" (Zibechi, 2010, America's Program, <http://www.cipamericas.org/archives/2810>).

Also, Ecuador's prior consultation laws do not require consent or approval of extractive projects by indigenous groups. According to Luis Angel Saavedra's article on consultation and prior consent, corporations and the Ecuadorian government have used the vagueness of the law requiring prior consultation "convene a meeting of the community" and inform them about government plans with no opportunity for the community to express their agreement or disagreement with the proposal" (Saavedra, 2011, 6). According to the Freedom House article by Senior Research Assistant Ashley Greco-Stoner, "Correa is invoking an exception in the country's 2008 constitution that allows oil to be extracted from protected land in cases of national interest" and "abandoning conservation efforts" (2013). Even though environmentalists and anthropologists have warned against this drilling project, saying that this project threatens indigenous and natural life, Correa still plans to drill and has not consulted with the potentially affected indigenous groups.

Soon after as President Correa abandoned the Yasuní ITT initiative, citizens formed the *Yasunidos*, which is what the movement is known by. Since its formation, there have been protests from both indigenous groups and non-indigenous citizens from provinces all

over Ecuador with the backing of 85% of Ecuadoran citizens (sosyasuni.org). Methods that are currently being used include creating its own website where participants can download and sign petitions and social media websites like Twitter and Facebook to also increase awareness and support internationally.

2.1.4 Economic Autonomy

Until Ecuador's constitution was redrafted in 2008 under President Correa, Ecuador was less open to getting involved in free trade/ multilateral agreements due to the potentially negative effects they may have had on indigenous land and other conservation areas (Levine, et al., 2014). However, upon the creation of the 2008 constitution (and the election of Correa), the government redefined how Ecuador would become more involved in the global economy. Instead of being involved with free trade agreements, Ecuador's constitution talks about maintaining its consistency with the "national plan for good living" yet helping to integrate Ecuador into the global economy and to justify its multilateral trade activities. In doing this, Ecuador hoped to maintain its "economic sovereignty" However, reports demonstrate that it is not the case that Ecuador is maintaining its economic autonomy. According to the World Bank, Ecuador's total debt service is 11.2% of its GDP. This means, using Levine and Molina's measure, Ecuador's economic autonomy is 88.8%. Though this is highly economic autonomous, this number overlooks other loans that Ecuador is involved in such as those with China. Following a 2015 report by Amazon Watch, China provided 61% of Ecuador's financing needs and has been pushing Ecuador for drilling and expanding its projects in more areas, such as the Yasuní National Park and Central-South Amazon (<http://amazonwatch.org/news/2015/0113-racking-up-the-china-debt-and-paying-it-forward-with-oil>). The report goes on to say that Correa signed a letter

that allows China to “seize many of Ecuador’s assets if the country fails to repay the loans. (Considering this fact, Ecuador’s economic autonomy may be even lower. The pressures that Ecuador receives from its transnational loan agreements lead to the conclusion that this is the reason why President Correa ignores indigenous land rights to drill for oil.

2.1.5 Conclusion

The Yasuní National Park, home of several indigenous communities in Ecuador, has had its ebbs and flows of government protection. These fluctuations are attributed to how the indigenous rights movements, political and fiscal decentralization, and the lack of pro-indigenous ideology of President Correa interplayed. Since the 1980s, the fiscal and political decentralization policies had helped to allow for more available resources and representation at the local level and led to the creation of the Pachakutik political party. The Pachakutik Party supported indigenous territorial rights with the ratification of the ILO 169. However, even though President Correa appeared to be supportive of indigenous rights during his campaign, his image changed when he signed agreements to receive developmental loans from China in exchange for oil extraction targeted at the Yasuní National Park. There have been protests against this decision. Protestors have included indigenous and non-indigenous Ecuadorians, as well as international protesting of citizens of different countries.

According to yasuninationalpark.org, Correa has approved the decision in April 2015 to move forward with the plans to drill in the Yasuní without out consulting indigenous groups. The fact that Correa has not consulted affected indigenous groups about the decision results in this case being an example of failed meaningful prior consultations.

