THE WRETCHED OF THE FOREST
SOCIAL VULNERABILITY, DISASTER, AND GENOCIDE AMONG THE UNCONTACTED

By

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To Marcela Enríquez Vásquez
(1962 – 2017)
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGMENTS</td>
<td>4</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>8</td>
</tr>
<tr>
<td>LIST OF ABBREVIATIONS</td>
<td>9</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>10</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>1 INTRODUCTION: ADVERSITY AND DEATH IN THE RAINFOREST</td>
<td>12</td>
</tr>
<tr>
<td>A History of Constant Predation</td>
<td>19</td>
</tr>
<tr>
<td>Wretched in Their Home</td>
<td>23</td>
</tr>
<tr>
<td>Study Caveats</td>
<td>35</td>
</tr>
<tr>
<td>Methodology</td>
<td>37</td>
</tr>
<tr>
<td>Relevance of the Study</td>
<td>41</td>
</tr>
<tr>
<td>Organization of this Dissertation</td>
<td>42</td>
</tr>
<tr>
<td>2 THE HISTORICAL AND PHILOSOPHICAL ROOTS OF A CURRENT TRAGEDY</td>
<td>47</td>
</tr>
<tr>
<td>Savagery, Civilization and Progress</td>
<td>48</td>
</tr>
<tr>
<td>Frontier Expansion</td>
<td>53</td>
</tr>
<tr>
<td>Human Rights and Development</td>
<td>59</td>
</tr>
<tr>
<td>A Realm Outside the Law and the Known</td>
<td>65</td>
</tr>
<tr>
<td>Risk, Vulnerability and Social Entropy</td>
<td>74</td>
</tr>
<tr>
<td>Social Collapse</td>
<td>81</td>
</tr>
<tr>
<td>3 CONQUEST AND IDEOLOGICAL IMPOSITION IN THE AMAZON</td>
<td>87</td>
</tr>
<tr>
<td>Amazon Interventions and Social Effects</td>
<td>89</td>
</tr>
<tr>
<td>Conquest and Imposition of a Divergent Cosmography</td>
<td>97</td>
</tr>
<tr>
<td>The Amazon and Emerging Capitalism</td>
<td>98</td>
</tr>
<tr>
<td>Kawsay Sacha, the Living Forest</td>
<td>100</td>
</tr>
<tr>
<td>A Clash of Cosmographies</td>
<td>106</td>
</tr>
<tr>
<td>4 THE ISOLATED PEOPLE: PHANTOMS FROM THE PAST</td>
<td>110</td>
</tr>
<tr>
<td>Who They Are?</td>
<td>112</td>
</tr>
<tr>
<td>Forced Isolation or Free Election?</td>
<td>124</td>
</tr>
<tr>
<td>The Isolated Peoples’ Ideology: an Approximation</td>
<td>127</td>
</tr>
<tr>
<td>People Outside of Our Understanding</td>
<td>133</td>
</tr>
<tr>
<td>Cultures at Risk</td>
<td>139</td>
</tr>
</tbody>
</table>
# LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-1</td>
<td>Isolated and peoples with initial contact in the amazon</td>
<td>116</td>
</tr>
<tr>
<td>6-1</td>
<td>Jury’s Verdict of the International Water Tribunal</td>
<td>212</td>
</tr>
<tr>
<td>6-2</td>
<td>Amazon indigenous people integrated into national society</td>
<td>215</td>
</tr>
<tr>
<td>7-1</td>
<td>Indigenous collective rights in Ecuador</td>
<td>232</td>
</tr>
<tr>
<td>Figure</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>1-1</td>
<td>Rubber extraction areas in the Amazonia</td>
<td>21</td>
</tr>
<tr>
<td>2-1</td>
<td>The pressure and release model</td>
<td>79</td>
</tr>
<tr>
<td>2-2</td>
<td>Punctuated entropy</td>
<td>80</td>
</tr>
<tr>
<td>3-1</td>
<td>Orellana’s route to the Amazon</td>
<td>90</td>
</tr>
<tr>
<td>4-1</td>
<td>Living areas of isolated peoples</td>
<td>121</td>
</tr>
<tr>
<td>4-2</td>
<td>Oil and gas projects in the western amazon</td>
<td>141</td>
</tr>
<tr>
<td>5-1</td>
<td>Traditional Lands of the Auca/Aushiri people</td>
<td>153</td>
</tr>
<tr>
<td>5-2</td>
<td>Oil blocks and the traditional lands of the Huaorani and the uncontacted</td>
<td>174</td>
</tr>
<tr>
<td>5-3</td>
<td>Living areas of the uncontacted people</td>
<td>178</td>
</tr>
</tbody>
</table>
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMWAE</td>
<td>Asociación de Mujeres Waorani de la Amazonía Ecuatoriana</td>
</tr>
<tr>
<td>ANDP</td>
<td>Andes Petroleum Company Limited</td>
</tr>
<tr>
<td>CBD</td>
<td>Convention on Biological Diversity</td>
</tr>
<tr>
<td>CEPCO</td>
<td>City Ecuadorian Production Co.</td>
</tr>
<tr>
<td>CEPE</td>
<td>Corporación Estatal Petrolera Ecuatoriana.</td>
</tr>
<tr>
<td>CIDH</td>
<td>Comisión Interamericana de Derechos Humanos</td>
</tr>
<tr>
<td>CONAIE</td>
<td>Confederación de las Nacionalidades Indígenas del Ecuador</td>
</tr>
<tr>
<td>CONFENIAE</td>
<td>Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana</td>
</tr>
<tr>
<td>CONOCO</td>
<td>Continental Oil Company</td>
</tr>
<tr>
<td>CORDAVI</td>
<td>Corporación de Defensa de la Vida.</td>
</tr>
<tr>
<td>CPPCG</td>
<td>Convention on the Prevention of the Crime of Genocide</td>
</tr>
<tr>
<td>DHNRDAT</td>
<td>Deepwater Horizon Natural Resource Damage Assessment Trustees</td>
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<tr>
<td>IACHR</td>
<td>Interamerican Commission for Human Rights,</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>ICHR</td>
<td>Interamerican Court for Human Rights</td>
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<tr>
<td>ILO</td>
<td>International Labor Organization</td>
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<tr>
<td>ITT</td>
<td>Ishpingo, Tambococha, Tipuyini</td>
</tr>
<tr>
<td>IWT</td>
<td>International Water Tribunal</td>
</tr>
<tr>
<td>NAWE</td>
<td>Nacionalidad Waorani del Ecuador</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>ODC</td>
<td>Observatorio de Derechos Colectivos</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the United Nations High Commissioner for Human Rights</td>
</tr>
<tr>
<td>ONHAE</td>
<td>Organización Huaorani de la Amazonía Ecuatoriana</td>
</tr>
<tr>
<td>OP</td>
<td>Organización de Pueblos Indígenas de Pastaza</td>
</tr>
<tr>
<td>PCICC</td>
<td>Preparatory Commission for the International Criminal Court</td>
</tr>
<tr>
<td>PNUD</td>
<td>Programa de las Naciones Unidas para el Desarrollo</td>
</tr>
<tr>
<td>PROEL</td>
<td>Promotora Española de Lingüística</td>
</tr>
<tr>
<td>PTSD</td>
<td>Post-Traumatic Stress Disorder</td>
</tr>
<tr>
<td>RIS</td>
<td>Revista Iberoamericana de Sostenibilidad</td>
</tr>
<tr>
<td>RSICC</td>
<td>Rome Statute of the International Criminal Court</td>
</tr>
<tr>
<td>SHE</td>
<td>Subsecretaría de Hidrocarburos del Ecuador</td>
</tr>
<tr>
<td>SIISE</td>
<td>Sistema Integrado de Indicadores Sociales del Ecuador</td>
</tr>
<tr>
<td>SIL</td>
<td>Summer Institute of Linguistics</td>
</tr>
<tr>
<td>TGC</td>
<td>Tribunal de Garantías Constitucionales</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNHCHR</td>
<td>United Nations High Commissioner for Human Rights</td>
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<tr>
<td>UNHRC</td>
<td>United Nations, Human Rights Council</td>
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<tr>
<td>UNOHRCHR</td>
<td>United Nations Office of the High Commissioner for Human Rights</td>
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<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
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<td>YPF</td>
<td>Yacimientos Petrolíferos Fiscales</td>
</tr>
</tbody>
</table>
The purpose of this dissertation is to analyze whether the Taromenane, Tagaeri, Oñamenane, Iwene, and perhaps other peoples living in the Ecuadorian Amazon as hunters and gatherers, whom I will refer to as the “Uncontacted,” are experiencing issues of punctuated entropy as a result of oil industry encroachment in their lands.

The oil industry, the current form of frontier expansion in Ecuador’s Amazon, has promoted profound changes, including deforestation and colonization, in the local ecological and social realms. Although most of the indigenous peoples have adapted to these changes, the Uncontacted are still rejecting them as they have for centuries, at time resorting to violence to repel those trespassing on their lands.

These Uncontacted groups now face an overwhelming and ever-present threat to their entire territory. They are surrounded by socioeconomic activities that accompany the oil industry, confined to an ever-diminishing area, and oftentimes confronted violently, killed, and prevented from wandering through their traditional lands which are now occupied by oil wells and other infrastructure. That situation is today cloaked in the
implicit discourse of development, as it was in past times by a discourse about the civilizing of savages, or the Christianizing of infidels.

The situation described has pushed the Uncontacted into a geographical trap. They are now surrounded by socioeconomic processes that erode the material basis of their subsistence. Since these threats are constant and long-lasting, they have no time to recuperate. Finally, although a strong human rights doctrine has been developed, these people cannot exercise their rights because they remain hidden, invisible, and thus, beyond the reach of any legal system.

Based on the scenario described, through the scholarly methods on risk and social vulnerability, human rights and historical ecology, and the notion of punctuated entropy I attempt to discern whether these same historical prejudices against the indigenous people of the Amazon are still alive regarding the Uncontacted peoples, undermining their social fabric and leading them to cultural or physical extinction. I conclude that, according to human rights principles in force, the situation these people are experiencing meets the criteria established for genocide.
CHAPTER 1
INTRODUCTION: ADVERSITY AND DEATH IN THE RAINFOREST

On the morning of May 26, 2003, the Ecuadorian press featured a horrific news story: members of an indigenous people, the Huaorani, went deep into the forest, located a Taromenane longhouse, and killed everybody they found there. According to the information available, approximately 25 people died, including women and children.¹ (CIDH 2014). The victims were members of the Taromenane, a clan that like the Huaorani split half a century ago from the Aucas people and whose members have refused to contact with “outsiders”. An undetermined number of Huaorani had walked for several days through the forest to find the dwelling, and had taken the victims by surprise.

Another massacre was also reported in April 2006, in the Cononaco River area, in the Yasuní National Park, where an undetermined number of Taromenani people – perhaps as many as 30 – were killed. The killers were thought to be loggers who were also suspected of individual killings of Taromenane people, according to at least ten reports of violent confrontations filed with local authorities (CIDH 2014). This matter was the subject of a petition to the Interamerican Commission for Human Rights, IACHR, requesting that precautionary measures be taken to protect this group by preventing further situations that would represent imminent danger to their physical integrity (CIDH 2014).

In March, 2013, the national media brought more ominous information: again, a group of Huaorani appeared to have raided a Taromenane community, and it was

feared that up to 30 death members of that clan had been murdered. Sources claim that both attacks were in revenge for assaults by Taromenane against members of the Huaorani group, or related to natural resource interests affecting, in one way or another, both groups. These events were only three of several murders and bloody clashes in which the Taromenane clan, as well as the Tagaeri, Onamenane, Iwene and probably other clans of Uncontacted or isolated people have been involved, as victims or as perpetrators, in the history of the area.

The Huaorani and the now called Uncontacted were part of an group of clans previously known "Aushiris", "Avijirias", and, finally, since the early 20th Century, as “Aucas”, fiercer warriors of the Ecuadorian Amazon that for centuries have attacked intruders in their lands and kept themselves in a complete isolation. The world first learned about the Aucas in 1956 when five US evangelist missioners were killed when they landed in the indigenous territory trying to establish contact with them, without success. A few years after this terrible incident, this group was again approached with the help of women from the same community and of an US evangelical mission enticing them with food, tools, and other gifts dropped from airplanes along with the constant broadcasting of religious messages in their native language. Then the Auca indigenous people were encountered as a group and some of the dispersed clans those living a

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3 “Uncontacted” is the name that has been applied in Ecuador to those clans of the Auca indigenous people of the Ecuadorian Amazon whose members have not accepted any relationship with outside society (i.e. national and global society) after Evangelical missioners made contact with them in the 1960s. Since then, these clans have continued with the transhumant way of life that has been theirs for centuries. I use this term in this study as a proper noun to describe the Taromenane, Tagaeri, Oñamenane, Iwene, and other isolated clans that may be living in the forest. A discussion of this term is provided in Chapter 5.
nomadic life in the rainforest were encouraged to live together. Other clans refused to reunite and kept their nomadic and isolated lifestyle and ferociously continued to reject strangers. The contacted Aucas were evangelized and integrated to external society becoming Ecuadorian citizens, getting land titles from the government and adopting agriculture, sedentary life and abandoning violence against strangers. They also adopted the ethnic identity of Huaorani⁴ which now refers only to the groups that accepted contact only. The rest of the clans are known by the name of Taromenani, Tagaeri, Onamenane, Iwene or simply by the collective denomination of Uncontacted and have maintained the same isolated and hidden life as their ethnic predecessors the Aushiris, Avijiras and Aucas.

More than fifty years after first contact and cultural split, the Huaorani people have been integrated into outside society, have access to the open market through tourism, logging, hunting, and even wage-paying jobs, and are in process of demographic expansion. The still isolated Taromenani, Tagaeri, Onamenane, Iwene, and other clans are experiencing a constant territorial decline due to oil activities, colonization, tourism, logging, and the opening of roads and airport landing strips, and it is assumed that their numbers are also in decline. These issues result in less space to exercise their nomadic way of life as they have fewer resources to gather, less space within which to hide, and therefore fewer opportunities for their cultural practices and physical reproduction. As a result of the socioeconomic and ecologic changes in the area, the contacted Huaorani and the Uncontacted clans have developed oppositional and irreconcilable interests and have become enemies.

⁴ The name of this people is written Huaorani or Waorani. Here will be used the first one except when transcribing documents where the second form has been used.
This is the immediate background in which the above-mentioned massacres have occurred. The broader context is the historical process of conquest and colonization of the Amazon and its indigenous societies that began in the 16th Century. Since then waves of intrusions of all kinds have rampaged the region seeking treasures and fantastic lands, natural resources, human souls, and territorial sovereignty. In all these cases issues of violence, and massive negative social and ecological changes have occurred, including the physical and cultural disappearance of many indigenous identities, subjecting them to enslavement, servitude, torture, and disease. In this scenario, local societies have learned to survive by collaborating with the invaders or confronting and evading them. It is likely that the Aushiris, Avijirias and Aucas, rejected the conquerors and Christian missioners trying to reduce and control them, establishing in the difficult to reach area of the Amazon where they have lived for centuries to avoid confrontation and have better opportunities to respond bellicosely to intruders. These were the conditions of the people until evangelist missioners reached them and the oil frontier incrusted their lands.

This historical context explains why, when the massacres of 2003, 2006, and 2013 occurred, although tragic, both inhabitants and government authorities have accepted them as something understandable if not normal.\(^5\) These events happened in lands that were traditionally known as lands of violence, attacks and death. Because of that--as I will discuss in this study--there is the widespread misperception that these rainforest peoples, for some mysterious reason, are immune to pain, and aroused by or

\(^5\) The Auca people have killed many people until they were contacted and as Uncontacted continued killing people, however only the deaths of the five missioners in 1956 and of the Bishop Labaca and nun Arango in 1987 have been considered important for “whites, creoles and civilized Indians” to be considered a “national issue” in Ecuador (Rival 1994:284).
attracted to death, that they unconsciously need it. In other words, it is assumed that these people perform bloody acts that produce fatal results because they are macabre by nature. These prejudices have shaped the attitudes of the public and government authorities regarding the Auca and now the Uncontacted, that has produced a woeful lack of attention to their situation in general, and in response to tragedies like those described above.

Since the massacre of 2003, however, there has been renewed interest in the Uncontacted people, by journalists, filmmakers, and activists, as well as academics, all of whom have proposed different ways of understanding at these peoples. They have also asked questions of an ethical and legal nature, concerning human rights and the responsibilities of all the people involved in these acts of violence, whether they be indigenous or non-indigenous. In addition, there is growing interest in determining the responsibilities of the state and government authorities in both promoting and/or exacerbating these hideous situations, as well as in providing political and legal responses. Historically, the uncounted and unaccounted deaths of the Auca and now the Uncontacted people have not led to any substantive legal or political measures designed to understand these circumstances, or to adopt public actions to resolve, mitigate, or prevent them.

Historical prejudices against indigenous people, particularly against the Uncontacted underestimate the meaning and tragedy of their current state. After decades of these events in the Amazon, the Ecuadorian government lacks\textsuperscript{6} adequate

\textsuperscript{6} Nine months after the massacre of 2013, the Ecuadorian General Prosecutor admitted that these situations overwhelm the capabilities of his institution. See: “Caso ‘rebasa capacidad de Fiscalía’”: Diario El Universo, 17 de diciembre de 2013. http://www.eluniverso.com/noticias/2013/12/17/nota/1928426/caso-rebasa-capacidad-fiscalia
institutional responses to them. A month after the massacre of 2013, the government found no evidence of the murders, although the massacre was public knowledge. The government was ineffective in providing a reasonable and timely response to the killings insofar as authorities did not even bother to fill out the conventional legal paperwork required in any criminal case. Due to the lack of an efficient public policy to deal with the Uncontacted issue, in 2006 the Interamerican Commission for Human Rights, IACHR, granted precautionary measures in favor of the Tagaeri and Taromenami indigenous peoples, several of whom were killed that year.

Aside from the governmental response, questions remain as to why the Huaorani have raided Taromenane longhouses and killed the persons they found there in a pattern of attack distinctly different than a culturally determined behavior of territorial defense. As Cabodevilla (2004) recounts, in the 2003 massacre, only children, women, and an elderly handicapped man were killed. No warriors were victims of that episode, whereas the goal of culturally based murders is the elimination of warriors. In the second episode, most of the victims were, once again, children and women (Cabodevilla et al. 2013). Huaorani retaliations are typically punishment for, or acts of

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7 See, for example: “Ministerio de Justicia no halla pruebas de posible matanza a taromenanes”, Diario El Universo, http://www.eluniverso.com/2013/04/06/1/1447/ministerio-justicia-halla-pruebas-possible-matanza-taromenanes.html. Worse, in the case of the second mass murder, the Ecuadorian General Prosecutor recognized that his institution has not been able to find the victims’ corpses, (See: ut supra: Diario El Universo, 17 de diciembre de 2013), while only three months later, a book came out which included eye witness testimonies of the tragedy by some of the murderers as well as spine-chilling photos (See: Cabodevilla 2013).


9 The precautionary measures were adopted after several Taromenane people were murdered on April 26 of that year in the Cononaco – Chiripuno River area. These deaths were caused in “reprisals linked to illegal tree felling in the Yasuní Park and encroachments onto indigenous lands.” Given this situation, the IACHR requested that the “Ecuadorian State adopt the measures necessary to protect the territory inhabited by the beneficiaries from third parties” (IACHR 2006).
revenge against, a specific warrior who has caused the death of another person. So the view that the Huaorani acted in reprisal for Taromenane attacks, may be wrong. Cavodevilla and Aguirre (2013) have suggested that logging may be the underlying cause of the second attack, since few months before, Taromenane people had attacked a timber crew, killing two of them. In the case of the massacre of 2003 natural resources are also the cause of the confrontation, which has been ignited by the oil frontier.

One interest of this research is to determine whether these deadly incidents and others involving Uncontacted and indigenous or non-indigenous people are just fortuitous or they are part of the unending harassment that predominant societies apply to these that are not part of the western cultural background. In other words these incidents may be construed as part of the ideological (and military) process of conquering, colonizing, civilizing and modernizing indigenous peoples. It is also crucial to determine what has been the role of the Ecuadorian State in foreseeing the particular situation of these isolated groups of the Amazon.

The bloody events described above represent only some of the current visible expressions of the unending cycle of conquer, colonization and frontier expansion occurring in the Amazon since the 16th Century when European explorers and conquerors set foot on this huge geographical and social space. In the past, the indigenous realms were the object of invasions for gold, cinnamon or rubber, but in modern time oil is the resource that catalyzes a manifold process that inevitably generates profound ecological and social transformations, and where as in the past, hidden or open violence is also unavoidable. Surrounded by a powerful industry and by antagonistic neighbors, without proof of or contact with external society and without
sufficient land and resources to assure their isolation, the Uncontacted people are in a wretched condition, condemned to face hardship, and probably on the verge of a cultural and physical extinction.

**A History of Constant Predation**

The Amazon has been a land of perennial frontiers where external forces have intermittently sought to establish spatial and economic dynamics (Little 2001). These frontiers were created by European conquerors, traders, adventurers, Catholic missionaries, entrepreneurs, and soldiers of fortune that raided the Amazon basin beginning in the 16th century in search of gold, precious stones, cinnamon, rubber, land, and labor, among other valuable and easily accessible assets, and in order to establish economic enclaves in which they tapped natural resources using enslaved native people.

These interventions have been catastrophic for local societies, involving coercion, disease, cultural decimation, depopulation, geographic compression, and miscegenation (Heckenberger 2010). Though sporadic, these enterprises have triggered processes of disarticulation of local people and ethnic redefinition, creating new alliances, rivalries, and division among indigenous groups (Santos Granero 1996).

The Europeans walked the Amazon basin in search of any resource that could become an asset, looking especially for gold and precious stones, but also for other products, such as cinnamon and other spices, cacao, oils, and dyes. For these activities, they also sought control of the indigenous inhabitants, turning them into allies, converts, or slaves (Sommer 2005, Ludescher 2001). Since early colonial times, these invaders devised the basis for the frontier expansion and natural resource extraction applied from that point onward, based on open and hidden violence against native
people who were forced to accept servitude and enslavement, or to flee and settle in inaccessible areas of the rainforest to avoid retaliation.

Of all the violent interventions in the Amazon, only general, and often confusing, information is available, apart from the 19th century intervention provoked by the so-called Rubber Boom which has been documented. Rubber, one of the most important natural resource in the building of our global society, was the cause of barbaric acts against indigenous groups who were the object of extreme violations to their human rights by rubber traders (Figure 1-1). This little known chapter in the history of the Amazon is referred to as the "atrocities of the Putumayo," and only attracted world attention when, in 1911, Roger Casement, the British consul in Rio de Janeiro, submitted a report\textsuperscript{10} to his Government on the abuses against indigenous people committed by the Anglo-Peruvian Amazon Rubber Company, in the region of the Putumayo River (Casement 2012). According to the Casement Report, the techniques of latex harvesting in the territories of Colombia, Ecuador, and Peru, involved the enslavement\textsuperscript{11} of entire indigenous communities, the confinement of women and children in collecting areas, punishments and torture when they refused to serve, involving even mutilations and murder, displacement and consequent extermination.

\textsuperscript{10} This report details the terror and tortures suffered by several indigenous identities of the Amazon. An estimate of 30,000 deaths occurred due to human rights abuses from 1900 to 1912 only.

\textsuperscript{11} The low demographic growth and density in Amazon societies and then scant available laborers, explains why enslavement was important in every step of frontier expansion in this area (Ospina 1994).
Figure 1-1. Rubber extraction areas in the Amazonia (Map WWF Global 2017)

Because of the use of modern weapons, the rubber traders maintained an offensive superiority, unleashing terror against indigenous communities whose members had no recourse other than slavery or flight into the forest. The latter involved being uprooted from their areas of residence, dispersion, family separation, pushing the individuals into the vast jungle, in which they wandered, perhaps for years, without being able to reconnect with their communities or their families, in many cases for the rest of their lives. Because of this while attempting to recover their lost social identity the natives faced processes of miscegenation and ethnogenesis, a phenomenon that had

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12 Ethnogenesis is a process of creation or reconstruction of an ethnic identity by the miscegenation of individuals from different backgrounds. In the Amazonian context, this mechanism allowed to merge to groups of indigenous people who were fleeing from the colonialist aggression, setting into territories outside the scope of the conquerors, and create a new identity. Many of the current indigenous communities throughout the Amazon are the product of this process.
already occurred during colonial times. Until 1750, for example, many people living in the same villages in the Ecuadorian Amazon still spoke distinct (now extinct) languages, using the Quichua as a lingua franca to communicate within the community (Macdonald et al. 1993). From this historical miscegenation the Quichua people emerged as an ensemble of individuals in need of a common identity. It is likely also that the Aushiris, Avijirias or Aucas, were among these dispersed people who preferred to resist and flee into the forest to preserve their identity and then forced to opt for miscegenation with other fugitives in order to rebuild an identity.

The raids to indigenous communities were known in Ecuador as “Correría”, literally “running away” meaning escaping from a danger. Rafael Karsten, a Norwegian ethnographer who traveled Ecuador from 1916 to 1919 provided a vivid description of a “correría”. After watching a couple Aucas who he described as “war prisoners”, Karsten (1998) explained the following:

When a band of whites roaming in the jungle find a community of savage Indians, they assault it, shooting the men and women to death or just forcing them to flee, then taking children or young women as prisoners. This proceeding is considered very correct because is supposed it is the only way to civilize the savages”. (Karsten 1998:103, 104)

This was considered appropriate behavior because it was supposed to be the only way to civilize the savages. More remarkable is the description that Karsten made of the Aucas who at that time were known for “Avishiris” or Avijirias. He said these people are of an ugly aspect because “evidently they are a very primitive human race”, however they have a pacific appearance. “Actually they are not very savages as described by the slave hunters. Their main mistake is the strange particularity of defending themselves when are attacked without reason by whites” (Karsten 1998:104).
This was the social environment, pregnant of prejudices and hostility against indigenous people in general and against the isolates Aushiris, Avijiras or Auca, existing in the so called Oriente, as the Ecuadorian Amazon was named then, during the 1910s, when the Rubber Boom was ostensibly declining if not already ended. In Quito, the Ecuadorian capital, there was a complete underestimation of these issues. By 1924 there was still an executive decree in which it was prohibited to take an indigenous working on rubber haciendas out of the country. Since it was obvious that “correrías” and slave hunting were common at that time, such decree does not prohibit these practices, but is only concerned with taking the enslaved people out of the country.

Given such a hostile environment, the Auca and other local tribes have adopted cultural responses to the hostile environment produced by these policies. They include isolation, violence against outsiders, and adopting a nomadic lifestyle. As a form of protection, they chose to live far from the rivers, on hillsides in the land between the Napo and Curaray rivers. In this way they could avoid contact with outsiders and easily ambush those who entered in their lands. Since the late 1890s, when attacks were recorded in some detail in government reports and missionaries and other private parties, more than 200 attacks have been carried out by the Auca people against outsiders (Cabodevilla 2010), but until the 1970s, there is no record of the attacks from outsiders against the Auca, as well as against other uncontacted groups.

**Wretched in Their Home**

Wretched refers to a condition of deeply physical or psychological affliction, dejection, or distress that people or communities can endure as a result of natural disasters, wars and social confrontations or even political or colonial oppression. Being wretched is profoundly sad, one of the most deplorable situations into which a human
being can fall. It is a kind of dead end for people who have no hope of overcoming a stressful condition or way of life in which pain and humiliation are the norm. Franz Fanon, the Afro-French psychiatrist from Martinique, used the word to describe the situation of the Algerian people under the French colonial domination. He wrote a very influential book in 1961, Les damnés de la terre, which first English edition, published in 1963, appeared under the title The Wretched of the Earth (Fanon 1963). On the cover of this edition, an explanatory note indicates that it is “[A] negro psychoanalyst’s study of the problems of racism and colonialism in the new world today.”

Historically and ideologically this epigraph connects this book with the same story in the rainforest, where indigenous people became enraged with strangers and decided to live in complete isolation, using violence to defend themselves. But as in the Fanon story, colonial powers with asymmetrical offensive means have the power to convulse the life of the people, creating a string of tragedies and putting the social fabric at risk.

In his book Fanon provides a profound analysis of what has been called the psychopathology of colonialism (Al-Issa Hilton et al. 1997 and Hilton 2011), defending the use of violence by the colonized people of Algeria, as a right in their struggle to attain independence and, ultimately, to regain their dignity. He maintains that persons who are not considered human beings are not bound, in their attitude toward the colonizer, by principles that apply to humanity.

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13 Published by Grove Press, New York in 1963, with a preface by the 1964 Nobel Prize honoree Jean-Paul Sartre and translated by British Communist Party member Constance Farrington. Fanon, Sartre, and Farrington were outspoken critics of the establishment, particularly as regards colonialism that held sway at the time. In fact, when Sartre was awarded the 1964 Nobel Prize for Literature, he refused to accept it, saying that ”a writer must not accept official awards because to do so would add the influence of the institution that honored his work to the power of his pen (“Sartre Awarded Nobel Prize, but Rejects It” New York Times, Oct 23, 1964).

14 The quotes used here are from the 1963 Grove Press edition.
Fanon chose the term "wretched" not by chance but because it is part of the ideological paraphernalia that promised freedom and dignity to every poor and dispossessed on earth. It is part of the opening lyrics of "The Internationale", the 19th-century anthem adopted by the socialist Second International. The first verse commands: "Arise, you wretched of the earth," a reference to the proletariat, people who are the subject of exploitation by capitalists. In Marxist theory, persons living in contexts of pre-capitalist relations – e.g. free-holding peasants, indigenous people –, are the arena for capitalist frontier expansion and the victims of exploitation and capital accumulation. Capitalism depended for its continued existence on commercial intercourse with the as yet pre-capitalist portions of the globe. Those people continuously incorporated into capitalistic production relations are called "third persons" by Rosa Luxemburg, first becoming proletarians and, then, the subjects of a process of forced de-culturation and alienation.

The Marxist explanation of proletariat alienation, as an implicit effect of peasant incorporation into capitalist relations of production, provides an understanding of the effects of colonization in social settings. The very logic of colonialism, or frontier expansion, is to progressively transform places and people in order to incorporate them into capitalist relations and monetary economies. This process destroys any pre-capitalist formations in its path and incorporates those who lived in such societies into

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_15_ The Internationale is the official anthem of both Marxist and non-Marxist socialist parties. It was written in French by Eugene Pottier, a woodworker from Lille, after the fall of the Paris Commune of 1871, and set to music by P. Degeyter.

_16_ Capitalists do not go to the rainforest to find and expand markets or to find workers to exploit but to extract raw materials only. The owners of these lands are not conscripted in any way in these endeavors. So here there is not any human exchange just despoil, rights oblivion and ultimate displacement. Since isolated societies have an inextricably relationship with their lands, the use of them in development projects suppress these peoples of the unique chance to have a viable cultural and social life.
relations of exchange value and commoditization. This has actually happened to other indigenous people in the Ecuadorian Amazon who, having been affected by oil activities, have managed to incorporate themselves into the society of exchange value and monetary economy, and even flourish improving their social wellbeing. But, unfortunately, this is not an option for Uncontacted people whose culture is based on the avoidance of contact with other groups and the total avoidance of outsiders who try to enter into their territory. When that occurs, they are fully prepared – physically, culturally, and ideologically – to respond with violence, regardless of the cost to themselves, because these incursions by outsiders are seen as aggression. On this point there is also a parallel between the experience of the people of the forest and colonized Algerians.

The word “wretched” is found in the lyrics of “The Internationale” and in Franz Fanon’s essay on the consequences of colonization, “The Wretched of the Earth”. Thus, slaves, peasants, indigenous peoples, any group subjected to colonization in order to violently introduce into their environments ideological, cultural, and economic structures, and whose members cannot resist the threat or come to an agreement acceptable to them with their aggressors are the wretched of the world.

I have borrowed the noun “wretched” from Fanon’s work not by chance. I have used that word because I believe it conveys the suffering and oppression of two distant and distinct people, the former Aucas peoples, namely the Taromenani, Tagaeri, Oñamenane, Iwene and maybe others from the Amazon rain forest, and the Algerians, in linguistic, ideological and historical contexts. As explained above, the Huaorani territory has been the site of oil development for more than three decades. The activity
has triggered a set of subsequent activities in their ancestral territory, which have created a complex situation of conquest and colonization.

The colonization of the ancestral lands where the Aucas and now the Uncontacted people lived for centuries, has resulted in a host of impacts on these indigenous people, especially to their unique culture and the ecological basis of their existence. These issues cannot be understood without discerning the ideological perspective underlying the interventions in the Amazon, which provide the rationale for the conditions the Uncontacted are being forced to deal with. In essence, the Uncontacted people not only confront the negative material impacts of the oil industry and collateral activities, manifested by contamination, deforestation, colonization, and other negative effects. They are also, implicitly confronting pervasive prejudices and a particular ideological mode of intervention in the rain forest, that is, a form of resource exploitation that goes hand-in-hand with the destruction of nature.

Nature, in general, was seen by the Western ideology as a realm of chaos, and when not humanized, it is called wilderness or “jungle”, as the Amazon rainforest has been termed. Indian lands were called “free,” “empty,” “vacant,” “uninhabited”, and the natives living on them as merely part of the flora and fauna (Mendoza 2013). To become civilized these people and their territories should be tamed and civilized. So, any “human” intervention in nature and any developmental process in traditional

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17 Generally speaking, the “Western ideology” or “Western culture” is a historical and ideological construction meaning a type of society “that is developed, industrialized, urbanized, capitalist, secular, and modern.” (Hall 1993:186) These societies started to gain world preponderance during the sixteenth century as a result of breaking-up from feudalism, promote expeditions and conquests around the world, and starting new economic, political, social, and cultural ideas. Although the inceptions of this construction occurred in West Europe, however it is not linked to a determined geographical area but to the main cultural tradition present in that part of Europe (but not the East Europe), the United States, Canada, New Zealand and Australia.
societies are justified because they provide order, taming the wilderness and the savage.

The deconstruction of the ideas of civilization, progress, modernization, or development is important in the analysis of the negative effects of these approaches on traditional cultures. These concepts, which encapsulate the western form of social practice, have created a thick ideological mantle that covered and distorted the historical outcomes of their application on non-western cultures. As has been reviewed, the historical outcomes of the notions of civilization, progress, modernization, and development in the Amazon watershed should be counted in terms of human tragedies, social disintegration, and ecological decline. These effects, which are often invisible, have occurred suddenly or slowly, ruthlessly or graciously throughout the history of the Amazon.

On the other hand, destructive use of nature is the essence of capitalism. The effect of such essence has been described as pyrrhic victories over nature by the Marxian philosopher Friedrich Engels. He (1876 [1934]) said that “each victory, it is true, in the first place brings about the results we expected, but in the second and third places it has quite different, unforeseen effects which only too often cancel the first.” (Engels 1876 [1934]) Precisely the Western prejudices and the economic essence of capitalism have led the planet to an ecological crisis in which the more significant effect is that “biological diversity is being significantly reduced by certain human activities”, and for that “it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source”. (CBD 1992) The oil frontier in the rain forest has the accumulated destructive power of the Western prejudices on nature and
local societies, and of the highly transformative essence of capitalism. In their fight for survival, the Uncontacted people, the last societies that resist the Western and capitalist intervention in the rainforest, are challenging ideologies where oppression is the inexorable result.

In the narrative I present here, those clans that have not yet been assimilated into the outside world, be they Taromenane, Tagaeri, or other Uncontacted people, are the wretched of the rainforest, because they are also subjects of colonization, and their natural and social realms are undergoing changes at a dizzying rate. But unlike the conventional colonized people in the Western world who became proletariats and were able to start a new life, the wretched of the rainforest are condemned to disappear because they cannot survive outside of the milieu created by their ancestors throughout the course of hundreds of years. This is what is being completely destroyed by the colonial powers that are invading them. They cannot break the strong sense of attachment they have to their culture and environment, which are the essential elements for their survival.

The wretched of the rainforest refers to those people who have chosen to remain secluded in a tiny corner of the planet as a way to assure their subsistence and maintain their identity. They refuse to join us, the rest of humankind, and we pretend to ignore their existence and plunder their land, destroying in the process the very basis of their subsistence living. So it is not a matter of controlling a group whose members understand that to continue fighting makes no sense because they have no chance of winning, but of the destruction, the annihilation of a group that has no concept of the size and power of its opponent and, thus, no concept of the futility of their efforts. In
order to protect their culture, the Uncontacted indigenous people will use every resource their culture has developed – especially violence – to protect their land, their isolation, and their identity, until the very last breath of the very last member of their clan. And, as has been demonstrated in the attacks occurring in the ancestral lands, we are not speaking metaphorically here.

The use of violence as a way of freeing themselves from colonial oppression is common in the struggle of the Uncontacted people in the Ecuadorian rainforest and in the political practice of the people in Algeria described by Fanon. Although the response came into being in different settings; both oppressed cultures – the Uncontacted people of the rain forest and the Algerians, as described by Fanon – made political use of violence, turning it into a tool for liberation and catharsis. And this is why, in situations of colonial exploitation, in its totalitarian guise, “the settler paints the native as a sort of quintessence of evil”18 (Fanon 1963:41). For a long time the Aushiris, Avijirias or Aucas, were the evil beings of the forest and were, thus, avoided by everybody. They were considered savages, who ought to be civilized. The ideological construction of “savage” or “barbarian” people is an old and pervasive European conviction, which was useful to justify the conquest of pre-Columbian peoples. In the so-called Valladolid Debate (1550–1551), Fray Ginés de Sepúlveda proposed four arguments for which the war

18 Fanon also notes something applicable to both the wretched of the earth and the wretched of the rainforest:

“…the native is declared insensible to ethics; he represents not only the absence of values, but also the negation of values. He is, let us dare to admit, the enemy of values, and in this sense he is the absolute evil. He is the corrosive element, destroying all that comes near him; he is the deforming element, disfiguring all that has to do with beauty or morality; he is the depository of maleficent powers, the unconscious and irretrievable instrument of blind forces” (Fanon 1963:41).

Explaining the atrocities committed at the time of the Rubber Boom era against Amazon societies, Taussig (1984) explores the mental mechanisms under which the rubber barons elaborated a culture of fear in order to avoid the treacherous actions of these people of the jungle.
against the indigenous peoples is justified. One of them was “barbarism” and therefore, “following Aristotle, natural slaves, obliged by natural law to subject themselves to the (superior) Spanish” (Marks 1990:25).

Another commonality between the Uncontacted of Ecuador and the Algerians is that both cultures have conducted an indefatigable struggle to keep intact that which is most valuable to them: “the land which will bring them bread and, above all, dignity” (Fanon 1963:44). As is evident, the word “wretched” has a profound ideological significance and by using it to refer to the Uncontacted people of the Ecuadorian Amazon, we recognize them as members of that portion of the world’s people who have resorted to culturally defined tactics to avoid slavery, oppression, humiliation, and death.

But unlike the wretched people described by Fanon, the case of the Uncontacted people of the rainforest is a struggle for which there is no solution. These people have become trapped in a variety of ways: i) geographically, they are now surrounded by long lasting development activities and socioeconomic processes, including the spread of agriculture which is destroying the rainforest, eroding the material base of their subsistence and way of life; ii) because of the magnitude and pervasiveness of phenomena such as colonization and oil frontier expansion, cultural strategies available to the Uncontacted people for dealing with external threats are no longer effective; iii) chronologically speaking, they have reached a threshold: today there are no periods during which the threats recede, as happened in the first four centuries after the beginning of the European conquest, which gave those threatened time to recover; today the threats are permanent and there is no time to recover; iv) since the Uncontacted have not interacted with any other group for at least five centuries, they
have a completely different cosmography than that of the society beyond their territory; as a result, it is impossible to establish dialogue, at least in the current conditions of cultural stress to which they are subjected; and, v) although a strong doctrine of human rights has been developed in the last five decades, the Uncontacted people cannot exercise their rights because they are outside of any legal system; moreover it is impossible to determine how, when, and where crimes have been committed against them since they are hiding in the rainforest and evidence of aggression is unavailable.