Although Ecuador has implemented decentralization policies, this does not benefit indigenous people because the central government has control over natural resources. This lessens the power that indigenous communities and local government have over influencing more protective policies or ensuring that a meaningful consultation is held. Because the central government has absolute power over natural resources, President Correa has ignored indigenous peoples' rights to prior consultation due to the pressure he receives to pay back loans provided by China, which begs the question of how much of a role economic autonomy plays in the decisions of a national leader. This evidence of Correa may have been pressured from the loans from China to ignore indigenous citizens' right to meaningful, prior consultation.

2.2 **Bolivia**

2.2.1 *The Problem*

The case of multinational corporation (MNC) abuse against indigenous rights in the Margarita oil drilling case in Bolivia involves transnational oil firms like Pan-American Energy and the BG Group. All of these firms had well on the Margarita field in which many indigenous communities resided. In 1996, the Bolivian Government established new energy policies that would allow for the exploration and extraction of hydrocarbons and for a new pipeline that would be drilled to Brazil (Perrault, 2012, 84). The Margarita hydrocarbon gas field is one of the four main gas reserves in Bolivia that was discovered on the Communal Lands of Origin of the Guarani (Perrault, 2012, 86). In a land dispute over the discovery, indigenous communities living on the Margarita gas field wanted to claim

over 10 million hectares of the land to maintain their livelihood. However, the government only gave them just 6.8% of their original request and the other 94% has been used for gas and oil extraction (Perrault, 2012, 87).

The firms that had a well on the Margarita field attempted to foster a good relationship with the nearby indigenous community, the Guarani, by constructing health posts and adobe houses (Perrault, 2008, 88). However, according to Perrault, the investment in development of the Guarani community only spent 0.05 percent of its payments for “Guarani Development” (Perrault, 2012, 89) and the rest of its investment in oil drilling projects that occurred on indigenous land. The firm violated indigenous land rights because the 1991 Bolivian Law 1257 mandates consultation with indigenous communities throughout the project’s progress.

MNCs got around this law because the government in the host country handed the responsibility over to the firms and, consequently, did not enforce this law through monitoring or ensuring that the corporation carried out its responsibilities to obey the protection laws. As a result, there were gas flares, contaminated water, and other conditions that caused adverse health effects on the local people and animals. In May 2004 dozens of Guarani came out to peacefully protest the gas extraction on their land. The protesters blocked the entrance of food supplies to the company workers (Oslem-Nalum, 2012). After five days, the government created a fund in which 2% of the rents paid to the state would go to Guarani community development projects (Perrault, 2012, 90). NGOs like Amazon Watch and Bolivian Forum for Environment and Development helped to further organize protests. In 2000, the World Bank also acknowledged the lack of oversight of the company.

By February 2012, thanks to the additional support of NGOs (the role will be discussed later on in the paper), the Guarani were able to come to an agreement with both the Bolivian government and the corporation and were given compensation as monetary investment in their community for the damages they suffered (Schilling-Vacaflor, 2014,14). However, contestations continued as the process of meaningful consultations and compensation continued to be questioned (Schilling-Vacaflor, 2014, 14). Even though conflicts persist, the fact that there are consultations being held with indigenous groups is a step in the right direction and one step in front of other Latin American countries like Ecuador and Brazil. The next sections analyze how Bolivia got to this point.

2.2.2 Decentralization

Bolivia created political and fiscal decentralization reforms in the 1990s as a response to heightened poverty and unemployment levels. It created 314 new municipalities that were given authority to make decisions about development planning, infrastructure construction and budget decisions (Olsen-Nalum, 2012). This divided Bolivia into 9 departments and 339 municipalities led by governors. In the municipalities, the Guarani participate in popular voting in the municipalities and have even engaged in national reforms (Gustafson, 2009).

Bolivian fiscal decentralization is 27% of central government revenue. According to Gustafson (2009), “the most commonly transferred positive powers are tax and fee revenues from local natural resources. These revenues have made significant contributions to local communities...” (94). Decentralization reduces beauracracy and decision-making

time. It leads to more institution-building and understanding of conditions (Colfer, 2005, 27).

Despite Bolivia's decentralization programs, there is evidence that the national state government owns the natural resources. In the Bolivian constitution, natural resources are listed under "exclusive competencies of the central government."