It is likely that the threats the Uncontacted people face will not disappear, at least not before they themselves vanish. Thus, because they will not be able to break free from the traps laid for them as they have in the past, the oil activity and the multitude of collateral threats that come with it could be the last these people will face. As they are destined to lose this war, they are condemned to disappear.

On the other hand, and notwithstanding explicit and implicit criticism of imperialistic methods promoted by European culture against traditional societies, it is true that Fanon´s challenge to the ideological West would not has been possible without Western thought, based on rationalism and self-criticism. One of the main features of this culture is to promote competition within the system in order to choose the best option, not only in production and economics, but also in ideas. Consequently, Fanon´s ideas and my approach in this dissertation, with its criticism of the European mode of intervention in the Amazon leading to social and ecological devastation, are both based on a mode of analysis bolstered by the same cultural tradition that has pushed the Uncontacted toward a geographical and ideological trap.
Research Questions and Hypothesis

This work is aimed to comprehend whether the case of the Uncontacted people comprises a situation of abnormal function of human rights institutions or it involves a flaw of modern society that is not prepared to understand, respect, (and defend) people who do not like to be part of it. I will explain here that the issues that Ecuadorian isolated people have endured are the current expression of an old human attitude against uncontrolled people and nature that can be termed frontier expansion. This process implies profound transformations of the implicated environment and eventually its functional destruction.

According to the qualitative nature of this research, and in light of the impossibility of conducting primary research with the people involved, my investigation seeks, via inference, to understand if the related problematic of the Uncontacted means that they have fallen into the situation what Dyer (2002) calls “punctuated entropy.” In light of the above considerations, I will attempt to answer the following questions:

- Are the circumstances the Uncontacted people experience related to the process of frontier expansion? If so,
- How are the ongoing processes of frontier expansion negatively affecting and vulnerabilizing the Uncontacted people?
- How have the elements that, in the past, provided social resilience to these people become neutralized by external stressors?
- What are the practical effects of increasing vulnerability and loss of resilience?

To answer these questions and to formulate a hypothesis of the situation in which the Uncontacted people are immersed, it is necessary to keep in mind that oil production is the current activity that has promoted a wave of frontier expansion in the Ecuadorian Amazon as, previously, were activities related to rubber, gold, cinnamon, and so on. Unlike other resources that have propelled frontier expansions in the history
of this region, oil has attracted other, independent, decentralized socioeconomic activities, each of which has come with its own social and ecological interactions. Peasant colonization, agricultural expansion, logging, tourism, urbanization, wildlife trafficking, and other legal and illegal activities are independent vectors of cumulative ecological and social impacts. For this reason, I argue that the problems that the Uncontacted people are facing must be contextualized within the effects of the multiple activities that oil development has promoted in their ancestral lands. Each activity should be seen as an independent, but interconnected, vector of vulnerability.

The negative impacts resulting from decisions made by institutions and individuals acting “within the law” cause substantial social damage to a social group that is “outside the law,” beyond the jurisdiction of the nation’s legislation. These tensions between acts generated within the law and effects on people outside the law cannot be defined as illegal under the nation’s laws, and, thus, this issue should have to be addressed by international humanitarian law. But how should any kind of law be applied to invisible people? Who have legal standing for representing them? Can the same state that has created the conditions for vulnerabilizing them, represent and/or save them?

Considering the presence of multiple vectors of negative impacts in the ancestral lands of the Uncontacted people, and the fact that they are undergoing a dual process of vulnerabilization and of loss of resilience, or adaptive flexibility, I predict that the Uncontacted people will face, in the short and middle terms, three independent outcomes: i) they will continue to suffer tragedies (i.e., attacks, massacres) and other
events that make subsistence even more difficult (i.e. loss of anthropogenic forests,\textsuperscript{19} the constant need to move and hide\textsuperscript{20}), all of them equivalent to disasters; ii) they will disappear as a culture due to forcible contact on the grounds of human rights or humanitarian relief; and, iii) they will face the fact that their cultural and physical reproduction are becoming increasingly unviable and, as a result, they will become extinct. Since the outcomes described will be the result of deliberate support for external stressors and the constant erosion of subsistence sources, they are equal to genocide / ethnocide.

\textbf{Study Caveats}

This study will deal with an epistemological problem implicit in the concept of Uncontacted people, defined as communities whose members choose to remain physically invisible from the current highly interconnected global society. It is about people who refuse to have any contact with outside society, a decision that has rendered them non-existent as far as the state, the law, and the public, at all levels, are concerned. The members of the clans in question have no state/recognized names, and there is no knowledge of their existence as individuals; they do not maintain any permanent residence or territory. Therefore, the government does not have any individual records that confer upon these people legal standing.

\textsuperscript{19}Anthropogenic or cultured forests are intergenerational enriched forests on which traditionally relied the subsistence of the Huaorani people. Now these forests are still the main source of hunting, fruits, and other resources for the Uncontacted people. The loss of these forests can result in food shortages and famine. See: bellow “kwenkodes”.

\textsuperscript{20}Hiding is important for the isolated people in order to avoid being spotted and chased and to get relief and recuperate after a clash with outsiders or other clans. The shrink of lands and forests and consequent diminution of places where to get relief, can lead to communal stress and desperation.
In addition to the peculiarities explained, the group upon which this research is focused has internalized violence in its culture. They have adopted violence as a way to defend themselves from outside interventions and to remain in cultural and geographical isolation. Historical records show that the Aucas until 1960s and so far the Uncontacted, have conducted intermittent fatal attacks against trespassers. This is not the case of the Yanomamö (Chagnon 1968), a widely known warlike people who despite ferocity allowed strangers to live in their communities since at least a century ago and conduct long anthropological studies on them (Chagnon 1968, Lizot 1976, and Good 1991). Instead the Auca until few decades ago and the Uncontacted until now have speared everybody they found roaming in their lands.

For these reasons, this study cannot be based on the perspective of the victims, but must, perforce, be carried out from the point of view of someone who belongs to the society that, intentionally or unintentionally, is pushing the Uncontacted Huaorani toward extinction. However, this bias in the research is important in the sense that it includes recognition of the implicit limitations of national society for developing principles for understanding the rights of subjects beyond the boundaries of its laws and social norms. Currently, although natural law recognizes the implicit rights of every individual human being, mainstream society does not recognize social realms beyond the interlinked and positivist global society. Thus, in this study, we will relate how the Ecuadorian government and members of mainstream society are, politically and legally, avoiding the epistemological problem of how to address the issue of the Uncontacted people, and how, as a result, those people may have become the victims of a genocidal process.
Part of this problem is also the fact that the Uncontacted people could not prove their own existence and cannot speak out for their own rights. Thus what is happening to them relies entirely on the perceptions of members of the society that harass them. The lack of a shared consciousness and of some communicational activity prevents both sides (external society and Uncontacted people), to understand, respect or accept “others”. They refuse to address “us” and standout to exercise their rights and we understand those “others” that are in our system only.

Since the power of the dominant global culture is such that it tends to overwhelm, or to reduce to a status of inferiority, all local cultures, the security and even the life of the Uncontacted have become subject to processes and circumstances derived from the interest of the global economy, the Ecuadorian government and oil companies.

Methodology

In light of the reasons explained above, this research deals mainly with people who have been forced to flee and hide in remote places in the rainforest, people who avoid contact with outsiders and who, when contact is attempted, respond by attacking. These situations come from the historical and ideological contexts in which the Amazon has been conquered, explored, and exploited; and the effects of these events on indigenous peoples living there. Therefore, they cannot be directly studied.

The expressed circumstances poses a definitive challenge to ethnographic analysis, participant observation, or other methods normally applied when studying

21 It is worth to cite here what Aristizábal Corredor (2010) consider regarding studies on the isolated people in general: “I consider that it is ethically undesirable and physically damaging to establish a relation with isolated tribes, thus any research about them falls victim to an old and valid criticism that has been an underlying concern of all those involved in this paper: If isolated tribes want to remain in hiding, what gives us legitimacy to talk about them? From this question many more follow: Is it legitimate to try to correct past harms without consent? Why are you doing this?” (2010:11-12)
people and cultures. In that way, the particular nature of dealing with a topic focused on people who cannot be seen and, thus, the manner in which the problems they are currently experiencing must, perforce, be assumed or inferred from what is historically known and what is observable now.22 Discussion of these matters is relevant to establishing a series of research questions that will permit prediction of the results we can expect if the present trend of external impacts on the Uncontacted peoples continues.

Considering these conditions I will not be able to offer the point of view of these elusive people. I will present instead my personal perspective on why these enigmatic people are being subjected to a process of cultural erosion by external pressures promoted by oil activities, which will probably lead to their cultural and physical disappearance.

Then my investigation is based on a combination of observational, legal, bibliographical, and ethnographic methodologies which will provide me with conceptual elements to make this bold assumption, as explained in the following paragraphs.

The first source of information on which I will rely is the extensive legal, environmental, and social work I undertook between 1987 and 2008 in virtually all the oil fields existing up to that period in Ecuadorian Amazon. In the course of that work, I

22 References to the Aushiris-Avijirias-Aucas from Karsten (1998) and Cabodevilla (1994 and 2010), among others, provide vivid descriptions on how Auca people were viewed by outside society before contact, and the accounts of the attacks carried out by these people. Yost (1979 and 1981) and Warren (2002), provide narratives of the Auca culture observed soon after contact. Rival (1994, 1998, 2002, 2004, and 2005), Rivas Toledo, and Lara Ponce (2001), among others, have carried out ethnographic work in present-day Huaorani communities. All these observations are useful for understanding the Uncontacted people. Finally, Clastres (1981, 1989, and 1998), Lee and Daly (2004), and ICHR (2013), provide a general understanding of the culture, political organization, and problems facing the world’s last hunters and gatherers. The conceptual framework provided in the bibliography cited allows for reasonable inferences regarding the Uncontacted.
witnessed the complex impacts of oil activity on Amazonian nature and society (Real, 1987; Enriquez Real, 1992; CORDAVI, 1994, PNUD 2007). As an environmental and human rights lawyer I helped indigenous people and peasant organizations to sue oil companies for polluting water sources or sued the government to stop oil and mine concessions in national parks and other protected areas. Among these cases are the lawsuits against several oil companies, including Texaco, CEPE, and CONOCO, in national and international courts, in order to save oil-threatened protected areas and the Huaorani’s and Uncontacted ancestral land (see: TGC 1989–IWT 1992; Bonine et al. 1991).

More than a decade working in the Ecuadorian Amazon allowed me to observe the interests and way of life of indigenous and colonist groups, and to have a firsthand experience of the pernicious effects of the oil industry in both societies. During those years I had witnessed the delicate social settings in which indigenous people have evolved in the rain forest. These are a frugal way of life based on a subsistence economy relying mostly on natural products, small villages with no more than a hundred people, simple shacks housing families in a single room. In parallel I have also observed the persistency, constant expansiveness, and highly transformative essence of peasant settlements, agriculture, illegal logging, and urbanization. It convinced me that these gentle native communities would hardly compete with the unstoppable flow of external people, backed by a powerful industry that made roads, buildings and other infrastructure everywhere. Defending from such a huge and sudden front of colonization and of nature transformation was not realistic for indigenous people so they have had to resettled somewhere else in the forest or instead accept the new reality and take
advantage of some perceived instant benefits of being near of an oil company or of a colonist town. These observations brought me to understand that such flow of modernity in the rain forest cannot be managed by the Uncontacted people, who not only have not experience with external society, but also violently reject it.

The second source of information that I will use in this work is based on bibliographic research in two fields: i) the historical process of conquest, colonialism, and frontier expansion in the Amazon region and their effects on native peoples; ii) the social construction of vulnerability and genocide. By doing this, I will attempt to understand how these isolated people have come to the conclusion that: “there is only one long history of predatory attacks perpetrated by cannibal outsiders and internal destruction” (Rival, 2002:45). If historical memory of death and oppression has shaped the Uncontacted people’s culture, making them violent, it is reasonable to assume that oil activity, colonization, logging, and other aggressive activities are putting these people in a constant state of stress, anguish, and wretchedness. Moreover the material and ideological effects of the oil industry on nature and culture, may resemble the attacks, slave raids, and displacement experienced by different indigenous cultures during colonial and republican times, particularly the Rubber Boom and the so-called “Atrocities of the Putumayo.”

A third source of information will come from interpretation of national and international law and policies regarding indigenous people, Uncontacted or isolated people, ancestral lands, humans rights and genocide. On this, my law practice provides invaluable support.
A fourth source of information will emerge from archival research I will conduct in different public institutions, mainly the Ministry of Environment and the Fiscalía General de la Nación (the Chief Prosecutor), where I will obtain official reports and administrative information regarding government concessions for oil activities, assessments of colonization, agriculture expansion and illegal logging activities in the lands of the Huaorani and Uncontacted peoples. Of importance will be also the review of denunciations and lawsuits submitted to the Prosecutor regarding the deaths of Uncontacted people.

Finally, a fifth source of information will be provided by unstructured interviews I will conduct with public officials and specialists whose work is related to the ancestral lands of the Huaorani and Uncontacted peoples.

**Relevance of the Study**

This study is important to the discussion of how to protect the rights of the last remaining Uncontacted peoples of the world, and to identify the absence of legal safeguards that would protect social groups outside the current legal borders. I hope to contribute to creating legal epistemologies in order to defend people, knowledge, and places that are distant from and beyond the grasp of the common, or mainstream, system.

Although global society has created a theoretical understanding about people, culture, and environment, it has also created prejudices and stereotypes, paradigms for justifying and normalizing open and hidden issues of inequality, violence, vulnerability, and even genocide.

The direct importance of this case comes from the human rights implications of the retreat of an Amazon indigenous identity that has been cornered and is on the verge
of extinction. At this point in current philosophical, political, and juridical discussions, it is unclear why some small human groups (minorities) should be forced to waive their right to life as a culture, which implies the existence of basic safeguards guaranteeing access to resources required for subsistence, in order that the majority may enjoy other benefits (i.e., oil).

In addition, this case allows for reflection on two issues of human culture: intolerance, still alive and well, regarding different forms of cultural life, such as the strange cultures of the Uncontacted people of the world, and society’s inability to accept the desire of traditional people to remain Uncontacted.

**Organization of this Dissertation**

This dissertation is organized into eight chapters providing the historical, conceptual, and legal perspectives necessary to understand how some tiny societies dispersed in the rain forest are still attempting to live according to a life strategy started centuries ago, to avoid harm from invaders and other external pressures.

Chapter 1, entitled “Adversity and death in the rainforest,” is an introduction to the current tragedy playing out in the Ecuadorian rainforest. The plight of the Uncontacted is seen not as an exceptional problem but as part of the long historical chain of events related to conquest, colonization, progress, and development issues, all part of the same process of Westernizing non-Western peoples and environments, to incorporate them into the ideology of the accumulative economy. In this Chapter, I present an overview of the historical effects and ideological meaning of these events for indigenous peoples in their path. In light of the situation in which the Uncontacted find themselves due to their failure and/or refusal to adapt to these historical events and
thus in the grip of violent and unavoidable forces, they are depicted in this Chapter as the wretched of their own land and in danger of cultural and physical extinction.

In this Chapter I also describe the methodology used in researching and writing the dissertation, including the research questions and hypothesis, and explain the caveats posed by a study of hidden and isolated people, and the relevance this study may have for the debate regarding the otherness of people who reject any form of contact or integration with neighboring and wider societies.

Chapter 2, entitled “The historical and philosophical roots of a current tragedy,” provides the historical and ideological background of the indigenous people as the source of the present day tragedy endured by a particular group of isolated people. Here I examine the concepts of savagery, civilization and progress as the time-honored prejudices non-Western peoples have faced, which justify their conquest and, in many instances, displacement in the face of frontier expansion and development. As the effects of these events have been a continual violation of the human rights of indigenous people, in this Chapter I also discuss how the situation of the isolated people can be addressed from the perspective of law and of the concepts of risk, vulnerability, and social entropy.

In Chapter 3, entitled “Conquest and ideological imposition in the Amazon,” I explain new forms of thinking introduced into the region and how they have disrupted the social and ecological environments in the region. This new form of thinking has reshaped the understanding of production and consumption in the Amazon, and created the conceptual basis justifying the prejudices and misconceptions that have arisen through the centuries. This new worldview is the ideological bubble in which the process
of cultural and physical erosion, and of potential genocide of the Uncontacted people, is ignored and normalized.

Chapter 4, “The isolated people: phantoms of the past,” examines the nature of the isolated people as a particular category of indigenous people, describing the places where they live, the main traits of their culture, and the probable number of these societies that have chosen to live in areas of difficult access in the last open spaces of the world, particularly of South America. In order to comprehend the complex issue of remaining isolated for centuries if not thousands of years, in this Chapter I discuss the probable ideology underlying why the isolated peoples hope to defend themselves by isolation from wider society. That particular cultural choice, that has historically protected them from external threats, is, ironically, the reason why they are not understood by global society and therefore are extremely vulnerable, with some or most of them are on the brink of disappearance through cultural extinction or genocide.

“The Aucas, the Huaorani and the Uncontacted people”, the fifth Chapter, describes the Auca indigenous people and the cultural split that led to the current existence of the Huaorani and the Uncontacted as two separated indigenous cultures with divergent worldviews. In the process, I also explain the colonial intervention of evangelical missionaries that forced contact and social transformations. Such forced contact occurred in 1956 and was consolidated by the mid-1960s split of the Huaorani people into groups integrated and non-integrated into the larger national society. The former are those called Huaorani and the latter by the generic name of Uncontacted, whose cultural identities are described by the names of the clans they belong i.e., Taromenane, Tagaeri, Oñamenane, Iwene; these are the known groups and it is
possible that there are others yet to be identified wandering in the rainforest. In order to understand why these groups pose a challenge to so-called modern society, I also describe and analyze the main known cultural traits of the Uncontacted, namely, isolation and extreme violence. In addition, I describe outside interventions and how these have promoted social upheaval and, ultimately, put these people at risk.

Chapter 6, entitled “Oil, the last frontier” is a discussion of the profound changes that oil extraction, the engine for the current wave of frontier expansion, produces in the natural and social realms of the Amazon. Here I explain the process of frontier consolidation in the rainforest and the combination of socioeconomic activities that emerge around the oil industry. These activities multiply independently, covering wherever a road is built in the area, and, in a decentralized fashion, work against the ecological and social stability of the Amazon region. Because of the long-lasting effects of this current wave of frontier expansion, it is assumed that it will be the last frontier in the region, unlike previous, temporary frontier waves.

In Chapter 7, “The political construction of vulnerability,” I review and discuss the official actions of the government deliberately intended to promote the oil industry in the traditional lands of the Uncontacted. This industry leads to negative changes in the area through colonization, deforestation, road construction, and other oil-related activities. Here I maintain that there is an official construction of risk and vulnerability affecting local societies, particularly the Uncontacted. This created vulnerability weakens the social fabric of these people, putting them at risk.

In the final Chapter, “Development, law, and genocide in Ecuador,” I summarize the ideological and material issues that promoted the current situation of the
Uncontacted, which basically involve a deliberate restriction of the material basis for their survival. I also analyze this deliberate restriction in the context of Ecuador’s legal framework and the international human rights system, particularly the Convention on the Prevention and Punishment of the Crime of Genocide. As a logical inference of the effects of these processes on the Uncontacted, I discuss the virtual inevitability of their disappearance. I suggest that they find themselves in a struggle against the outside world as a result of persistent threats, diminishing natural resources, including food, and unrelenting harassment, territory seizure, and entrapment by asymmetric human activities in their territory. Since this situation of extreme vulnerability and hardship has been deliberately created by the oil frontier promoted by the government, the situation of the isolated peoples constitutes genocide.
CHAPTER 2
THE HISTORICAL AND PHILOSOPHICAL ROOTS OF A CURRENT TRAGEDY

In order to understand how a composite of conquests, social prejudices, economic tendencies and governmental decisions have created the dreadful conditions for an ethnic collapse, one first needs to understand several notions and issues that in one or another way have gravitated in the Amazon region of Ecuador. The review on how the ideas on savagery, civilization, frontier expansion, law, human rights, progress, and development have been introduced in the region and their effects on indigenous people are of immense value in determining why the isolated people are the subject of a continuum of vulnerability. These issues allow us to discern that the ways that the indigenous people have faced the different waves of interventions by inventing and reinventing their identities and devising new cultural traits to allow endurance, resistance and resilience.

To understand this case, it is necessary to analyze the historical background of the people, the ideas and the interests involved in the Amazon region of Ecuador, and the conceptual framework of social vulnerability. This exercise will allow us to observe the passionate interests that flocked to this region, which, even though this occurred in different historical periods, are closely connected to one another. These interests spring from the greed and fantasies of conquerors, colonizers, explorers, and other invaders, inspired by the real or imagined wealth of this vast area. Century after century, the intention has been the same, and has become manifest in intermittent cycles of invasion-plunder-abandonment. Only the resources, the technology and the pretexts spurring the interventions have changed.
The social and ecological effects of these periodic interventions have been devastating for most of the indigenous people of the Amazon, in terms of their wellbeing and cultural and physical survival. Some of them have learned how to avoid significant damage to their social fabric by developing particular forms of social resilience. Of these groups, the Taromenane, Tagaeri, Oñamenane, Iwene, and perhaps other isolated peoples, have managed to avoid, century after century, the tragic effects of conquest, colonization, and frontier expansion. However, due to the nature of the last wave of such economic expansion – the oil industry – they have become extremely vulnerable and are probably on the edge of cultural and physical extinction.

Savagery, Civilization and Progress

After the conquest, the Amazon became a space of representations where the Europeans, based on their own beliefs, myths and fears, imagined fantastical worlds populated by these thousands of elusive people that appeared and disappeared in the forest. Every band of colonists that arrived to the region unleashed the fertile imagination, fears and instincts of violence that were engendered during medieval times in Europe, when ideas where timidly expressed and the official truths were those of the Church and of the classical Romans and Greeks.

Among the most important of these ideas is that of the transition from savagery to civilization and of the singularity of this process for the entire world. Implicitly or explicitly the Amazon conquest and colonization (and later on the development) has been justified in the European core ideological transition from barbarism to civilization, for which obligatorily every human society must go through as a kind of an evolutionary call. This ideological representation of the social evolution was in practice a systematic and aggressive process involving the homogenization of indigenous identities (Hornborg
and Hill 2011) and of the natural spaces where humans evolve. In this ideological process, some fabulous stories and popular beliefs were carried over from the Old World.

In the mythical representations that Europeans brought to the Amazon, nature was seen as a juxtaposition of savagery and violence, which is opposite to the order of human culture and civilization (Oliver-Smith 2004). Then the fabulous people and lands from the European folklore were analogized with the indigenous people and nature of the Amazon which were seen as objects of domination\(^1\) and bringing them to civilization has been assumed as a "white man's burden".\(^2\) The popular imagination fostered fantastical imaginations regarding these people and often sentiments of fear and violence.

According to Taussig (1984), the cruelties of Europeans during colonial times and of the rubber tappers against indigenous peoples were motivated by a view to them as wild men, these vicious mythical savages from medieval and renaissance legends that needed to be dealt with brutally. Wild man was a European construction, representing people who live at the edge of the civilization, in a place inhabited by hunters, criminals, religious hermits, herdsmen, and others who frequent the margins of human activity (Yamamoto 2000). The Wild men were also attributed with an addiction

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\(^1\) The Judeo-Christian tradition influenced the western perception of nature to see it as the designated realm to meet human needs exclusively, so it is considered just the supportive structure of society. The legitimacy of this function comes from the story of Creation where "God transfers his unlimited authority over all the living creatures of the world to Man, making him the "Lord of nature." (Pattberg 2007:5)

\(^2\) This assumption was crafted during the Victorian Era and emerged from the “…theory (founded in part upon popular but erroneous generalizations derived from Darwin’s theory of evolution) which saw Imperialism as a manifestation of what… [was referred] to as "the white man's burden." The implication, of course, was that the Empire existed not for the benefit — economic or strategic or otherwise — of Great Britain, but in order that primitive peoples, incapable of self-government, could, with British guidance, eventually become civilized (and Christianized). (Cody 2014)
to cannibalism, “the ultimate antisocial act” (Hensel 2012:158). These peoples of the Amazon that preferred to die rather than to be enslaved, that emerged unnoticed from the jungle to attack intruders, and to whom unnatural powers were attributed, were the best representation of the “Wild Man” for the European colonists. Then the violence of conquerors and colonialists against them was guided by these superstitions of the medieval culture.

This that they saw as savagery also awakened their desire to civilize native people. The idea of passing from barbarism to civility is based on the notion of time as a linear process, as opposed to the cyclical conception of traditional societies (Oesterdiekhoff 2009). This concept of time implied that history moves towards a definite end or telos (Watson, 2005). Among other interpretations, this notion was the basis of the pervasive belief in the moral obligation to civilize those societies still in the early stages of their “evolution”, that is, societies whose members are defined as “barbarians” or “savages”.

The confidence in the inevitability of “progress” leading to “civilization” fused, over time, with the belief in the superiority of the European culture, or “Eurocentrism” a conviction that Europe represented a model of modernity, and that the rest of the world, or, more precisely, those cultures that did not take European culture as their model, were backwards (Amin, 2009). This view became the basis of a strong tendency to consider morally acceptable the promotion of drastic cultural changes in traditional societies. So it was assumed that “normal” modern society had an obligation to help “normalize” the “abnormal societies” by bringing them to civilization.
Assimilating the savages and their social and natural environments to civilization has been the prevailing idea since Columbus's first voyages to America (Morgan 1877 [1944]) and, since then, the discourses of colonization, missionization, development, and others have been built on principle of blind trust in the approach that "new and higher stages of human society might emerge out of old and more simple ones: the driving motive in human history" (Ferguson 1998). This string of ideological conceptions and historical events has shaped the discourses and practices of the dominant Western-educated elites about indigenous peoples, since the conquest in the different territories and countries. (Blaser et al. 2004)

This idea of primitiveness was also taken by the modernization paradigm after World War II and, mutatis mutandis, it is the preeminent goal of national and international law regarding indigenous peoples whose full integration into national societies has been promoted (Real 2006). The whole Amazon Basin and many other regions of the world were the scenarios where these ideas were applied. Christian missions, like Mainas of the Jesuit and Putumayo of the Franciscans, were intended to convert infidels and civilize indigenous peoples. (García 1999, Ludescher 2001).

Precisely based on this ideological background, evangelical missionaries decided to approach and “civilize” the then uncontacted Huaorani people in the late 1950s, and to promote cultural changes that brought the integration of this indigenous group into

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3 The preamble of the “Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries,” signed in 1957, states that the “social, economic or cultural situation [of indigenous populations] hinders them from benefiting fully from the rights and advantages enjoyed by other elements of the population.” The document calls upon governments to take seriously their responsibility of integrating indigenous populations “into the life of their respective countries.” According to Convention 107 of the ILO, integration into their national communities is a natural and just response in order to address the situation of indigenous people. Such integration will assure the “fostering of individual dignity, and the advancement of individual usefulness and initiative” (Article 2). The intention of Convention 107 is to integrate education (article 21), language (Article 23), and every other aspect of traditional cultures.
Since some Huaorani clans refused to be “civilized,” and insisted upon living their traditional way of life, they remained the Uncontacted Peoples, as they are referred to now, which were seen as abnormal by “normal” society. Given that they were “abnormal”, that is, not part of “normal” society, it was the “obligation” of dominant society to contact, civilize, and Christianize these groups. This type of prejudice does not only correspond to old times, but can still be seen as an active concept as can be seen in García (1999) when narrating the work of Bishop Alejandro Labaka, the Catholic priest that was speared by the Uncontacted Peoples in 1987, explains that he carried out the “task of civilizing, and Christianizing those pagan indigenous persons, lost in the forests of their territory” (García 1999:394).

Modernization and development are the current forms of normalizing societies to reach the conventional standards and the motive for assimilating primitives, savages, and other so called backward peoples and their territories, into mainstream society and economy. Since the ideas on savagery, civilization and progress are at the core of the historical process under which Western culture has comprehended its social role, they have an implicit omnipresence in the work of governments and international organizations that strive to improve the wellbeing of poor societies and including indigenous peoples in the current affairs of the development paradigm. Therefore, it is

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4 For example, the 1999 edition of the Webster’s New World College Dictionary, which defines the “English language for the 21st Century”, under the entry of “primitive”, says that it is “characteristic or imitative of the earliest ages”, and deals with “preliterate, generally isolated culture with a relative low level of technology” (Agnes and Guralnik 1999: 1141). In this definition, “primitive” are the ones that lack of civilization and then, are just at the beginning of the linear process of achieving civilization.

5 Alejandro Labaka was a Capuchin priest and Apostolic Vicar of Aguarico, in the Ecuadorian Amazon. He and the nun, Inés Arango, were speared by a Tagaeri group on July 21, 1987. When the attack occurred, this priest and the nun were trying to make peaceful contact with this isolated people to avoid clashes with oil workers (Cabodevilla, 2012).
not unlikely that the idea of civilizing societies that have not been touched by modernity as the so-called Uncontacted (voluntarily isolated) Peoples is a task that needs to be carried out.

Of course, it is important to recognize that progress, development, free competition in economic terms and in terms of ideas, and other concepts and practices rooted in the Western cultural tradition have led to significant improvements in the wellbeing of humankind and have provided the methodological tools for dealing with our weaknesses, including concepts and rules related to human rights.

The critical way in which the historical events produced by the introduction of the “West” in the Amazon are described here is useful to understanding that such a way of thinking has not in the past and does not today provide for solutions other than acculturation or annihilation when social groups have dared to resist bowing to the foundational concepts of such cultures; these concepts include contact (i.e. ecumenism), material accumulation, nature conversion, among others. The bias of socioeconomic and political hegemony on which Western culture is based do not allow for the survival of people like the Uncontacted of Ecuador. Consequently, said peoples are forced to abandon their isolated way of life or to become victims of cultural and physical entropy.

**Frontier Expansion**

The Amazon was discovered for the European reality through conquest and then becomes a territory into which the dominant society can expand its physical and ideological frontier and recreate its myths, fears, prejudices and ambitions that, in this case, the European culture levied on the subjects of its conquest.
A frontier is the line where two neighboring spaces or realities meet. It could be the boundary of a country, of an ecosystem, of a cultural tradition, or of an ethnic identity. While some frontiers may be more or less permanent, like those of empires or countries, others, like those of the ecological, economic, ideological, and political influence are in a state of constant change, in a "perpetual and paradoxical movement of appropriation and disappropriation" (Cattin 1999). Although the term frontier implies an external side or face of an entity it has been used to explain the territorial advancement of a country over the so-called wilderness or territories that belong to societies that are not incorporated into Western society. It implies putting non-European people in a “Western [European] style of dominating, restructuring, and having authority over Eastern [Ecuador].” Politically, frontier is the last post that obeys one ideological domain and the front line in challenging, confronting and striving to integrate other domains.

Frontier expansion is the effect of the conquest and colonization process. By conquering an entity (be it social or natural), it is broken and subdued, and then, it is settled and colonized. Both actions allow the insertion of the conqueror’s ideology, economy, culture, technology and so forth into the newly added jurisdiction. By introducing the conqueror’s own life perspective, non-Western domains become Westernized and are then ripe for nurturing the ideas of civilization, progress, religion, modernity and development. This process has been carried out with open or concealed

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6 Edward Said coined the term Orientalism, as a political, sociological, ideological, scientific, and ethnographic idealization of non-western societies. This style, which has been institutionalized in the so-called modern period, is characterized by making statements about non-European cultures or “races”, “authorizing views of them, describing them, teaching them, settling them, and ruling over them” (Said 1979).
violence by stronger political or military entities or societies over small, weaker or dispersed groups.

The notion of frontier expansion was first explained in the so-called Turner Thesis,\textsuperscript{7} which provided an ideological framework for this concept. Turner maintained that "American history has been in a large degree the history of the colonization of the Great West. The existence of an area of free land, its continuous recession, and the advance of American settlement westward, explain American development" (Turner 1893). Here the connection of the idea of a steady development process (and thus of progress and civilization) and of a continuous recession of natural or native surroundings (the untamed, the backwards), depicts the process of the advance of accumulative economies over subsistence economies.

While a violent advance into an uncontrolled territory characterizes conquest, frontier expansion is the slow process of geopolitical integration of these territories into the predominant socioeconomic system and of applying to it new social, economic, and political forms of management. Frontier expansion continues through ideological, technological, and socioeconomic means in spaces where conquest has started militarily. Thus, conquest and frontier expansion are sequences of the same process of political, cultural, and economic domination of constituents. Once territories and societies are subdued by means of conquest, frontier expansion is the process of accessing their wealth, which is the space itself, the natural resources, the human labor, and of imposing the cultural and social codes of the prevailing society. This implies a

\textsuperscript{7} The Turner Thesis was named after Frederick Jackson Turner (1861-1932), a US historian who explained his ideas on this topic in an essay entitled "The Significance of the Frontier in American History."
forced “change from one form of human exploitation of the natural [and social] world to another” (Richards 2003: 6).

As a process of social change, frontier expansion has been justified as a form of progress and, in this respect, it has been seen as a “social laboratory”, in which the “civilization” of the invaders is manufactured⁸ (Paxson 1924). This notion corresponds with the Western philosophical idea of the stages of human history, from barbarism to civilization, a notion still prevalent in the current paradigm of development.

In the Amazon, frontier expansion was different than that observed in the Great West of the United States, where once a land was conquered, it was occupied and populated. In contrast, up until the second half of the 20th century, the Amazon Region of Ecuador was the object of frontier expansion experiences through intermittent military, cultural, or economic offensives carried out by waves of conquerors, religious orders, gold seekers, rubber collectors, and adventurers. According to Little (2000), each group that arrived to Eastern Ecuador had a distinct momentum in terms of its initial appearance, and this corresponded with specific political or economic external pressures. This resulted in the opening, closing, and reopening of the frontiers they created (Little 2000). For example, geopolitical imperatives in the 17th and 18th centuries promoted scientific expeditions and Catholic missions to create reductions;

⁸ “Few persons came to the frontier except to make homes for themselves, and to stake their strength and fortune against the chances of isolation and hardship. Most of them had little to hope for in their older homes, and made the emigration to advance their chances and their children’s. For the interval between two generations, in any frontier region, the typical life was that of the frontier farmer clearing his fields and building his cabins. The immediate family need came first, then came the group — the school and the church, local government and statehood — and the crafts of industrial supply followed the more primitive ones of agriculture. After the lapse of twenty or twenty-five years these needs had ordinarily been met in any typical frontier region, and the first-born children of the early households had grown to maturity and gone off in couples to a newer frontier to repeat their parents’ experience.” (Paxson 1924: 44).
emergent capitalism promoted the rubber boom in the late 19th century. Each of these frontier campaigns went away or gradually disappeared after a certain amount of time.

Issues of conquest, colonization, mission concentrations, and natural resource extraction in the Amazon appearing sporadically between the 15th and mid-20th centuries were manifested basically as a collision with local conceptions of social life and subsistence, interactions among identities, and interactions with nature. The imposition of a new worldview on the local inhabitants had been generally rejected, in theory, but has taken place, in fact, and it has been the imposition of the modernization paradigm that has been the most pervasive force for cultural and material change in this region.

Economic interventions promoted in the last century by independent entrepreneurs, national governments, international organizations, and private companies have followed the same ideological pattern developed during colonial times. It can be summarized as follows: the socioecological environment of the Amazon needs to be civilized, tamed, exploited, and developed.

With the implementation of modernization and development paradigms after World War II, the Amazon was viewed in the national imagination as a place to redeem poverty, modernize, and achieve social equity through land distribution, (Esvertit Cobes 2001, Garfield, 2013). The immensity of the lands and forests in question was seen by governments as providing the ideal conditions for promoting the development of the country, undertaking projects that were more like forays into unpopulated lands than activities in which local population were invited to participate or at least be consulted. Hydroelectric dams, colonization, and oil and mining projects were undertaken in indigenous peoples’ ancestral lands, based on underlying concepts identical to those of
the past: bringing civilization and progress to the rainforest. In this new scenario, the indigenous populations have once again been ignored, seen as primitive, poor, without the will to take advantage of the great economic prospects for the region and therefore their lands must be developed without their participation. So the State assumed the role of creating the conditions for the country’s economic takeoff.

The new form of frontier expansion represented by development projects, oil and mineral extraction, urbanization, and other socioeconomic initiatives is continuing the never ending process of absorbing societies and their landscapes into what is now considered modernity and development, concepts that have replaced those of civilization and progress. The constant expansion of the frontier in the Amazon is required today to open the supply of resources that make possible the development of national economies. This is the continuous “frontier of necessity” (Ignatieff 1984: 93) that characterizes capitalist society. According to this rationale, the incorporation of the indigenous peoples and the wild areas of the Amazon into the market economy involves the constant advance of frontiers in search of the resources that the economic system requires for its ceaseless reproduction and, as in the past, this expansion requires political and ideological intervention and forced social disruption (Seavoy 2000).

Of interest for this study is the current wave of frontier expansion in the Ecuadorian Amazon by the petroleum industry. Starting intermittently in the 1920s in several areas of the rainforest, this was consolidated in the late 1960s when important

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9 Opinions on the supposed lack of agency of indigenous people for taking advantage of and controlling nature, and on their low capacity for understanding environmental interactions are also part of the ideological construction of indigenous inferiority. Even the enlightened Baron Alexander von Humboldt understood that the indigenous people’s “degree of civilization bears an inverse relationship to the fertility of the soil and beneficence of the nature that surrounds them” (Hecht and Cockburn 1989:15).
oilfields were found near Lago Agrio, in the Northern part of the region. Two decades later, the extractive oil frontier reached the Huaorani territory, which had been the object of intermittent explorations since 1937.

As further discussed in Chapter 6, the oil industry is the most pervasive frontier in Eastern Ecuador. It is a global activity that has penetrated the rainforest, with an enormous potential for promoting subsequent and independent socioeconomic activities. By building roads everywhere that a well is drilled, the oil industry is channeling the power of the State (Kernaghan 2012) into a wilderness. They allow the flow of thousands of families into the rainforest and the creation of thousands of frontier posts that will challenge the natural and social realms of the area. These families are the colonists or pioneers that will dispute inch-by-inch the lands and resources of the native people. As posited by Kernaghan 2012), roads promote land allocations, space distribution and making indigenous people sedentary. This competes with the nomadic rationale of local societies, where land is not an individual or private asset that belongs to a particular family.

Once the oil frontier has injected mestizo Ecuadorian people into the forest through the roads network, complex interactions take place, creating sub-frontiers that proceed on their own. Then, oil frontier and the homesteader sub-frontier create the conditions for eroding the nearby indigenous spaces.

**Human Rights and Development**

Human rights are “universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. “ (OHCHR 2006). The International Treaty on Human Rights ((or
whatever it is called)) requires all signatory governments to respect these peoples’ rights and enforce such respect among other entities.

Development, on the other hand, is a two-fold concept. It is deemed a right for every human being or society and it is also considered an economic agency of governments, private enterprises and individuals. Concerns on human rights have been present in the development discourse, since its inception after World War II; though they have been oriented to promote the access of people to economic means to achieve personal development. Two separate international legal instruments were signed to protect the human rights linked with economic development:

The International Covenant on Civil and Political Rights (ICCPR), designed to protect basic human rights, such as: the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; gender equality; the right to a fair trial, and; minority rights; and,

The International Covenant on Economic, Social and Cultural Rights (ICESCR)\textsuperscript{10} that strives to grant economic, social, and cultural rights to the Non-Self-Governing and Trust Territories and individuals, including labor rights and the rights to health, education, and to an adequate standard of living.\textsuperscript{11}

\textsuperscript{10} The signing of two separate covenants was based on short-term political reasons derived from the East-West and South-North geopolitical confrontation during the Cold War (Sepúlveda 2003). While southern and eastern countries were more interested in economic, social and cultural rights, the northern and western countries were more concerned about civil and political rights. The main point in discussion was Article 2.1 of both instruments. While Article 2.1 of the ICCPR establishes the obligation to “respect and to ensure”, Article 2.1 of the ICESCR asks signatory countries to “undertakes to take steps […] to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant”. The signatory states saw the responsibility of Article 2.1 of ICCPR as something easy and immediately achievable through including these rights in national constitutions or laws, but the responsibilities of Article 2.1 of ICCPR were seen as a matter of gradual implementation. (Sepúlveda 2003).

\textsuperscript{11} Both, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were adopted by the United Nations General Assembly resolution 2200A (XXI) of December 16, 1966, and entered into force on March 23\textsuperscript{rd}, 1976 and on January 3\textsuperscript{rd}, 1976, respectively.
According to Cernea and McDowell (2000), “the concepts of "human rights," 'social justice," and "social inclusion" were not part of the original development discourse, but were introduced in the mid-1990s, when concerns that social injustice can destroy economic and political advances arose among the leaders of The World Bank (Cernea and McDowell 2000). While these two agreements on development and human rights cover most of human beings, there are also some issues linked with development that must be addressed by the human rights discourse.

Since the 1990s, the development paradigm has been criticized on the grounds of North-South inequity, social exclusion and environmental impact. Schuurman (2000) states that until the 1980’s the development thinking shared three basic paradigms: a view of the then so-called “Third World” societies as homogenous entities, unconditional belief in progress and “makeability” of society, and the importance of the state in carrying out that progress. Although it is undeniable that it has been important for achieving improvements in well-being, living standards, and opportunities for people in all over the world, there are still social spheres in which a universalistic view of development would condemn certain societies to lose their cultures and initiate physical decline.

Escobar (1995) has criticized the development theory because of its ethnocentric approach that denies the value of local societies and considers development to be of universally applicable. As a result of it “development became a force so destructive to Third World countries, ironically in the name of people’s interest” (Escobar 1995:44). Cernea (1996), on the other hand, has warned that “certain approaches inducing development embody a common vastly damaging, conceptual bias: they underestimate
the socio-cultural structures of real societies.” (1996:15) This criticism responds to the premises in which development was formulated since its inception, when clearly exposed an aggressive plan for transforming nonwestern societies applying on them issues of progress and civilization. In a statement of a United Nations department, in the early 1950s, development is portrayed as a plan for eradicating traditions in order to achieve modernity. Then,

…ancient philosophies have to be scrapped; old social institutions have to disintegrate; bonds of caste, creed and race have to burst; and large number of persons who cannot keep up with progress have to have their expectations of a comfortable life frustrated (UN 1951: 15).

The above proclamation of the United Nations in 1951 explains a devised plan for transforming traditional cultures, which should experience “painful adjustments” (UN 1951:15) while development projects are being inserted in their environments. In some cases “painful adjustments” may be the way to achieve something peoples are satisfied of, however, there are people that would be no interested in projects or even in development at all. This is a new type of analysis of the relationship between development and human rights: one that result of the impacts that projects inflict to indigenous people not interested or not participant in modernizing or developing.

As development, now the main discourse of humankind, has been construed as a way to convert if not destroy old faiths, it has a double problem with traditional societies particularly with the Uncontacted peoples. As a theory, the idea of development is promoting and justifying oil industry and other activities in the indigenous lands and as a practice development is choking the ecological and social settings of these groups.
This bold discourse of development has not been able to refrain even by leftist governments that have offered to protect traditional values. For example, although Ecuadorian Constitutions of 2008 is based in the achievement of the traditional notions of “sumak kawsay” or “good living”, it is assumed that development is needed to guarantee the exercise of rights and the wellbeing, a fair economic system, civil participation, land planning, among other goals. This concept is complementary with the internationally recognized right to development rooted in the United Nations Charter, the Universal Declaration of Human Rights, and the ICCPR and ICESCR covenants. Article I of the Declaration on the Right to Development states:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

Another international instrument, the IL0 Convention No. 169. The Convention concerning Indigenous and Tribal Peoples in Independent Countries (1989) establishes the minimal standards in the relationship between them and development. Article 7, item 1 of IL0 Convention No. 169 states as follow:

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and

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12 Sumak kawsay, buen vivir (good living”, is a concept akin with wellbeing inserted in the Ecuadorian Constitution of 2008. It refers to the traditional kichwa worldview about the life as a whole. The sumak kawsay would promote an equilibrium between the needs of social life and those of the nature.

13 See article 276 of the Constitución de la República del Ecuador. (CRE 2008)
evaluation of plans and programs for national and regional development which may affect them directly.

Notwithstanding the development paradigm is an important form of reducing poverty and providing food, work opportunities, medicine, and other needed elements to people everywhere, but it can also be very detrimental for rural people who are on the edge of projects and programs that thwart their own view of progress or own worldview. Many development projects have been carried out with a lack of respect for indigenous people around the world. Blasser (2004) Brady (1997) Portillo (1999) and Sponsel (1994) show cases from Brasil, Canada, Chile, Ecuador, Paraguay, Peru and United States where development projects have had negative impacts on indigenous environments. Some traditional communities would require “painful adjustments”, but lastly they can recover from or adapt to the impacts they underwent from development projects. However, for some particular communities development would not offer even a chance to resist those “painful adjustments” because there was not any previous contact between these communities and external societies and then any developmental activity and its subsequent socioeconomic processes constitute an overwhelming disturbance for them. This is the case of the “voluntarily isolated”, “free” or uncontacted people, who have probably not been in contact with outside society since several centuries ago. Because of the sudden changes in the material basis of their existence (i.e. traditional lands, forests, cultured forests) and then cultural erosion, development for them would mean a social decline and cultural and probably physical entropy.

In practical terms the modernization and development paradigms in the second half of the 20th Century has had the same effects that the colonial and missionary expansion in the 17th and 18th centuries. In both cases there was an imposition of the
European idea of progress, which caused considerable negative effects in Amazon cultures. The unconscious idea of achieving development at any social price has had the effect of hidden the violence and hostility that the developmental form of frontier expansion brought to Amazon people. All the coercive methods used to implant developmental projects in the Amazon, have been systematically hidden or concealed as beneficial actions of the white people or state to provide order, progress, and welfare to the backwards savages. For that, the suffering and death of indigenous caused by the hostility of the invaders was something acceptable if not natural for the external societies.

A Realm Outside the Law and the Known

The law system is an omnipresent schema in which countries, societies and individuals should be engaged in order to regulate people’s activities, access individual rights and fulfill obligations. Although these systems may be quite different, they by force must be organically or conceptually connected with an international legal system containing some general principles\textsuperscript{14} agreed by every country of the world. Therefore it is virtually impossible to find people and places in the world without laws or any kind of rule system that is not implicitly articulated with such general international law system.

The above framework is completely valid assuming that all countries, all societies, and all people\textsuperscript{15} are implicitly integrated in such a general and international system of laws. However, how can such legal assumptions be applied to isolated

\textsuperscript{14} Some call these general principles “natural law”, which vest people of immutable basic rights that must be respected by any country in the world, under any legal system. These are the right to life, security, personal property, among others. See: Rommen (2015), Merryman et al. (1994) and Hunt (1996).

\textsuperscript{15} It is assumed that law is known by every human being in a given country or legal system and its ignorance do not exculpate anybody. See: article 13, Civil Code of Ecuador.
societies or groups that do not know any social reality beyond their own, and of whose existence the world has not previously been aware, or, if it has been aware, has taken no steps to form a practical relationship with them?

On the other hand, the term “uncontacted” (and “isolated,” “invisible,” and other characterizations of peoples who refuse exchanges with mainstream society), is somewhat negative and Western “culture-centric.” By expressing a lack of contact it automatically refers to something beyond the norm, which assumes that “normal” is being in contact with the rest of the world’s human beings. The terms “isolated” and “invisible” are based on the same assumption, that these small societies of the Amazon should be interrelated with others.

The adscription of the Uncontacted, isolated or invisible people to a determined legal system and then discerning which laws and rights apply to them, may be problematic. As known, they are persons who reject any contact with external society and then not part of it. For all the effects, the Uncontacted people are not affiliated or attached to any legal entity or circumscription in the world. It is not the case of rebels that became against and reject their country, nor people that became apatride because of political issues or whatever reasons. The Uncontacted people are living free of any political attachment since before the Ecuadorian state was created in 1830 and probably before the Spaniards and Portuguese got formal possession of the Amazon region. And now they have not functional links with this country. In some way they can even be considered confronted with the Ecuadorian state because of their violent and consistent rejection to all governmental and private promoted activities in the rain forest. Although the Uncontacted people live in a national territory, they are not subjects of any
state because they are elusive humans whose concrete and individual existence cannot
be registered and even confirmed. As a result of this there is a problem regarding the
laws that protect them and how they can claim their rights.

The discussion on the legal status of the Uncontacted people conduct us to
consider that since they are not tangible by any state or formal institution, how their
existence can be protected by the sphere of law? They are not only stateless persons;
they are also invisible because they do not show up except for attacking intruders in
their lands. This situation of legal vacuum is connected with the legal oblivion that
resulted from the historical experience since the days of conquest in the 16th Century.

For the European colonial society the indigenous people who were in process of
conquest or colonization were classified in a number of ways, including “easy to pacify,”
“indomitable,” “warlike,” “fieles” and “infieles” (Simson 1886, Newson, 1995;
Cabodevilla, 1994), depending on the type of resistance they offered to intruders. Those
“indomitable” and “warlike” people were severely and publicly punished as a form of
preventing future attacks and regain authority over them.16 While those people
considered “fieles” or loyal, were automatically placed in the ideological side of the
colonizers, the bellicose were combatted, targeted for persecutions, enslavement and
mistreatment. Then they were implicitly not awarded with rights and even placed outside
to any concept of law.

16 An example of this is the case of the Jumandy, an indigenous leader of the Napo River, who in 1578
conducted a large scale revolt involving peoples of highlands and lower Napo Rives. It was the first
upraise of colonial resistance. Defeated by the Spanish Jumandy was tortured and then hanged and cut
into quarters. As a way to avoid future insurrections indigenous leaders of different towns were forced to
watch the punishment (Uzendoski 2005).
Spanish and Portuguese during colonial times organized regular manhunts to capture ethnic groups who were considered bellicose or nor collaborative (Ludescher 2001). Implicitly, the people against who were carried out these practices were deemed not protected by law and then passive of perpetrating wrongdoings. This assumption has continued when the national societies emerged in the early 19th century. Fuentes (1997) relates issues of generalized violence in Ecuadorian Amazon during the Rubber Boom, involving forced labor, torture and deaths against indigenous people.

Yost (1979) comments on the “custom” of shooting Huaorani people, which would be accounted almost 8% of deaths until 1958, when this people was contacted and pacified, and then ideologically incorporated to the law realm. It is unknown whether these Huaorani who refuse to be contacted and thereby pacified, namely the Uncontacted, are still being victims of these unregistered and “normal” attacks. Kimerling (1994:92), Cabodevilla (1994:434), and Fieweger (2000) have described the Casaverde and Altamira mercenary groups promoted by oil companies and intended to manhunt Uncontacted people in order to avoid attacks to oil workers laboring in the area. It is unknown how many raids these groups have carried out and what have happened with the confronted isolated people.

However subliminally, the above assumption is still present in modern times. For example, the massacre against Uncontacted people in 2003 was never addressed by the Ecuadorian legal system, and although in that of 2013 there were several lawsuits against some members of the Huaorani band that killed these Uncontacted people, the cases did not confronted the main issue of the underlying causes of such atrocity and
why the government has failed in protect the Zona Intangible supposedly created to protect these isolated clans.\textsuperscript{17}

In the now conflated old prejudices regarding primitiveness and savagery and the new of modernization and development has implicitly included the idea that some indigenous people may be forced to accept conditions against their will. And in the rare cases of groups that still maintain an indomitable or warlike attitude against the external society, these assumptions have been transformed in the idea that these people should be contacted, reduced, civilized, and modernized, by persuasion, by force or simply advancing the frontier against their social and ecological environments without a concern on the tragic effects it may imply. As described before, this was the actual situation of the Huaorani people until the late 1950s and of the Uncontacted people until now. The attacks against strangers by the latter, which are still being carried out, tend to legitimize any use of violence against these furtive habitants of the forests.

The practical implications of the above ideological buildup is that the isolated indigenous clans that still subsist in the Ecuadorian Amazon have not rights while remaining out of the reach of the state (i.e. contacted), with all the implications of it. They have no laws to protect them despite formal regulations have been enacted in the last few years. Although Ecuadorian Constitution has a statement for the protection of the Uncontacted people, but it is in practice null due to the bold prejudices that the

\textsuperscript{17} The Zona Intangible is an officially declared area for the exclusive use of the Uncontacted people, in which any visit or use of resources by outsider is forbidden. However as discussed in the following chapters, this measure has not effectively enforced.
historical experience has promoted which led the government to expressly void such provision\textsuperscript{18}.

At the international sphere of law, human rights have been devised for the protection of all human beings. These rights “are designed to address the particular vulnerabilities that arise within the institutional relationship between states and persons subject to their power” (Criddle 2015) Two issues however, are important to recall when analyzing the protection that law can provide to indigenous people: the formal and general protection existing now in national and international laws for all groups, and the substantive and specific protection that should be established for Uncontacted or isolated people, those that avoid any relationship with national societies.

On the first issue, the body of national and international laws and policies, framed in ideas of progress, modernization and development have the implicit goal of promoting the assimilation of indigenous peoples, challenging and abrading specific aspects of their culture. Generally, Latin American countries have been reluctant to recognize some rights of indigenous peoples, and ILO 169 is flexible enough to give these governments freedom in deciding some critical issues. The most important of these issues regards the right to mining sub-surface natural resources.\textsuperscript{19} Since governments often retain the property over these resources, the only "right" most indigenous peoples

\textsuperscript{18} As discussed further the result of the ideological tendency against the rights of indigenous people, Ecuadorian legislative branch has ruled that national interest is over the constitutional law that was deemed to protect the Uncontacted people, then such legislative measures have been implicitly void. See: Resolucion de declaratoria de interés nacional de la explotación petrolera de los bloques 31 y 43 dentro del Parque Nacional Yasuni. Registro Oficial Suplemento 106 de octubre 22, 2013.

\textsuperscript{19} See article 15 ILO 169. Generally, indigenous lands are rich in natural resources, both, renewable and no renewable. Due to this fact, numerous projects related with natural resource extraction are being carried out in indigenous lands.
have is to be consulted before resources are taken. However, this is meaningless for indigenous people in cases where oil or mine resources are in discussion. Article 16 of ILO 169, provide the option of removing indigenous people from their lands when “considered necessary as an exceptional measure,” and that “such relocation shall take place only with their free and informed consent.” But in cases in which the “consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.” In this case, the flexibility of ILO allows governments to carry out development projects in natural areas more easily by first removing the indigenous people (Real 2006).

On the other hand, the principle of self-determination for indigenous people, which promotes the right that all peoples have to determine their own economic, social and cultural development will have a very little meaning “unless it accompanies a limitation and ultimately a transformation of the rights and powers of existing nation states” (Young 2007: 53). For that indigenous peoples have argued that international human rights standards have consistently failed to protect them thus far, so these groups remain largely without specifically designated safeguards (Hymowitz et al. 2003).

20 An exception is the Nicaraguan Ley del Regimen de Propiedad Comunal de los Pueblos Indigenas y Comunidades Etnicas de las Regiones Autonomas de la Costa Atlántica de Nicaragua y de los Ríos Bocay, Coco, Indio y Maiz (Law No. 455, published in: La Gaceta Diario Oficial, No. 16, January 23, 2003). Article 34 of this law recognize to indigenous people the 25% of the governmental taxes related with natural resource (renewable and non-renewable) extraction in the their territory.

21 See article 16 ILO 169.
If human rights system is deemed insufficient for indigenous peoples generally considered, such legal body is extremely faint to protect the rights of these particular groups that still live isolated, hiding in the rainforest.

Notwithstanding the weakness of the law discourse for protecting rights of “invisible” people, theoretically they are covered and can access to a general body of rights in which they are implicitly considered. According to article 16 of the International Covenant on Civil and Political Rights, “Everyone shall have the right to recognition everywhere as a person before the law”, which means that all the individuals in the world are acknowledged as bearers of legal rights and obligations and then endowed with a legal capacity to exercise these rights and access to courts to ask for the enforcement of such rights. (UNHCHR n/d)

On the other hand, the natural law doctrine holds that there is a universal and timeless order governed by certain laws that are not human creation, binding all people and all States (Merryman et al. 1994, Hunt, 1996). From natural law emerge natural rights, which are subjective and eternal rights that every person possesses for the protection of certain essential interests (Foriers and Perelman, 2001). The right to life, the right to the respect of others, and freedom of expression are examples of natural rights that must be respected at all times and by all countries and societies. Under the natural law doctrine everybody is holder of rights. Although natural law is regarded as fabricated ideal norms for new legislation or politico-legal aims (Rommen 2015 [1936]) it
has been a very influential source for the development of humanitarian international law and human rights.\(^2\)

Notwithstanding the universality of the legal capacity that allow everybody to access and hold rights in both the positive and natural law, how they are applicable to members of a culture –the Uncontacted people– who violently refuse all contact with the rest of the world? How can these rights be applied to people who are, for all intents and purposes, invisible? Furthermore, the members of that culture do not understand the cultural codes of the outside culture because they have a completely different worldview. The invisibility of the Uncontacted people is a definitive obstacle to establish a practical legal frame to protect them. Ironically the institution deemed competent for creating such framework, the Ecuadorian State, is vested with competing interest against these people of the forest and then without neutrality. Besides, all the activities this government carry out in the traditional land of these people and such of the particulars allowed to live, work and expand the frontier there, are mainly legal under the positive law of the Republic of Ecuador. So although a threat for the Uncontacted people most of the activities in their lands are completely legal,

As a result, the Uncontacted people now and the Aucas before they were contacted, have been in fact *Homo sacer*, (or “sacred man”\(^2\)) nonpersons, people

\(^2\) In the natural law doctrine there is the prevalence of right and justice. In the judgment of the Nuremberg Tribunal, natural law was of paramount importance to determine the culpability of the Nazi high command.

\(^2\) Sextus Pompeius Festus, the Roman grammarian of the 2nd century AD, describe this archaic Roman law figure in his treatise *On the Significance of Words* as follows:

The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that “if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide.” This is why it is customary for a bad or impure man to be called sacred. (cited in Agamben 1998:47)
whose existence cannot be demonstrated. In that figure of the Roman law a person is expunged from any sort of rights and implicitly taken as someone who can be killed without the killer being regarded as a murderer. As discussed, killings to Aucas and manhunt to Uncontacted have been reported and in any case no legal actions have been sued.

The described situation poses an ideological threat to Uncontacted people because they cannot exercise any right whatsoever, nor can anyone do so on their behalf under the laws. Although nominal rights do exist for the Uncontacted people, they have no concrete way of exercising them. In practice they are not covered by any legal status of protection; so they are at an even greater distance from society than terrorists or murderers, who, though the acts they commit be hideous, nevertheless enjoy the protection of a series of rights.

Natural law and natural rights, such general system of principles is the only principle system that can offer a rationale for protecting the Taromenane, Tagaeri, Oñamenane, Iwene and probably other isolated and hidden societies roaming in the rainforest since unknown times. However, ironically to invoke such legal system there should be the perception that a tantamount issue has occurred regarding these peoples and only an international tribunal may accept treating a case based on these eternal rights.

**Risk, Vulnerability and Social Entropy**

In the string of issues occurred in the Amazon region upon the presence of the Europeans there was an implicit clash of cosmologies. Here Western and indigenous people worldviews have collided in the intermittent but unending processes of conquest, colonization, and frontier expansion promoted first by Europeans and subsequently by
the nationalities emerged in the Amazon territory after the 19th Century. The confrontations, which have taken place in the context of resource extraction, and the control of land and people, has produced situations of oppression, servitude, enslavement, displacement and forced migration, destruction, and death of indigenous people and the disappearance of cultural identities. Historically, the result of the mentioned processes has been the creation of conditions related to vulnerability, adaptation, and social resilience which determined that some groups have been able to resist the impacts of conquest and colonization. While the majority have experienced, to varying degrees, shock, dispersion, and miscegenation, some have, at the end, managed to recover at least to some extent and, in some cases, to eventually flourish. Many others, however, have simply disappeared as cultural identities and even as social groups. The Uncontacted people are among these societies that have learned how to avoid overwhelming threats and how to be efficient in the resistance in order to endure persecutions, displacements and hardship.

The isolated people in general developed successful strategies to promote social resilience that allowed them to survive these waves of conquest, colonization, and frontier expansion for centuries. However these strategies were thought for a social and ecological environment that suppose recovery in time and space, where the threats cannot settle in a single place for long, and they can be dodged by attacking and hiding in a limitless forest. Such situation has become vanished. The situations they face today are different because the threats are constants in time and space with no respite time. The oil frontier and the myriad of subsequent activities around promote permanent
settlements, encirclements, land deprival and resource choke. In these conditions cultural and physical extinction is a possibility.

Events occurring in the Amazon region have been typically studied from the points of view of history, politics, geopolitics, ecology, law, and human rights (Balee, 2000; Newson, 1995; Casement, 2012; Bodley, 1982). While these approaches are useful for understanding historical processes or specific situations and their meanings, these fields provide us an incomplete rationale for comprehending why some people, who have resisted all past waves of intervention, are unable to resist the current one. I intend here to explain why the Uncontacted people are unsuccessful in facing the expansion of the oil frontier than they were in confronting the rubber boom. In addition to appeal to these disciplines, I will also use a methodology developed by the relatively recent field of research based on notions of the social construction of vulnerability (Oliver-Smith, 2004b) and the “unnaturalness” of disasters (O’Keefe et al. 1976). These research notions help to understand and explain three interconnected issues of the current situation of the Uncontacted people: i) their constant exposure to threats and disasters; ii) the ideological and social factors in which these circumstances occur; and, iii) the cumulative effects of vulnerabilization and risk.

Social vulnerability is the susceptibility of people and communities to the adverse effects of natural and anthropogenic hazards. These susceptibilities emerge from social conditions, i.e., situations that are created by human beings (Oliver-Smith 1986), which undermine social resilience and lead to disasters when a natural hazard occurs. While social vulnerability encompasses disruption to livelihoods and loss of security, social resilience is the “ability of groups or communities to cope with external stresses and
disturbances as a result of social, political, and environmental change” (Adger, 2000:347).

Disasters, on the other hand, are outcomes of an ideological framework, which includes laws, policies, social attitudes (Hoffman and Oliver-Smith, 2002). They are part of a social scenario of inequality, oppression, discrimination, and other issues that determine that the most vulnerable bear the burden (Biehl, 2009; Farmer, 2004; Briggs and Mantini-Briggs, 2004; Oliver-Smith and Hoffman, 1999). Disasters are not limited to explosive moments of shock; they can also arrive unnoticed, as in the case of industrial pollution (Nixon 2011), rather than in a single, explosive moment so common in disaster narratives.

Social resilience and social vulnerability are concepts basic to understanding the effects of the clash of worldviews that has been occurring in the Amazon since the 16th century. It could be said that throughout this endless process there have existed permanent philosophical opposition and political confrontation between highly socially resilient local communities and powerful external stressors which have rendered local people vulnerable. This antagonism has resulted in processes of adaptation and declining resilience among the involved indigenous people.

The communities of Uncontacted people are experiencing a declining of resilience due to their exposition to different type of threats or disasters, something they have not been prepared for like a massive oil frontier and its myriad of subsequent socioeconomic and ecological processes pressing against them. Resilience is “the ability of a system to absorb change and variation without flipping into a different state where the variables and processes controlling structure and behavior suddenly change”
More broadly resilience is defined as "(1) the amount of change that a system can undergo while still maintaining the same controls on structure and function; (2) the system’s ability to self-organize; and (3) the degree to which the system is capable of learning and adapting" (Carpenter and others, 2001). Using this approach it is possible to look for foreseen the “likelihood of plausible future changes” (Cumming et al. 2005: 984) in the face of disturbance to ecological and social systems.

The new type of threats against the Uncontacted people as bloody clashes leading to injury and death, the loss of forests required for subsistence, their encirclement by developmental activities, and other situations have the effect of an anthropogenic disaster or one created by deliberated political or social decisions. Normally these societies have been prepared for natural threats and disasters like droughts, epidemics bursts, flooding and so on, but for the new type of threats resulting from oil and other socioeconomic activities, it is likely that they are becoming increasingly vulnerable because of the disparate correlations between the external stressors and the cultural means to repeal them. This means a loosing of resilience and an increase of vulnerability. The repetition of these new types of disasters and its effects in terms resilience and vulnerability is likely to lead these communities to a collapse.

The implicit clash of worldviews that creates philosophical opposition and political confrontation in the Amazon in general, and in the ancestral lands of the Uncontacted people in particular, have created an ideological schema that can be explained through the “pressure and release" model"(Blaikie et al. 1994). This model (Figure 2-1) describes how disasters are the result of the interaction between hazards and vulnerabilities, with the latter emerging from ideological, political, and economic
conditions, promoted by powerful people over powerless members of a society. If we understood that the vulnerabilization of the Uncontacted people has its roots in ideologically promoted issues, then it is important to note that in their weakened condition, these people are now in a situation of social stress and exposed to disasters from which recovery is unlikely, if not impossible.

![Diagram showing the pressure and release model](Image)

**Figure 2-1. The pressure and release model**

Repeated disasters followed by repeated efforts to recover leads to the failure of “traditional adaptive strategies... [subsequently,] the social fabric is deconstructed... existing patterns of culture disintegrate or are severely modified or replaced by altered systems (Dyer, 2002: 165). Eventually “...there is no cultural solution to the ensuing disruption, and system collapse ensues” (Dyer, 2002: 165). This is Dyer's concept of punctuated entropy (Figure 2-2), which refers to the loss of “adaptive flexibility... due to the severity and cumulative impact of... disaster events”, be they of natural or technological origin (Dyer, 2002: 164).

While the “pressure and release” model helps us to understand that social vulnerabilization is basically a result of ideological, political, and/or economic issues which, in the Amazon, can be found in the unending waves of conquest, colonization,
and frontier expansion, the concept of punctuated entropy, in turn, is useful to understand how these vulnerabilities occurring over time have effects in the concrete response of people to threats and disasters. Such responses are weakened with each repetition until the social system is incapable of responding, at which point it reaches an entropic condition. In other words, and applying both concepts, in the Amazonian social experience, the model proposed by Blaikie, et al. (1994) explains the broad temporal-spatial schema in which social vulnerability is framed, while Dyer’s concept addresses its specific results. In addition, both models are useful to explaining the causality between an external ideological, political, or economic agent and the entropic effect over the time.

Figure 2-2. Punctuated entropy (Dyer, 2001:164.)

Once we understand how anthropogenic vulnerability generates disasters of varying intensity and with cumulative effects, we can use these conceptual supports to understand the process by which the Uncontacted people have become highly vulnerable, prone to collapse. These isolated people have been confronting anthropogenic threats since the 16th century; in their efforts to deal with these threats,
they have devised and applied formidable strategies, as indicated above. However, these responses, the result of strong social resilience, are no longer effective in the face of the latest wave of threats they face, those associated with oil development. Since this industry is expansive by nature, and promotes additional, aggressive activities that are encircling the ancestral lands of the Uncontacted people, they now have nowhere to retreat to and are condemned to cultural and physical entropy and ultimate collapse.

Social Collapse

The above review describes the notions, prejudices, and processes present in the Amazon since the 16th century and the paradigms in which the oil industry and the Uncontacted are currently involved. It is useful to understand that the different waves of historical frontiers and ideological prejudices are part of the same process of annexation of this space into a highly transforming ideological and economic system i.e. Western ideology and capitalism.

Most of the indigenous identities that survived the waves of conquest, colonization and resource extraction, reaching the 20th Century, have chosen to integrate the national society and been able to successfully adapt to the oil industry, the current wave of frontier expansion. However, hitherto the Uncontacted people have chosen to resist any integration to national society, keeping nomadic life and rejecting violently the trespassing in their territory. This cultural decision of keeping isolation has meant a string of self-defense attacks and massacres in which the Uncontacted people have been offenders or victims. Considering the social nature of these people and the situation it imply the Ecuadorian state has created the Zona Intangible and provided it with a Constitutional protection, in order to establish a secure heaven for these people. However the actual situation in the field shows that the Ecuadorian government has not
been able to enforce the respect of such area of protection and that has even promoted or allowed external activities in that territory. By authorizing oil permits in different parts of the Zona Intangible and being unable or uninterested to avoid logging, agricultural expansion and other socioeconomic activities around the Zona Intangible, this government is promoting the erosion of the subsistence basis of these people and putting them at risk. Ideologically this attitude shows that the government is continuing the historical path of conquering and colonizing every Amazon corner and then having opposite interest regarding the Uncontacted. As a result this government has become a threat vector for these people and cannot be taken as umpire protector of these isolated groups.

The related problem show that the current frontier phenomenon in the Amazon is substantially repeating with the Uncontacted people now, the same ideological pattern and pernicious effects already occurred during the issues of frontier expansions of the past. But now these issues occur under new paradigms and when the international community has created an ethical and normative system regarding human and indigenous people’s rights, and a specific provision for the protection of the Uncontacted people has been included in the Ecuadorian Constitution. This situation shows also that in the mentality of the governmental and the socioeconomic crowd parading in the rainforest in this episode of frontier expansion, conflates old and new prejudices of civilization, progress, development and cultural integration, which implicitly justify the ideological, technological and socioeconomic violence deployed against the Uncontacted people’s domain.
To confront the described problem on the Uncontacted peoples and its lands there are not valid instruments to operationalize the positive and natural law regarding human rights, indigenous rights and people’s free determination. And the Uncontacted people have not effective defenses to prevent the threats. These historically developed strategies to do so (keeping communities small, constant moving and hiding, and ambushing enemies), are not effective anymore, and the juridical measures for protecting them are not available because as already seen they are outside of any legal system.

The social situation in which the Uncontacted people have ended characterized by continual efforts for defending themselves, land deprivation, constant harassment by external people and activities (i.e. oil exploring and production, logging, road construction, tourism, and so on), deadly attacks, among others, represent threatening events that by repetition are promoting the loss of resilience and finally the cultural or even the physical collapse.

Social collapse and genocide have marked the existence – and disappearance – of indigenous people since the early years of the Conquest. As widely accepted the European invasion of the Americas implied a genocidal enterprise (Stannard, 1992) with mass deaths as a result of the conquest itself, enslavement, torture, and basically by the unintentional or intentional spread of epidemic diseases. As a result of these tragic events a demographic collapse occurred in all the continent and therefor the disappearance of thousands of ethnic identities, many of them from the Amazon. But these issues related with the control of indigenous peoples and lands are not an old history only, they have occurred also in recent times, when cases of brutality and
genocide have been reported in Brazil during the 1930s, 1940s, and 1950s (Lewis 1969). In Ecuador’s during the first years of the 20th Century has been reported forced migration of indigenous peoples and slave work at the time of the Rubber Boom (Vicuña 1993), and the disappear of the Teetetes and the Sansahuarí people due to pressures of the rubber boom (Wasserstrom et al. 2011) or of the oil boom (Kimerling 2006, and Carson 1995). Recent history also show two known massacres against Uncontacted people in 2003 and 2013, but unknown deaths proliferate in the vast, complex and isolated ecological and geographical scenario where these people live.

Genocide, it has been said, is not only the annihilation of populations but the peculiar way in which it take place, the legitimacy it achieves which leads to consensus and obedience, and the consequences not only for victims –those who survive and those who do not — but also for the perpetrators and witnesses who experience changes in their social relations after the genocidal event (Feierstein, 2007). In political or developmental situations in which the oppression of cultural or racial identities occurs, the negative effects of activities promoted by powerful actors (i.e., the state or transnational companies) tend to be justified if not seen as normal.

The tragic episodes that all indigenous peoples of the Amazon have historically endured, and for some like the Uncontacted it is a current experience, can be comprehended under the rationale of social vulnerability and risk. The waves of conquest, colonization and frontier expansion are the threatening [anthropogenic] events that created or incremented issues of risk. These issues evolved on the different and pre-existent levels of resilience and social vulnerability among the indigenous peoples (i.e. political and military strategies, food availability or demographic density).
Depending how prepared or resilient to resist the invasions these people were, they may have been able to recuperate from the effects of these maladies. In some cases the threat may have been dissuaded by successfully confronting the invaders, fleeing from them or even becoming allies. But in cases, likely the majority, the shock would have been so harsh that the indigenous group may have disbanded, captured or even eliminated by the invaders. The cyclical repetition of this process of threatening indigenous communities by the different waves of frontier expansion may have eroded the social fabric and cultural confidence, the ability for surviving in the different ecological settings where they ended after fleeing to avoid the shock. The systematic process of conquest, colonization and frontier expansion occurred since the 16th Century explains why hundreds of indigenous identities have disappeared by physical collapse and/or by miscegenation in which disbanded individuals of devastated groups agreed to create a new identity. It explain also why some groups like the Huaorani until the 1960s, and the Taromenane, Tagaeri, Oñamenane, Iwene and other groups in the Ecuadorian, Peruvian and Brasilian Amazon have choose to live in an eternal conceal, moving constantly to avoid being located and enslaved, and ambushing if someone trespass the survival area.

The theoretical frameworks of social vulnerability and genocide provide a way of understanding the events leading to the current circumstances of the Uncontacted people. These concepts share three important features: intentionality, ideological justification, and social normalization. The presence of oil development and the socioeconomic activities it brings in the lands of these aboriginal people, and the resulting exacerbation of tribal rivalries have generated a cluster of vulnerabilities and
risks that produce periodic and overwhelming effects, including loss of sources of subsistence and anthropogenic disasters (massacres, land deprivation and destruction of cultured forests) from which the affected human group cannot recover if relief is not at hand. As a result the social fabric of the group unravels and its cultural and social reproduction diminishes.

The underlying decisions that lead to genocide or to social oppression, is what Bilder (2010) calls a thanatological exercise of politics and technologies. This author suggests that there is a conviction that the death of some is necessary to protect the life (the wellbeing) of the group (Bilder, 2010). Beck (1992) coined the name of “risk society” to refer to modern society where risk is unavoidable and implicitly such risk is allotted in different proportions to social groups (i.e. poor, indigenous people) and individuals (i.e. elders, disabled) is necessary for maintaining a given life standard of the society at all. In the socially risky issues proliferating modern society, the political decisions render everybody vulnerable, but in the context of development and frontier expansion in fragile social environments like those of the Uncontacted people, the eventual result is not only social vulnerability but also disasters and death. When these tragic experiences occurred repeatedly, overwhelming the affected people and then frustrating the chances of recovering, it is likely that they get in a route of cultural and/or physical entropy. Since it is deliberately provoked, this process means a genocide / ethnocide.
CHAPTER 3

CONQUEST AND IDEOLOGICAL IMPOSITION IN THE AMAZON

History shows that interactions among different human groups have been the most important means of transformation, improving technology and increasing knowledge. Sadly, most of these interactions have been among disparate peoples and have involved violence, conquest, and genocide justified through concepts of moral superiority and manifest destiny (Diamond 1997, Bauman 2000). Most of what the world is today has been shaped by the perennial social confrontations, bloody encounters, and political subjugation of the past. Such social instability and unrest have historically been the rule, not the exception, in human societies that have constantly struggled for supremacy (Wilson 2012).

Although humankind has achieved notable standards of peace and regulated social interactions, and, in substance, violence has been has proscribed as a method for solving disputes, hidden or open violence against minorities continues to occur. This is substantially based and justified on the same concepts of moral superiority that validated conquest and genocide in the past.

Since the arrival of Europeans, the Amazon and its inhabitants have been subject to an unending series of interventions which, although occurring at different times and in different places, share the exact same traits: their purpose is the extraction of natural resources of value, and the treatment to which people living with those resources are subject has been justified under the pretense of civilizing them. As historical accounts show, these interventions have in practice introduced social subjugation and ecologically destructive transformations in different ideological, political, and technological scenarios to justify these actions and their social effects.
The region drained by the huge hydrographic system of the Amazon River is not an exception in regard to violent human interactions where hidden and open confrontations have been the rule during the last five centuries in an unceasing effort to add this vast area and its ancestral inhabitants to European ideological and economic realms. This process has involved the annexation of feral territories, the taming of landscapes, the subduing and annihilation of local peoples, the imposition of dominant economic and ideological paradigms, the destruction of local ways of life, and the production of changes in the natural environment. Because of the perceptions of the vast territories and wealth available, this area has historically been an arena of confrontation between old colonial powers, the site of territorial disputes among eight nation states,¹ a land of looting and business speculation and, today, a scenario for discussions and implementation of policies and actions allegedly designed to bring about development, the conservation of nature, and the protection of human rights.

The causes and effects of European conquest of the Amazon and subsequent interventions through colonization and frontier expansion have long been the subject of historical analysis and moral interpretations. While these instances of violent disruption of local realms respond to ideological prejudices of social superiority openly accepted in the past, in this study I attempt to discern whether these same prejudices are still alive regarding the indigenous people of the Ecuadorian Amazon and, in particular, of the uncontacted inhabitants or peoples in voluntary isolation, living south of the Napo River.

In order to provide a historical context for the current crisis of the Tagaeri, Taromenane, and other uncontacted peoples, I discuss here whether or not the

¹ The eight Amazon states are: Bolivia, Brazil, Colombia, Ecuador, Guyana, Perú, Suriname and Venezuela
situation they are now facing is part of the same trend of ecological transformation and socioeconomic imposition begun five centuries ago when a course of geographical and social interconnection started in Europe incorporating the isolated people “without history,” of still unknown regions of the world into civilizational and productive processes. (Wolf 2010) These people without a voice in western histories were part in the creation of the global commercial network that emerged in the 16th Century.

To analyze these issues, in this Chapter I discuss the social and ideological effects of the Conquest and how it presupposed asymmetric competition between the pre-existent cosmography of the traditional peoples and an outside cosmography inserted by the thousands of agents who marauded the Amazon through the centuries. These worldviews encompass opposing values and attitudes regarding the natural environment and social organization, and as part of the very logic of Western thought, the traditional views of the peoples in question have been continuously silenced to clear the way for the modern. In socioeconomic terms this is the trend to progressively promote mercantile and capitalist development by destroying pre-capitalist formations in the world and incorporate people of traditional societies into circuits of mercantile accumulation. This process, of the superimposition of new values onto local societies, is still alive, though entangled and cloaked with concepts of development.

**Amazon Interventions and Social Effects**

Soon after toppling the Inca Empire, Spanish conquistadors heard about a valley, rich in cinnamon, gold, and other sources of wealth, located to the east of Quito, today the capital of Ecuador. Believing that it was the mythical El Dorado, in 1541 conquerors Francisco Orellana and Gonzalo Pizarro led a group of some 340 soldiers and 4000 natives in pursuit of those fabulous lands.
Traveling eastward down the Coca and Napo rivers, that band of invaders found a larger watercourse at the mouth of the Napo River on February 11, 1542. The Amazon River was discovered by Europeans that day. (Figure 3-1)

Figure 3-1. Orellana’s route to the Amazon (Athena Review, Vol. 1, No.3)

Based on Orellana’s fantastic tales of the enormous waterway he had found, named the Amazon in honor of the mythological women warriors said to live on its banks, several expeditions of conquest took place in the following decades and an unending series of interventions occurred in subsequent centuries. As is the case in invasions throughout the world, the European intervention in the Amazon involved interaction among disparate peoples through episodes of conquest, epidemics, and genocide (Diamond 1997), together with ideological imposition.