(<http://pdba.georgetown.edu/Constitutions/Bolivia/bolivia09.html>). Like Ecuador, this exclusive access of the central government to natural resources limits local government and indigenous control over natural resources used on their land. For example, Schilling-Vacaflor talks about the confusion over the land tenure and gas exploitation. After disputes of the ownership of the land in the Margarita gas field case, the area was claimed to be owned by the state and rights were granted to the Bolivian Ministry of Rural Development and Lands (Schilling-Vacaflor, 2014, 11). However, regional organizations like *Central de Pueblos Indigenos de La Paz* agreed to conduct meaningful consultations. They agreed to conditions like "the transmittance of better information regarding planned activities, the elaboration of a strategic environmental evaluation..." (Schilling-Vacaflor, 2014,12). The Guarani pushed on with their protests and were able to make a change with the help and support of NGOs (discussed later on).

Although decentralization may allow for more representation at the local level, de facto and de jure decentralization can impact whether local governments actually allow for meaningful consultations with corporations and local governments. For example, the forestry sector is one of the few sectors in Bolivia that are under central government control (Anderson, et al., 2005; Leon, et al., 2012) which means that local peoples cannot pressure the local government to

appease their preferences. This makes it more difficult and less accessible for indigenous communities to express their opinion and needs about extractive activities on their land. Instead of going to local governments, they must address the national government through traveling to the capital and talking to national officials that may not understand the affected communities' local needs. Although the New Forestry Law of 1996 in Bolivia put total control in the central government to manage what happens on the ground with local people and the corporation, after the election of Morales, the process of prior consultation has been implemented (Schilling-Vacaflor, 2014).

2.2.3 Pro-Indigenous Ideology, Movements, and Meaningful Consultations

In reference to how indigenous people are acknowledged in the constitutions, there are, indeed, differences between “plurinationalism” in Bolivia and in Ecuador. In Bolivia’s constitution, according to Wolffe (2012), “Bolivia has recognized the thirty-six languages spoken by the indigenous peoples of Bolivia as ‘official languages’ of the state” (Wolffe, 2012, 11). Furthermore, “indigeneity” or “being indigenous” has become a part Bolivia’s national identity, especially in recent decades (Pastero, 2013). However, it seems that “being indigenous” in Bolivia is much more complex than it is in Ecuador or Brazil.

In Bolivia, being indigenous tends to cross over class and geographical lines. There is a large population in Bolivia of urban indigenous people who may see extractive projects as beneficial to them whereas indigenous people who reside in rural or traditional forested territory view extractive projects as negative (Pastero, 2013, 3). So many urban, poor, indigenous people may support Evo Morales’s “*vivir bien*” (live well) campaign because they believe that it benefits them economically. This, of course, complicates the mission of how to empower

indigenous people, as Morales's campaign promised, since there is not a clear "indigenous problem" as indigenous people make up both the urban poor and residents of non-urban, traditional lands (Olsen-Nalum, 2012, 28). Even though it is mentioned above that some prior consultations leave indigenous people feeling as though they were ignored, the Bolivian government tries to compensate by giving economic benefits as with the Guarani case (Schilling-Vacaflor, 2012, 12).

After years of tension and conflict between the government and the Guarani, several Guarani groups came together to stage a peaceful protest in the Margarita gas field that blocked the entrance of food and supplies to the oil company's workers (Olsen-Nalum, 2012, 36). These protests gained media attention and the help of NGOs, European advocacy groups, and other independent organizations (Olsen-Nalum, 2012, 11). The most organized and inclusive groups had their needs met, whereas rival and disorganized groups tended to not be successful in gaining reparations or consultations with corporations (Schilling-Vacaflor, 2014).

Meaningful consultations in Bolivia have to be led by the Ministry of Hydrocarbons and Energy (MHE); even though the average of consultation lasts around 13 weeks, consultations can last anywhere from one to thirty-five weeks depending on the case (Schilling-Vacaflor, 2014, 7). "Culturally competent" consultations would be held in both Spanish and the indigenous language of the affected indigenous group. The process is then followed by several meetings to exchange and discuss information, the details of the extraction project, and its impact on the environment and the indigenous community. Even though some prior consultations have been held in Bolivia, they have not always come out in favor of what indigenous communities hoped for. Schilling-

Vacaflor (2014) states that Nelly Romero, vice president of the Confederation of Indigenous Peoples from Bolivia's Orient considers the consultations to be unhelpful:

There was no consultations that actually changed a project, they only want to legitimize what had already been decided... they bring geophysics, environmentalists and a lot of specialized equipment... We are at a disadvantage, we do not have enough arguments to say that certain seismic lines or routes of gas ducts should be changed...(Schilling-Vacaflor, 2014, 8).

Besides indigenous groups being at an economic and informal disadvantage as mentioned above, internal cohesion among the indigenous group can impact the effectiveness of making their case for or against the extraction project (Schilling-Vacaflor, 2014, 14). Schilling-Vacaflor also says the consultation process tends to be costly and lengthy and thus, not in the national government's best interest (Schilling-Vacaflor, 2014, 15). Furthermore, interviews done in the article reveal that the MHE staff and the corporations believe that indigenous communities' authority over the final agreement of the consultation should come secondary. Schilling-Vacaflor quotes a managing staff member of the oil company, REPSOL, who believes that indigenous people should not have that last say, or authority over the result of consultations:

Consultation only means the right to be informed. When a project of national interest is at stake that will benefit the whole society, they (the indigenous peoples) cannot oppose it...Actually, I should not ask the indigenous authority or whoever for his permission, as the subsoil belongs to the state (Schilling-Vacaflor, 2014, 13).

Gail Whiteman (2009) also argues that many indigenous groups feel that their voices are not heard during the consultation processes. Whiteman defines meaningful consultation as a "discursive space where organizations and individuals actually shape political situations" (108).

Based on these definitions of meaningful consultations, it appears that many of the extractive corporations and states ignore indigenous demands and do not act to change extraction plans based on the demands of indigenous communities.

Even though both Ecuador and Bolivia consider themselves plurinational states that have signed the ILO 169 agreement, there have nonetheless been cases in which indigenous peoples have claimed that extractive projects by corporations and the state have ignored their land rights and demands. One difference between the outcomes of the lack of meaningful consultations is that the literature points to there being fewer violent conflicts between the state and corporations in Bolivia versus more violent conflict in Ecuador. Ideology and methods of compromise and leadership maybe able to point to the reasons behind these outcomes.

2.2.4 Economic Autonomy

Bolivia's economic autonomy score is recently 95.7 %, which means that they have high economic autonomy (their World Bank measure was 4.3% of the total debt service). This can explain how Bolivia's government is more capable of holding meaningful consultations without the pressure of external actors. During Evo Morales's presidential campaign, and even into his presidency, he has continued to be against free trade agreements, has supported the economic autonomy of Bolivia, and is said to support "indigenous interests" like cultural autonomy, bilingual education, economic empowerment, or even geographic isolation (Gustafson, 2009; Levin and Molina, 2011). Furthermore, after Morales's ascendance to presidency, he nationalized the hydrocarbon sectors and renegotiated contracts with companies operating in oil and gas to give Bolivia more control over oil resources and what happens to those resources (Lehoucq, 2008).

However, there are doubt and accusations that Morales has betrayed his campaign promises. It has apparently been difficult to break away from the extractive industries to find alternative ways to trade as Bolivia's economy has always depended on resource extractive operations (Olsen-Nalum, 2012, 27). Despite Bolivia's dependence on a gas and oil extraction, the fact that the gas sectors are nationalized under a pro-indigenous government, leads to the presence of consultations with indigenous citizens.

2.2.5 Conclusion

Bolivia's treatment of prior consultations is unique in the aspect that indigenous people make up the majority in national population and this can complicate distinguishing between "indigenous problems" versus "non-indigenous problems." In Bolivia, gas and oil extraction have continued to be major sources of state revenue and have presented difficulties in finding alternatives. Consequently, indigenous communities have mobilized for and demanded their right to prior consultation. Bolivia's political and fiscal decentralization reforms in the 1990s allowed for more indigenous officials to run for local office and encourage indigenous communities to vote on policies such as land reform but because the central government has total control over the use of natural resources, indigenous people and their local governments are limited to preventing the violation of their land rights by MNCs or governmental resource extraction projects. When protesting, the Guarani received support from NGOs and international institutions like the World Bank that pressured the government to obey indigenous groups' constitutional rights to prior consultations and for compensation of damages from resource extraction. Even though there still continues to be concerns over the quality of meaningful prior consultations, Bolivia is the only country of the three cases that attempts to have the prior consultations

in the first place. High economic autonomy and pro-indigenous ideology have led to Bolivia's upholding of this right despite the challenges that arose during the consultation process. However, Bolivia's case can only be categorized as partially successful because even though it holds consultations, the consultations are not necessarily meaningful or satisfactory to affected indigenous groups.