Some of the historical interventions in the Amazon were infamous for the rage and barbarism manifested by conquerors in pursuit of riches, like that of Lope de Aguirre, nicknamed El Loco (‘the Madman’), who even defied the King of Spain (1561). Others, like that of Pedro de Teixeira (1637), were carried out for geopolitical purposes, and others still, like those of the Jesuits and other religious orders, to convert the
natives to the Catholic faith (1605). There were expeditions undertaken for scientific purposes, such as those mounted by Charles Marie de la Condamine and the Baron Alexander von Humboldt (1800). The purpose of others was the theft of native plant species, like that of the expeditions carried out by Spruce and Wickham (1849). Some adventurers, such as Julio Arana (1881) and other rubber barons, hoped to exploit natural resources, while others searched for fantastic cities and animals, including Percy Harrison Fawcett (1925), who vanished in the forest. Even the promise of love became a motive for braving the unknown in the case of the unfortunate expedition of Madame Godin (1749), the first European woman to travel across the Amazon. This parade of strangers, who wandered the jungle in pursuit of conquest, evangelization, appropriation, exploitation, and satisfaction of their curiosity or a love interest, not only unleashed a process of colonization leading to control of the area, but also introduced and created new worldviews within and about the Amazon to justify overt and covert violence and destruction of peoples and forests.

The arrival of Europeans to the Amazon region in the 16th century, and their subsequent possession of these lands, was an entangled exercise in plunder carried out by gangs working on their own or under the guise of various imperial flags, combing the region in search of valuable resources. It was a frenetic contest of discovery, of laying claim to new lands and searching them for any resource convertible to wealth. The contest was carried out amid the struggle for greater political and economic power among the leading European empires, and was fueled by scientific discoveries and ideas regarding man’s right to dominate nature. According to Pattberg, “between 1450 and 1750 Europe acquired all the necessary technological, institutional, and conceptual...
elements to develop its unique ideology of domination and control over the natural environment” (2007:5).

Fontaine (2003) suggests that modernity occurred in the Amazon in four stages: i) the period of the 16th to the 18th centuries, from the European discovery to the establishment of the first Catholic missions; ii) the 19th century, when the rubber economy flourished; iii) the first half of the 20th century, when agriculture and the first trading stations were established; and, iv) the second half of the 20th century, when modern capitalism irrupted with national and transnational companies entering the region (Fontaine 2003: 254). These stages involve issues of conquest, colonization, frontier expansion, and development, all of them leading to the disappearance of many ethnic cultures, the demographic collapse of local populations (Heckenberger 2010, Santos Granero 1996). Notwithstanding the emerging concepts of human rights the irruption of capitalism in the Amazon has been also associated with the decimation and genocide of indigenous peoples who were displaced as they territories used for natural resource extraction programs. (Ribeiro, 2000; Lewis 1969)

It is widely known that the European conquest was based on the efficiency of firearms with respect to the defensive means available to even the most technologically advanced societies of the Americas (the Aztec and the Incas) at that time. Less known, however, is the fact that the Europeans have also had on their side a genetic immunological system resistant to some of the most deadly diseases that decimated more than 90 percent of the population of the so-called New World (Richards 2003) and an even larger percentage in the Amazon (Hornborg and Hill 2011).
Prior to Columbus’ first voyage, in 1492, Europeans had lived for thousands of years in densely populated societies, enduring epidemics of infectious maladies, such as smallpox, measles, influenza, typhus, bubonic plague, and other diseases, that were the major causes of death in that continent. Millennia of the co-evolution with diseases and disease disseminators and dense human populations like those in Europe produced resistant infants who survived fatal infections and grew up to reproduce genetically resistant offspring to the diseases mentioned. In the Amazon, and in the Americas in general, the widely dispersed societies with their smaller populations had no experience with these diseases nor with the disseminators (Diamond 1997). As a result, pre-Columbian societies, with no resistance to epidemic diseases were biologically overwhelmed by invading people who were also disease carriers with considerable immunity. This was the main cause for the demographic collapse everywhere on the continent, which combined with bloody conquering expeditions, enslavement and forced labor to explain the genocide experienced in the Americas. Richards (2003: 655) estimates the total population of the New World in 1492 at 54 million (or a range of between 43 and 65 million). One century later, the indigenous population had declined to between five and six million, or about one-tenth the estimated pre-contact number (Richards 2003: 313-314).

As an example of the demographic decline due to conquest in this area, the population of the Quijos Governance, in what is now the Ecuadorian Amazon, fell from more than 30,000 to 2,890 inhabitants between 1569 and 1609 (Fontaine 2003:260); a combination of disease, forced labor, and rebellions was the cause of this demographic catastrophe. Survivors of these societies "shifted territories, adopted simpler
technologies and subsistence practices, and formed new ethnicities (mostly speaking Quichua as a lingua franca) over the ensuing four hundred years” (Southgate et al. 2009:10).

In addition to conquest and genocide, the Europeans created an ideological justification for intervention in the Americas, which rested on the dialectic of superiority (the morally superior conqueror) and inferiority (the uncivilized, inferior conquered).\(^2\) This allowed the social construction of a structural evil in which these prejudices of savagery, barbarianism, primitiveness, and so on, were automatically associated with facts of viciousness, inhumanity and brutality. From such prejudices and assumptions the negation of the adversaries’ humanity ensued (Case 2002).

Precisely the above issue was central in the 1550-1551 Valladolid Debate between the Bishop Bartolomé de Las Casas (1474-1566) and Juan Ginés de Sepúlveda (1490-1573), two priests, on whether or not the indigenous inhabitants of America were human beings and, therefore, in possession of a soul. This was an issue of great importance because if they did have souls, as Las Casas, the Defender of the Indians, argued, they could not be worked to death or otherwise mistreated by Spanish colonists, who would also have to make sure they received instruction in the Catholic faith. If, on the other hand, indigenous beings were not human, as Sepúlveda argued, this meant they didn’t have souls and thus could be treated like any other beast of burden (Crow 1992).

\(^2\) According to Salazar (1977), the rationale of the Salesians priests for establishing boarding schools in Shuar territory was the "low moral level" they observed in Shuar families, which made the separation of children from their parents not only desirable but necessary (Salazar 1977:19). Thus, values of Christianity and Western civilization were to replace a traditional worldview.
The belief in their moral superiority led to the imperialistic European conviction that it was the manifest destiny of the civilized to exploit the rest of humanity (Itwaru 1994). The substance of the dual social relationship between civilized-uncivilized, good-evil, has been also referred to the society-nature which was also viewed from a perspective of domination where humans must emancipate from nature and control it (Oliver-Smith 2001). These convictions of superiority of civilized over savages and of humans over nature have permeated every wave of transformation that has occurred in the Amazon, including the current wave of intervention promoted by the oil industry. Every outside agent who has intervened in the Amazon has explicitly or implicitly assumed that local societies are in need of civilizing and that nature needs to be tamed modifying it toward human needs. (Oliver-Smith 2001)

The demographic collapse within the first century of the Conquest, the enclosure in reservations, enslavement, and mistreatment of indigenous people by religious orders, miners, and rubber tappers; the occupation of traditional lands by farmers, colonists, and oil companies, among others, and the concomitant displacement of former indigenous inhabitants; the implantation of development projects, ignoring local indigenous people’s will, as well as monocultures and other exercises in the destructive alteration of nature; all of these are examples of the devastating transformations to which members of local cultures have been subjected throughout history. Traditional societies have been completely ignored and their cultures crushed. However, in the face of this sequence of devastations, indigenous people have not been passive but, instead, have turned to cultural strategies to deal with them.
In his reconstruction of the history of the Lower Amazon between the 17th and 19th centuries, Baleé (1998) believes that indigenous people responded to political dominance through four strategies: i) indigenous groups that lived along the main rivers allied with military expeditions and helped to capture slaves; ii) less powerful groups fled into the rainforest, adopting a nomadic, non-horticulturalist way of life, or cultivating fast growing crops; iii) occasionally groups have resisted domination violently, which may involve the risk of extermination; and iv) groups have migrated to remote areas to avoid contact with invaders and other aggressors (Balee cited in Rival 2002: 12). These strategies have caused confrontations among traditional societies, some of which have tried to achieve stability by aligning with invaders in order to gain control of other groups\(^3\).

Although these interventions have taken place at different times and in different historical, political, economic, and institutional contexts, in all of them there has been a persistent notion that what the outside agents (conquerors, missionaries, natural resource extractors, governments) seek and make in the region is, of necessity, good for the local people. In this conviction, conquest, frontier expansion, and development are the same processes which, beginning in the 16\(^{th}\) century, have been ideologically, politically, and economically renewed through time.

The introduction of tools, diseases, and ideologies during the different waves of conquest, colonialism, and frontier expansion, provoked a continual confrontation between two models of human relations with nature: one of living within nature and another of dominating nature. The analysis of this encounter provides insights into why

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\(^3\) Forming alliances with one of the parties of indigenous peoples in conflict was a common strategy of the Spanish during the conquest of America (see Matthew and Oudijk 2007).
the effects of the current wave of frontier expansion are affecting some societies that have consistently refused to be subjected and absorbed by outside societies, such as the uncontacted people living in a small area of land in the Ecuadorian Amazon.

**Conquest and Imposition of a Divergent Cosmography**

Explaining the scope of the study of Geography, Franz Boas suggested that this science is closely related with cosmography, which arises from the “personal feelings of man toward the world” (Boas 1887:139). Boas believed that cosmography is related to the arts, “as the way in which the mind is affected”; he maintained that the study of geography should, therefore, include “the phenomena caused by the distribution of land and water, by the vertical forms of the earth’s surface, and by the mutual influence of the earth and its inhabitants upon each other” (Boas 1887:140, emphasis added). Thus, cosmography is basically related with the human desire to establish a space for living, territoriality, and, more precisely, describes how the members of a society envision their world. The conceptualization of the world is the result of arranging physical elements of the earth together with symbolic phenomena of social and individual agency. In other words, to make on the earth a place where a society can exist amenably implies an ethical approach to the physical elements of the environment.

Little (2000) defines cosmography as “the collective, historically contingent, of identities, ideologies, and environmental knowledge systems developed by a social group to establish and maintain human territory” (2000: 5). This is the human will to tame nature in order to create a social environment. In that respect, the conquerors and the conquered in the Amazon manifested profound differences which are relevant for today’s discussion on why it is necessary to respect the surviving native cultures of the Amazon.
The concept of cosmography allows us to understand the ideological fundamentals that drove the different societies to determine their relations with Amazonian nature. Two cosmographies, or modes of understanding nature/society interactions, clashed with the arrival of Europeans to the Amazon: one involved proactive transformations to ensure resource availability and the other, a human-centered economic view of despoiling transformations of nature to obtain resources. The first is the view of the indigenous people whose cultures have evolved in harmony with their natural environment; the second corresponds to the conquerors who unleashed an unending process of destructive transformations of nature, a process that became the distinctive seal of subsequent outside interventions in this area and is at the base of the environmental crisis the world faces everywhere today. The first approach I refer to as Kawsay Sacha, and the second, frontier.

The arrival of Europeans initiated an implicit ideological struggle between two opposing worldviews: one based on accumulation and the expansion, on subsistence. These cosmographies reflected individual and social goals, respectively, and, around them, their proponents constructed a scale of values that have been in conflict for the past five centuries. This confrontation is composed of contesting complexities: the social and symbolic complexity of traditional societies has been increasingly contested and concealed by the economic and institutional complexity of European societies.

**The Amazon and Emerging Capitalism**

The frontier expansion in the Amazon and the incorporation of this enormous territory into European polities first, and then into new nation states created in the 19th century is a process that has been intimately involved with capitalist formation. The natural resources and local societies existing in these lands were seen exclusively as
means to generate wealth. Thus, the land and the people were colonized and, in the process, the latter became the victims of oppression and social control. This has been the perennial fate of this region where analogous processes are taking place today, though in a hidden fashion, cloaked by ideologies of progress rather than empire or gain.

Although many of these ventures were individual initiatives, they were part of a global process of geographical discovery and capital accumulation. Thus, the result was a complex of interventions: conquest, colonization, natural resource and scientific exploration, evangelization, enslavement, and oppression. Marx and Engels explained that the discovery of America among other discoveries, “opened up fresh ground for the rising bourgeoisie”, paving the way for an emerging world market (1848 [1969]). However, according Beaud (2001) and Pattberg (2007) it was not trade that was installed in the Amazon and in general in the Americas, but “brutal pillage”.

That European confrontation with local communities resulted in massive social dislocation of indigenous communities, due to the use of slave and forced labor, systematic processes of control, persecution, mistreatment, torture, and other heinous crimes that have been a constant in the Amazon.

In addition, the territorial expansion that occurred hand-in-hand with every geographical discovery was accompanied by an ideology of domination based on racial and moral superiority. This fact is reflected in the concepts of savagery and civilization, of Christianization and, later, in those of progress and development. These were the underlying ideas that promoted waves of intervention in the Amazon region, principally by Spaniards and Portuguese, but also by Dutch, French, and British people. Against
the political, ideological and economic background described, the Amazon was a stage for adventure and gambling, experiencing in rapid succession moments of appropriation and disappropriation, settlement and abandonment, possession and release, all in the context of the search for and the exploitation of resources subject to insertion in the world economy. Given ecological, topographical and/or social conditions, the conquerors, explorers, and adventurers were not able to establish permanent or sizeable settlements, and thus the region became a realm of expanding and receding frontier expansion during colonial and republican periods, a process that continues up to the present. When an Amazon commodity ceased to be of value, the exploiters left the area in question and it remained abandoned by the Europeans, unless or until a new resource of value was discovered and a new venture promoted. These cycles of discovery, conquest, and evangelization have been spurred by gold, rubber, timber, oil, and other resources.

**Kawsay Sacha, the Living Forest**

To understand the cosmography of native Amazonian societies, I use the cultural concept of *Kawsay Sacha* created by the Kichwa indigenous people of Ecuador,⁴ which encompasses elements of what ancient Amazonians thought about nature. The concept is based on an understanding of a general order applied to daily life, in which human beings, nature, and sacred spirits exist and evolve together.

For the Kichwa indigenous people there are two main realms: *Sacha Runa*, or the field of human beings, and *Kawsay Sacha*, or the place of natural beings. The realm, or space, beyond the *Sacha Runa* is an ensemble of beings, be they animals,

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⁴ I explain this notion as I learned it from the indigenous people of the Kichwa town of Sarayaku, located in Pastaza Province in the Ecuadorian Amazon. Interviews to community leaders and elders helped me to catch this concept.
vegetation, minerals, or simply natural elements that have their own place and spirit and therefore deserve respect from human beings. Any intervention in the Kawsay Sacha (nature) must be exclusively for getting the products necessary for social subsistence, which means that the rest must be left the way the spirits have arranged it.

This symbolization of nature present in the concept of Kawsay Sacha is an ethical and aesthetic representation of the cosmos by the Kichwa indigenous people who connect this view with the modern concept of rights of nature, a concept that has been included in the 2008 Ecuadorian Constitution, though its application has yet to become apparent. In Western thought, Alexander von Humboldt, the 19th century German naturalist, also linked the notion of cosmos with nature and human esthetic perception. Ideological representations of nature, like that of Kawsay Sacha, exist in many traditional cultures throughout the world. The rationale of this concept is that humans are part of nature and thus should use nature without destroying it. As will be seen here, the social intervention of indigenous Amazonian people in nature, expressed in trans-generational agency, has been characterized by approaches that assure or improve future options for using nature, rather than by approaches that lead to its destruction. Evidence indicates that indigenous societies have improved rain forest

5 For the ancient Greeks, the primary forms of the world - mountains, trees, animals - were expressions of beauty because their forms, colors, textures give us pleasure. Pythagoras first called the universe a kosmos, (cosmos) because it is an embodiment of both harmonia and beauty (Fideler 1996).

6 Article 71 of the Ecuadorian Constitution states that nature has the right to be respected and its ecological cycles maintained. However, and ironically, as will be analyzed in this dissertation, the provision has not prevented destructive activities in the Amazon, as is apparent in the Yasuni National Park.

7 In Kosmos, the five-volume work by Alexander von Humboldt, published between 1845 and 1862, the author describes nature as the representation of unity amid complexity. Humboldt argues that environmental perception is a "mutual interaction between mind and matter", which is complex and subtle. (Bunkse 1981: 140).
diversity and soil fertility, and have created conditions for human wellbeing without impairing natural elements. Rather than “adapting to” or being “limited by” the Amazonian environment, humans living there created, transformed, and managed cultural or anthropogenic (human-made) landscapes suited to their purposes but without destroying the basis of the landscapes they found. (Roosevelt 2000, Balée 2013)

The Amazon region comprises a heterogeneous landscape that has been inhabited for thousands of years (Roosevelt 1994:3 and 2000). There, human societies have played an active role in crafting complex biological networks that have permitted long periods of management. Conventional descriptions depict this area as an unspoiled natural environment, inhabited by small, widely dispersed human groups which have had a very little impact on natural surroundings (Denevan 2001). According to this interpretation, due to environmental conditions, poor soils, and lack of protein, local societies evolved as hunters and gatherers, tribal groups subject to natural limitations. However, this traditional view of the human-environment interaction over the long term in the Amazon is being rewritten by historical ecologists who have found that the present natural environment is a product of human intentionality, “a creation that is imposed, built, managed, and maintained by the collective multigenerational knowledge and experience of Native Americans” (Erickson 2000). According to Baleé (2000), traditional Amazon societies have influenced at least 12% of the supposedly pristine Amazonian rainforests, which are anthropogenic in origin, in the sense that they would not have existed in their present form without previous human intervention (Balée 1993: 231). Therefore, the forests in question are cultural artifacts and rather than the exclusive result of natural processes. Crops, soils, earth engineering devices, and other
material evidence are confirming the impression that the Amazon region was incessantly, intensely, and extensively managed by numerous and populous societies.\(^8\) Thus, indigenous groups should not be viewed as passive recipients of natural conditions but, instead, as creative agents developing their own cultural responses to their environment.

In spite of limitations due to ecological conditions, Amazonian people have been creating biotic niches since prehistoric times. Examples of such activity are being discovered everywhere in this region, where anthropogenic forest illustrates how human influence, under certain conditions, can enhance, rather than reduce, biological diversity. Intentional or unintentional long-term activities, like the transplanting of plants and animals, the selective culling of non-economic species and the encouragement of useful species, burning, settlement, farming, forest management, and other activities have promoted changes in the landscape and in the ecology of the region.

Roosevelt (2000:457) discusses how ancient people have introduced numerous cultivars into the forest. This practice of traditional societies has increased the biodiversity of specific areas. On this matter, Clement (1999 a, b) maintains that 79 of the 138 crops cultivated or managed in lowland northern South America at the time of first contact with Europeans in America probably originated in the Amazon Basin, along with 37 additional crops in adjacent parts of lowland South America. This represents 45% of the total crops managed in the Americas.

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\(^8\) According to recent studies, social life in the Amazon started about 12,000 years ago (Roosevelt 1994). It is likely that Amazonians are among the first to have produced ceramics in America, 7,000 to 8,000 years before the present (Roosevelt 1987, and Rival 2002). Clement (1999a) maintains that by 5,000 years ago Amazonian peoples had a set of domesticated crops and art forms very similar to those of contemporary indigenous populations, and Whitehead (1994: 36) affirms that there is evidence of agricultural activities and large scale “ranching” of some animals, and, therefore, surplus food production during pre-Columbian times.
Posey (1998) and Rival (2002) provide two examples of stimulation of biological diversity by traditional societies. Posey, who has studied the Kayapó indigenous people of the Brazilian Amazon, explains that these people have created anthropogenic forests called *apeté* (“forests islands”), which help to maintain subsistence requirements. Rival (2002) also relates a case of enrichment of natural forests by Huaorani indigenous people from the Ecuadorian Amazon who are continuously selecting plant species to grow in specific plots used seasonally. Describing the Huaorani society, Rival explains that this group uses vegetal forms that they have inherited from the past (2004: 182) and that tie their culture to natural elements. By associating cultivars with past generations and providing them with meaning, the Huaorani people are not only recognizing the elements that ensure them the material for subsistence, but also present an ideological perspective of the human-nature relationship, which is an aesthetic view of their existence.

The practices described are a form of *landscape domestication* (Erickson 2006) and the result is the transformation of the environment into a productive biome for humans and other species. Another example of proactive transformation in the Amazon is that of the dark soils (*terra preta do indio* and *terra mulata*) found in practically all of the watershed and an indication of management consciousness in the Amazon (Glaser et al. 2001 and Sombroek et al. 2002). These anthropogenic-enriched soils have high values of organic carbon, phosphorus, manganese, and zinc, which have made them very stable under atmospheric conditions. Thus, the black soils are suitable for sustainable agriculture. Although the way black soils were created is an issue still being debated, scientists agree that these soils are anthropogenic, the result of thousands of
years of human management. Glaser et al. (2001) maintain that “dense populations once successfully farmed poor oxisols for at least 2,500 years, leaving behind the rich ‘terra preta’ soils before being displaced by Europeans.”

Another example of managerial decisions in ancient Amazon societies is the creation of causeways to protect the Baures people of the Bolivian Amazon from the savanna’s seasonal fires and floods (Mann 2000), and the construction of fish weirs which were part of a major hydrological complex (Erickson 2000).

The cases cited are examples of sustainable managerial agency of ancient Amazon societies, which did not affect nature adversely, improving instead of degrading natural conditions, leaving extraordinary long-term beneficial effects for subsequent societies. These practices imply the profound knowledge ancient Amazon societies had amassed regarding their natural environment, knowledge which required long periods of social action based on an underlying ideology of altering nature for the purpose of improving living conditions. Scientists maintain that ancient societies carried out managerial actions of the kind described since 12,000 years ago, which suggests longer periods of cultural permanence in an ecological area without the production of significant negative ecological impacts than that of any other culture of the world.

In a Western context, the biological, physical, and social evidence of deliberate human agency in the creation of parcels for subsistence in the forest corresponds with culturing, or humanizing, nature. By improving the Amazon’s soils and forests, ancient indigenous people achieved an aesthetic continuity of the area’s natural conditions. This was a conscious effort to convert finite nature into an eternal supplier of foodstuffs.
A Clash of Cosmographies

The past experience in the Amazon related above demonstrates that two cosmographies have been on an asymmetrical collision course: on the one hand, nature is transformed for social reproduction and, on the other, nature is transformed in the name of capital accumulation. The latter requires that those involved in the former be uprooted. As a result, an ideological frontier expands, resulting in widespread social and environmental changes, an unending trend, that began in the 15th century. Under different guises (religion, rubber, agriculture) these frontiers are part of the same ideological process; thus, current frontiers, such as oil drilling, mining, logging, agriculture, are the continuation of historical frontiers appearing in the Amazon.

The perspectives of social life that have collided in the Amazon since the 16th century, Kawsay Sacha and frontier expansion, offer evidence of the two types of the reciprocal relations between human societies and environment throughout history. Change in the natural and social landscapes of the Amazon cannot be understood without an analysis of how local societies and newcomers have related to nature in this area, and the results of the violent encounters newcomers has incited. In the encounter of Kawsay Sacha and Western frontier cosmographies that have occurred in post-Columbian times, traditional history has been hidden and new historiographies of complex social, political, and economic interactions have been opened, creating frontiers competing with or supporting one another. However, all of these emerging frontiers have followed the same trend, conquering space and people, extracting natural resources, and degrading ecosystems.

The clash of cosmographies has resulted in the disappearance of hundreds of local identities who could not resist the strategy of shock applied by conquerors,
colonizers, and natural resource exploiters. Although many traditional cultures have adapted to the new ideologies that have emerged as a result of this historical trend of conquest, many others have failed to do so and have disappeared. Most of the indigenous peoples who exist today may be the result of processes of ethnogenesis (Rival 2002, Heckenberg 2005, 2010).

In spite of the crude violence involved in the past in the expansion of the frontiers of Westernization in the Amazon, these processes have led to the recovery of most of the traditional societies existing today and even the flourishing of some, which manifest clear indicators of wellbeing. Southgate et al. (2009), Borman (1996), and Salazar (1977) relate how some indigenous people have been successful in dealing with issues of frontier expansion and obtaining a net benefit for their communities. However, this is only true of those social identities that have accepted Westernization. For those cultures that have systematically refused outside cosmographies and have survived, such as the uncontacted people, the dramatic effects of Westernization and frontier expansion are the same as they were in the past. More striking is the fact that those communities are now facing the most complex and pervasive form of frontier expansion: the oil industry.

As Little (2001) as well as Oyuela-Caycedo and Chaumeil (forthcoming) suggest, the frontier process in the Amazon is under constant redefinition, not only transforming geographical space in territories, but also natural resources\(^9\) and cultural elements in social and economic domains. If constant change and frontier redefinitions have been the rule in the last five centuries, the current frontier promoted by oil extraction is

\(^9\) Martinez Alier (2000) speaks of the multiple frontiers that flood the planet: the oil and gas frontier, the aluminum frontier, the copper frontier, the eucalyptus frontier, the shrimp frontier, the gold frontier, the transgenic soybean frontier, the nuclear waste frontier (Martinez Alier 2000).
different in form and substance. Oil activity, as will be analyzed in Chapter 6, involves a far-reaching frontier. While previous waves of frontier expansion were single phenomena limited in temporal terms and then declining and disappearing after reaching a given threshold, allowing local societies to recuperate and sometimes flourish anew, the oil frontier is quite different. It not only destroys nature to create technological and economic outposts in the forest, but also constantly alters the logic of life of indigenous communities, placing them, inexorably, in market society and, therefore, in modernity. Even some other modern forms of frontier expansion like gold mining, cattle ranching, palm monoculture, are different than oil in the sense that these activities are isolated, not necessarily connected each other and limited to small areas. And more important, these economic activities have been introduced in the area after the oil industry. As this industry promotes myriad independent and interconnected socioeconomic activities, the process of frontier expansion will probably not wax and wane, as was the rule with previous exercises in establishing Western outposts in the immensity of the Amazon.

After five centuries of Amazon Westernization, history shows that indigenous people sooner or later have had to choose between adapting to the cosmography imposed or die. Nowadays this dramatic situation is again being verified with the remaining fragments of ancestral Amazon identities. This is the case of the so-called uncontacted people who are facing the oil frontier and whose options are to finally surrender to outside societies from whom they have, for centuries, fled or to collapse as a culture and as a social group.

10 Up to present no industrial or large scale mining exist in the Ecuadorian Amazon.
As discussed in the following chapters, the situation observed with the uncontacted people is that described by Friedrich Ratze, the German geographer who inspired the concepts of Lebensraum and social Darwinism:

A superior people, invading the territory of its weaker savage neighbors, robs them of their land, forces them back into corners too small for their support, and continues to encroach even upon their meager possession, till the weaker finally loses the last remnants of its domain, is literally crowded off the earth... The superiority of such expansionists consists primarily in their greater ability to appropriate, thoroughly utilize and populate territory (Friedrich Ratze, cited by Bauman 2000:187).

The incessant expansion of frontier activities, the spread of illnesses, and the imposition of government policies specifically designed to allow the oil industry to operate have created a deadly web that will probably eradicate the last native groups who, by hiding in the forest, managed to avoid the dreadful effects of conquest and colonization issues of the past. That this should be happening today, when governments, international organizations, and civil society organizations everywhere proclaim the need to protect the human rights of indigenous people, is truly bizarre and ironic, because in some ways this is a continuation of the Sepulveda-Las Casas debate.
CHAPTER 4
THE ISOLATED PEOPLE: PHANTOMS FROM THE PAST

Isolated nomadic people have is a topic of great interest for social sciences, anthropological studies, environmental and human rights concerns, and even for the media, both serious and sensationalist. In times when technological gadgets put in the hands of ordinary people the opportunity to be in contact with all geographical areas and get information on everything about the world’s societies, the existence of people living hidden, outside of globalized humanity, people who lack and/or reject what we have and take for granted, is a challenge to notions of what is considered normal and modern, an exception to common understanding.

There are debates about whether isolated societies are the remnants of pre-Columbian societies which were disbanded during the European conquest, or surviving hunters and gatherers who have managed to preserve their way of life through time (Rival 2002). Historical and archeological evidence provides support to both points of view. In either case, however, isolation appears today to be a defense strategy against external pressures.

Interest in isolated groups has emerged in the last few decades as wilderness areas are incorporated into productive activities to satisfy the increasing demand for natural resources. This process has led to frontier expansion in forests and other ecosystems where these particular traditional societies have lived for centuries, fleeing from the socioeconomic traffic that has shaped and subsumed other societies.

Notions about people who refuse modernity, who live in the “stone age”, and fiercely defend their lands evoke legendary times and the desire to see them. Stories are told and re-told about them. On the other hand, there is also interest in helping them
defend their decision to live isolated (on basis of human rights or environmental protection), or in finding a way to contact them (to “civilize” them, Christianize them, and even to neutralize them in order to have access to their lands and the resources found there). What these peoples most likely need is just to be left along to live their way of life. However, the rest of the world has come up with myriad opinions and proposals about these peoples. The opinions and proposals are affirmed or debunked depending on the extent to which they corroborate the prejudices or paradigms and beliefs permeating contemporary society.

Some of these groups have sporadic contact with surrounding peoples. Others have split, with some of their members deciding to become sedentary and establish contact with the wider society. In any case, these peoples settle in natural areas which governments are interested in using for productive purposes or to protect said people in order to ensure the cultural and physical reproduction of their traditional societies.

This Chapter will describe the isolated indigenous peoples as hunters and gatherers, a special category of which only a few societies still remain in the world. Here the zones of life, ideology and needs of these people, and the threats they face, will be analyzed in order to understand why their societies are vulnerable and could face a process of cultural and physical degradation due to development projects in their lands. As will be reviewed here, the Tagaeri, Taromenane, Oñamenane, Iwene, and possible other groups of Uncontacted people in the Ecuadorian Amazon are only few of the isolated societies that exist in South America, of which there may be hundreds.

1 In Peru, a headline of the June 5, 2008 newspaper out of Pucallpa, Diario Ahora, reads: “Indigenous people of Yurúa say that there are no Uncontacted groups.” This was in response to an NGO statement regarding the appearance of isolated people in the area. In Ecuador, on the other hand, a Minister of Non Renewable Natural Resource denied that isolated people exist in the oilfields the government is interested in exploiting. (See: Medina 2013)
Who They Are?

The Amazon peoples who avoid contact with the larger society are described in many ways: uncontacted, isolated, free, hidden, in voluntary or forced isolation, withdrawn, evasive. The list could go on. What is certain is that these peoples are stateless and live in egalitarian societies. It also seems clear that they have chosen to live without contact with societies beyond their cultural environment or territorial boundaries in order to avoid subjugation by powerful outsiders or simply in order to keep intact their internal political organization. All that is known about these people come from the linguistic and anthropological studies carried out by the Summer Institute of Linguistics, SIL, the evangelical organization that made contact with some of the Auca clans in the 1960s when they were contacted and agreed to abandon their nomadic way of life and their rejection of outsiders. (Boster et al. 2004, Yost 1981). Subsequent studies and observations have been made of the Auca clans once they settled in permanent villages and adopted the name Huaorani. (Warren 2002; Rival 2002). Thus, this study is based on those observations and studies, and on my own inferences based on personal observations and work with Huaorani people who live in oil fields.  

These groups have taken various measures to avoid or limit contact with the “outside” world. Some remain completely hidden and isolated, violently rejecting people not within their group. Others have been forced into nomadism to survive after their land has been encroached upon by colonists or after development activities have occurred in their territories. Some groups have been forced to accept intermittent contact with

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2 As stated earlier, the author of this study has carried out environmental research and participant observation in Huaorani communities in order to prepare the legal defense of the Yasuni National Park (Enriquez & Real 1992)
neighboring societies, tourists, and even people involved in illegal activities, such as drug traffickers and loggers. Finally, some groups have accepted the wider society, allowing government and development activities in their territories, abandoning their nomadic life style and increasingly depending on swidden agriculture and industrialized food. However, those who accept some degree of contact, either freely or by force, often return to the forest or become isolated again. This happened with most of the peoples enslaved during the rubber boom in the Upper Amazon region in the late 19th century and early 20th century, and, in more recent times, the Mashco Piro of Peru (Huertas Castillo 2013). Some people may also be part of larger tribal groups, as are the Tagaeri, Taromenane, Yanomami, and Ayoreo, whose members split off from the main group to maintain their isolation.

The people now called isolated are not an exception in world history. Rather, their decision mirrors that taken by humankind on a regular basis in the past. They are the keepers of the way of life all humanity experienced until some 12,000 years ago, and that has survived well into 21st Century for at least one-third of the planet’s population. They are part of a hunter-gatherer culture, whose practitioners are still living in the last open spaces of the planet, in South and Central Africa; Australia; the Arctic, the Subarctic and on the northwest coast of North America; in the South American lowlands; and South and Southeast Asia. Foraging is the most ancient and most enduring way life among human beings; for 99 percent of the time we’ve been on the planet as a species, we have been members of forager societies. All other social organizations – that is, modern social organizations – are comparatively very recent phenomena. (Lee and Daly 2004)
Foragers solve their problems and satisfy their needs without the help of any state or externally structured form of social organization. Their technologies are very simple and their energy expenditure is minimal (Lee and Daly 2004). The frugality of their social life and their wide-ranging use of natural areas provide them with everything they need. These characteristics identify them as the so-called original affluent societies (Sahlins 1972) or groups whose members have no need to accumulate nor to fight over resources within the community. But those hunter and gatherer societies still alive in the world have been forced to adapt their way of life not only to surviving with the resources available and little energy, they must also now manage it a context of increasing external anthropogenic threats.

Today’s hunter and gatherer cultures have different degree of contact and exchange with the wider society. Some are willing to adapt to modernity. Contemporary foragers practice a mixed form of subsistence, including gardening and herding. This can lead to confusion when determining which indigenous communities are members of the category hunter-gatherer category today.3

Isolated peoples are a special category of hunter and gatherer societies. They are not only people who get everything they need from nature, but also concentrate their existences on maintaining what they probably consider their most precious value: autarchy, autonomy. This may explains why some of the isolated, if not all, resort to violence, often extreme in order to protect their seclusion. Said violence may be their

3 Lee (1998) sustains that, although exceptions exist, most band societies share four characteristics: first, they are relatively egalitarian, leaders can persuade but not command; second they are mobile; third, all band-organized peoples exhibit a pattern of concentration and dispersion; Band societies tend to spend part of the year dispersed into small foraging units and another part of the year aggregated into much larger units; and, fourth, almost all band societies (and hundreds of village-based societies as well) have a land tenure system based on a common property regime (1998: 826).
way of rejecting any form of organized power or state-like organization, according to Clastres (1989, 1998). The main traits that have been manifested by isolated people today suggest that their entire culture is designed to keep strangers at bay either through avoidance or confrontation. Isolation, nomadism, extreme violence, and dispersion of cultigens are among the common cultural strategies these groups resort to when facing real or perceived threats or recovering from said threats. These come from enemy clans or members of outside society. By maintaining a number of wild gardens, distant from one another, they have food and resources close to hand when they need to flee to escape incursions.

Lévi-Strauss (1961) found that, in order to avoid being wiped out by colonists, indigenous people in Brazil learnt to keep themselves entirely hidden from the outer world. It has been also noted that most isolated peoples live on marginal lands, in tropical forests and/or in remote, untraveled areas. This may respond to the fact that “for these peoples, isolation is not a voluntary choice but a survival strategy” (UNHRC 2009, 5). They keep themselves hidden from the outer world to avoid the ferocious persecutions of the past and the present, when they have been enslaved or enclosed in reservations or so-called protectorates “with the object of integrating them into modern life” (Lévi-Strauss 1961, 134).

The United Nations High Commissioner for Human Rights, defines these groups living without connection with the wider society as

…indigenous peoples or segments of indigenous peoples who do not maintain or have never had regular contacts with the population outside their own group, and who tend to refuse contact with such outside persons. Indigenous peoples in voluntary isolation can also be groups or part of a group who, after an intermittent contact with the mainstream society, go back to their isolation and break all relations they may have had with society. (UNOHCHR 2012, 5).
The Office of the Rapporteur on the Rights of Indigenous Peoples of the IACHR (2013) believes that the Western hemisphere is home to the largest number of indigenous peoples living in voluntary isolation and/or with initial contact to the outside world. They estimate the number to be about 200 peoples (Brackelaire 2006; Shelton et al. 2013); the groups have their own culture and language, and live in Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, and Venezuela. It is believed that fewer than half of these groups have been identified so far (Table 4-1). Beyond these countries, only in West Papua and India have isolated peoples been identified.

Table 4-1. Isolated and peoples with initial contact in the amazon

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>ISOLATED</th>
<th>INITIAL CONTACT</th>
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</thead>
<tbody>
<tr>
<td>Bolivia</td>
<td>Pakawara</td>
<td>Araona</td>
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<tr>
<td></td>
<td>Chákobo</td>
<td>Mbya Yuki</td>
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<tr>
<td></td>
<td>Araona</td>
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<tr>
<td></td>
<td>Toromona</td>
<td>Araona</td>
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<tr>
<td></td>
<td>Mbya Yuki</td>
<td>Mbya Yuki</td>
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<tr>
<td></td>
<td>Ayoreode</td>
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<tr>
<td></td>
<td>Yurakaré</td>
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<tr>
<td></td>
<td>Nahua</td>
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<tr>
<td></td>
<td>Esse Ejja</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Hi-Merimã linguistic family</td>
<td>Korubo, Lenga pano</td>
</tr>
<tr>
<td></td>
<td>Arawá</td>
<td>Zo’é</td>
</tr>
<tr>
<td></td>
<td>Japá, possibly Kulina from the Arawá linguistic family</td>
<td>Akuntsu</td>
</tr>
<tr>
<td></td>
<td>Korubo (Isolated)</td>
<td>Tupi Kawahiv, (name by which they are known by the Gavião de Piripkura)</td>
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<tr>
<td></td>
<td>Pano language</td>
<td>Kanoe</td>
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<tr>
<td></td>
<td>possibly Janinawá-Pano</td>
<td>Zuruahã</td>
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<tr>
<td></td>
<td>Masco</td>
<td>Awá Guajá</td>
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<td></td>
<td>Awá-Guajá</td>
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<tr>
<td></td>
<td>Unknown</td>
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<tr>
<td></td>
<td>Tupi Kawahiv</td>
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<tr>
<td></td>
<td>Jururei, Tupi Kawahiv</td>
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</tbody>
</table>

116
### Table 4-1. Continued

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>ISOLATED</th>
<th>INITIAL CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sirionó</td>
<td>Tupi Kawahiv Unknown (*) groups.</td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td>Yuri (Aroje or Carabayó) Cabiyari</td>
<td>Nukak Maku</td>
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<tr>
<td>Ecuador</td>
<td>Tagaeiri</td>
<td>Huaorani or Waorani</td>
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<td></td>
<td>Taromenane</td>
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<td></td>
<td>Warani</td>
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<td></td>
<td>Zápara o Abijira</td>
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<td></td>
<td>Iwene</td>
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<tr>
<td></td>
<td>Oñamenane</td>
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<tr>
<td>Peru</td>
<td>Mashco Piro</td>
<td>Matsiguenka</td>
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<td></td>
<td>Matsiguenka</td>
<td>Nanti</td>
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<td>Nanti</td>
<td>Chitonahua</td>
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<td></td>
<td>Asháninka Caquinte</td>
<td>Mastanahuas</td>
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<td></td>
<td>Murunahua</td>
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<td></td>
<td>Chitonahua</td>
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<tr>
<td></td>
<td>Mastanahua (o Cujareño)</td>
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<td>Yaminahua/Yora</td>
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<td></td>
<td>Iskobakebu</td>
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<td></td>
<td>Panos del Yavarí</td>
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<tr>
<td></td>
<td>Mayoruna</td>
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<tr>
<td></td>
<td>Cacataibo</td>
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</tr>
<tr>
<td></td>
<td>Waorani, Abijira o Záparo</td>
<td></td>
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<tr>
<td></td>
<td>Unknown (Madre de Dios)</td>
<td></td>
</tr>
<tr>
<td>Venezuela</td>
<td>Yecuana</td>
<td>Jodi (Hoti)</td>
</tr>
<tr>
<td></td>
<td>Piaroa</td>
<td>Yanomami</td>
</tr>
</tbody>
</table>

(*) As "Unknown" are referred peoples that have been seen or found evidence of their existence, however no a specific name have been assigned to them yet.