2.3 Brazil

2.3.1 Problem

The Belo Monte Hydroelectric Dam was originally designed in 1980 and was planned to be completed by 2010. Brazilian government companies like Eletrobras (Brazilian Electrical Centers), Ministry of Mines and Energy, and Eletronorte (Electrical Centers of North Brazil) are involved in the construction of this dam to divert the bulk of the water of the Xingu river through a series of canals and (Fearnside, 2006, 3). There are also international contributors that are pressuring for the construction of the dam like alumina processing plants in China (Fearnside, 2006, 4).

Even though the dam is one of 297 dams that were originally planned to be built by 2010, parts of the dam have been built but have not been fully completed (Irigaray, 2014). There was such a push for the construction of the dam because of the blackouts that happened in 2001 and the history of inefficient use of energy in Brazil (8). However, despite the pressure to build Belo Monte, the negative impacts outweigh the benefits. As a matter of fact, the main use of the electricity of the dam would only benefit aluminum smelting of which a large quantity of Brazil's aluminum is exported (Irigaray, 2014, 9).

The dam threatens the health and livelihoods of indigenous people that live near the Xingu river because of possible flooding and pollution. If the dam were to be built, it would affect at least 37 indigenous ethnicities. Brazil's 1988 constitution protects indigenous peoples through requiring a vote by the National Congress that would also allow public discussion on the issue (Irigaray, 2014, 3). However, in July 2005, the National Congress quickly approved Belo Monte's construction without any debate, public discussion, nor any enforcement of prior consultation. There have been protests by NGOs and indigenous groups like the Caiapó who have organized multi-tribe protests against the construction of the dams along with the support of NGOs like Cultural Survival, the Missionary Indigenous Council, Comissão Pró-Índio de São Paulo, etc. (Irigaray, 2014, 4).

Even though the plans of enabling the dam's full operation have been delayed, the partial operation of the dam is currently underway and has already caused social and environmental damage (Irigaray, 2014). According to Maria Irigaray of Amazon Watch, the construction and operation of the dam has led to increased rates of alcoholism, cultural disintegration, deaths and injuries caused by conflicts with migrant workers, etc. (Irigaray, 2014, 129). This case is an example of failure of Brazil's government to conduct meaningful prior consultation with indigenous people. The next few sections look at the factors that led to this conclusion.

2.3.2 Decentralization

Brazil is broken down into 26 states, which are further divided into 5,560 municipalities (localdemocracy.net). In spite of such decentralized power, Brazil's federalist government has

historically been weak and unable to effectively coordinate across state borders (Samuels, 2002, 47). Also, indigenous groups may not necessarily benefit from these decentralization policies. For example, there exist some limitations for indigenous participation in Brazil's compulsory voting law. In order to vote, one must know how to speak Portuguese, and indigenous communities are not required to vote in if voting goes against traditions (pib.socioambiental.org). These limitations then decrease the chances for indigenous people to elect a governor for their state and consequently, decreasing the chance for their votes to be counted.

A second reason why decentralization in Brazil is not beneficial to protecting for indigenous land violations is because in Brazil, indigenous territory is considered under the jurisdiction of the central government-making it even more difficult for indigenous communities to influence environmental policy related to indigenous lands (Inter-American Commission on Human Rights, 1997, <http://www.cidh.org/countryrep/Brazil-eng/chaper%206%20.htm>). The following section will look further into the role of constitutional rights and state ideologies in indigenous land rights.