(Sources: Brackelaire 2006; Huertas 2010a; Vaz 2013; CONAIE 2011)

Although the existence of some of the isolated communities has been known for decades, very little additional information is available. Sometimes even proof that these groups exist is problematic. Said proof may be based on cultural items found in the forest, "avistamientos" (sporadic observation of individuals), reports of attacks, narratives of other indigenous peoples, segments of the same group that have
abandoned isolation, and even simple rumor. As frontier expansion, due to logging, oil activities, colonization, and so on, increases in indigenous lands, it is not always clear whether the traditional group involved remains isolated, is forced into contacted, or simply disappears, fleeing to another site to remain hidden. In some cases, the group becomes extinct as a result of the shock produced by outside socioeconomic activity that overwhelms their coping capacities. Extinction of indigenous groups, including isolated peoples, have been reported in recent decades by a number of researchers. Kimerling (2006), IACHR (1997), and Carson (1995) report the extinction of the Teetetes, an indigenous Ecuadorian people who disappeared due to expansion of the oil frontier. The IACHR (2013) has quoted Report No. 101 of the Ombudsperson of Peru, which describes the disappearance of several indigenous peoples in that country. These groups are the Resígaro, Andoque, Panobo, Shetebo, Angotero, Omagua, Andoa, Aguano, Cholón, Munichi, and Taushiro. Their extinction has been caused by “diseases and the colonizing and plundering assault, spontaneous or promoted officially, that has deprived them of their traditional lands and natural resources, as in the Huallaga basin with the construction of highways” (IACHR 2013, 8). Practically all the isolated groups of the seven South American countries listed in Table 4-1 have problems with natural resource extraction on their traditional lands.

The situation of these groups has attracted increasing attention of anthropologists, oil companies, and governments only during the last half century, when the Ecuador’s economic growth has been based on natural resources in demand in the global system. The indigenous groups become known when new processes of frontier

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4 However, Wasserstrom et al. (2011) and Reider (n/d) claim that the Teetetes’ disappearance was not the result of oil frontier expansion but, rather, of the rubber boom a half-century earlier.
expansion occur in their lands or surrounding areas. Until then, these peoples remain hidden, isolated, or unknown to outside society because their traditional lands have not been coveted for economic reasons. However, those lands sooner or later inevitably become the target of natural resources explorations. In fact, their lands are likely to be rich in minerals, biodiversity, natural amenities which attract the attention of oil, gas, and mining companies, environmental organizations, and tourist entrepreneurs. Before this economically-driven trend, the uncontacted people have not been an issue for governments or national societies though some of them become a social curiosity after explorers, traders, or resource tappers in the jungle reported contacts, sometimes in the form of attacks.

Typically oil, gas, and mineral extraction are the leading vectors of frontier expansion that open the path for myriad legal or illegal socioeconomic activities, including drug and wildlife trafficking as well as logging in the traditional lands of these people. As discussed here, non-renewable natural resources extraction and politically driven imperatives to develop wilderness are the spearheads that break non-economically used ecosystems and begin permanent processes of frontier expansion. Since these activities require roads to reach places where minerals are found, they promote an unstoppable process of formal or informal land allocation and space distribution conducted by governments or/and undertaken independently by poor peasants from other regions seeking to improve their economic situation. Government

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5 Researchers have confirmed that indigenous people in the Amazon and other regions have not been passive dwellers of natural ecosystems but active promoters of biological (and material) improvements and transformations. Rival (2002), Balee (1993 and 1998), and other historical ecologists have reported the creation of anthropogenic forests across the Amazon.

6 All the colonization of the northwestern Ecuadorian Amazon after the oil boom was spontaneous, lacking state guidance and/or control and practically all land allocations were carried out by those colonists under the guise of communal organizations.
agencies also need roads as a way to establish authority in areas where its influence has been nonexistent. According to Kernaghan (2012), roads are a factor in the creation of permanent settlements and the establishment of state control. They provide a sense of social ownership in wild areas, transforming places into territories and making possible those phenomena that are at the core of modernity, namely, extraction, accumulation, trade, and colonization/urbanization. Once roads are opened, a frontier becomes permanent. In other words, roads make accessible areas that previously have not been part of the larger society’s socioeconomic dynamics.

There is no information on the number of individuals belonging to each group of isolated people and nor where, exactly, they live. However, it is clear that they have chosen to reside in remote lands where access is difficult as a form of self-protection, fleeing from extractive-driven violence deeper into the forest (Aristizábal Corredor 2010). For obvious reasons, the geographical areas where isolated people still exist are those open spaces not yet incorporated into accumulative economic processes. These are, basically, the Amazon and Orinoco river basins and the Chaco ecosystem, located in seven South American countries (Figure 4-1), and areas where frontier expansion processes have not yet occurred, have started recently, or are about to begin. As a result of their subsistence patterns these groups have an absolute relationship with and dependence on lands whose natural resources, though scant, provide them all they need for their physical and cultural survival (CIDH 1997).
Generally, they live in fragile ecosystems where protein sources and crop yields declined after a few years, requiring migrations to new lands.\(^7\) Lathrap (1970) has suggested that competition for control and access to the best hunting, gathering, and agricultural lands did set off violent clashes between clans and tribes. Those peoples who could not protect their lands along rich river banks were pushed into forests with poorer soils and less game. Regarding the land where the Huaorani have dwelled for 7

In Amazon ecosystems, the soils of the riverbanks are naturally fertilized by floodwaters, so these lands can be cultivated for longer periods. Historically these lands have been highly disputed. This competition has pushed weaker groups to inter-fluvial hilltops where soils are poor despite the surrounding exuberant forest. Newson (1995) notes that "[t]he luxuriance of the vegetation cover disguises the fact that the soils underlying the tropical rain forest offer limited opportunities for farming. This is because the nutrients necessary for plant growth are either rapidly absorbed by the forest or washed away by heavy rains, so that once the vegetation cover has been removed, the highly leached soil can be cultivated for only a few years before crop yields decline and the land has to be abandoned to fallow" (Newson 1995, 80).
centuries, Rival (2002) explains that they are among the poorest of the Amazon’s peoples. Each group is comprised of a few families, with the population of each community reaching between 30 and 50 individuals, including children and the elderly. In addition, the groups live a several days’ walk from one another. When the population of a village grows too large, a portion will split off and form its own village elsewhere in the jungle.

Many Amazonian peoples have promoted and inter-generationally maintained distant cultigens, that is, enriched forests or gardens, in order to have one available when a raid from enemy clans or natural resource tappers requires the group to flee and hide somewhere else. So wherever they move, a garden to satisfy nutritional needs will be close.

Notwithstanding the poor soils that characterize their natural environments and the few possessions that characterize their villages and dwellings, the isolated choose to live in a way that discourages outsiders to travel to them. Nevertheless, these peoples are not necessarily experiencing a shortage of food, much less famine, as their simple surrounding may suggest. In fact, they enjoy an overabundance in relation to their needs. As Sahlins (1972) has observed, social needs may be "easily satisfied" either by producing much or desiring little. By adopting a strategy based on finite material wants and corresponding technical means, people can enjoy unparalleled material plenty with a low standard of living. This best describes the frugal life of the isolated peoples, the contemporary hunters and gatherers.

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8 Communities of Amazonian indigenous people who have social and political contact with the wider society but geographically still live isolated, like most of the Achuar communities of Ecuador, are composed of about 60 to 100 individuals.
According to the United Nations’ Human Rights Council (2009) three main features are common to isolated peoples:

a) They are highly integrated into the ecosystems which they inhabit and of which they are a part, maintaining a closely interdependent relationship with the environment in which they live their lives and develop their culture. Their intimate knowledge of their environment enables them to maintain a self-sufficient lifestyle generation after generation, meaning that the retention of their territories is vitally important for all of them;

b) They are unfamiliar with the ways in which mainstream society functions, and are thus defenseless and extremely vulnerable in relation to the various actors that attempt to approach them or to observe their process of developing relations with the rest of society, as in the case of peoples in initial contact;

c) They are highly vulnerable and, in most cases, at high risk of extinction. Their extreme vulnerability is worsened by threats and encroachments on their territories, which directly jeopardize the preservation of their cultures and ways of life. The situation of peoples in initial contact is still worse because processes of establishing contact generally involve drastic changes in their territories that irrevocably alter their relationship with the environment and modify, often radically, the ways of life and cultural practices of these peoples. Their vulnerability is even further aggravated by the human rights violations which they often suffer at the hands of those who seek to exploit the natural resources in their territories and by the fact that aggression against these peoples and their ecosystems generally goes unpunished. (UNHRC 2009:6-7)

Because of these traits, isolated people present a challenge for governments and international organizations which have to juggle between the legal and moral obligation to protect these groups and ensure their cultural continuity, while at the same time promoting development wherever possible. However, issues of national interest, development, and social integration have created a confusing debate in which these groups are portrayed as backward, ‘not modern’ or ‘outdated,’ and needing to be civilized. This stereotype ignores the fact that every society changes and develops at its own pace and in its own way, coming to modernity on its own terms and according to its own circumstances.
The irony about the isolated peoples is that they are safer while remaining hidden, with outside society ignorant of where they are. Unfortunately, it is getting harder to remain hidden. This is because of the frenetic search for natural resources and areas for adventure, tourism, and other economic undertakings.

**Forced Isolation or Free Election?**

The last hunter and gatherer societies of the world have been often seen as primitive or archaic whose members have not developed socio-political technologies that modern society consider the sine qua non of every human group today, such as agriculture (hence, sedentariness) and centralized government, among others. Lévi Strauss (1963) notes that South American hunters and gatherers, such as the Guayaki of Paraguay, the Siriono of Bolivia, the Nambicuara of the Tapajoz head-waters, and the food-gatherers of the Orinoco Valley in Venezuela and Brasil, tend to be unfamiliar with horticulture or having a rudimentary horticulture (1963:109). He also observed that the complex kinship systems and sophisticated cosmologies of some Amazon communities do not correspond to their current low level of material achievements. Such archaism and dissonance is explained by Lévi Strauss (1963) as a regression from a higher level of culture in order to survive in new ecological and social conditions imposed upon them by external forces. According to Lévi-Strauss, “cultural devolution affected first and foremost productive practices, leaving intact the representation of social relations as encoded in kinship systems and myths” (cited in Rival 2002: 20). Then agricultural regression or cultural devolution would affect peoples who were dispersed by single or combined threats, including war, internal turmoil, and disease. Forced to flee from their traditional territory, these people adjusted to conditions in uninhabited lands which, more often than not, were unproductive, because had they been otherwise, they would
already have been occupied by others. This may explain why isolated people typically live on poor inter-fluvial hilltops.

The process described forced them to abandon the agricultural techniques they had developed for their previous land, and to become mobile band societies, roaming their new environment in search of food and resources. Besides having to cope with resource shortages, these groups may have also been obligated to improve local biological conditions in order to attract birds, monkeys and other game, thus creating forest cultivars enriched through intergenerational agency. By way of offsetting the limitations of the surrounding natural environment, the Uncontacted have developed anthropogenic forests scattered across their territory, which they call “quehuencori.”

This process of cultural devolution, which may have affected peoples during pre-Columbian times as well as post-European invasions, would explain why some forests in the Amazon are cultural artifacts or forest in which the human hand was decisive in determining their current form. Moreover, the need for coping with these stressful issues should be the underlying cause that brought people to find ways to enrich forests and soils and to control flooding, as historical ecologists have evidenced, providing examples from throughout the Amazon.\(^9\) These critical strategies, to reproduce the culture of groups experiencing a cultural regression, constitute ways both to cope with social and natural threats and to mitigate disasters and flourish thereafter. And they also constitute historical forms of environmental adaptation.

\(^9\) Balee (1993 and 2014), Denevan (2001), and Erickson (2000) among others have provided the rationale and examples of human impacts in diversity and landscape transformation by promoting anthropogenic forests. Balee suggest that “at least 12% of the terra firme forests of Brazilian Amazonia appears to be anthropogenic” (1993: 231). Glaser (2001) and Sombroek (2002), explain cultural interventions on soils providing the example of the “Terra Preta” phenomena in Brazil. Finally Mann (2000) explains cultural landscape transformations in Pre-Columbian Bolívia, by creating mounds, causeways, and canals.
Although the cultural devolution thesis provides a convincing explanation for the absence of horticulture, isolation, nomadic lifestyle, and residence in poor environmental habitats, social choice would also explain these factors. Rival (2002) notes that it is also important to consider endogenous causes, such as sociocultural processes, that promote mobility. Historical will and religious beliefs are as important as adaptation to the environment or to historical circumstances. Clastres (1994, 1998) on the other hand, considers ideology or political choice as underlying causes for social violence and isolation. He claims that the Guayaki, of Paraguay, used violence (and, hence, isolation) as a way to keep power in the hands of individuals and to prevent the creation of a central authority. By maintaining independence (isolation), they preserve internal social harmony and resist assimilation. This explanation could also be applicable to other isolated peoples.

In the general context of situations isolated people have faced throughout history, the arrival of the European conquerors and the subsequent introduction of matters related to frontier expansion are clearly special hardships in the very long chronological journey they have experienced. Domesticating and converting indigenous peoples were important tasks during colonial times, and generally resulted in bloodshed and flight of indigenous peoples from their lands to avoid enslavement, deculturation, and/or death (Heckemberger 2005, 149) These traumatic experiences, that began five centuries ago, have occurred without interruption to the present, with oil, gold, timber, and agriculture frontiers overtaking the traditional lands of the last isolated peoples. Their proven millenarian wisdom which has helped them to face adversity, and to build and rebuild resilience is coming to an end due to the pervasive ideological, social, and
environmental violence they face today from modernization and development paradigms, which might well prove to be the final stage for these peoples.

The above explanations – seclusion, nomadism, violence, selection of poor lands to live on, lack of knowledge of agriculture, development of anthropogenic forests, lack of centralized power, among other traits – are part of complex and long lasting social processes isolated peoples have developed in order to face calamities, and to recover and develop resilience. Although each hardship episode resulted in the loss of lands and environmental knowledge, but those advantages were replaced by other skills, making social and cultural reproduction possible and improving social resilience. These explanations also show that the hunter and gatherer societies that now live in isolation, hiding from the outside world, are not archaic nor passive recipients of environmental constraints, but very active and constant builders and rebuilders of their social capacities, improvers of the limited environment they choose or were forced to live on, and fighters against environmental and social entropy.

**The Isolated Peoples’ Ideology: an Approximation**

Practically all the accounts of uncontacted peoples are based on the implicit understanding that these groups find themselves in an unusual situation due to the fact that governments, missionaries, researchers, and even organizations interested in tourism and adventures carry out various initiatives without considering the particular nature of these people. They are lost, hidden, isolated, and so on, from the wider society. Comparing with Columbus, when he first landed on one of the Caribbean islands in 1492, thus beginning “America’s discovery,” the Taromenane, Tagaeri, Mashco Piro, and hundreds of other people living in the last open spaces of South America are only meaningful in that they are not connected to “Us”, the wider,
integrated, mass society. They are conceived on the basis of that fact (lack of contact), and on that foundation a social construct is erected, implying the lack of everything else (civilization, goods, religion, health, etc.). Therefore, they are primitive people, not modern, relicts of the “stone age”. They lack everything modernity provides to every society in the world. So they only make sense to members of contemporary society on the basis of something they lack: contact with us. In the absence of a particular state of connectivity, the isolated people cannot claim privileges that the world society theoretically provides and respects in all human beings. These privileges include the right to land, privacy, and autonomy, none of which the isolated peoples can defend before courts and institutions. This perception about these peoples is important to bear in mind when discussing the meaning and the consequences of the processes that destroy their lands through oil, natural gas, mining, logging, and other natural resource extraction activities in the homelands of these societies, implicitly or explicitly promoted by the state and international organizations.

To understand the importance of isolation for these peoples, it is necessary to determine why they want no relationship with the wider society or even with neighboring groups. What leads a society to create a cultural nexus and establish its socioeconomic network are material needs, lacks of knowledge, alliances and even friendship that a social group considers worthwhile pursuing. The decision to remain isolated is based on the same considerations, but in reverse. Members of the society in question believe that they need nothing from elsewhere, that they are able to have everything they need to live as the cultural identity they have chosen.

But beyond that conviction, why do these societies choose such a demanding way of life? The most direct answer may be because they are escapees from different
forms of repression meted out by powerful societies, a fact for which historical evidence exists. But this is a situation that could have been solved by different forms of negotiations and cultural adjustments that would have solved the need to protect their physical integrity and social organization, without resorting to isolation.

Thus, cultural security may not be the only issue isolated peoples are defending. Internal organization may provide some insights to understanding why some societies prefer isolation and defend it aggressively. Without denying the pressure of outside society, which can be an additional element for choosing isolation, these societies may be protecting something else equally important. This means that isolation may not necessarily be a colonial issue but, rather, a decision that predates that period. Referring to the Huaorani, Rival (2002) believes that their decision to live in isolation is a cultural choice made in pre-Colombian times.

An analysis of the social organization of these elusive people may shed light on the underlying ideological issues that induced some people to live in an autonomous, isolated fashion. Pierre Clastres is among the principle anthropologists to have studied the political organization of so-called traditional or primitive societies. Particularly important are his descriptions of the isolated Paraguayan Guayaki indigenous people when they were recently forced to abandon their nomadic way of life by the government, and his observations on warfare and violence. Clastres (1998 and 1994) depicts primitive people as highly egalitarian, autonomic, and self-sufficient.

At its actual level of existence – the local group – primitive society...is at once a totality and a unity. A totality in that it is a complete, autonomous, whole ensemble, ceaselessly attentive to preserving its autonomy... A unity in that its homogeneous being continues to refuse social division, to exclude inequality, to forbid alienation. Primitive society is a single totality in that the principle of its unity is not exterior to it: it does not allow any configuration of One to detach itself
from the social body in order to represent it, in order to embody it as unity. (Clastres 1994, 155).

Like most of the traditional Amazonian societies, isolated people are politically autonomous entities. They have no chiefs and do not hesitate to attack strangers who invade their land or fight other clans when revenge is called for.

Violence may be, for isolated peoples, the glue providing social coherence as a way to maintain group identity. The Guayaki indigenous people from Paraguay, for centuries lived a nomadic lifestyle, remaining hidden. When they were found, the Paraguayan government confined them to a reservation from 1959 to 1962. According to Clastres (1998), “relations with others can only be hostile…There is only one language that can be spoken with them, and that is the language of violence” (Clastres1998: 237). The anthropologist maintains that the cultural agency of traditional Amazonian societies that choose isolation is aimed at keeping power dispersed in order to prevent the formation of any organization that makes decisions for the people and ultimately resembles a state. Yost (1981) corroborates this trait in terms of the Auca (Huaorani).

In this way, they prevent any monopoly on the use of force and of social decision-making of any type. If that is true, these groups do not defend their societies as entelechies of unity and organization, but as an ensemble of actively participating individualities where each individual represents him/herself. It is probably that they do not want to be represented by anyone or by any social organization. In other words, they do not lack a state but, instead, they reject it. Thus, keeping in mind that we are dealing here with speculation, their societies may not be “rudimentary”, but differently-minded, in which a dissimilar type of political relations is produced, consisting of
distributed power and needs-meeting economic production. On this point, Clastres states:

Yes, the State exists in the most primitive societies, even in the smallest band of nomadic hunters. It exists, but it is ceaselessly warded off. It is ceaselessly prevented from becoming a reality. A primitive society directs all its efforts towards preventing its chief from becoming a chief (and that can go as far as murder). If history is the history of class struggle (I mean in societies that have classes), then the history of a classless society is the history of their struggle against a latent State. Their history is the effort to encode the flows of power. (Clastres, in Deleuze 2004:227).

In line with Clastres (1989), because they understand the danger of a transcendent authority, these societies have created a political system intended to prevent any coercive (organizational) power or hierarchical stratification. To keep the system functioning, these societies need not only to limit the authority of village chiefs, but also to wage attacks in order to prevent the concentration of dispersed power. Only through war, Clastres says, can each village maintain itself as a dispersed political unit and therefore autonomic. “The dispersion of local groups, which is primitive society’s most immediately perceptible trait,” he writes, “is thus not the cause of war, but its effect, its specific goal.” (2010)

The above interpretation can explain the internecine warfare, which according to Newson (1995) has been endemic since the time of first contact. Village raids and killings have continued into the present. In contemporary ethnographic work,

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11 Among indigenous Amazonian peoples, a leader does not exercise power over others. Leadership is, rather, a matter of technical competence in discrete fields — oratorical talent, expertise as a hunter, ability to coordinate martial activities — as well as the persuasive power of constantly renewed generosity. Clastres writes that “the chief has no authority at his disposal, no power of coercion, no means of giving an order. The chief is not a commander: the people of the tribe are under no obligation to obey.” (Clastres 1989: 2006) Should a leader overstep these bounds, he may be violently removed — murdered, or abandoned to die alone in battle.
Beckerman and James Yost transcribe the confession of a member of the socially integrated (“contacted”) Huaorani people: “That is how we lived in the old days. Back and forth we killed. Back and forth, back and forth. Together we died.” Rival (2002:45) also describes the outbursts of fury and internal “homicidal madness” as recurrent in this group. The perceptions of violence from isolated people recently integrated into the wider society may provide important clues to determine whether that trait is part of the cultural preparedness in response to threats experienced during colonial times or just part of the “social contract” which is part of these peoples identity.

Moreover, and beyond ethnographic interest, discussion of the ideology of isolated peoples is pertinent in order to know the interests of these peoples and determine why and how their way of life must be respected, based on a people’s right to free determination, from which it follows that their territorial integrity also be respected. As indicated, the underlying causes of isolation are profoundly embedded in ideological and political choices and historical experiences, which have determined an implicit opposition to the concentration of power in any form. In a more pragmatic sense, the protection of the last remaining hunting-and-gathering societies, in general, and of the isolated people, in particular, may be in the interests of all humankind. Knowledge about their beliefs, gender relations, internal organization, contacts with outsiders, and the meaning of their rites and social practices is important in order to understand human nature and social evolution. These people, who have managed to maintain their world for over 50,000 years, may “teach us something, not only about past ways of life\textsuperscript{12} but as well about long-term human futures” (Lee and Daly 2004).

\textsuperscript{12} However Lévi–Strauss remarked that “[c]ertainly we should not try to use these recent hunter–gatherers to reconstruct events and conditions in the prehistory of mankind” (1968, 350).
People Outside of Our Understanding

Primitive, this is one of the first words that comes to many minds when trying to explain the cultural traits of these peoples of the Earth who have jealously preserved their culture, avoiding any ideological infiltration from the outside world, living without accumulating of goods, creating a centralized power, and developing or adopting other key features of Western ideology. Most anthropologists have referred to non-Westernized societies as *primitive* (“in the absence of a better term”\(^{13}\) [Lévi-Strauss 1963]) (Kuper 2005) or as people who have been unable to develop or create the basic knowledge and instruments that would allow them to enjoy the conveniences of progress. In the last half-century, many indigenous societies of the world have adjusted to the “modern life” by adopting the socioeconomic and technological proposals of Western ideology. However, after decades of intense promotion of modernization and development paradigms, there are still groups, living in some of the world’s last open spaces, that have staunchly resisted all the steps toward civilization.

From a conventional point of view, the phenomenon of the “isolated people” as a whole is simply a matter of primitive people or simply bands of human beings who have not developed social institutions and who need to be incorporated into the wider, or mainstream, society and thus become part of the global human race. The first issue here is that a group of people has managed to live for centuries at large, with no allegiance to any social organization or having escaped from the control of any such

\(^{13}\) Lévi-Strauss (1963) was conscious of labeling indigenous societies on the basis of concepts developed by the same culture describing them. “First, we know that ‘primitive’ denotes a vast array of non-literate peoples, who are thus not accessible through the research methods of the conventional historian. Second, they have only recently been affected by the expansion of industrial civilization and, because of their social structure and world view, the concepts of economics and political philosophy regarded as basic to our own society are inapplicable to them. But where shall we draw the line of demarcation?” (Lévi-Strauss 1963:101)
entity. This idea of people whose cultural identities include living in seclusion, without contact with other groups, is shocking to contemporary society for whom gregariousness is a rule and whose main social perceptions rely on the implicit notions of globalization, and world integration. In addition, it is also astonishing that these people have solved every aspect of their social reality (food, health, defense, cultural transmission, and so on), without appealing to any other social organization nor borrowing solutions from other cultures. And this is how they have lived for hundreds, maybe thousands of years.

The strangeness of the indigenous people of the Amazon, particularly those independent groups roaming through the forest, has led to all kinds of speculations on the part of those invading their territory. Since colonial times, indigenous peoples have inspired frightening ideas of a phantasmal existence in the deep of the jungle. As Taussig (1984) notes, the myth of the Wildman and savage, prevalent in Europe since the Middle Ages was unconsciously applied to the Amazon’s indigenous people, for whom the colonizers lacked an explanation for their apparent unruliness, physical appearance, health traditions, and of whom they were wary as a result of their prowess in battle, excellent sight and hearing, great knowledge of the jungle, and ability to imitate birds and mammals in order to attract them during the hunt. These people should have been daunting adversaries for the conquerors and colonialists who labeled them closer to savages than to normal, reasoning beings. They constantly feared attacks by these mysterious Indians, and the colonizers, unhinged by their fear, unleashed unspeakable cruelties against native peoples. That fear and misunderstanding of these peoples remains, and erupts from time to time, as it did when the Yuri, an isolated people in Colombia, where raided by the army in search of a missing adventurer lost in their
lands\textsuperscript{14} or when the Ecuadorian government has reacted very slowly and ambiguously to massacres of the Taromenane in 2003 and 2013. In both cases, the reaction would have been different if the people involved had not been members of isolated groups.

The view of mainstream society regarding these scattered peoples moving constantly through the forest remains basically unchanged since colonial times. They represent primitive tribes or sub-societies that should be settled in a single place in order to achieve what is expected of conventional indigenous people in modern times: agriculture, nature and adventure tourism, handicraft production and sale. If a group refuses integration and participation in activities like these, they are subject to confrontation.

Current individual and institutionalized violence against isolated people (i.e. pursuit, massacre, land deprivation, forced settlement, etc.) is the result of the set of prejudices inspired by Western ideology, inherited from colonial times, and carried out by or on behalf of the State, the supreme homogenizer of society. The “ordering of human multiplicities” (Foucault 1995) through civilization, modernization, and other forms of standardization is something widely accepted and legitimized because of its unifying advantages where everybody is placed in a nebulous form of equality and of potential gain. In achieving equality there is an implicit acceptance of institutionalized force and violence, which is considered legitimate and necessary. These underlying ideas allow the state to go into every corner of its territory and change environmental and social conditions without substantial opposition or retaliation from inhabitants, or, when they do retaliate, subjecting them to “discipline”).

\textsuperscript{14} Suárez Álvarez (2012) recount this episode occurred in 1969 when the Yuri were described as "anthropophagous", "wild", "of carnivorous instincts", and people that "howled like wolves".
Thus, overt or covert violence against isolated peoples is part of an implicitly accepted disciplining that the state (the “disciplinary society”) applies to those who deviate from its standards. And isolated peoples, as we have seen, are a challenge to the state by their very nature; they reject this entity in its entirety. Scott (1998) explains that the state’s role, basically, is to observe, standardize, control, and decide for its subjects. Isolated peoples refuse to subject themselves to any of this precisely in order to preserve their autonomy in order to avoid control (enslavement).

Notwithstanding perceptions of primitivism, looks like isolated peoples are societies with a concrete life plan. As Clastres observes, they are stateless in essence, defending their choice to be egalitarian, and their social life is a constant effort to avoid power centralization. Consequently, they are in constant confrontation with outside society and with any internal sign, from an individual or a clan, of intent to increase power. These cultural traits project, in some cases, a frightening message: violence, something that is omnipresent in modern society but perplexing when attributed to isolated peoples.

As a result of the historical representations of isolated peoples and their violent rejection of outsiders, they are not a minor obstacle to frontier expansion and State presence in the rainforest, but a challenge to the very core of its technological discourse. These groups implicitly become ideological opponents of government plans and of international objectives intended to spread modernity and development. Since these groups do not want to be sedentary, do not like roads, reject socioeconomic exchanges, and do not care about accumulation, they are perceived as the epitome of anarchy and autarchy.
On the other hand, and contrary to the usual depiction of indigenous people who criticize government activities, isolated peoples are not poor inhabitants in need of state paternalistic philanthropy, expressed by providing titles to land or military controls to “protect” these groups. They are in opposition to the state. Their aim is a stateless society, or one without a monopoly on power, where power is held by everyone. Thus, it is credible that when these groups attack intruders, they do so as a warning to those who challenge their particular social organization, not only their land.

In the context of the resource frontiers extending into the lands of isolated peoples, these peoples are on a collision course with the so-called modern world. An asymmetrical crash is inevitable, as the former have fewer choices open to them in order to ensure their cultural survival. For today's society, it is difficult to understand and accept the way of life of isolated people without associating them with poverty, ignorance (backwardness), starvation, disease, intertribal quarrels, and bloody confrontations. These perceptions lead to the conclusion that what these people need is charity rather than that their rights to be fully respected. Thus, the prevailing discourse that emerges is translated into conscious and unconscious demands for humanitarian support for these people and, at most, a paternalistic concession of rights.¹⁵ (Yost 1979, 1981; Aldridge 2012)

In the convulsions caused by frontier expansion in traditional lands, the result is an asymmetrical confrontation, in material and ideological terms, between the owners of the lands and the developers (oil, gas, timber). This confrontation, which is, at base, between the state and the hunters and gatherers, is a confrontation between the

¹⁵ All the activity of evangelical groups regarding the Auca people has had charity as the underlying moving factor, and the idea of contact itself has been assumed as a pioneering missionary strivings “for the social uplift of the world’s indigenous peoples.” (Aldridge 2012: 21)
socially constructed complexity of modern society against the simplicity of the isolated societies. The ideological complexity of improving the environment to survive against the simplicity of destroying the forest to produce wealth. The millennial creators of cultivars everywhere in the forest are confronted by the mobilizing destruction of frontier expansion.

Thus, the isolated pose a challenge for governments and international organizations because they reject the plan of modernity that humankind has been promoting for the last sixty years, since the end of World War II. This project is based on the increasingly real and symbolic interaction of all people of the world, a universalization of norms and values, and the achievement of Western socioeconomic standards. In light of these goals, isolated peoples are perceived as an obstacle to development activities, and an anachronism.

Notwithstanding support for human rights in general, and for the specific rights of indigenous peoples, as well as widespread interest in protecting traditional cultures and the lands and ecosystems in which they live, isolated peoples face an ideological challenge to their social, cultural, and physical stability, which is the virtually universal lack of understanding of their way of life. While the ecological and social effects of frontier expansion on the traditional lands of the isolated are weakening them physically, the lack of understanding of their way of life denies their very being. Therefore, they are increasingly becoming utopian societies, or societies that cannot exist under the generally accepted concepts of global modernity. This is true in practice because, according to the key philosophic and socioeconomic notions of today’s, societies it is not possible for a human group can survive without accumulation, social and economic
exchange, and political connection, among other traits. Thus in practice, for these societies isolation is the only option.

The result is that isolated peoples now find themselves living in a state between invisibility and incredulity. They are not real people, because if they were, they would get themselves integrated into global society. However, said integration into outside society means the destruction of the inner traits of their cultures. Autonomy, land control, respect for cultural seclusion is something modern society cannot afford. Thus, isolated peoples as cultural identities, whose isolation is a survival strategy, whose political identity is based on egalitarianism their particular way of being human is condemned to disappear.

**Cultures at Risk**

The French anthropologist Georges Balandier noted in 1951 that “[o]ne of the most striking events in the recent history of mankind is the expansion of most European peoples throughout the entire world. It has brought about the subjugation and, in some instances, the disappearance of virtually every people regarded as backward, archaic, or primitive” (1951, page). Replacing the phrase “European peoples” with the word “development” (which, indeed, is part of the Western ideology), this quotation accurately describes what is happening today to the world’s last hunters and gatherers. By introducing complex socioeconomic and technological dynamics into traditional lands, the development ideology is subjugating the last hunters and gatherers of the world; their social and ecological territories are being disarticulated and rendered unable to support and make possible reproduction of their cultural identity.

Three sets of problems, material, ideological, and biological in nature, are threatening the survival of the isolated people. All of these have the capacity to push
these groups over the brink of cultural and even physical extinction. The problems mentioned are linked with the different degrees of approximation each group has with the wider society in general or with neighboring groups. Among these problems are loss of land as well as harassment by loggers, miners, drug traffickers, fur traders, and other indigenous groups (Huertas 2004).

Frontier expansion due to natural resource extraction and its accompanying processes of colonization, infrastructure construction and road opening, and trade and illegal activities in and around traditional lands expose isolated peoples to unknowns that overwhelm any culturally devised managerial capacity for coping with external pressures.

Now, the modern processes of frontier expansion are intensive and extensive, leaving no room for escaping its effects. They encompass isolated groups, barring all avenues of flight to somewhere else in the forest. They are permanent rather than temporary, as were the old frontiers. Today, isolated groups have little opportunity to exercise their cultural survival strategies. It is increasingly difficult to find places to hide from external threats; they are losing their cultigens as they lose their land, and they are being harassed by all kinds of dubious and/or well-intentioned stakeholders: loggers, drug and wildlife traffickers, journalists in search of a sensational story, missionaries, government agencies, NGOs, and so on. All are legal or illegal agents of a power system that the isolated culturally reject. All come with a different agenda, but all are equally harmful for these cornered peoples.
In the last three decades, a wave of oil and gas projects has been implemented in practically all the areas of the Amazon and Chaco, where most of the last isolated indigenous peoples live today. Figure 4-2 shows areas of the western Amazon where development projects threaten traditional peoples.

On the other hand, isolated peoples are also in danger because of ideological threats. Unconsciously, modern society (governments, companies, international organizations, religious groups, among others) consider these people to need contact in order to be civilized, provided medical assistance, taught the word of God, protected. Because of their invisibility, they are barred from exercising any type of rights. So they
have become ensnared in an ideological trap created from feelings of legitimacy, philanthropy, and solidarity.

The last set of threats is the result of the biological condition of the isolated people. Since isolation have prevented them from developing immunological defenses to viral and bacterial exogenous illnesses, viruses and bacteria brought by outsiders into their territory, can easily infect them with deadly effects. Diseases introduced by invaders during the different waves of frontier expansion, played a major role in the decimation of indigenous people. Diseases have been depicted as a “more terrible threat than the conquerors and more deadly than sword and gunpowder”\(^{16}\) (Ashburn 2010 [1947]: 98). This threat was responsible of the demographic collapse in America during the first decades of the European conquest and continued killing hundreds of Amazonian identities during colonial and republican times. It remains a deadly hazard today. Frontier expansion not only introduces new diseases into indigenous territories, but also promotes the spreading of known illnesses by weakening the living conditions of the people.\(^{17}\) Diseases brought by colonization are still a threat for indigenous people. Sponsel (1994) relates how Yanomami indigenous people from Brazil have been affected by hepatitis, diarrhea, measles, venereal disease, and even AIDS, as a result

\(^{16}\) “Smallpox was the captain of the men of death in that war, typhus fever the first lieutenant, and measles the second lieutenant. More terrible than the conquistadores on horseback, more deadly than sword and gunpowder, they made the conquest by the whites a walkover as compared with what it would have been without their aid. They were the forerunners of civilization, the companion of Christianity, the friends of the invaders” (Ashburn 2010 [1947]: 98).

\(^{17}\) Even now, living conditions are producing a death toll among indigenous people in Brazil. BBC World News reported, on March 5, 2005, that six indigenous people, of the Brazilian Guarani and Kaiowa reservation, died due to malnutrition. In that reservation more than 11,000 indigenous people live, “squeezed into an area designed for 300 people.” Violent clashes over land have occurred in the area, between indigenous people and farmers. “Settlers have long since occupied all the land, turning it today into a vast prairie of soy, providing rich profits for farmers” while the indigenous people “live on government handouts in tiny reservations” (BBC 2005).
of development projects sponsored by the Brazilian government. Yost (1979) reports an epidemic outbreak of poliomyelitis among the Huaorani in 1968, with a death toll of 16, and Shelton (2013) states that, in the mid-1980s, a brief encounter of the Nahua people of Perú with some loggers resulted in a respiratory infection of the natives who, when they returned home, infected the rest of the community killing about 60% of its members.

The situation the isolated people are enduring due to extractive activities in their territories, together with harassment by loggers, drug traffickers, and other illegal stakeholders, may have put these groups at extreme physical and cultural risk. In some cases, these activities have exacerbated internal and interethnic rivalries leading to clashes and massacres as those that occurred to the Taromenane of Ecuador. These issues are damaging the social fabric and overwhelming the coping capacities of isolated peoples to deal with threats and risks. As a result, they become less resilient, increasingly vulnerable, and unable to recover completely. Moreover, the shocks they withstand occur with such frequency that there is little or no time for recovery.

The continual problems isolated peoples are experiencing has led to alarm about their vanishing. A number of observers are afraid that an ethnocide, i.e., genocide, of these ethnic groups is underway (Camacho Nassar 2010). Based on Diez Astete (2004), and estimating levels of vulnerability, Camacho Nassar (2010) has presented basic principles for assessing the risk of ethnocide against indigenous peoples. These principles are based on the following criteria:

1. The demographic dimension (minority peoples are at the limits of their possibilities for biological reproduction).
2. The availability of living space (lack of territory for their material reproduction and aggression onto their territories).
3. Exclusion from basic services (lack of public services, such as education, health, drinking water, electricity, and so on).

4. The presence of serious health indicators among the population, expressed as high rates of preventable mortality. This is particularly important among peoples in isolation or initial contact, who do not have the antibodies to protect them from the diseases of wider society. These peoples are particularly vulnerable to serious illnesses, frequently as a result of their social marginalization (HIV/AIDS, TB, malaria, pulmonary mycoses).

5. Physical and cultural aggression (on the part of logging companies, coca growers, chestnut sellers, miners, etc; Pentecostal churches, settlers, fishers and hunters, among others).

6. Geopolitical factors (peoples in border areas with Peru, Brazil, and Paraguay). The availability of food, frequently associated with having sufficient living space to maintain shifting production systems.

7. Displacement of their culture and the destruction of their social fabric (loss of social structures and culture expressed, among other ways, in the partial or total loss of their language, their social cohesion, power structures, and cosmogony).

8. Environmental contamination, which places their survival at risk by affecting the balance of their natural resources. For example, pollution of the rivers due to mining, coca processing, oil exploitation, and agrochemicals.

9. Relationships of captivity or servitude (peoples or segments of peoples that are suffering under systems of servitude, captivity or similar) (Camacho Nassar 2010, 103).