2.3.3 *Pro-Indigenous Ideology*

Even though Brazil is also a signatory of the ILO 169, there have been cases of violence and abuse of environmental protection and indigenous territorial rights laws. Brazil does not consider "indigenous" to be part of the national identity, nor does it consider itself plurinational as Bolivia and Ecuador do. In Brazil's previous Civil Code, indigenous people were defined as "*sivícolas*" or "forest dwellers" that are "relatively incapacitated and are subjected to tutelage" (Pallemarts, 1986, 378). This definition justifies the state's actions

in not consulting with indigenous groups when undergoing any extractive project. Furthermore, former president Cardoso ignored Decree 22 of the 1988 Brazilian Constitution which declared the demarcation of TIs (*Terras Indigenas*, Indigenous Lands) and created Decree 1775 which gives “states, municipalities, and individuals the right to contest any demarcation of indigenous lands until the land is fully registered.” Some believe that this allows the state to explore for exploitation opportunities and permits that state to take back any indigenous land for their use (Stocks, 2005, 92).

Indigenous groups fought back against the national government, wanting to gain political access and rights to meaningful consultations. The Catholic Church’s National Conference of Brazil’s Bishops (CNBB) was helpful in helping to organize indigenous communities into what is now called the Union of Indigenous Nations, which is an organization of various indigenous communities that come together to mobilize and exchange information about their political rights (culturalsurvival.org; Eversol, 2003). In March 2014, indigenous leader Sônia Guajajara brought to light at the 25th United Nations Human Rights Council that the Brazilian Government is constructing a dam on indigenous land, disregarding indigenous rights land laws (Amazon Watch, 2014, <http://amazonwatch.org/news/2014/0311-indigenous-leader-condemns-brazils-rights-abuses-at-united-nations>). Because indigenous groups have generally been inclusive, i.e. organizing with indigenous communities of other ethnicities, this tactic has helped to build more support and importance to the issue, which has delayed the plans to begin the operation of the dam (Fearnside, 2006).

2.3.4 Economic Autonomy

Like many of the other Latin American economies, Brazil liberalized its economy to recover from the losses caused by ISI. Later, in the 1990s Brazil experienced a dramatic increase of foreign direct investment after the 1980s debt crisis in commercial loans to help support the economy (Cardoso and Goldfajn, 1997). Following Levine and Molina's current measure, Brazil is 71.4% economically autonomous. This means that Brazil, though moderately autonomous, has the least economic autonomy of the three cases. Brazil's economic autonomy is also being affected by the pressures of international companies to extract and export their natural resources, which has shown to shorten the length of time that the National Congress of Brazil must take to vote and discuss on the decision.

2.3.5 Conclusion

Brazil's lack of enforcement of meaningful consultations for indigenous people stems from its moderately low economic autonomy (in comparison to Ecuador and Bolivia) and lack of pro-indigenous ideology. The Belo Monte Hydroelectric Dam is currently being built with no regard to indigenous communities. Despite non-violent protests and the cohesiveness of indigenous groups, this has not been enough to completely cease the construction of the dam. It is also difficult for indigenous groups to effect environmental policy because of the limitations of not speaking Portuguese and having low participation rates. Indigenous communities' right to prior meaningful consultation has continued to be ignored since parts of the dam have been constructed and are operating. Therefore, this case is an example of state failure to enforce indigenous people's right to prior, meaningful consultations.

3 DISCUSSION, LIMITATIONS, FUTURE RESEARCH

In each of these countries I examined how economic autonomy, pro-indigenous ideology, and indigenous strength interplay to affect the likelihood of meaningful consultation. In what I observed in all three cases was that the decentralization reforms have not helped indigenous people control environmental policies because the countries' constitutions have given power to the central government to utilize and extract natural resources on indigenous lands when ever they want to.

Relatedly, the cases have shown that strong indigenous movements and protests have risen in all three countries. In Ecuador, the protests involved various indigenous and non-indigenous groups and has even reached the international audience. NGOs have stepped in for logistical and technological support. In Brazil, despite various indigenous groups that have worked together to postpone plans of the construction of hydroelectric dams in the Amazon, construction of parts of the dam has already been underway on indigenous land. This case is an example of a government that failed to consult with indigenous people prior to this project.

For Ecuador, because President Correa has decided to continue with his plans to drill for oil in the Yasuní without consulting with indigenous people first, this case is also an example of a country's failure to obey the ILO 169's law requiring prior consultation with indigenous peoples. Reasons for this can be attributed to three factors: (1) Ecuador's shift from being pro-indigenous to less focused on indigenous rights, and (2) economic dependency on loans from China. This case is an example of failure to carry out consultations with indigenous people. Similarly, in Brazil, consultations were not carried

out with indigenous groups despite the postponing of the plans for the dam. In this study, the reason that the dam construction was postponed points only to the strength of the indigenous protests as they were inclusive, organized, and achieved support from INGOs.

For Bolivia, though there is an indigenous majority and an obvious push for respecting indigenous communities' right to meaningful, prior consultation, the issue is ironically complicated for just that reason- there is an indigenous majority in which being indigenous does not primarily mean living on traditional lands. People who identify as indigenous work and live in both cities and in rural areas and may interpret Morales's campaign message as not necessarily maintaining traditional lands, but it could mean job security in the city. So much of this complexity of "what is indigenous" in Bolivia has even led to some lack of cooperation and division in the Guarani-Margarita case. Before the actual implementation of consultations with indigenous groups, the different Guarani groups came together and protested and helped to enforce meaningful consultations. Consultations have been carried out, but there continue to be drawbacks and contestations about the appropriate amount of time of the consultation process and over compensation of damages. This case for this study is considered to be a partially successful case because consultation processes are underway as a result of the support of decentralization reforms, pro-indigenous ideology, and successful indigenous movements.

Based on this research, economic autonomy is indicated to be positively correlated with the outcomes of having consultations. Brazil and Ecuador have lower economic autonomy levels in comparison to Bolivia using Levine and Molina's measure. In both cases in Ecuador and Brazil, there were no consultations held, whereas in Bolivia consultations

were held. Because of Bolivia's low receipt IMF loans and because of the nationalization of gas companies in Bolivia, the central government has less pressure from outside lenders to dictate how to respond and work with indigenous groups (see appendix).

4 CONCLUSION

The current situation in Latin America is reflective of the dilemma many in the social sciences observe after a state democratizes: the struggle to connect the gap between economic development and indigenous rights. Latin American governments have a lot of new demands. The attempt to improve their economies in the 1980s and '90s severely backlashed and led to heightened poverty, social conflict, and land rights abuse by natural resource extraction project by both national government and MNCs. In my study, I looked at cases in Bolivia, Ecuador, and Brazil. This study evaluated the factors of decentralization, pro-indigenous ideology, and indigenous strength and their influence on the likelihood of a government's enforcement of indigenous rights to meaningful, prior consultation.

Even though Ecuador, Bolivia, and Brazil are decentralized, the central governments of these states control environmental matters and leave subnational governments and indigenous citizens with no control of what happens to indigenous land. Pro-indigenous ideology assisted in justifying a government's rationale in supporting indigenous peoples' rights to prior, meaningful consultation. Even if prior consultations and plurinationalism are written in the constitution, the government's actions in enforcing prior consultation are evidence that it is pro-indigenous. Indigenous protests were useful in bringing national and international attention, but, in Brazil and Ecuador, the protests were not effective enough in pressuring the countries' governments to hold prior consultations. In Bolivia, the Guarani protests were enough to produce prior consultations.

Lastly, economic autonomy, is influential in impacting government behaviors. It is the causal mechanism to the responses and treatment of indigenous people in these three countries and not an indicator of other causal factors such as pro-indigeneity or strong indigenous groups because economic autonomy allows for the state to define its own reaction to indigenous land dispute without worrying about what it needs to fulfill loan agreements. As observed in Ecuador and Brazil, both states were signatories of the ILO 169, both states also showed evidence of strong indigenous groups. However, because Ecuador and Brazil had more external loan agreements (as indicated by their economic autonomy score), the governments had to put more priority on meeting and paying back loan agreement.

Bolivia's economic score is the highest among the three cases and showed to be a reason for the government to not feel as much external pressure like Ecuador and Brazil that had lower economic autonomy scores. Going forward, the measure of economic autonomy only included loans received from the IMF and not from other sources. So the measure of economic autonomy could be lower than what the measure of Levine and Molina provides. For this research, this measure does give a look at where the countries generally stand in their economic autonomy level. Lower economic autonomy level demonstrated to be the direct cause of the governments' ignoring of prior, meaningful consultations in Brazil and Ecuador. .Even though there continue to be challenges in Bolivia with the quality of prior consultations, their pro-indigenous ideology and relatively high economic autonomy make them more likely to hold prior consultations. This study, as mentioned, is important and unique, and even the first of its kind, because it allows the understanding and even prediction of the likelihood of how the central governments of these countries will react. It allows the identification of whether central governments will follow through with their responsibility to hold meaningful consultations to prevent violations of

indigenous rights, environmental damage, and help create a middle way between development goals and respect for the *vivir bien* concept and indigenous land rights.