To these criteria it is important to add geographical siege and territorial strangulation produced by frontier expansion. The increasing socioeconomic activities surround indigenous territory and block the paths to their cultivars or destroy them, reduce areas for trekking and moving, depriving them of sacred places.

It is also important to mention the ideological threat of the still latent prejudices regarding savagery, civilization, modernization, development, present in different forms and intensity in governments, international organizations, peasants, and public opinion in general. The main effect of these ideas now is that they unconsciously justify the erosion of the material and social basis of isolated cultures, normalizing the destruction of forests, the building of roads, agriculture expansion, colonization, the incursions of tourist agents, all kind of researchers, and other activities that annoy isolated peoples.
Although the problems due to frontier expansion are affecting core elements of isolated peoples’ cultural and physical reproduction, there are no clear legal measures to pragmatically secure their continuity as peoples with the right to maintain their own identities and ideologies.
CHAPTER 5
THE AUCAS, THE HUAORANI, AND THE UNCONTACTED PEOPLE

The Aucas were the last native people to be contacted in Ecuador, an event that took place almost 60 years ago. They lived in secrecy for centuries on hilltops in the hinterlands, constantly fleeing and hiding, in fear of raids by strangers. In 1956 they received international attention when they killed five Evangelical missionaries who were trying to make contact with the group in question. Killing intruders in their lands has been a customary expedient for these warriors who have harassed and killed neighboring people, missionaries, and travelers for centuries, since the beginning of the colonial period. These incidents have won for the Auca people a reputation as implacable foes from the forest.

*Auca* is a Quichua word usually translated as “savage,” though its more precise meaning is “rebel.” It was conferred on these people until they were contacted by the surrounding Quichua society, in an effort to characterize the fierce and merciless warriors around whom the outside society has created an environment of violence and misunderstanding. The idea of the fierce warrior comes from the assumption that, like all societies, the Aucas must be contacted, controlled, and (re) organized according to terms of domination imposed by outside interests. Their refusal to accept contact and a subaltern identity conferred by others has been taken for defiance, triggering a process of ideological and physical subjugation in order to dominate the free clans.

The process of conferring a new identity on most of the Auca people was completed by the mid-1970s after more than a decade of evangelization in the Auca Protectorate controlled by Summer Institute of Linguistics missionary Rachel Saint. Then the Evangelical linguistics group announced that the correct name for these
people is Huaorani,¹ which means “the true people” in their native language.² Since then
the name “Huaorani,” has meant the civilized people those who “believe in the existence
of Huegongui “God-Father,” who forbids killing and allows persons to have one spouse
only” (Rival 2002: 163). Consequently, there was an implicit motive to abandon the
name “Auca,” which now had pejorative connotations, and it became politically correct
to avoid it in academic and mass audience publications and even in ordinary exchanges
involving indigenous and non-indigenous people. The underlying rationale in avoiding
the use of the word “Auca” is because it implicitly identifies these people with
primitivism, a condition that was said to have been eliminated by their evangelization
(Boster et al. 2004). The new name, Huaorani, refers to the part of this culture that has
accepted contact with the outside world and become “civilized”. The others, those who
refused to live in the Evangelical protectorate and opted to continue living their
traditional isolated, nomadic, hidden life, were called “uncontacted,” a word which refers
to the Tagaeri, Taromenane, Oñamenane, Iwene and maybe other people more, still
unknown who refuse to incorporate into the mainstream society. Internationally, these
people as well other of the same type that dwell in practically all Amazonian countries
have come to be known as “free people,” “invisible people,” “hidden people,” or,

¹ Adjectival form derived from the noun huao (person, human being) and rani (plural marker). Huaorani
means, literally, “human beings,” and is the plural of the word huao (or wao, depending on the phonetic
system used). The singular form can be also used as an adjective (i.e. wao land, wao language). Other
humans, the non-Huaorani, that is, the outsiders, are the cohuori who are considered cannibals.
According to members of this group, the Huaorani are under constant threat of being captured and eaten
by the cohuori, the ‘non-Huaorani’ (Rival 2002: 51). The name of the group is also spelled “Huaorani,”
when using Spanish phonetics or “Waorani,” in English phonetics. Other spelling are Waodani, Huagrani,
Huaodani. (see Rival 2002).

² In many indigenous languages, the term for the group is either the same as or synonymous with “human
being.” For example, the Guaranies call themselves Ava, which means “people”; the Guayaki from
Paraguay say they are Aché, or “persons”; the Waika from Venezuela call themselves Yanomami, which
means “people” (see Clastres 1981: 58).
bureaucratically, “indigenous peoples in voluntary isolation and initial contact” (Shelton et al. 2013).

With more than a decade living in an environment controlled by Summer Institute of Linguistics, SIL, missionaries and a new identity, the Huaorani have increasingly adopted key socioeconomic traits of the national society. The uncontacted (i.e., Taromenane, Tagaeri, Oñamenane, and other clans), those people who refuse to establish a relationship with the national society, have continued experiencing the threats and the increasing social vulnerability resulting from the inexorable frontier expansion of the “West” into “untamed” social and ecological realms.

This Chapter provides the historical and cultural framework of the Aucas-Huaorani people, in order to grasp an understanding of where the uncontacted groups come from and why they are experiencing issues beyond their cultural comprehension and social capabilities to deal with threats and, subsequently, to recover. Here we review the core issues that define the Huaorani and uncontacted peoples today and explain why these current heirs of the mythical warriors of the past may seem likely to undergo cultural and physical extinction.

It is important to remember that most, if not all, accounts, interpretations, and opinions regarding this Amazonian people during the last four decades, call them “Huaorani,” the politically correct term, as mentioned, even when denoting to them in pre-contact contexts. Referring exclusively to the Huaorani can be confusing because it makes invisible the other groups who were part of the same cultural identity, but who are now substantially different. These groups, generically called the “uncontacted,” are the Taromenane, the Tagaeri, the Oñamenane, and the Iwene (there may be other
groups as yet unidentified who did not accept the life plan that the Evangelical missionaries proposed to the people now known as Huaorani, but previously referred to as Aucas). On the other hand, talking about the Huaorani, when dealing with pre-contact times is also confusing because there was no group with such name before the early 1970s. As we will explain in further detail the “Huaorani” phenomena was not a simple matter of adopting a new name; it also marked the acquisition of a new cultural identity, with new values, new power relations, and a new socioeconomic environment.

In order to avoid confusion here, we will use the name “Auca”, when referring to matters that occurred before the 1960s, when the members of this people split into new groups as a result of interference by the Evangelical missionaries. We will use the name “Huaorani” when referring exclusively to these clans that accepted contact and integration with the wider socioeconomic realm, and “uncontacted” or “isolated” when denoting the Taromenane, Tagaeri, Oñamenane and other still-hidden clans.

**An Unconventional People**

“A pure Stone Age people, they hate all strangers, live only to hunt, fight and kill. Their most notable products are needle-sharp, 9-foot, hardwood spears for use against human foes. . . . Even their neighbors, the Jivaros, famous for shrinking human heads, live in constant fear of the fierce Aucas” (Time 1956). This was the first known global depiction of the Aucas, after an attack they carried out against outsiders attempting to enter their traditional lands. The national references to that people were no less sensationalistic. They were described as “savage animals,” “bloodthirsty,” “pathological killers,” and so on (Rival 1994).

The Auca people of the Ecuadorian Amazon was an isolated group until the mid-1960s when most accepted a way of life based on Western concepts (i.e. sedentary
lifestyle in villages, Evangelical religion, and Western medicine, are some of the manifestations of that lifestyle). The history of this native society before contact is known only from a body of reports and opinions from travelers, ethnographers, and neighboring people, particularly the Quichua; oftentimes the reports are exaggerated. The underlying notion of everything that has been reported about the Aucas is that they are a feared people because of their formidable attack strategies, which include ambush and rapid retreat into complete invisibility until the next action somewhere in the huge territory they controlled in the old days.

Since colonial times, there have been vague relates about bellicose tribes that conducted furious attacks against outsiders who entered in their territory. They were referred, confusingly, as Omaguas, Aushiris, Aushiris, or Abijaras by missionaries and explorers (Ziegler-Otero 2004; Rival 2002; Karsten 1998). Ecuadorian society knew of these people as Aucas, beginning with the rubber boom period (1880-1920) when written reports were disseminated about attacks by fierce natives against strangers.³ It is likely that the Quichua-speaking peoples, who acted as colonial and neocolonial intermediaries,⁴ with “savages” groups (Renard Casevitz et al. 1988), started using the Quichua word “Auca” by the late 1800s or early 1900s to refer to people who had been known as “Aushiris” or “Avishiris.” It is obvious that said denomination had been given to them because of their defiance towards neighboring people and other outsiders. By dubbing them “Aucas” the Quichua people supposedly meant “savages.” However, the

³ Based on the scant information collected by travelers, missionaries, and newspapers, Cabodevilla (1994) presents a record of attacks involving the Auca people, starting in 1895; he provides details regarding the date, place, and casualties resulting from each known incident.

⁴ These peoples emerged as a cultural identity from the Jesuit reservations where they were “domesticated” and adopted Quichua as their lingua franca. These native groups where intermediaries with “domesticated” peoples (see: Renard Casevitz et al. 1988).
term in the Quichua language means “rebel” and “insurgent.” Thus, using the word “Auca” to refer to the people then known as “Avishiris” and now as “Huaorani” and uncontacted would not be derogatory but, rather, descriptive.

Suggesting that the word *auca* has derogatory connotations betrays a religious bias, implicitly associating that people with the days of primitivism and sin which the missionaries suppressed by contacting and evangelizing them. Further, calling these people *Huaorani* implies a people who have been “domesticated,” “civilized,” “Christianized,” who have left behind their history of nomadism, nudity, murder, polygamy, and other practices associated with savagery.

On the other hand, the word “Huaorani” also implied the transformation of some clans into a new cultural identity, abandoning the core traits of their vernacular culture and adopting a new worldview promoted by the cultural nemesis of their traditional cosmos. The new values, new power relations, and new socioeconomic environment that implied acceptance of the life plan proposed by the SIL Evangelical missionaries automatically confronted the brand new Huaorani identity with the Tagarei, Taromenane, Oamenane, Iwene, and maybe other uncontacted people who preferred to keep the Auca-Aushiri traditions based in the synthesis of nature and society. In a wider view the resulting issue of cultural transformation of the Huaorani has been contrary to past processes of ethno-genesis, where the decision to adopt a new identity

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5 According to a dictionary of the Quichua language, the first meaning listed for “Auca” is “not baptized” (*tucui llactacupani*) and, by extension, “people that do not adapt to the community’s ways (*Tucui manarac shitishicha runacuna, Mana chican llactacunapi yacharic runa*). The second meaning provided for “Auca” is “soldier of the Inca Empire” (*Incacuna pachapimana lactaman chican runacuna ama yacuchun nispha rucuric runacuna*). (MEC 1982). Thus, although the word *auca* may have been culturally defined as *savage* by the Quichua people of the Amazon, in the Incan worldview this word implies defiance, insurgency, and power. In the dualistic Andean culture, *auca* and *yachaj* were complementary designations for warriors, conquerors, and manager-diplomats, respectively (Medinaceli 2006).
is made exclusively by the peoples involved. In the creation of the Huaorani identity, the SIL and the oil companies have had an important role.

When oil exploration began in the traditional lands of these people in the late-1930s, company personnel were attacked by the people whose land they had invaded. Because of these attacks, the name “Aucas” caught on among popular classes of Quito to the extent that a soccer club was named “Aucas” and promoted by the oil company whose members were harassed by these indigenous people, became one of the most popular soccer teams in Ecuador. The Aucas soccer club, which exists as such today, may be the only case where “political correctness” regarding that indigenous word has not been observed.

The Auca-Aushiri controlled a large territory, more than 20,000 square kilometers of pristine rainforest between the Napo River in the north and the Villano and Curaray Rivers in the south, spanning from the foothills of the Andean cordillera to the border between Ecuador and Peru (Figure 5-1). That territory, however, has been subject to several administrative partitions as a result of oil development, the last wave of frontier expansion in Auca-Huaorani territory.

As a survival strategy, or for cultural reasons, these people avoided relationships with other ethnic groups for centuries and did not settle along any river but, rather, on poor hillsides unattractive to other groups and, thus, safer. As several authors have

6 The Royal Dutch Shell Oil Company, inspired by the courage with which the Auca people confronted their enemies, named the soccer team they founded in Quito, in the mid-1940s, the Sociedad Deportiva Aucas, SDA. The team exists to this day, but without the oil company’s support. Since its creation, the SDA has been one of the most popular soccer teams in Ecuador.

7 The altitudinal difference between the hills and the lowlands in the Upper Amazon is over 500 meters, with the average temperature dropping to less than 25°C at higher levels where rainfall is most intense (Newson 95,79). Intense rainfall, mountains, and closed forests create a perilous scenario for riverine groups, conquerors, and other potential invaders.
noted the rich soils of the floodplains or varzeas in the Amazon basin, where highly desired areas since pre-Columbian times, disputed in intense warfare to get control of the fertile lands existent there and have access to the abundant fish and game (Rival 2002; Stanfield 1998).

Figure 5-1. Traditional Lands of the Auca/Aushiri people (Source: PROEL 2013)

It is debated whether the Auca people has chosen to live in that territory as a way to keep its autonomy and identity or just forced to flee there from powerful groups that expelled them from better lands. If so, it is also unknown if these dominant outsiders were pre-Columbian tribes warring for controlling the floodplains or European
conquerors and colonizers chasing indigenous peoples for enslaving and getting control of their lands and labor.

According to Zerries (1982) and Cipolletti (2002), the Auca people are a product of an ethnogenesis, due to miscegenation among several peoples who fled from the Jesuits’ colonial reservations. Their history could explain the hostile attitude toward strangers. However, Rival disagrees with this view which, if true, would be linked with cultural devolution. Rival (2002) maintains that the nomadic, hunting/gathering way of life of the Huaorani should not be seen as a postcolonial phenomenon because it may “represent cultural and political choices already present in pre-conquest values and social forms” (2002: 179).

Those groups that refuse contact with the broader society continue to practice a traditional life style. They wear no clothing. Families live in spacious structures around twelve meters long, six meters wide, and five meters high, a space that can accommodate up to four families with about eighteen members. Nomadism life is among their particular traits, engaged in for subsistence, tactical, and ecological purposes. By not remaining more than a few months in any given place, they avoid being spotted by foes and take advantage of the better yields in the new places where they settle for a short period. By moving to new locations, they also promote the

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8 Indigenous reservations were settlements established in Latin America during the 17th and 18th centuries to bring together scattered native populations in a single place in order to Christianize them, facilitate tax recovery, and exercise better political control. The Jesuit reservations were the best–known, created principally in the Amazon, the Chaco (Paraguay), and the Chiquitania (Bolivia) regions (Cunninghame 1998). In the Ecuadorian Amazon the Jesuits created about ten reservations along the Pastaza, Corrientes, and Tigre rivers (Renard Casevitz 1988).

9 As explained in previous chapters, cultural devolution is a concept proposed by Levi Strauss (1963) to explain societies whose scant material possessions do not correspond with their highly developed conceptual representations and cultural cosmologies. Said regression would be due to wars, persecutions, and constant displacement affecting productive practices.
biological recovery of the previous site, which ensures food security when they return to
the same plot. Their visits to each plot are cyclical. During the few months they remain
on a specific plot, they build a house, collect wild plants, prepare the soil for planting
manioc, hunt, and explore the forest in search of the plants they need for the daily life.
They usually replant species in their “wild gardens” creating cultivars that are
abandoned every few years as production declines. Their settlements of thirty to fifty
people are located within one or two days’ walk from closely related settlements
(Southgate 2009, 16-17).

Since they never know when they might have to flee and re-establish a home,
they keep an inter-generational record of the wild gardens or cultivars they have created
throughout their territory in order to have several alternatives, where food security is
assured, when a threat appears (Rival 2002; Warren 2002).

Contrary to their reputation as fierce warriors, the members of this tribe are said
to live in social harmony. Although there is little individual privacy, the family
environment of this people has been described as guided by an ethic of respect for
rather than interference in personal matters (Warren 2002). According to Warren
(2002), the clans that were part of the Aucas (i.e. the Huaorani and then the
uncontacted) maintain strong social ties and theirs is an egalitarian society with no
concept of competition or rank, where children have nearly the same status as adults,
and there is greater gender equality. Traits like these, that evidence a higher degree of
social perception in a setting of very few material possessions may be explained by
applying the concept of cultural devolution, which according to Lévi Strauss (1963) is a
regression from a higher level of culture caused by complete change in living conditions
due to forced displacement resulting from the need to flee from overwhelming forces. Once settled in new lands where the victims of the forced displacement recover from a massive aggression, they do not have the same level of material achievement enjoyed before, but were able to keep intact their social concepts and cosmology.

“The Worst People in the World”

The Auca people came to the world’s attention in early-1956, when US Evangelical missionaries tried to establish a relationship with members of the group in order to convert them to the Evangelical faith. In order to make friends with the Aucas, then a completely uncontacted group of clans, the Evangelical missionaries devised a simple plan intended to destroy the desire for isolation and rejection of outsiders, a trait that had characterized the Aucas for centuries. The basis of that plan was to provide colorful gifts, tools, and food, and to broadcast over loudspeakers messages of friendship in their native language. However, this simple plan was, in fact, a complex one, operationally speaking. It involved the use of an updated map, only available at that time from the military and oil companies, the existence of a well-established radio communication network, contacts in Quito, the Ecuadorian capital, and in the Amazon rainforest to have all the equipment and materials needed for building a camp in a rainforest that had no infrastructure, and, finally, an airplane for flights, each one several hours in duration, using the only strip in the Ecuadorian Amazon at that time, located in the town of Shell Mera. All these material and logistical elements represented a huge investment and much political influence. This suggests that the contact operation was

10 The air strip was opened by the Shell Oil Company to facilitate its activities in the Amazon during the 1940s.
not an isolated action with idealistic motivation, but a calculated piece in the opening of a new frontier in the Upper Amazon.

The contact was organized under a mission named “Operation Auca” by five young US missioners belonging to Evangelical groups working in different indigenous communities in the Ecuadorian Amazon.

Details of the Operation Auca beyond the religiously biased information provided by Evangelical organizations, is scant. However, it is possible to intuit in this action implicit pressure from an interested party in Auca territory, in order to carry out the contact operation. Nathan Saint, one of the five missioners, wrote a daily description of the mission’s progress in his diary and he also reflected the reasons why this operation should be conducted. On October 2, 1955, just three months before his tragic death, he wrote the following:

…we decided that our efforts should be carried forward as secretly as practical so as to avoid inciting other non-missionary groups to competitive efforts that would undoubtedly employ a heavily armed invasion party action overland. (Life 1956: 12).

This was a clear reference to the possible use of armed mercenaries to invade and subdue the Aucas to control their lands. At that time, the only significant socioeconomic activity in the Amazon with an interest in controlling the Auca indigenous

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11 Since the Ecuadorian-Peruvian war of 1941, as a result of which Ecuador lost control of more than half of its Amazon territory, the government and the military have been very cautious regarding activities by foreigners in this region. However, by 1960 the Summer Institute of Linguistics was able to bring the president of Ecuador to a remote Evangelical station, Limoncocha, in the Amazon. This issue reveals the clear confluence of ideological, political, and economic interests in the evangelization process which ultimately spearheaded the opening of a new frontier in these lands. As in colonial times, these Evangelical missionaries (the Christians of the new empire), performed the process of pacifying and domesticating indigenous communities.

12 The diary was found by the US rescue mission deployed from Panama to the Ecuadorian Amazon to recover the bodies of the five missionaries killed by the Aucas in January 1956.
people was Shell Oil Company, whose employees were prospecting. The use of mercenaries to deal with the Aucas has been already reported in the 1940s when the Shell Oil Company drafted and armed Shuar and Quichua people to conduct raids on groups who represented a risk for employees involved in exploratory activities (Cabodevilla 1994). Later, in the 1970s and 1980s, mercenaries were again reported to have been contracted to hunt for uncontacted people (Fieweger 2000; Kimerling 1994, 92; Cabodevilla 1994, 434). But the fear the US missionary expressed, regarding an armed attack against the Aucas, may also have been induced by Evangelical organizations working in Ecuador at that time, in order to motivate the five young US missionaries to take part in this mission by presenting it as a transcendental, heroic task which would save the lives of these people whom society regarded as savages. In any case, these words in the missionary’s diary reveal the interest to open the way for exploiting the resources in their territories. In other words, the missionary’s words are consistent with the discourse characteristic of all waves of frontier expansion.

The death of the five missioners was reported on the front pages of newspapers around the world. But the death of one of the native attackers, Nampa, who was shot by Nathan Saint, the pilot of the mission received no coverage. This death was known soon after because he was brother of Dayuma, an Auca girl, who had aided the operation by providing information about her people and teaching their native language to the missionaries. That incident, on the sandy banks of the Curaray River in 1956, is a sign that the evangelical organizations behind the operation were determined to make

13 The Shell Oil Company signed a five-year contract with the Ecuadorian government in 1949, which was subsequently extended for three more years (see Republic of Ecuador Registro Oficial 89, December 18, 1948).
contact, even if that involved confronting the Aucas. The missionaries knew that by setting foot in Auca territory, they were seriously provoking the indigenous people and that the response was likely to be an attack, the only way these people had dealt with this sort of situation for centuries. That was why firearms were among the items the missionaries had taken along. However, some sources claim that only one of them used his gun, shooting and mortally wounding one of the assailants. However, Evangelical sources claim that although all five missionaries were armed, none of them fired at the Aucas (Martin 1993), while other sources claim that more than one missionary fired on the assailants (Trujillo 1981).

Obviously, the Aucas would have developed strategies for confronting visitors, even those who appeared to be friendly. It could be said that what happened there was an encounter between two deceitful parties: one convinced of their moral and material superiority who based on the gifts and other stratagems, expected to gain the confidence of the Aucas and to destroy their desire to remain isolated. And, on the other hand, the Aucas, who sent observers to visit the intruders at Camp Beach, also expecting to gain the confidence of the strangers and instill in them a false impression of friendliness in order to assure the success of the attack. We will never know what really happened on the riverbank that afternoon in January 1956, but it is obvious that the Aucas used a cultural strategy to thwart a threat. In that collision, each party hoped to gain something from the other. But the missionaries, hoping for contact (and the beginning of acculturation), found death, instead. The Aucas, for their part, meted out

14 Of the five missionaries killed, two were World War II veterans.
that sentence to the intruders, and suffered the death of one of their people, in order to keep their culture intact.

Beyond the world’s attention and the expressions of solidarity for the five missionaries and their devastated families, the religious organization that plotted this plan gained enormous media attention, funding, and legitimacy as result of that sacrifice. The fate of the five missionaries was similar to the fate of Bishop Alejandro Labaka and the nun Inés Arana, who just three decades later also flew to a Tagaeri location in order to meet them. This time, however, these religious were unarmed, and without a plan to indoctrinate the natives. According to Cabodevilla (1994) they landed in the Tagaeri territory in order to contact them and avoid a confrontation with oil companies ready to start their work there, with armed bands for protection. They were also speared to death by the same kind of indigenous people who killed the five Evangelical missionaries. In both cases, it is likely that oil companies were, directly or indirectly, responsible, hoping to put an end to these annoying Indians who were holding up their developmental activities.

In any event, the 1956 incident turned the Aucas into a legend, and a sensationalistic one at that. The plan to approach the Aucas was a contact forced upon them. The indigenous people were being obliged to interact, as in the past, with those who brought to the forest their entire Western prejudices. The day the Evangelical missionaries died, the West was, once again, coming upon a “backwater primitive tribe

15 In 1957, SIL presented Dayuma, the Auca woman their missionaries had converted, to the world during events across the United States, including the television show “This Is Your Life” and one of Billy Graham’s crusades, in New York City. These events generated significant funding for SIL and contributed to the popularity of Rachel Saint (Aldridge 2012).

16 Labaka has said that “he has nothing to teach” to the uncontacted people. So a catequization interest was not what encouraged Labaka and Arango to meet the Tagaeri, at least not as a principal goal.
scratching out a mean existence in jungle clearings…” And that day, “two alien cultures — one dedicated to spreading the gospel of Christ, the other to war and murder— clashed” (Cowart 2005, 179).

This incident was extensively used by Evangelists to promote public attention for their group and to get funding and new members. A few weeks after the attack the US Time magazine called the Aucas “the worst people on earth” describing them as “A pure Stone Age people, they hate all strangers, live only to hunt, fight and kill” (Time 1956).

**The Work of Evangelical Groups**

Evangelical organizations have worked in Ecuador since the end of the 19th century. By 1945 they had created the Alianza Cristiana Misionera (Christian Missionary Alliance) composed of groups supported basically by US organizations. Among the groups working in the Amazon there were the Gospel Missionary Union, the Missionary Aviation Fellowship, Christian Missions in Many Lands, and the Summer Institute of Linguistics, SIL.

The Summer Institute of Linguistics (known in Ecuador as “el Instituto Linguístico de Verano de la Universidad de Oklahoma”17 or simply “Instituto Linguístico de Verano”), was the most important of these groups because of the ideological transcendence and political leverage of its work. It would appear that this group did not participate directly in the organization of “Operation Auca,” but the pilot (Nathaniel Saint) had a sister who worked with SIL in Peru and, by 1955, had started to learn the Auca language to approach these people. After the missionaries were killed, that sister,

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17 The institute has conducted summer courses with the University of Oklahoma and University of North Dakota since the early 1950s (Willibrand 1953). Byron: Given the specificity of this information, a page number is required.
Rachel Saint, got deeply involved in missionary activity making contact with and pacifying her brother’s killers. This provided SIL with complete influence in making contact with and evangelizing the Auca people.

SIL conducted activities in Ecuador beginning in 1952, invited by then-Ecuadorian president Galo Plaza Lasso (1948-1952). But it was in 1956 that they signed an agreement with the Ecuadorian government. The goal of the agreement was to “study aboriginal languages, compile cultural information of the indigenous communities, and on their medicinal customs.”\(^{18}\) SIL carried out linguistic activities with the Shuar / Achuar, Cofan, Siona, Quichua, and Auca (Huaorani) native people of the Amazon. In 1981, the administration of the president Jaime Roldós decided to end the agreement with the SIL because it believed that its activities were not compatible with national development priorities, particularly with those of the Amazon region and with scientific research with a “national sense.”\(^{19}\)

SIL was a US Christian non-profit organization devoted to “train[ing] students in techniques for the study of unwritten languages and has among its ultimate goals the development of literacy programs and the translation of the Bible into the vernaculars of tribes in isolated areas” (Willibrand 1953, 352). The conversion of “unreached people” was a parallel core goal of this organization, which was founded by oil and timber companies and accused of aiming its activities to promote social change in indigenous societies by cultural assimilation and to act as a cover for CIA and US military activities (Hvalkof and Aaby 1981; Cleary and Steigenga 2004), often exacerbating internal

\(^{18}\) See Executive Decree 1710, of August 16, 1956.

\(^{19}\) See Executive Decree 1159, of May 22, 1981, published in Registro Oficial No. 5 of May 29, 1981.
problems, contributing to the ethnocide of indigenous groups by supporting government policies of cultural assimilation.

In Ecuador it has been said that the SIL conducted its activities in the Auca-Huaorani territory to facilitate oil expansion, allowing easy access to the fieldwork sites where oil workers were often harassed by the Auca people (Warren 2002; Aviles 2008; Sandoval 1988; Trujillo 1981). According to Rivas and Lara (2001), the creation of the Protectorate, promoted by SIL in an area where most of the Aucas clans were driven to live together, was carried out upon the request and support of the Texaco Oil Company.

In general, the work of SIL in the Amazon was part of one of the waves of frontier expansion that have occurred in this area, promoted by the new demands, in terms of ideology and capital accumulation, of the modernization and development paradigms. The religious venture named “Operation Auca” for approaching the Auca people, capitalized on by SIL, was in practice part of the extended process of “civilizing savages” in which religious groups, governments, and international organizations were deeply involved during the first decades of modernization.

How the Aucas Become the Huaorani and the Cultural Split

Notwithstanding the tragic episode of 1956, SIL missionary Rachel Saint took advantage of the fact that, in the Auca’s worldview, the widows and sisters of death warriors, who wander about the rain forest after their families have been decimated, can be accepted by another clan. Rachel Saint, Dayuma (the Auca fugitive who taught the

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20 According to Warren (2002), the oil company asked SIL missionary Rachel Saint to persuade the Aucas to move from their scattered settlements to one place, to allow exploration to continue unimpeded. This move was said to be “for their own safety,” since ultimately the exploration would be unstoppable. This request was consistent with the Saint’s evangelization efforts among the Aucas.
native language to Rachel and the murdered missionaries), and Elizabeth Elliot (widow of another missionary) founded a mission among the Aucas. As they were all women, they did not represent a threat, and besides, they were related through the killings with the Aucas, thus making them eligible to live among these people. Moreover, in the group they chose to live with, Dayuma had her mother, a sister, an uncle, and other relatives. Consequently Rachel, Elizabeth, and Elizabeth's young daughter lived among the Aucas as part of the community, in spite of their ethnicity (Rival 1994).

As members of an Auca community, Rachel Saint and Elizabeth Elliot worked with SIL to evangelize the natives and produce the social changes needed to “civilize” them. After they had learned the language and introduced the basic elements of the Evangelical religion, Saint and Elliot worked with SIL to devise a psychological strategy to entice other clans to live together on a single patch of land by the Tihueno River. By 1969, SIL had created the so called “Protectorate,” an area of 16,000 hectares (about 61.7 square miles), which was later increased to 66,570 hectares (about 257 square miles), equivalent to approximately five percent of their traditional territory. According to Warren (2002), this area was created by SIL at the request of the Texaco Oil Company in order to concentrate all Aucas-Huaorani in a single reservation to stop their customary wandering about the forest and their attacks against oil workers. In other words, Auca villages were relocated in order to open the way for oil companies to enter their ancestral territory (Aviles 2008).

21 Women among the Aucas do not participate in attacks.
With a psychological strategy that included the constant aerial broadcasting of messages in the native language\textsuperscript{22} -- offering a life of happiness or punishment by a powerful god\textsuperscript{23} --, the missionaries pressured Auca clans to live in the Protectorate, obtaining power over them. This was the most cost-effective way to inform the Aucas of a threat (punishment by a powerful god) and lure them into the reservation. By putting all the rebellious people in a single place where they could be controlled, the Texaco Oil Company cleared the way for its operations in the jungle. However, the messages did not convince all clans to abandon their way of life. Although most clans attended to the invitation to live in the protectorate, some refused to live there and returned to the forest.\textsuperscript{24} In the protectorate the Aucas were basically confined, provided with food and promised great religious revelations.

The protectorate was basically a reproduction of past Catholic reservations, where indigenous peoples were forcibly controlled and acculturated. Here the missionaries pacified most of the Aucas, transforming them into a sedentary people, divesting them of their will to defend their lands from outsiders, and making all the promises that certain missionaries make to their followers. SIL missionaries also studied

\textsuperscript{22} Using an airplane borrowed from Texaco (Kimmerling 2006).

\textsuperscript{23} There is no clear information on how SIL missioners managed to convince the Auca clans to live in a single place. But it is likely that terrifying messages and images were disseminated in the different Auca villages. These messages, in their native language, alluded to an overwhelming threat, one that required the collaboration of all the clans and the temporary offend to the cultural practice of bloody retaliations. In fact, Cabodevilla (2004) transcribe the testimony of a Huaorani man who was among these coerced in this fashion. According to this witness, the message, broadcast from an airplane, warned to go to the Tihuino (the Protectorate) in order to “avoid being taken by the Father.” Being taken by somebody means to be enslaved, something the Aucas have avoided and fought against for centuries. These constant messages probably traumatized the Auca people, forcing them to accept the offer petition in order to avoid the consequences threatened.

\textsuperscript{24} Warren (2002) states that during the sixties, eleven attacks by the Tagaeri group resulted in the deaths of twenty outsiders, most likely, oil workers.
the language and the culture of the native people and carried out an intensive process of evangelization. In order to avoid conflicts, members of different bands intermarried, with wedding ceremonies in both the Christian and the Huaorani traditions (the latter involving the bride and groom captured by their relatives during a drinking ceremony, placed in a hammock, and tied together) (Rival 2002, 159). Here SIL took advantage of the benefits of intermarriage for diminishing mistrust and mutual hostility. In fact, murders in the name of vengeance between clans essentially ended from that point on, with a few exceptions.

According to Rival (2004), about five-sixths of the Huaorani people were convinced to live together in the protectorate, that is, 500 of the approximately 600 members of the groups were converted. The remaining 100 people were those who refused to be “civilized” and continued to live their traditional nomadic life, hiding in the forest and attacking outsiders as a form of self-defense in order to ensure cultural integrity.

By 1976, the Tahuino protectorate could no longer support the large Auca population living there. According to Southgate (2009), food was in short supply, epidemics occurred frequently, and the Huaorani had become totally dependent on foreign missionaries. Thus, SIL decided to relocate the Huaorani to settlements within the 67,000-hectare “protectorate” authorized by the Ecuadorian government. In order to assure some independence among the clans, the missionaries provided motorized canoes, shotguns, and fishing gear to the resettled Indians (Southgate 2009, 16-17). In the meantime, progress in oil prospecting and SIL missionary work resulted in the concentration of 80 percent of the population on less than 10 percent of traditional
Huaorani territory (Rival 2002, 210). As a result, the oil companies enjoyed a more tranquil environment in which to work.

The creation of the protectorate in the 1960s, with the help of Texaco Oil Company, brought a degree of peace for those involved in oil activities. With most of the Aucas living there and undergoing an ideological transformation, there was a significant drop in attacks. At the same time, while oil activity was increasing in Auca lands, the people were undergoing one of the most drastic transformations in their history.

The arrival of the Evangelical missionaries provoked significant social changes, with the split between contacted and uncontacted Aucas being the most important. The contacted, who later (by 1973) started to be called Huaorani, have since then increasingly assimilated into outside Ecuadorian society. By the mid-1970s they had settled in permanent villages and become increasingly involved in economic activities that came into being in the wake of oil development, including tourism activities, work as security guards, logging, trade, and so on. As part of the market economy, they also have access to firearms and other items such as machetes, knives, and so on, which gave them an advantage over the uncontacted groups. The uncontacted, on the other hand, remained isolated and nomadic, continuing their tradition of deterring intruders’ intent upon entering their land. Notwithstanding common roots, hostility between contacted and uncontacted groups arose, mostly due to competition for resources, exacerbated by oil activities.

The expansion of the oil industry meant a significant reduction of land for the uncontacted, less area in which to move and hide, fewer opportunities for collecting food and hunting, and a greater probability that their gardens and cultivars, on which
they rely for cultural and physical reproduction, would be destroyed. Thus, these people
confronted – and continue to confront – an overwhelming and ubiquitous adversary
whose presence has created persistent deterioration of the physical and cultural means
of subsistence and systematic harassment in the form of confrontations with the
military and occupation of their territory.

The Huaorani, on the other hand, do not depend exclusively on the rainforest to
survive. They have adopted agriculture and a sedentary lifestyle while abandoning
violence against strangers. They are now part of the consumer society, with full access
to food, tools, guns, and other commodities available in Ecuador’s villages. But the
uncontacted people, those Aucas who refused the call of SIL, continue to depend on the
products of the rainforest; thus, control of land and resources is fundamental for their
survival. The need to protect those resources might explain the deadly attacks of the
uncontacted on oil and timber crews, and even on their contacted brothers and sisters,
and the brutal response of the Huaorani that, in two attacks, caused around 30 deaths.
Due to oil activities and associated social processes like colonization, forest destruction,
hunting, and so on, these resources are increasingly scarce.

The evangelized Huaorani were integrated into outside society becoming
Ecuadorian citizens, receiving land titles from the government, and increasingly
participating in local, regional and national organizations. They participate actively in

25 As discussed in the following sections, oil companies have responded to the violent defense of their
lands by the isolated peoples (since they were known as Aucas and now that are known as
uncontacted), with mercenary armies made up of former members of the military and indigenous people
from the area, intended to provide safety for oil workers. These groups pursued these rebels
systematically. The invisibility of these forest people means that it impossible to know how many of them
have been murdered as a result, but behind the success of the oil industry in the rain forest (prospecting,
seismic exploration, well drilling, and so on) are the many uncontacted people who have been sacrificed
in the name of progress.
political indigenous affairs through own organizations, ONHAE (Organización Huaorani de la Amazonía Ecuatoriana) for general affairs, and AMWAE (Asociación de Mujeres Waorani de la Amazonía Ecuatoriana), for women’s affairs. They also participate in regional and national organizations, such as OPIP (Organización de Pueblos Indígenas de Pastaza), a provincial indigenous organization, CONFENIAE (Confederación de las Nacionalidades Indígenas de la Amazonía Ecuatoriana), a regional organization, and CONAIE (Confederación de las Nacionalidades Indígenas del Ecuador) the nationwide indigenous organization of Ecuador.

Some Huaorani have taken jobs with the oil companies working in their territory; others work as tour guides, and some are even involved in logging activities, associating with illegal timber operations whose leaders share revenues with Huaorani leaders in exchange for being allowed to work on traditional land. (Cabodevilla y Aguirre 2013). The Huaorani population has also grown, currently at the rate of 2.2 percent per year (Southgate 2009), reaching a population of about 3,000 people. (CONAIE)

The other consequence of contact is related to the identity of this society. Until the late-1960s when most of the clans were lured into the reservation and thus accepted contact with the broader society, they were known as Aucas. Once communication and long lasting-reations with the outside world were established, they identified themselves as Huaorani. Then the Huorani and the uncontacted groups became, subsequently, the "tamed" and the "wild" societies whose members established competitive relations as oil, logging, colonization, and other socioeconomic activities encroached with increasing force on their traditional lands. As a result of the socioeconomic and ecologic changes promoted by the oil frontier in the area, both parts
of this society, the contacted and the uncontacted groups, have developed opposed and irreconcilable interests, becoming enemies. The oil frontier, which brought the Evangelical missionaries, has not only split the Aucas, but also created the conditions for confrontations between the both groups. The uncontacted groups have been deprived of the lands, the cultivars, and the resources they need to survive. The Huaorani, on the other hand, have access to more efficient means of subsistence (i.e., agriculture, metal tools), market society, waged labor, and the means for better defense (i.e., firearms). While the uncontacted people experience hardship because of shortages of land and resources, the Huaorani thrive. In such a cultural environment, rivalry and clashes are the most likely result. As a matter of fact, it was the Huaorani who, as mentioned,.slaughtered at least 30 people from uncontacted clans on three different occasions. These three massacres against the uncontacted are of public knowledge; there may have been others. The same forest that for centuries has hidden the Aucas could also be concealing the murders of these Aucas now known as uncontacted and who continue attacking loggers, oil workers, squatters, and even members of Huaorani groups.

As they did in the past, the indigenous people have now adopted strategies to flee from or to join the invaders. Auca clans have adopted both stratagems and the invading society has given them names based on the option they choose. The Huaorani and the uncontacted are now two separate groups, with the latter facing extinction.

26 Ironically, the Huaorani are now one of the most formidable threats for the uncontacted people, their brothers, face. So the Huaorani become cowodi, or strangers, to the uncontacted clans, with all the symbolic connotations that condition has for this society: cannibals, killers. In one of the massacres the Huaorani perpetrated against uncontacted clans, one of the participants brought back the head of one of the victims as proof that, in the gruesome attack, they have been victorious.
Traditional Lands

The traditional lands of the Auca (now Huaorani and uncontacted people), have undergone an intense process of “fronterization” since the arrival of the oil industry and SIL. The work of SIL in the 1960s and 1970s has allowed the oil companies to carry out their work with a minimum of interruption due to indigenous attacks. As a result, other socioeconomic activities that have thrived in the wake of this frontier (colonization, agricultural expansion, and trade, among others) have become firmly established. For every human society, land is the basic symbolic and material prerequisite for cultural reproduction. For the uncontacted people (and also for the Huaorani), it is not only the source of subsistence, but also part of their identity and the material means of social cohesion. According to Marx, the relationship that traditional societies have with their land, “is based on something more intimate than mere material wealth” (Marx 1975: 318). For the uncontacted it brings together the intergenerational social agency of hiddenness, autarchy, power dispersion, and ecological enhancement through the creation of wild gardens and cultivars. These values, based on traditional lands, are transmitted inter-generationally and become the source of security and dignity for this society.