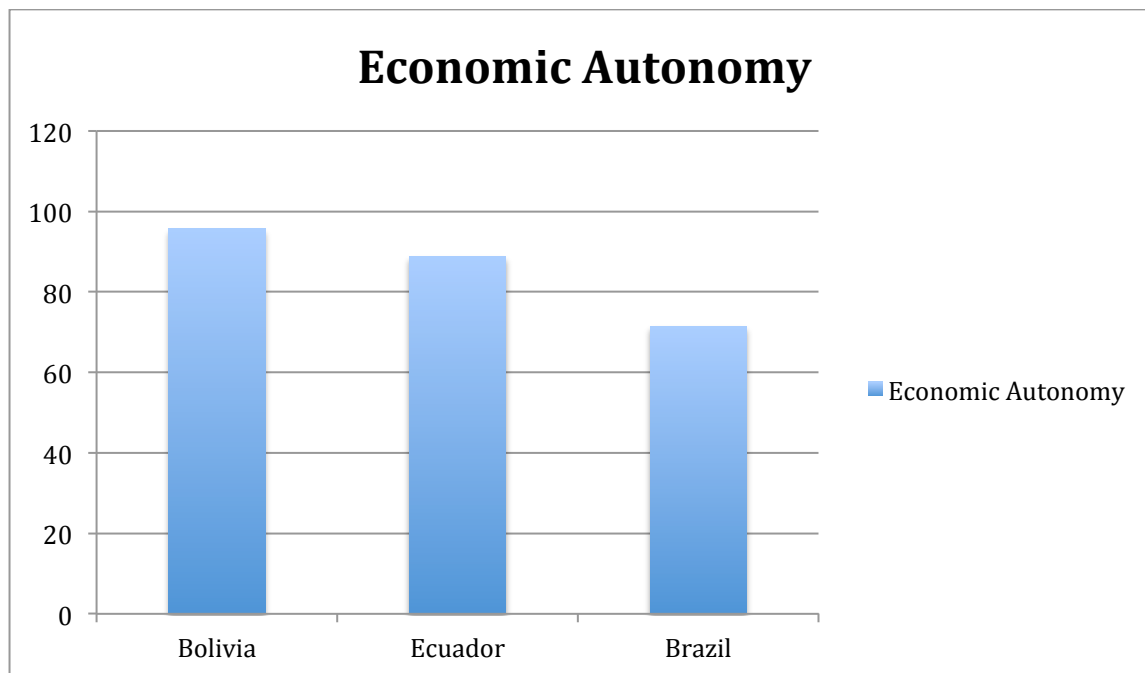


Figure 2 Economic Autonomy

This graph illustrates the levels of economic autonomy per state. Bolivia has the highest level (the y axis shows the economic autonomy score for each state), Ecuador is the second highest, and Brazil's economic autonomy score is moderate. Data for this graph came from the World Bank's Indicators of total debt service which is plugged in to Levine and Molina's economic autonomy measure

(<http://data.worldbank.org/indicator/DT.TDS.DECT.EX.ZS?page=2>). A state has high economic autonomy when they score between 80-100 percent. A state is moderately autonomous at 59 to 79 percent (where Brazil's score falls). 38-58 percent is low autonomy and 0-37 percent is no autonomy. However, the data taken from the World Bank is limited because it only includes loans taken from the International Monetary Fund and excludes loans and trade agreements from other sources. For example, exporting oil to China makes up a majority of Ecuador's external financing according to Amazon Watch. This fact means that Ecuador's economic autonomy score could be lower.

Table 3 Indigenous Strengths

This table compares indigenous strength in all three cases. In all of the cases, the affected indigenous groups demonstrated inclusivity by working with indigenous people outside their ethnic group and non-indigenous people. These groups also led organized, peaceful protests and

gained international support from INGOs, supporters from other countries, and international government organizations like the World Bank.

	Bolivia	Ecuador	Brazil
Fragmentation			
Inclusivity	√	√	√
Peaceful Protests	√	√	√
INGO Support	√	√	√
International Awareness	√	√	√

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