As analyzed above, the Auca people (or whatever name they were known by in old times) have not chosen by chance where to establish themselves. Rather, the choice is based on identification of a site which offers greater security, out of the reach of adversaries, slave hunters, or colonizers. In spite of the fragmentation suffered by this culture as a result of SIL’s activities, land remains the mean for subsistence and social reproduction for both groups (the Huaorani and the uncontacted) in which the Aucas become. However, for the uncontacted, it is the absolute and irreplaceable
prerequisite for their survival. While the Huaorani are now able to offset resource shortage through the market, the uncontacted have no such option. They depend on the existence of land that will protect them from the threats of the external world (i.e., oil fields, military check points, squatters, and so on). Given the inexorable advance of this frontier, the Ecuadorian government decided to create an area for the exclusive use of the uncontacted, the so called Zona Intangible. However, even this area has become object of frontier interventions, as will be seen in Chapter 7.

Since the contact forced upon them by SIL the state has managed the traditional lands of the Huaorani and uncontacted according to its own needs. In the past, all these lands, as well as those other Amazon peoples, have been treated as though they were “res nullius,” that is, lands without owner, and thus, by default, the property of the state. Therefore, the government has the right to decide what to do with them. The options include awarding title to indigenous peoples, declaring them protected areas for conservation purposes, or distributing them to squatters, tenants, and petitioners who can demonstrate that they have a legitimate title to the property in question.²⁷

Under the power of the state to distribute land and provide titles to individuals, communities, and groups, in 1968 the government awarded an area measuring 16,000 hectares to SIL to create the Protectorate, where members of that group settled most of the Auca people. The area was later expanded to 66,570 hectares. In 1979, the government created a protected area, the Yasuni National Park, located completely within the traditional lands of the Huaorani-Aucas. In 1992, the government granted 200,00 hectares to the Huaorani people and, finally, in 1999 it created the Zona

²⁷ These are, in general, the criteria for ownership of land according to the Civil Code.
Intangible (an area that is forbidden or off-limits), measuring about 700,000 hectares for the exclusive use of the uncontacted peoples to assure their survival.²⁸

However, the land granted to the Huaorani and the Uncontacted overlaps with land that has been invaded by the oil frontier. Because of the importance of oil revenues, the government bases land use planning in the area on the needs of this industry. Oil blocks and the fields within them overlap indigenous lands, the national park, and the area theoretically off-limits to all extractive activities, including and especially oil extraction activities. The oil blocks, or concessions, are huge, each covering 200,000 hectares. Several companies granted concessions have started to work, putting into motion further frontier expansion in traditional lands (Figure 5-2). Their actions result in massive ecological damage, agriculture frontier expansion, and loss of land, oil pollution, and other impacts suffered by indigenous peoples.

Finally, according to Southgate (2009), thousands of colonists from different regions of the country have settled in large parts of the traditional territory, following the oil roads and causing the deforestation of large areas to open land for agriculture and livestock activities. Although the colonists have settled large tracts around oil infrastructure without state authorization, they have been allowed to remain as an escape valve for pressures due to poverty.

²⁸ See Executive Decrees 551 and 552, published in the supplement of Registro Oficial 121 of February 2, 1999. These decrees prohibit most activities, including oil exploration and development, within the 700,000 hectares of that territory.
Figure 5-2. Oil blocks and the traditional lands of the Huaorani and the uncontacted (Pappalardo et al. 2013)

As a result, the present wave of frontier expansion in traditional indigenous lands has caused more intense ecological, social, and cultural pressure than did previous frontiers which, as noted by Little (2001), eventually disappeared. The oil-led frontier is quantitatively and qualitatively a more complex process. It generates satellites frontiers, each one evolving on its own, without a centralized ideological-economic-technological base, as occurred with the rubber-led frontier, which responded exclusively to the imperatives of international industrialization. Once replaced by other sources (i.e., plantations in India and Ceylon), that frontier faded and finally disappeared after about a half-century of intense activity. But the oil frontier has attracted a number of sub-frontiers (homesteading, trade, logging, drug trafficking, and so on). The advance of
these secondary frontiers does not necessarily respond to that of the main frontier. In the case of the oil frontier, when all of the available oil has been extracted, the industry will leave the Amazon. The sub-frontiers will remain. Since roads have been opened and political and economic processes independent of the oil industry have developed, these secondary frontiers will live on.

**The Tagaeri, Taromenane, Oñamenane, Iwene, and, Possibly, other Groups...**

The remaining uncontacted peoples of Ecuador are those clans that refused to answer the call of SIL to live in the the Tihueno River protectorate, a small reservation into which the Aucas where lured and where they were taught to live a sedentary life, abandoning isolation. Although they have always existed here, the uncontacted people are a new phenomenon in Ecuador. They have been socially invisible. Nobody has been concerned about them and their attacks have been vague curiosities in the context of what are considered more pressing national concerns.

Here, it is worth remembering something already mentioned above about the limitations inherent in studying the uncontacted. There is an epistemological problem implicit in the concept of the way of life of these people who are members of communities that have chosen to remain invisible to external observers. They are people who refuse to have any contact with anybody from the outside society

As a result of that limitation in studying these societies, all the cultural traits of the uncontacted people that are known so far have been inferred from observations made of their relatives, the Huaorani, with whom they were members of a culture known as the Aucas, until the cultural split in the mid-1960s. Most researchers who have since studied this Amazon identity have taken the Huaorani as their subjects, leaving aside, or simply ignoring, the uncontacted, who are thus treated as subalterns. Indeed, this
neglecting is justified because of the practical impossibility of doing ethnographic work with peoples who violently reject interaction with strangers. That said, it is important to consider that everything that can be known about the uncontacted is based on what has been observed and reported about them by Auca clans immediately after their contact. Studies were carried out by SIL’s anthropologists first and, subsequently, by other researchers after these clans – now known as Huaorani –, had settled in fixed places and accepted a relationship with the external society (see: Yost 1979, Fuentes 1997, Rivas Toledo and Lara Ponce 2001, Warren 2002, Rival 2002, and Avilés 2008, among others).

Considering that the Huaorani and the uncontacted come from the same social and cultural group, their worldview and historical records from pre-contact times are the same. Another way to understand the Tagaeri, Taromenane, Oñamenane, and other uncontacted people is by inference from what is already known from other hunter-gatherers tribes in the Amazon, such as the Nukak and Cariba of Colombia (Cárdenas y Politis 2000, Franco 2012), or the Nambikuara of Brasil. Some common aspects of these groups may help us to understand important aspects of the uncontacted’s culture, such as nomadism, wild garden management (Gutiérrez 2003, regarding the Nukak) and relationships with other clans and violence (Levi-Strauss 1943 and 1949, regarding the Nambikuara).

The first uncontacted group to be recognized in Ecuador was the Tagaeri, or the Clan of Taga, a renegade Huaorani who refused to live in the Protectorate. In recent years, other clans have been identified: the Taromenane, the Oñamenane, and the Iwene (Duhalde et al. 2013). These groups are identified by reference from indigenous
people living in nearer areas or by aerial recognition made by oil companies or governmental organizations. Some believe that there are other uncontacted clans in the Ecuadorian Amazon,\textsuperscript{29} some of them living in both Ecuador and Peru (Huertas Castillo 2010). These groups may be completely different cultures, with their own languages and other traits, or they may be clans that have emerged when families split into two groups after having reached the maximum population allowed, by cultural norms, to live in the same longhouse. According to records of the Environmental Ministry of Ecuador in the last years have been seen four groups of Uncontacted people (Figure 5-3).

In many ways, the Uncontacted peoples of the Ecuadorian Amazon are a fiction. As far as the wider society is concerned, the individual members of these groups do not have individual state registered names or legal personal identities. Unlike the situation during the Spanish Conquest, when they were forced to flee, engage in miscegenation, and relocate to remote areas to avoid threats, the uncontacted people today have no place to go: they are trapped in a small patch of land, surrounded by all the dangers their culture has been avoiding for centuries.

\textsuperscript{29} Most sources refer to only two isolated groups, the Tagaeri and the Taromenane. However, Smith (1996) identifies two additional groups, the oñamenane and the huñatare. However, Rivas Toledo and Lara Ponce (2001) doubt that said groups exist. Nonetheless, in 2011 Ecuador’s indigenous umbrella organization, CONAIE, reported to the nation’s Prosecutor General in 2011 a case of ethnocide against the ncontacted peoples. In their complaint, CONAIE listed the Tagaeri, Taromenane, Oñamenane, and Iwene, stating that other groups may exist as well (CONAIE 2011). This would confirm what Huertas Castillo (2010) maintains about the Feromenani, Pananujuri, and Tagaeri, isolated groups living on the Peruvian-Ecuadorian border together with other groups sighted on the Nashiño, Cononaco, and Curaray rivers. Finally, Duhalde et al. (2013) warn that an official report mentions only five isolated groups, the Tagaeri, Taromenane, Oñamenani, Wiñatare e Iweme, omitting others that have been reported by the Huaorani people from Bameno, according to whom there may be seven additional isolated groups whose members move along the Tiwino and Curaray rivers. These groups include the Tepeña, Gawe, and Gogaka.
As voluntarily isolated people, they do not choose to have any contact with outside society; they hide in the forest and avoid being seen by other people. This means that the Ecuadorian state cannot claim them as its citizens. Since they have not been included as data in any national records, the uncontacted have no legal identity or personal representation or standing before any court of law;\textsuperscript{30} they don’t even have citizenship which means they do not belong to any country. From time to time, they show the external society signs that they are alive, said signs taking the form of attacks.

\textsuperscript{30} This has been ratified by the Constitutional Court of Ecuador that barred third parties from appearing before judges to defend the human rights of the uncontacted people. (See: injunction No.16723-2007-FM, 16724-2007-LR, of the First District Tribunal of the Administrative Contentious No. 1 of Quito).
Occasionally someone on an airplane flying over will take pictures of their dwellings. Even when they have been massacred, their bodies have been burned. Thus, their faces have not been seen, except after one of the murders, when a Huaorani brought a head of an uncontacted person in a sack to show others in his community that revenge has been meted out (See Cabodevilla y Aguirre 2015).

These people are on a different plane of existence and of understanding regarding social relations. Their comprehension of the world is one in which they exist as humans and all others as predators. As related by Rival (2002), this understanding is the result of their internal cosmology based on their own experiences.

Some of the most notable traits attributed to the uncontacted are isolation, violence, itinerancy, and cultivated forest that is, plant selection and development of cultigens for reproducing around their traditional lands. It is likely that these elements of the social fabric are the basis for avoiding, responding to, and recuperating from threats. Their preparedness appears to be a very carefully planned strategy, inter-generationally devised, for dealing with the hostile, and sometimes tragic, social landscape in which they have historically lived. By having gardens spread about in the rainforest, the Aucas, until they were contacted, and the Uncontacted people to date, have available a food source wherever they move about and hide in their territory, so that they are able to be mobile without having to worry about finding a food source where they end up after fleeing to avoid an attack, or after moving on when they have exhausted a particular garden after months or years of use. Thus, these gardens are part of their survival strategy, together with guerrilla actions, and ecological recovery.
The strong sense of attachment to their culture and environment is another trait of the uncontacted peoples. These clans refused the food and material goods offered by Evangelical missioners in the 1960s to entice them to live in the protectorate, returning instead to their traditional way of life. This act of cultural agency was a very strong statement in favor of their identity, which they have maintained to date, rejecting what they consider a threat to their people and their culture.

Of all the cultural particularities of the uncontacted people, isolation and extreme violence are the most intriguing because they make these peoples extremely vulnerable. In previous frontier contexts, where socioeconomic processes and colonization were few and temporary, isolation and violence were effective methods for thwarting threats. Today these cultural strategies have become limited because these peoples are virtually surrounded by permanent frontiers and overwhelming enemies.

Isolation

The Auca people have preferred to build their longhouses on hillsides away from rivers and in areas of poor soils in order to avoid competition from other groups. Since these lands were not seen as desirable by others, they remained successfully isolated, avoiding contact with strangers. In addition, from their inland position on high ground, they could easily ambush potential invaders or simple trespassers from other groups who dared to step foot on their land.

It is likely that this isolated people adopted this strategy due to disastrous experiences at some point in their history (Shelton et al. 2013; Rival 2002). In that scenario, isolation was the best decision for these groups in order to avoid mistreatment and to maintain their culture.
Sporadic violence, including aggression by and against peoples in isolation, has been a cultural tool used in order to maintain their isolation and to dissuade intruders into their lands. Because of the absence of permanent colonization sites, remaining in isolation was probably easier before the era of modernization and development following World War II. In recent decades, however, the advance of diverse frontier developments (oil, colonization, agriculture, urbanization) has been at the expense of the uncontacted peoples’ traditional lands. For these peoples, the main effect of the spread of development is the loss of their lands, including the forests and/or gardens that they have created. Their survival depends on these resources. Without forests, they lose the option of hiding in response to a threat, thus increasing the chances for violent attacks. Most of the attacks carried out by the uncontacted have been near oil fields and colonization areas.

As Zapata-Ríos et al. (2006) report, the situation of the uncontacted is becoming critical because they are being encircled by oil fields, colonization sites, illegal timber harvesting, and road construction, among other activities. Because of the spread of that frontier, the development taking place around the uncontacted represent a challenge to their isolation practice and, therefore, to their cultural and physical security.

Since the uncontacted refuse to interact with outsiders, choosing instead to continue wandering and hiding in the forest, in 1998, the Ecuadorian government declared 700,000 hectares an “Untouchable Zone” for the protection of the uncontacted people. It is, in practice, a reservation where the uncontacted people can continue practicing their culture without external interference. The boundaries of this territory were finally established in 2007 and, one year later, the new Ecuadorian Constitution
included a provision providing explicit protection to uncontacted peoples from external aggression.\textsuperscript{31} However, the first concern regarding this area is that its beneficiaries are not aware of the existence of this special zone to which they have been assigned in order to live peacefully. They simply continue to walk along their traditional trails in the forest to get to their "quehuencori" or anthropogenic forests, enriched by different generations, from which they harvest the resources needed. Moreover, the Zona Intangible has not been respected by the government. Authorities continue to provide oil concessions around and within the Zone\textsuperscript{32} and it has been reported that illegal loggers have been working inside the Zone. In fact, the efficacy of this measure was compromised from the beginning when the boundaries of the Zone were established in consultation with oil companies (De Marchi et al. 2013) that demanded that the government consider their interests (ANDP 2006, cited in De Marchi et al. 2013: 64).

Since the Zona Intangible was created according to oil industry needs and not those of the indigenous peoples living in the area, chances are that the cultivars are not in this zone. Thus, the uncontacted need to go outside to reach the gardens on which they depend. In fact, the most recent clashes, in which the Taromenane have been the aggressors, have taken place outside the Zona Intangible. This may also demonstrate that that Zone is not large enough for all the Uncontacted clans and/or that they are not

\textsuperscript{31} See final clauses of article 57 of the Constitution of the Republic of Ecuador, which state the following: The territories of the peoples living in voluntary isolation are an irreducible and intangible ancestral possession and all forms of extractive activities shall be forbidden there. The State shall adopt measures to guarantee their lives, enforce respect for self-determination and the will to remain in isolation and to ensure observance of their rights. The violation of these rights shall constitute a crime of ethnocide, which shall be classified as such by law. The State shall guarantee the enforcement of these collective rights without any discrimination, in conditions of equality and equity between men and women.

\textsuperscript{32} Several oil blocks and fields intersect the Zona Intangible or are located in its buffer zone (De Marchi et al. 2013).
necessarily living within the Zone but, instead, hiding somewhere in the forest, trapped between oil fields and homestead areas. In any case, the Taromemane, Tagaeri, Oñamenane, Iwene, and, perhaps, other uncontacted people may now be in a very vulnerable situation, with their cultural and physical existence compromised.

Violence

Violence and warfare have been common experiences for hunter-gatherer groups around the world. Ethnographic evidence indicates that violence was tied to resource stress between human populations (Allen and Jones 2016). Generally speaking, violence, as explained by Harris (1974), has been resorted to in the absence of alternative solutions to certain problems. The author observes that protein shortages and competition over hunting, lands, and even women may ignite violence among groups without an institutional tradition. The best-known anthropological view on violence in the Amazon are studies carried out by US anthropologist Napoleon Chagnon among the Yanomani indigenous people in the Brasilian rainforest, depicting them as a fierce, violent, and archaic people. He has maintained that violence among the Yanomami is an evolutionary process in which “men who are killers may gain marital and reproductive benefits” (Chagnon 1988: 989).

Extreme violence is one of the most publicized cultural traits of the Auca identity and once they were contacted and split into the Huaorani and the uncontacted peoples, both sides have maintained said feature. It is assumed that the Huaorani, the clans that accepted contact with outside society, have abandoned violence (Boster et al. 2004; Yost 1979), but the massacres of Taromenane clans in 2003, 2006, and 2013 suggest that the practice is simply dormant. However, homicidal violence is not a recurrent trait among these people now, but it is a response that the uncontacted continue to use.
against oil workers, colonists, and even against Huaorani people. In order to avoid confusion, the issue of violence will be analyzed here as an Auca and uncontacted trait, not as part of the Huaorani culture, which has significantly changed since contact by Evangelical missionaries.

The Auca people and their descendants, the Taromenane, Tagaeri, and other clans living in isolation, are no exception when it comes to expressions of fury, and history shows that these groups have been and still are a culture in which extreme violence has been usual. For more than a century there have been reports of attacks by the Aucas against trespassers into its territory and even against neighboring villages on the other side of the Napo River, which has been considered the northern limit of these people’s traditional lands (Cabodevilla 1994 and 2010). There have also been reports of fatal internal violence between different clans of this people and even infanticide (Yost 1979; Beckerman 2009). Citing the work of James Yost with the Auca, Warren (2002) claims that this people has the highest rates of homicide ever recorded in the annals of human history. According to this author, about fifty per cent of all deaths in the preceding five generations have been caused by homicide as these people engaged in a continuous and deadly internal vendetta (Warren 2002). This type of violence has kept the Auca population low; at the time of contact in 1958, there were about 600 people in all the clans.

On the other hand, a violent environment has also been created against the Aucas by people from the outside who have attacked them – and gone unpunished – since before contact in the late-1950s. And in the last three decades, according to Yost (1979), Kimerling (1994), Cabodevilla (1994), and Fieweger (2000), those Aucas who
remain in isolation have been the object of armed persecution and probably slaughtered as part of programs to provide security to the oil companies. During the rubber boom, persecution and murder of the Aushiris or Auca people were reported (Karsten 1998). These memories may be the reason members of this group call strangers cowode, or cannibals, and take them for murderers. From ethnological work carried out by Rival (2002) with the Huaorani, it is known that in their collective memory there are reminiscences of “predatory attacks perpetrated by cannibal outsiders” (Rival, 2002:45).

However, violence is not only against outsiders. It is also exercised against members of other families or clans of the same ethnic group, and even against members of the same clan. Rival (2002, 49) identifies two types of situations in which these people react with violence: external, involving powerful, destructive neighbors; and internal, involving outbursts of fury that may be addressed to people within the clan. While the violence against external threats is understandable, there is no conclusive explanation for the internal violence, or the homicidal fury, that moves these people to kill members of their own cultural background in reciprocal attacks that may be carried out by members of different generations (Boster et al. 2004; Beckerman et al. 2009). However, internal and external extreme violence may be connected.

Vacas Mora (2008) suggests that the revenge system and homicidal reciprocity may be associated with internal territorial disputes or issues of kinfolk’s network strength, and Duhalde et al. (2013) points to consanguinity expansion as a reason. Yost (1979) believes that the isolation in which the Aucas clans have traditionally lived creates states of anxiety and hostility because although it (isolation) provides security, at the same time it may be a source of uncertainty due to recurrent suspicions that other
clans may be planning to attack. In this case, isolation may be a causal factor of hostilitys. According to Yost (1979), once people are dispersed and isolated, group anxiety increases and preemptive attacks are launched as a defense measure. Boster et al. (2004) complements this line of analysis, maintaining that the Auca (and now the uncontacted) deliberately display “irrational emotions” and corresponding acts of lethal violence for any degree of transgression in order to deter enemies who will not dare to affect them in any way. By signaling these irrational emotions they reduce the rational to vulnerability. In this cultural schema, the threat of retaliation protects those doing the threatening from an attack (Boster et al. 2004).

Statements by Yost (1979) and Boster et al. (2004) on isolation and lethal attacks are consistent with the hypothesis that these behaviors are a response to colonial experience still present in the collective memory. Clans looked for places to hide and ways to avoid the attacks of other clans who might have been allies with the conquerors. In the history of the Amazon, some indigenous people chose to ally with the colonizers against other communities in order to get strengthen their position locally and get access to products, tools, and guns from the outside world. Thus, in the collective memory of the uncontacted, there may be memories of treachery, persecution, enslavement, and death, phenomena that occurred during colonial times. Indeed, the last contact the Auca culture experienced was promoted by Evangelical missionaries. As a result, most of the clans decided to cast their lot with the outsiders, or invaders, five of whom were killed when they established a camp on indigenous traditional lands. As we have seen, this issue caused the split of this people and produced rivalries among the clans.
Gondecki (2011) maintains that the Auca (and therefore now the uncontacted) display of rage and violence may be an instrument of aggressive avoidance of further attacks. They combine strategies of passive violence avoidance (their continued self-imposed isolation and a vehement resistance to being contacted) and of aggressive violence avoidance (display of rage or irrational emotions and violent attacks) (Gondecki 2011, 147). He adds that this conflict management *modus operandi* was possible for a long time due to space availability in the vast inter-riparian forests, but that it is no longer possible because of the continued integration of these forests into economic activities.

The related economy of violence is not necessarily connected with material matters (resources, territories, or women) but, paraphrasing Guattari (1996), with these subjective compulsions based on social enunciates and interpretations.

Notwithstanding the above, the reflections of Clastres (1994, 1998) regarding the Guayakí may provide an explanation for both internal and external violence among the Aucas and, today, the Uncontacted. He suggests that the use of violence is a way to prevent the accumulation of power by any clan member and ultimately the emergence of a chief or any form of authority. By avoiding this, the isolated peoples maintain the individual power of all the members of the clan.

Anthropological work with the Huaorani people, has allowed an understanding that their historical experience (and then that of the Aucas and the uncontacted peoples) has led to their basic representation of the past as “a succession of times of peace and expansion followed by times of war and destruction, and that violent death, [is] a source of discontinuity that creates history” (Rival 2002, 180). Here, and in the
case of other peoples, conflict and social solidarity are part of a same process and mutually re-enforcing. According to Murphy (1957), conflict promotes social integration and solidarity, and they are necessary if the group is to take effective common action against the outer world.

Hence, the fate of the uncontacted people, the last Ecuadorian native societies to maintain intact their identity, would be to show allegiance to their own way of life by using rage as a tactic and being fierce as an strategy to deter internal and external threats.

**Oil and Social Upheaval**

A land of frontiers, the Upper Amazon has attracted strangers in search of fortune, fame, and power. In the past, these interventions, although temporary, promoted myriad violations of human dignity of native peoples, causing the extinction of hundreds of cultural identities. Nowadays interventions are more stable and although human rights violations continue, they have been cloaked in concepts of modernization, progress, and sustainable development.

The most important issue of frontier expansion in the Ecuadorian Amazon today, and particularly in the traditional lands of the Aucas-Huaorani-uncontacted people, is oil exploitation. It started by the 1940s and, as we have seen, has been systematically rejected by attacks on work crews, creating insecurity, In response, the companies have contracted other indigenous people as mercenaries to deal with the belligerent nomadic people and to protect their workers (Cabodevilla 2010). By the mid-1940s, oil exploration came to a temporary end in Auca territory and did not resume until the 1960s, when Texaco Oil Company started another round of prospection. Attacks by indigenous people also resumed. With an oil industry in expansion, the isolated clans
have experienced a significant reduction of land, diminished area to move and hide, fewer opportunities for collecting food and hunting. At the same time, with increased oil activity, there was an increased possibility for the destruction of gardens and cultivars these people have maintained for generations.

The violence that the current frontier expansion has promoted among the Auca-Huaorani people has been material and ideological. Both are intrinsically the same kind of violence used against these people and those of the entire Amazon since the days of the Spanish conquest. However the violence of the oil frontier is more subtle, and more efficient, so that it is easier to displace native populations when they get in the way of the colonizers'or developers' interests. While in previous frontier expansions, local people were enslaved to take advantage of their labor, now their manpower is no longer required; these people are now an obstacle to frontier expansion and they must be ideologically and even physically eliminated. Most of the Aucas have been ideologically eliminated through introduction to a new religiosity and new socioeconomic ideas by which they have been transformed since contact. To those who have not accepted the new order, physical elimination has been promoted since the beginning of oil activities in their traditional lands.

As discussed above, oil companies contracted people of other indigenous groups to hunt the Aucas and, later, the uncontacted. These groups were, principally, members of the Shuar-Achuar (then called Jivaros) culture and worked for the Shell Oil Company, the first oil company to enter the traditional lands of the Aucas. Notwithstanding their
armed crews, Shell could not deal with the Aucas’ defense of their lands, and thus, suspended activities for a few years, beginning in 1949.\(^{33}\)

Later, the government responded to threats to oil company employees with more institutionalized measures. By the 1970s and 1980s, governments created administrative measures for dealing with uncontacted people who fiercely resisted oil activities in their lands. In the context of these measures, the state oil company, Corporación Estatal Petrolera Ecuatoriana, CEPE, implemented a project for approaching uncontacted groups, a plan intended to provide safety for oil workers. According to several sources (Goldárez, s/f; Kimerling 1994, 92; Cabodevilla 1994, 434), some oil companies created two groups, “Casa Verde” and “Cantárida,” consisting basically of armed groups made up of former soldiers and members of other indigenous groups, including Huorani, in order to assure oil companies that the areas of forest where they were going to work would be free of uncontacted persons. They were armed bands whose job was a kind of ethnic cleansing in the forest. Smith (1997) describe how armed bands, guided by Huaorani, searched Taromenane settlements in order to confront them during the late 1980s and early 1990s. Insistently, oil companies and government officials have denied that the Tagaeri and other uncontacted people exist, at least in the areas where they work (ODC n/d) However if these statements were true, they would indicate that some clans of isolated people have already been killed and that no trace of them can be found any more in the forest.

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\(^{33}\) According to Adrian Warren, a film-maker who have traveled to Huaorani lands with SIL anthropologist James Jost the hostility of the Auca people was something that derailed the plans of the Shell Oil Company. Since 1942 the Aucas attacked and killed oil workers. By 1949, a total of twelve Shell employees had been killed by Waorani, forcing Shell to abandon their operations (Warren 2002).
The “Casa Verde” group was formed by former soldiers from the Siwiar and Shuar native people, and the “Cantárida,” by Huaorani people and some non-indigenous mercenaries (Goldárez, s/f). It has been reported that even as two of the most prominent victims of the uncontacted people, Monsignor Alejandro Labaka and Sister Inés Arango, were being killed, these mercenaries were close by, in search of members of the Tagaeri clan (Castro Caycedo 1998,17). This suggests that there was a plan to stop them by force, using the priest and the nun as enticement to reveal the whereabout of the uncontacted. Cabodevilla (2012) recounts that Monsignor Labaka told him that he had to try to contact the Tagaeri.

While extremely violent, attacks like this one by groups in voluntary isolation were sporadic throughout the remaining years of the twentieth century. From the year 2000, the attacks have intensified, and clashes between Huaorani and the uncontacted clans have occurred simultaneously with the advance of oil activities. The latest massacres in areas of oil settlements demonstrate the different responses to oppressive conditions, mentioned above, and mark a new milestone in the Huaorani tragedy: clashes between families, contacted and uncontacted, who are members of the same people, with the entire tragedy due to profound changes in the people’s cultural substrate produced by yet another wave of conquest and frontier expansion in the Amazon. One group has taken whatever advantage it can from the new situation arising from its contact with the outsiders and the others have sought, in vain, to expel the visible elements of the oil invasion. But both groups are part of the same tragedy, one that has been going on for centuries, and in which the conquerors, occupiers, colonizers of the moment in each chapter of this tragedy – European conquerors, Catholic
missionaries, rubber workers, farmers, and Evangelical missionaries – have co-opted indigenous groups and turned them against each other. Thus, it is fair to assume that some Huaorani allied with the invaders and others preferred to flee. But as historical evidence proves, in all cases, those peoples who fled came together among members of their own group and/or created new cultural identities with other indigenous people fleeing threats. This has been the story of their past and remains the story of their present. But this time, those who chose to flee – the uncontacted people – no longer have the infinite forest that used to be theirs to hide in. They cannot move to new places where their culture will be able to recover and flourish. Now they are under siege.

Today’s enemy is relentless in its attacks. It has fenced them within oil fields, surrounded them with settlers’ farms, and harassed them with military and mercenary patrols. So they are trapped in their own territory, condemned. They are the wretched of the Earth’s rainforests.

Although forced contact brought peace among most of the clans, it created and/or exacerbated the internal rivalries among the Aucas that accept contact and those that do not. It is difficult to know whether bloody confrontations started soon after the cultural split among the two groups of Aucas. Because of the difficult access to areas where this nomadic people live and the forest that surrounds them, evidence of murders of uncontacted Aucas is nearly impossible to gather unless the crime is reported by someone. As in the past, all the attacks against and killings of these rebellious peoples from the forest remain invisible, except for the very rare cases that come to light.

The discussions regarding frontier expansion, contact of isolated peoples, modernization and development could go on forever and remain inconclusive. There are
positive and negative aspects to each of these matters, in local and national contexts. However the way the different pieces of that frontier are affecting the Uncontacted peoples, eroding the basis of their subsistence, promoting violence, and exasperating cultural vulnerabilities may repeat yet again that well-known outcome, an ontological extinction, as has occurred as a result of the intermittent frontiers of the past.
CHAPTER 6
OIL, THE LAST FRONTIER

Global economic growth is firmly tied to oil production, demand, and prices. The fervent desires of countries for industrialization, growth, and development promote a constant pressure increasing quantities of this energy source, predicated, in turn on the discovery of new deposits to satisfy the growing global demand. At the national level, oil exploration and exploitation create high expectations in the populace as it is oil that is converted into financial and social wealth that promises improvement in the wellbeing of the country’s population. Politicians and bureaucrats of oil producer countries like Ecuador encourage the belief that this is the only industry that can provide the resources to develop some of the forgotten areas of their countries.

However, like mining activity, oil extraction is among the most disruptive in terms of social and environmental impacts. Experiences around the world demonstrate how the impacts of oil production have created social vulnerability in local populations, degrading air and water quality, affecting other economic activities, and producing health problems. Since these impacts are continuous, produced in slow motion, they are usually neglected by authorities and even by local populations, which learn to live with or ignore them in exchange for benefits they can get from companies or government institutions. Oil activity is also a source of risk as it is prone to accidents such as land and sea spills, fires, and explosions.

The dependence of some countries on primary commodities in general and the social and environmental problems associated with oil activities in particular have been linked with social conflicts at different levels and of varying intensity around the world (Bannon and Collier, 2003). In some cases, these conflicts have led to human rights
violations, environmental destruction, and even humanitarian disasters (CORDAVI, 1994 and Laraba Wali 2011).

Notwithstanding the highly transformative effects of oil activity in natural environments, they do not affect in the same way and to the same degree all local inhabitants. Some people have flourished due to the industry’s presence, other have simply learned how to deal with its negative effects. For some, oil has brought material benefits, improving transportation, trade, and food access, for example, thus easing day-to-day life in the often harsh environments where oil is found. However, for those whose subsistence comes exclusively from the natural products of the forest, known as natural resource communities, oil is not an option at all. When the front it creates gets to indigenous realms, local culture cannot survive and the survival of the people themselves can be severely compromised. This is the case of these bands of hunters and gatherers who are still practice a nomadic way of life in the forests of the Ecuadorian Amazon and for whom oil activity represents cultural and social destruction, and maybe even physical collapse.

This Chapter will review the effects of the oil industry, explaining how it has definitively changed the social and environmental landscape of the Ecuadorian Amazon and why some social groups may not be resilient enough to survive the challenge it represents.

**Oil Industry and Socio-Environmental Challenges**

Many analysts describe hydrocarbon reserves as a potentially mixed blessing for oil producing countries (World Bank 2006). Although oil discoveries are usually received enthusiastically by governments, the benefits of this economic activity generally prove to
be illusory for local communities as exploitation activities produce a combination of impacts that led to the destruction of their subsistence base together with massive ecological effects. At the national level, it has been observed that most oil-exporting countries have achieved few benefits from oil industry development and more problems from becoming oil dependent economies. Barriers to economic diversification, poor social welfare performance, increasing levels of poverty, poor governance, and widespread corruption are among the negative consequences of oil led development (Terry 2007)

The oil industry is an activity that relies on a continuous process of exploration in search of new reserves, extracting from all fields determined to be commercially valuable, and trading and transporting the resource around the world. Before these three general phases of this industry take place, there are economic, political, and legal proceedings in order to legitimize the activity at any specific site where exploration and subsequent production are authorized to protect the investment made by state-owned or private companies. After the completion of appropriate paperwork, oil activity becomes a shielded enterprise, under national and international regulations in which governments play the role of guarantor if any situation arises involving a third party such as a local community, a local government or an individual or group of individuals.

Although oil activities are under an extensive set of regulations regarding environmental and social matters, the different phases of the industry generally lead to conflict with local communities. In Ecuador and other countries of the region, the main oil areas are located in previously intact ecosystems in the Amazon forests. Ecuador, Colombia, and Peru obtain from that region most of their oil production, catalyzing a
complex set of changes in social and ecological orders, causing tremendous transformations in the living conditions of local people.

The search for oil-bearing fields, exploration activities in likely locations, and the development of these fields require the construction of an integrated infrastructure, including wells, gas separators, pits for collecting and storing toxic products used during the drilling process, and other facilities on site activities that ensure an economically efficient tapping of hydrocarbons. In addition, a network of roads and pipelines is needed to connect all the fields within the system. Finally it is necessary to have available transportation, production, storage, and processing elements, such as pumping stations and tankers, as well as refining facilities which turn crude oil into usable products like gasoline and fuel oil.

All the activities and infrastructure mentioned are capital intensive, so whoever controls them becomes a powerful stakeholder at the local, regional, and national levels. For local people, generally peasants and indigenous people, every component of oil companies are indisputable neighbors with whom they have to create practical ways to deal, but always within an asymmetric social relationship where the weak party must accept whatever the company decide in terms of land use, damage of natural resources like water and forests, and other situations resulting from the dynamic of that activity. National environmental and human rights organizations have provided important support to local organizations but, in most of the cases, they has not discussed the implementation of an oil project in a given area, which has been assumed beyond of question. Disagreements between local people and oil companies are resolved at different levels at which local demands are rarely satisfied. If local residents persist and
appeal to government authorities for decisions, said authorities will generally side with the oil company based on the special legal status it acquired as a result of the concession process.¹

In the above dynamic of oil production the discussion over environmental human rights and conflicting social interests with oil activity are underplayed by the government and in general by social and economic elites. These problems have become normalized in the complex and hasty succession of events occurring in the local environments where oil is the priority.

On the other hand, the ideology of progress and development combined with current pressure from national and international interests associated with oil extraction overwhelm local communities and authorities, making it difficult to weigh the risks of social and environmental impacts accompanying the extraction of non renewable natural resources. When complaints and legal actions by communities or social groups over the environmental and social negative effects occur, they are seen as actions of idealists determined to challenge the powerful or as an obstructionist exercise blocking the clear road to progress. As a result, public opinion tends to overestimate the economic gains of oil production and to underestimate the environmental, health, and societal costs.

Notwithstanding the perceptions of governments and companies, oil extraction has become, in the last two decades, one of the most potent vectors of social and environmental problems. Development in environmentally and socially sensitive areas is

¹ The only case in which an indigenous people in Ecuador has challenged an oil project in its lands was in the Quichua community of Sarayaku which successfully rejected a government-led plan for oil exploration (Melo 2012).
promoting increasing ecological damage and human rights violations in a number of countries. Vasquez (2014) has reported social conflicts in Peru, Colombia, and Ecuador as a result of oil extraction. In these countries the main oil fields are located in the Amazon region where tensions between local people and governments have sometimes escalated to violent conflicts. They generally involve indigenous people and oil activities are blamed for environmental impacts, especially water pollution and forest destruction (CORDAVI 1994). Vásquez (2014) argues that at the core of the problem there are issues of land and identity. She writes that “the constitutional view of natural resources is irreconcilable with the concept of territory for indigenous peoples, for whom the geographic space where they live constitutes part of their identity” (Vásquez 2014:71). Land is construed as a symbolic and material element, which articulates the intergenerational transmission of values, power, and dignity in any society (Marx 1975). The expansion of oil operations into well-conserved Amazon rainforest has devastating impacts on the biodiversity and indigenous peoples, including toxic impacts on the health of indigenous communities where children and women are among the most affected by high levels of toxic metals in their blood as a direct result of chemicals used for oil extraction and waste products discharged directly in water bodies. (CORDAVI 1994, San Sebastián and Hurting 2004)

In the context of oil activities, indigenous societies become increasingly resentful as their land is invaded by oilmen (and colonists, loggers, and so on), and despoiled by the unavoidable pollution caused by oil production. The material and symbolic values of their land and, tied to it, their identity, is behind the struggle of the Uw’a indigenous people in Colombia against Occidental Oil Company, which intended to drill in the
traditional sacred lands in Samoré (Pearce 2004), of the Quichua indigenous people of Sarayaku in Ecuador, who recently won their case in the Interamerican Human Rights Court in which they sued the government for granting an oil concession in their territory (Melo 2012), and in Bagua, Peru, where bloody clashes occurred on June 5 and 6, 2009 between the Aguaruna indigenous people and police that left a toll of about 30 indigenous and policemen dead (Baker 2010). And it is very likely that the underlying issue in the anger of the Noncontacted people of Ecuador involves strangers, mostly oil company employees, who constantly trespass in their territory.

In other social environments land also has been the major issue when oil activities take place. For example, in the widely known conflict in the delta of the Niger River, Nigeria, the Dutch Shell Petroleum Development Company has polluted and destroyed agricultural lands. More than five decades of careless oil activity in the delta have produced extreme environmental damage due to the dumping of toxic products used in oil extraction, oil spills, and gas flaring. According to reports, “an average of 240,000 barrels of crude oil are spilled annually in this delta, causing the contamination of surface and ground waters, the ambient air and locally grown crops with hydrocarbons, including known carcinogens like polycyclic aromatic hydrocarbons” (Ordinioha 2013). As a result, the bases of people’s socioeconomic activities – land and water – have been devastated.

Because of the massive environmental degradation and land deprivation, the Ogoni People, one of the affected minorities, challenged the oil industry with political actions lead by the Ogoni playwright and author Ken Saro-Wiwa, who was tried with
eight other activists by a special military tribunal; and all of them were hanged in 1995 (Okome 1999).

Impacts of the oil industry vary according to the ecological and social scenario affected. Population size, vegetation and location and type of water can significantly determine the social or ecological impacts. In Nigeria, the large population that existed before the oil extraction began, and whose subsistence was mainly based on agriculture and fishing experienced material destruction because of the impossibility of avoiding the negative effects produced by the activity.

In Peru and Ecuador, antagonism and even violence against oil activities can occur when larger communities are affected, but generally the often small indigenous communities avoid direct impacts of oil activities by moving to safer places in their traditional land. As a result, the sparse numbers and dense rainforest may hide the socio environmental impacts of oil operations. Whether visible to a wider public or not, the basis for the social and cultural reproduction of these groups may be severely compromised due to the set of threats ever-present on the oil frontier.

**Oil Boom: a Massive Frontier in the Rainforest**

Ecuador has a territory of 283,000 sq km of which 116,604 sq km corresponds to its Amazonian area, which in turn means the 1.67 % of the whole basin, the smallest of this watershed. However it holds a disproportionately high percentage of plants, birds, amphibian and other animal of the region and of the world's species. Just one section of this region, the Yasuni National Park, contains about 10,000 species of plants, 600 of birds, 500 of fish, and over 120 of mammals. The ecologist Norman Myers has said that the Oriente is the richest biotic zone on earth and "deserves to rank as a kind of global epicenter of biodiversity". Although a rich ecosystem, the Oriente is very fragile because
its poor soils are prone to heavy oxidization. So life there depends on continual rain, microrhyszial fungi, and quick, efficient recycling of any available nutrients. This ecologically rich territory is also the home of eight ethnic groups, the A'I Cofán, Secoya, Siona, Huaorani, Shiwiar, Zápara, Achuar, and Shuar who, until a few decades ago, depended entirely on the natural resources of local ecosystems, for subsistence. In this fragile and socially and ecological complex territory, several waves of frontier expansion processes have taken place throughout history.

A little more than a half-century after the end of the rubber boom, the Ecuadorian Amazon was the setting for another wave of frontier expansion. This time a new resource, also highly coveted in the global economy erupted in this then undisturbed territory. The rubber boom ended in 1912 and although the collection of latex continued in Ecuador until the late-1920s it was without the murderous pressure of the rubber barons, though human rights violations took place. After the rubber boom, the indigenous peoples of the Ecuadorian Amazon were able to recover from that atrocious experience, widely known after the release of the Casement Report of 1910 (Casement 1912), and their lands remained as isolated backwaters for several decades.

In 1921 the first concession in the then far and unknown Región Oriental or simply Oriente\(^2\) as was known the Ecuadorian part of the Amazon Basin, was granted to a US company named Leonard Exploration which received 25 thousand square kilometers to explore oil. From 1921 to 1960 there were six huge exploratory

\(^2\)“Oriente” is the local name of the Ecuadorian Amazon region, as it is located in the eastern part of the territory, or the point where the sun rises. This term, which has been widely used since colonial times, denoted a distant area unknown to practically everyone in the rest of the country. However, in the last two decades this term is being replaced by the “Amazon Region”.

202
concessions in the North and Central Oriente, in the current provinces of Pastaza, Napo, Orellana, and Sucumbíos, with no commercial success.

Since 1911, Ecuador has had a very small oil production in the coastal region, which was enough for local consumption, but by the 1940s, the yield of the oil wells was decreasing and in the late 1950s they were exhausted. Because of that the Ecuadorian government was very interested in exploring for oil in the Oriente.

By 1964, new exploratory activities were conducted in the northern Oriente, with the first strike on March 29, 1967; the well, named Lago Agrio, yielded an initial production of 2,610 barrels of crude oil per day. This discovery was the first commercially productive oil field in the Ecuadorian Amazon and radically changed the country’s history. The find led to an oil boom (EPP 2010), and was soon followed by other important discoveries in the area as a result of which the country became an oil exporter in 1972.

This, the first wave of oil production in this region, took place exclusively in the northern part of the Ecuadorian Amazon, in the present-day provinces of Sucumbíos and Orellana, located between the Colombian border in the north and the Napo River in the south. Total production in the oil field, operated by the Texaco- Gulf consortium and the state-owned Corporación Estatal Petrolera Ecuatoriana, CEPE, was about 200,000 barrels per day, sufficient to bring prosperity to the country. Based on the oil industry,

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3 The first oil fields in Ecuador were located in the coastal area of Santa Elena, where the British company Anglo Ecuadorian Oil Fields drilled an exploratory oil well in 1911. This well produced 32º API oil and, in subsequent years, produced about three thousand barrels per day. The oil was mainly used in Ecuador. By 1957, this oil field was exhausted.

4 The Lago Agrio oil well was named after Sour Lake Springs, a town located in Hardin County, Texas, United States, Where spectacular oil strikes were made in 1901 close to groundwater. Sour Lake Springs is known as the birthplace of the Texas Company, or Texaco. (Cox 2015).
state income quadrupled and this natural resource became the base of the national economy. By 1977, Ecuador’s gross national product (GNP) had increased to $5.9 billion, from $2.2 billion in 1971. In the mid-1970s Ecuador was “a country in which the petroleum industry enjoy[ed] hegemony over the economy, both in terms of national development and as the primary generator of revenue” (Martz 1987, 3). Since this discovery, Ecuador’s development has been linked to oil income.

Crude production led to resource-dependence and dramatic changes in the country’s financial situation, including modernization of governmental institutions, rapid urbanization, especially in the major cities of Quito and Guayaquil, and improvement in quality of life indicators (Andrews n/d). A road from Quito to the recently discovered oil fields was opened, the first in the country to reach so deeply into the Amazon forests. In the region’s lowlands, a network of roads was opened to connect each new oil well drilled to the Lago Agrio hub, which soon become a town and, within few decades grew to be the Ecuadorian Amazon’s most populated city.

The first phase of oil activity in the Oriente, was carried out by three companies: Cepco City, Texaco, and CEPE. The last two joined in a consortium which lasted until 1992 when Texaco turned its shares over to CEPE. By the mid-1980s, the Ecuadorian government called on international investment to expand the oil frontier to the south of the Napo River, in the lands of the Huaorani indigenous people and the recently created Yasuni National Park. In 1985 and 1986, international companies auctioned several oil blocks south of the Napo River in two “oil rounds” opened by the government. Block

5 An “oil block” is an area of variable extension, generally at least 200,000 hectares, slated for exploration activities. Once oil is discovered, companies work exclusively in the area from which the crude can be pumped. This area is much smaller, typically a few hectares, and is known as “oil field”.

204
16 was granted to Conoco-Nomeco-Diamond & Sharmrok Opic consortium; Block 14, to the Elf Aquitaine, Braspetro and YPF consortium; Block 17, to the Petrobrás, Elf Aquitaine and Britoil consortium; and, Block 12 was granted to the Teneco-Diamond-Yukon-Maersk consortium.

The Westernization of the Rainforest

Petroleum activity is a complex ideological, legal, economic, and social undertaking carried out with sophisticated technology. From the bidding process, where companies compete for concessions awarded by the government, to transport and sale, oil activity entails a series of social and ecological interactions.

The oil boom in the Ecuadorian Amazon began in an intact tropical forest. By the 1960s, except for very few isolated ranches abandoned by rubber workers and scattered throughout the Napo and Coca river basins, the area was completely characterized by an absence of roads, of significant economic activities, and of non-indigenous populations. So the oil companies started felling the forest, opening trails for seismic exploration, installing camps, drilling wells, opening airstrips and permanent roads, building houses, infirmaries, oil storage tanks, pipelines, and so on. These activities demanded a huge workforce, all of them newcomers to the forest, as well as equipment, vehicles, and, of course, capital, regulations, and controls. Besides the activities related to oil exploration and extraction in the field (prospection, drilling, transporting, and storing), oil activities opened the way for colonization and agriculture expansion, logging, hunting, urbanization and land market, commerce, tourism,

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6 The “rondas petroleras” are government-sponsored international auctions of oil concessions, which are block of land based on the state’s Cadastral Petroleum Map. The oil round in January 1985 opened, for the first time since 1972, oil activity to private investment; the last oil round, the tenth, was held in July 2013. The 11th Oil Round was cancelled due to lack of bids.
electrification, among other activities and socioeconomic processes of highly transformative consequences.

The move into the forest was carried out by human beings bringing materials and ideological tools into unspoiled ecosystems, the home of isolated indigenous people. This process caused profound ecological changes, serious environmental problems, and a complete social transformation of the area, creating a massive frontier.

In general terms and step by step, the new frontier opening in this Amazon area can be described as follows:

I. In a relatively undisturbed patch of rainforest, oil exploration starts as a restricted activity. If the results are positive, other activities will eventually occur, like the drilling of a well for oil extraction and the building of a road from the well to the nearest point in the oil network. Oil wells and roads are the necessary basic infrastructure in the oil business.

II. Soon after, a slow but steady flow of poor people (the “colonos”, homesteaders) will settle around the oil well and the oil road, staking a claim to a parcel of land. If an oilfield was located in the territory of an indigenous community, they generally would have moved deeper into the rainforest, simply vanishing with the arrival of new people to the forest.

III. As more people settle permanently, others begin to appear, setting up small businesses to sell staples, offer entertainment (bars, brothels) and services (barbershops, bakeries, and so on).

IV. Babies are born, people get sick, more people arrive, and the inevitable problems faced by human communities made up of people without a common background become apparent, and there is a demand for infirmaries, schools, police checkpoints, churches, and so on, which are generally located at the center of this new social frontier. As the population grows and the socioeconomic activities grow due to the constant demand by the oil companies’ workforce, other state agencies come into the area to register marriages, births, and death; to register property deeds, to collect taxes, and so on.

V. Once a permanent town has appeared, its inhabitants are included on national electoral roll and vote in elections for regional and national

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7 It is interesting that although this process is outside of a legal framework, the homesteaders have set themselves a limit of 50-hectares. Some families claim, under the pretext that their sons are legally adults and supporting a separate household.

8 The homesteaders are from different provinces of the country. Most of them have fled Loja and Manabi, provinces where severe ecological degradation led to prolonged droughts during the 1960s and 1970s.
authorities. If a candidate backed by residents wins the regional elections, it is likely that this new authority will promote the concession of administrative status to the town and a parish will be created with a life of its own, a public budget, and an existence beyond the oil dynamic.

The process explained above, which has taken place in the rainforest, is basically what Paxson (1924) calls a social laboratory where a (Western) society is engendered by the mix of newcomers and a form of production based on accumulation, which competes with local subsistence production. Through this dynamic, oil introduces into the rainforest law, development, technology, accumulative economy, and urbanization, all core concepts of Western ideology. It begins an endless process of ecological and social transformation. Once these ideological and technological categories have been introduced, they will act in an automatic fashion, even without the intervention of any governmental agency. They will automatically and constantly transform the existing natural and social orders, replacing, eroding, and/or displacing them. The introduction of monetary economic relations in wild areas means the transformation of these areas into new posts or nodes of capitalism and they therefore become interconnected with other points of capitalist exchange.

From the historical point of view, oil activity is only one of several external activities that take place in the Amazon during the continual process of conquest-colonization-development that has been occurring for the last five centuries. But this activity is characterized by a far reaching frontier, basically due to the myriad independent and interconnected socioeconomic activities, that explains why the process of frontier expansion will probably not wax and wane, as was the rule with previous frontiers. Though oil is a non-renewable resource and sooner or latter its technological and socioeconomic reason for being will come to an end, the frontier created by this
natural resource will probably survive because the activities that came into being as a result of oil have created a series of overlapping economic systems that can evolve without oil. This frontier has created permanent sites of urbanization, an extensive network of roads, and decentralized, permanent socioeconomic activities.

The oil boom, which started in the second half of the 20th century and is alive and well, is a new type of intervention that brings with it new kind of threats for the natural world and the societies upon which it descends. Both governments and oil companies prefer not to resort to violence in order to introduce oil activities, as did those of the past, but it unleashes a new form of frontier expansion characterized by its complexity, creating a set of threats, provoking a hidden or ideological violence, promoting continual shrinking of indigenous people’s realms, so that they cannot, as in the past, count on the presence of a vast forest within which to move and recover from the effects of the negative impacts provoked by invaders. While in the past, the threats to local societies and nature from the various frontier expansion processes were simple and comprised of a single set of activities, nowadays the oil boom has created a composite of threats, each working according to its own rationale, without responding to a unified cause, as in the past. Although this activity is promoted by the central government it is highly decentralized in its operational dynamic in terms of the actual place where it is carried out and of its effects. Every component and task of this industry — construction of roads, airports, camps, and so on — cause a set of independent impacts on natural and social environments, and these evolve in different ways, and no attempt is made to

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9 The value chain of the oil industry includes the identification of suitable areas for exploration, implementation of auxiliary services such as seismic surveys, well drilling, equipment supply and engineering infrastructure projects such as pipelines, roads, housing facilities, and storage and processing facilities (The World Bank 2009).
control them. In previous frontier experiences, once a given economic activity ended, the affected area started to recover, but now, even though that some oil fields may have been closed because of resource depletion, the composite effects continue to exist — roads, settlements, timber activity — and continue to produce destructive ecological effects.

In addition, the current frontier expansion promoted by the oil industry has evolved into a conflated group of legal and illegal activities, like agriculture and livestock production using the slash-and-burn technique to open the forest, logging, wildlife trafficking, and homesteading, all of which work together to erode ecosystems. Each one is an automated engine that alters local social and ecological systems, working simultaneously in different places and creating physical connectivity among themselves.

The oil boom has been the first frontier process to create a massive string of sparse, widely separate, but permanent hamlets. As explained above, most of the colonization efforts before the oil boom in the Ecuadorian Amazon have failed because of difficult access, the unwillingness of indigenous people to live in permanent settlements, and the hostility of these communities to outsiders (Salazar 1977; Ospina 1994). On the other hand, as discussed above, the people and nature in this region faced previous frontier experiences with greater resiliency. Although frontier events in the past had traumatic impacts on indigenous communities, they eventually subsided and finally disappeared, allowing indigenous people and nature to recover and even flourish afterwards. Given the nature of the current frontier process, social recovery is possible only after people have abandoned their means of subsistence, and natural recovery is difficult if not impossible.
The oil industry dynamic explained above make this wave of frontier expansion particularly pervasive in terms of ecological and social effects. Although as in every frontier experience throughout history, indigenous people have been negatively affected, the changes they now suffer are not necessarily intentionally cruel, as they were in the past, as noted by Casement in 1910, for example. As it will be seen, most of the indigenous people have adapted to the new situation and some have even flourished, except for those groups of Uncontacted people who, as in the past, refuse any interaction with outside societies.

**Ecological and Social Effects of Oil Activity**

Besides the highly transformative ideological effects, the oil industry generates negative ecological and social impacts wherever it operates. From damage to flora and fauna due to deforestation to make way for infrastructure to oil spills, the industry produces a range of impacts on local societies.

Environmental problems occur from the beginning of oil activity, when large quantities of chemical products are used during drilling. These products — lubricants, emulsifiers, anti-foaming agents, diluting agents, and solvents to treat drilling sludge — severely pollute the abundant sources of water in the rainforest. For decades these products were dumped directly into local rivers and streams without any chemical or biological treatment; in like fashion, drilling muds received no treatment to remove chemicals but were simply left in sedimentation pools.

In a study carried out by the Ecuadorian organization Corporación de Defensa de la Vida (CORDAVI) in the early 1990s, water contamination was found at oil sites chosen at random in the area. Analyses of water sources used for human consumption by settlers and indigenous people showed levels of pollution up to ten times higher than
the level considered safe for human health (CORDAVI 1994). Among the chemical products used regularly in the oil industry are methylbenzene, xylene, ethylene oxide, toluene, and ethylene glycol, among others. These products have negative effects on humans, producing vomiting, diarrhea, irritation of the skin, eyes, and respiratory tract, birth defects, and cancer; they are considered toxic, their use is use and their disposal should be subject to strict safety measures (Barlow and Sullivan 1982). Oil companies use thousands of gallons of these chemicals. The water which is separated from crude oil contains all of these chemicals, as well as emulsified remnants of crude oil. This water has been pumped into sedimentation pools which flow almost directly into the environment. In this way, not only are the surrounding forest and rivers affected, but also all rivers downstream and the groundwater. The natural gas generated at petroleum stations is simply burnt off (flared). Its incomplete combustion produces large quantities of soot, carbon monoxide, and carbon dioxide, as well as cancer-causing organic compounds such as polycyclic aromatic hydrocarbons, pyrenes, and benzopyrenes (CORDAVI 1994).

According to San Sebastián and Hurting (2004), between 1972 and 1993, about 30 billion gallons of the toxic by-products of petroleum extraction were released without treatment into the terrestrial and aquatic ecosystems of the region. In addition, recurrent oil spills that occurred between 1972 and 1979 amounted to approximately 16.8 million gallons of petroleum released the length of the pipeline (Kimerling 1990, 69). These spills were caused by traffic accidents, corrosion, construction materials deterioration, and negligence. The oil and byproducts spilled or leached into the ground waters of the rainforest represent several times the 10.8 million gallons spilled by the Exxon Valdez
tanker in Alaska in 1989, one of the worst environmental accidents in the world. Such spillage in the rainforest is even higher compared with the massive release of oil from the Deepwater Horizon mobile drilling unit that exploded in 2010 in the Gulf of Mexico, releasing 134 million gallons of oil. (DHNRDAT 2016) The pollution of soil and water bodies and other environmental problems affected both indigenous people and colonists. These problems resulted in two international lawsuits filed against the oil companies that operated in the area. The first lawsuit was presented in 1992 by CORDAVI before the International Water Tribunal against Texaco, Petroecuador, and Cepco City, the only three oil companies working in the Ecuadorian Amazon until that year. (Table 6-1), The second lawsuit was filed in 1994 in a US court\textsuperscript{10} alleging that Texaco had caused harm to the environment and to people living in its area of operations (Lambert 2000).

Table 6-1. Jury’s Verdict of the International Water Tribunal

<table>
<thead>
<tr>
<th>The Chair of the jury pronounces the following:</th>
</tr>
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<tbody>
<tr>
<td>Relating to the Jury Sitting</td>
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<tr>
<td>The case concerns a dispute over oil exploitation in the rain forest of Ecuador.</td>
</tr>
<tr>
<td>The parties were given timely notice of the procedures, received the text of the complaint and were invited to present their positions in the case, according to the rules of procedure of the International Water Tribunal.</td>
</tr>
<tr>
<td>At the first sitting of February 17, 1992, the plaintiffs provided information additional to the previously submitted documents. Petroecuador and Texaco Petroleum Company have supplied the jury with written reactions. Petroecuador participated in the public hearing of February 20, 1992. City Investing Company did not respond. This in no way prevents the jury from handling the case.</td>
</tr>
<tr>
<td>Recalling the Universal Declaration of Human Rights of December 10, 1948, the Stockholm Declaration on the Human Environment of June 11, 1972 and being guided</td>
</tr>
</tbody>
</table>

\textsuperscript{10} See: Aguinda v. Texaco, Inc., United States Court of Appeals 2nd Circuit.
by the Declaration of Amsterdam, the jury reaches the following conclusions:

1. There is sufficient evidence that large quantities of hydrocarbons, salts and hazardous substances associated with oil exploration and production are found in the waste waters discharged or spilled on soil and into surface waters of the Ecuadorian Amazon Region by the defendants.

2. These waste waters cause deterioration in the quality of the river water which is essential for the sustainable livelihood of the local population.

3. Insufficient and at most superficial measures were taken for retaining and minimizing spillages of oil and contaminating substances and leakages from pits.

4. Neither environmental impact assessments nor monitoring data, if at all available, were routinely made accessible by the firms to the public.

5. There is no evidence that the defendants adopted a precautionary approach in undertaking their activities.

6. Petroecuador has taken over the shares of Texaco Petroleum Company and the management of operations in 1989. Petroecuador has formulated an integrated environmental management plan. The jury expects that this plan will be put into action expediently.

7. Petroecuador has undertaken oil exploration and production activities in areas protected by the 1940 Western Hemisphere Convention to which the state of Ecuador is a contracting party and to which it should adapt its oil legislation.

8. Independent of the responsibilities of the government, the jury holds the defendants also responsible for safeguarding the quality and quantity of water vis-à-vis other interests.

9. It is the obligation of the defendants to take measures to prevent further or future damage, provide restitution and/or provide equitable compensation where restitution is not possible.

10. In addition, the jury recommends that monitoring and other post-assessment procedures be executed on regular basis in consultation with affected parties and the results be made public.

11. The jury recommends that the plaintiff investigate the possibilities of legal measures in foreign courts in the case of Texaco Petroleum Company and City Investing Company.

12. The jury therefore doubts whether the economic benefits accruing from the defendant’s oil exploitation were adequately balanced against the negative effects on the livelihoods and employment opportunities of the local population, part of the Ecuadorian Amazon Region, and the natural life dependent on water.

Signed, February 20, 1992, Amsterdam.
The importance of this verdict was that, for first time, there was a scientific and judicial analysis of the adverse effects of oil exploration in the Ecuadorean Amazon. In Ecuador the government excluded environmental damages from production costs and public policy concerns. After the lawsuit at the International Water Tribunal and other lawsuits at the national level, before the Tribunal de Garantías Constitucionales, the Environmental Regulation for Hydrocarbon Operations in Ecuador (Reglamento Ambiental para las Operaciones Hidrocarburíferas) was approved.\textsuperscript{11} This was the first regulation for oil activities in the country.

Beside soil and water pollution, another form of ecological damage due to oil activities is the construction of roads. The road system constructed for the exclusive use of the oil industry also proved to be an effective conveyor of migrants to the rain forest, and the major means of deforestation and excessive hunting (Finer et al. 2015). The roads were used by thousands of Andean peasants\textsuperscript{12} to settle in nearby areas, creating a spontaneous colonization process. The oil industry benefited from the governmental policy of "live frontiers" or integrating the Oriente into national society by promoting settlement. By the early 1970s it is believe that about 43,000 colonist had moved into this region and started to settle along the new, unpaved roads opened by Texaco (Southgate 2009). Since the initial stages of this industry require a large number of


\textsuperscript{12} These people come, principally, from socially depressed areas of the country, particularly the provinces of Manabi and Loja where drought and an earthquake resulted in migration (Real 2007). So from the beginning, the area was perceived as a place for the social recovery of people whose lives had been affected by calamities. Symbolically, colonists viewed this process as a bridge that allowed them to cross from experiences of scarcity to an imagined abundance that was said to exist in the rich rain forest. The belief in the existence of a road leading from depression to prosperity fueled this important process of socio-geographical movement in which the state played a catalytic role by granting concessions to oil companies and opening roads in the rain forest.
mostly unskilled workers, for forest clearing, road construction, and other labor intensive tasks, the companies took advantage of the continuous flow of people from the Andean areas. The colonists populated the northern area which soon became the Lago Agrio oil well site, the biggest city in the Ecuadorian Amazon.

Both the oil companies and the settlers produced extensive changes in natural ecosystems. The construction of oil well platforms, the opening of roads, the building of barracks for workers and other infrastructure, the expansion of the agriculture frontier, the creation of improvised towns around the oil wells caused massive deforestation, invasion of the native people’s ancestral territories, introduction of health and social problems, including diseases, alcoholism, and prostitution (Finer 2008).

**The Indigenous People and The Oil Boom**

Depending on adaptive capacity, indigenous cultures flourish or die when facing threats or frontier expansion. In the past, some indigenous cultures’ social resilience allowed them to successfully deal with the threats of conquest, colonization, the rubber boom, slave raids, forced displacement, and forced settlement.

Table 6-2. Amazon indigenous people integrated into national society

<table>
<thead>
<tr>
<th>INDIGENOUS PEOPLE</th>
<th>PROVINCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A’l Cofán</td>
<td>Sucumbíos</td>
</tr>
<tr>
<td>Secoya</td>
<td>Sucumbíos</td>
</tr>
<tr>
<td>Siona</td>
<td>Sucumbíos</td>
</tr>
<tr>
<td>Huaorani</td>
<td>Orellana, Pastaza, Napo</td>
</tr>
<tr>
<td>Shiwiar</td>
<td>Pastaza</td>
</tr>
<tr>
<td>Zápara</td>
<td>Pastaza</td>
</tr>
<tr>
<td>Achuar</td>
<td>Pastaza, Morona Santiago</td>
</tr>
<tr>
<td>Shuar</td>
<td>Morona Santiago, Zamora</td>
</tr>
<tr>
<td>Kichwa (Amazon)</td>
<td>Chinchipe, Pastaza, Napo</td>
</tr>
<tr>
<td></td>
<td>Sucumbíos, Orellana, Napo and Pastaza</td>
</tr>
</tbody>
</table>

Source: SIISE n/d
Of the nine indigenous peoples of the Ecuadorian Amazon already integrated to the national society (Table 6-2), only four have been in direct contact with the oil frontier: A’l Cofán, Secoya, Siona, and Huaorani. The first three groups have lived with the Oil Boom since its beginnings in the 1960s, and the last, since the 1980s. Previously, they faced intermittent oil exploration activities during the 1940s and 1950s. The other indigenous groups, the Shiwiar, Zápara, Achuar, Shuar, and Kichwa, have not yet faced significant oil activity though bidding rounds for concessions in their lands have been announced\(^\text{13}\) (SHE 2013). The Kichwa indigenous people rejected successfully an ongoing oil exploration in their lands in 2003, when they presented a case before the Interamerican System of Human Rights, of which a pronouncement was made in 2012 (IC-HR 2012)

In general terms, the communities that have experienced the impact of the oil industry in their territories have dealt with that presence in pragmatic fashion, taking advantage of any benefits available in terms of transportation, trade, participation in new economic activities like tourism, jobs with oil companies, and logging, among others. Since oil expansion was not a physically violent event comparable to the Rubber Boom and other historical frontiers, most indigenous people learned how to take advantage instead of rejecting it. Generally, the indigenous people of the Ecuadorian Amazon whose territories have been infiltrated by external non-indigenous societies have increasingly entered the market society and adapted to the new socioeconomic logic

\(^{13}\) The so-called Ronda Surorienté included more than 10 oil blocks located in the provinces of Pastaza, Morona Santiago, and Zamora Chinchipe; these blocks are located in the lands of the Shiwiar, Zápara, Achuar, and Shuar native peoples. See: Ronda Surorienté Ecuador, Convocatoria. Quito, a 28 de noviembre de 2012. http://www.rondasuroriente.gob.ec/ronda-sur-oriente/convocatoria/ [accessed on January 30, 2015].
improving or worsening their wellbeing (Godoy et al. 2005). These indigenous people have negotiated with external interventions in order to maintain their cultural identity and social stability. Borman (1996) relates how the Cofán indigenous people negotiated with missionaries of the Summer Institute of Linguistics in order to have an ally in addressing issues of trade; that alliance was later important for land recognition. McDonald (2011) on the other hand explains that in the late 1980s, the Secoya signed an agreement with the Occidental Oil and Gas company in order to improve oil practices and receive financial compensation for exploration and test drilling activities near their communities (Macdonald 2011). It is important to note that, as a part of their contract with the Ecuadorian state, all oil companies have had the option to carry out small projects in the communities in whose lands they work. These projects are called “community” and funded by the Ecuadorian State (Jarrín Morán 2010).

Notwithstanding these ephemeral benefits, the hydrocarbon frontier has produced complex changes in the way of life of indigenous people. It has led to increased disruption of communal activities and traditional practices due to the encroachment of colonists and oil infrastructure in traditional lands, deforestation, and loss of natural products used in subsistence and cultural activities. The ensuing changes in subsistence have forced indigenous people to enter market society, becoming members of the rural poor, ethnic minorities, marginalized and often times surrounded by social conflicts of varying intensity. I have identified combined conflicts and social pressure on indigenous people in the northern Amazon derived from the oil activities, deforestation, and the effects of the humanitarian crisis on the Colombian-Ecuadorian border (Real 2007). The US backed Plan Colombia, implemented during the
1990s to control drug trafficking in that country, provoked a massive wave of refugees, and resulted in military actions, illegal activities including drug traffic, and related problems on both sides of the border. The extensive network of roads opened by oil companies has exposed indigenous people to these threats, altering the living conditions of the communities (ibid.).

Land dispossession is the main direct impact, which has not been fully recognized as a critical problem by indigenous peoples themselves because of the perception of vastness\(^{14}\) of Amazon lands, which has been part of the indigenous mentality (Borman 1996, 193). Since oil frontier started, a trickle of colonist encroaching on their lands and shanty towns have fully emerged. Practically all indigenous peoples have lost substantial parts of their lands and the ability to obtain what they need for subsistence. The various aspects of the oil frontier have resulted in constant pressure on the remnants of indigenous territories, leading to an accelerated decline in the material base of their culture. An example of this is the A'I Cofán community of San Pablo de Kantesiaya, where different frontier activities, including roads, monoculture, and colonization, have physically surrounded communal territory and blocked ecological interactions with the still-standing rainforest in the indigenous area. Surrounded by monoculture, colonizers, and roads, that rainforest is becoming poor because of the choking effect of the phenomena promoted by the oil frontier. The results of this situation are decreased biological productivity of the traditional forest and, therefore, less chance for the indigenous community to rely on it for subsistence and, consequently, an increasing dependence on external market society. The cultural effect

\(^{14}\) A son of an evangelical missionary couple that worked with the Cofán indigenous people when the oil frontier was opened recalls that vastness as follows: “As late as the early 1970s the experience of flying from Doreno to Limoncocha was one of flying over an unbroken and limitless sea” (Borman 1996,193).
of this situation is that new generations tend to migrate to urban areas as their traditional land offers no future (Real 2007). Other A’I Cofán communities have had to move because all of their land has been used for oil activities and invaded by colonization. This is the case of Dureno, in the A’I Cofán territory, where native inhabitants were displaced and where a town of about 3,000 inhabitants now exists. These situations present a serious obstacle to the cultural reproduction of indigenous people.

**Oil Activity and the Isolated People**

It is not known how many Uncontacted indigenous groups are in the Ecuadorian Amazon. According some sources there can be as many as six, the Tagaeri, Taromenane, Ōñamenane, Wiñatare, and Iwene, who are moving between the eastern border of the Yasuni National Park to the Peruvian territory where they may reunite with other related Uncontacted people. It is still a matter of speculation whether or not they constitute a single group related with the Huaorani people as are the Tagaeri or are they composed of different groups each with their own culture. All that is known about the Uncontacted people come to us through testimonies of Huaorani people, objects found

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15 Most of the bibliographic sources refer to only two Uncontacted groups, the Tagaeri and the Taromenani o Taromenane, both said to be part of the ethnic Huaorani. Smith (1996) reports the existence of the "Ōñamenane" and "Wiñatare," though Rivas Toledo and Lara Ponce (2001) doubt that they exist. However, in 2011 the indigenous organization CONAIE (Confederación de Nacionalidades Indígenas del Ecuador) presented a charge of genocide to the Fiscalía General del Estado (the public prosecutor of Ecuador), perpetrated against four groups: Tagaeri, Taromenane, Ōñamenane, and Iwene. The organization also stated that there were more Uncontacted groups in the same situation. (CONAIE 2011). This may confirm what Huertas Castillo (2010) maintains about the presence of the Feromenani, Pananujuri, and Tagaeri, Uncontacted indigenous people in Peruvian territory contiguous to Ecuador, and other isolated people seen along the Nashiño, Cononaco, and Curaray rivers, who may be Huaorani. Finally, Duhalde et al. (2013) thinks that there may be seven Uncontacted groups, including two seen in the Tiwino and Curaray rivers, who may be under Tepeña, Gawe, Gogaka, Ōña, and Tagae leadership. (Duhalde et al. 2013).
in abandoned or raided houses in attacks conducted by Huaorani individuals, or even remains of Uncontacted people killed in clashes, ambushes or assaults.

These groups have been confronted with the oil frontier since the mid-1980s, when several concessions were granted in their territory. The oil activity is probably the first consistent frontier to expand into their lands since the European conquest in the 16th century. To date, these people have consistently refused to be a part of any intervention in their lands and, therefore, in more than two decades of regular oil activity in their territory, they have systematically rejected any and all cultural adaptation to the new situation. Because of their constant refusal to adapt to oil and other activities, and the combined negative effects of these economic initiatives in their lands, these people have clashed several times with their Huaorani neighbors and with oil crews, loggers, and colonizers in the last two decades.

The case of the isolated people is completely different from that of other indigenous people affected by the oil frontier. While the Uncontacted still practice a mode of subsistence based on hunting and gathering activities and, hence, forest quality is fundamental for them, the contacted Huaorani people, who also refused contact with external society until the 1960s, have since adapted to the current socioeconomic frontier. Their population has increased and they enjoy some material benefits from oil companies working in their traditional land. This situation, as will be discussed in the following chapters, represents an additional threat to the Uncontacted people because the two sides have developed opposing interests regarding the current frontier. Since the Huaorani have allied to the invaders the Uncontacted are surrounded to the north and the west, of oilfields, colonists, Huaorani communities, and all the
frontier elements that threaten their existence. All these situations create the conditions for an asymmetrical confrontation between the Uncontacted people and the outsiders have access to fire arms and other sophisticated offensive elements.

Although practically all of the indigenous people of the Ecuadorian Amazon have adapted to external society, exchanging most elements of their forest subsistence economy for elements provided by the market driven way of life, the Uncontacted people represent a challenge to the paradigm of progress by rejecting the benefits of the modern life. Since they refuse to abandon their subsistence forest economy, the effects of oil activities on them are completely different from those that occurred in other indigenous lands, and even that experience by the Huaorani who have learned how to take advantage of the oil frontier.

The constant use of the traditional lands of Uncontacted people for oil exploration and exploitation activities and as sites for oil infrastructure produces overwhelming pressure on these people. They are now encircled in small patches of land that are probably insufficient for cultural and physical reproduction.

In 1999, as a result of constant appeals that the lands of the Uncontacted people be respected, the Ecuadorian government designated a section of the forest “intangible,” (of forbidden access to strangers) for the exclusive use of that indigenous group. The basis for creating this area, which was finally mapped in 2007, was recognition that that it is essential to create conditions to avoid the physical extinction of this group. In 2008, the crime of ethnocide was included in the National Constitution and a set of regulations related to the crime were added to the Penal Code. Article 57 of the National Constitution establishes that the territories of peoples in voluntary isolated are
intangible and that any violation of that status will be considered an act of ethnocide.

But in spite of this concrete recognition of the risk implied in disrespecting the lands of
the Uncontacted people, decisions have been made and public policies crafted by
government officials that ignore these clear expressions of state protection of a
tremendously vulnerable people. Among these decisions are the authorization of oil
activities in the so-called ITT Block and Armadillo Field, part of which are inside the
territory of the Uncontacted people.

As already mentioned, and will be discussed in detail in the following chapters,
some of the effects of the oil frontier on the Uncontacted people are already apparent in
the bloody clashes that have occurred in the last two decades, in which these isolated
groups have been defeated by external threats. These encounters have confirmed all
the fears these people have of the mortal danger the oil frontier represents for them and
which they have done everything in their power to avoid.
CHAPTER 7
THE POLITICAL CONSTRUCTION OF VULNERABILITY

So far in this study, I have reviewed how the people who became widely known as Aucas, and other uncontacted people of the Ecuadorian Amazon, have lived in an environment of fragile ecological and social way of life and how they have attempted to avoid one threat after another through the centuries. The last massive danger these peoples have faced appeared in the 1950s, when the opening of the oil frontier forced the Aucas to split into groups known as the Huaorani and the Uncontacted.

Historically, the Ecuadorian state and society have oscillated between an attitude of hostility to one of indifference toward the Aucas. Once divided into contacted Huaorani and uncontacted Tagaeri, Taromenane and others in the 1960s, the government paid some attention to the former, implementing certain health and education projects and later legalizing a small part of their traditional lands. But the Uncontacted were not a concern for the government until the end of the 20th century, except when they attacked oil crews, squatters, loggers, and others trespassing on their lands. Government concern was exclusively focused on the victims of the attacks while the isolated indigenous attackers were basically seen as an annoyance who, because they move about and hide in the forest, cannot be controlled. Nor does the state have any idea as to how to deal with this type of incidents involving ethnic rage.

Consistent public attention on Uncontacted people started after the attack on Capuchin missionaries Alejandro Labaka, Apostolic Vicar of Aguarico, and Sister Inés Arango. On July 21, 1987, they were killed by the Tagaeri with their traditional palm-wood spears. The missionaries tried to make contact with these clans in an effort to pacify them before the beginning of oil activities in their lands. One year later, a legal
case was presented by the non-profit law firm CORDAVI\(^1\) to protect the Yasuní National Park and the Huaorani and Uncontacted people in 1988 from oil activities. During the following decade, a number of social and political initiatives carried out by environmental and indigenous organizations at the national and international levels raised concern about these people and demanded that the government stop oil activities and respect their land. These initiatives created general awareness about the vulnerable situation of the Uncontacted people and the need to protect them and prevent their disappearance due to aggressive oil policies promoted by the government and the collateral effects of expanding this type of frontier. By the end of the century it was clear to the government that something had to be done to prevent the Uncontacted people from disappearing as have so many indigenous cultures since the 16th century.

The first attempt to build a public policy regarding the Uncontacted people was on the basis of territorial rights. The government understood that an exclusion area should be created in order to ensure that these tribes have a piece of land for their exclusive use, with no other activities or intrusions by outsiders permitted. Thus, the exclusion area was called the “Zona Intangible” and was created in 1999. In subsequent years, other public initiatives were taken to protect the land and culture of these people; these included the addition in the national Constitution and criminal code of the crime of “ethnocide”: a variant of the crime of genocide which takes into account cultural issues.\(^2\)

\(^1\) Corporación de Defensa de la Vida.

\(^2\) Ethnocide or “cultural genocide” has not been recognized in international law yet. The Declaration of San Jose adopted in 1981 by the UNESCO meeting of experts on ethnic issues (UNESCO Doc. FS 82/WF.32 1982), established that ethnocide “…means that an ethnic group is denied the right to enjoy, develop and transmit its own culture and its own language, whether collectively or individually. This involves an extreme form of massive violation of human rights and, in particular, the right of ethnic groups to respect for their cultural identity”
However, governmental actions intended to protect the Uncontacted were, in the end, futile as the efforts of oil interests were intense and the protective measures were challenged by elements of the very state that had enacted them. Consequently, legal and administrative provisions to protect the Uncontacted people were circumvented, if not dismissed, at all governmental levels. In this Chapter I review these governmental initiatives and discuss how, whether intentionally or not, they became a façade behind which to hide the anhilitation of the isolated people by restricting them to an insufficient expanse of land and therefore depriving them of sufficient natural resources desperately needed for survival.

**Remorse and Greed: Rights, Public Policies, and Governmental Decisions**

Until 1999 the Ecuadorian state did not have a specific policy regarding the uncontacted people. That year an area of rainforest was designated a “Zona Intangible” in order to allow these small bands of rainforest people to carry on with their lives according to their traditions. Although it took the central government eight years to establish the boundaries of the area in question and thus implement the policy, this action by the Ecuadorian state at least meant official abandonment of the implicit policy, and the idea widely accepted by society in general, that isolated peoples who live in territories scheduled for development activities of some sort were destined to be contacted by whatever means necessary, including the use of violence against them.

**A Bold Protection Policy Intended to Conceal Disdain**

The “Zona Intangible Tagaeri-Taromenane” or “Zona Intangible” (Forbidden Zone) was an exclusion area consisting of 700,000 hectares devoted to the protection

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of the “Huaorani peoples known as Tagaeri, Taromenane and others who remain without contact.” The policy contains two fundamental points: first, the situation of isolation or non-contact of these peoples is their own decision which they have freely made and which must be respected; second, development activities in their territory lead to their cultural and physical destruction. In addition, the policy recognized that the Ecuadorian State is a signatory to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of Genocide, among other instruments, thus implying that these international instruments may be applicable to issues affecting the Uncontacted people.

As noted, the Zona Intangible was not put in force immediately after it was created but almost eight years later, in 2007, when boundaries were established. Executive Decree 2187, of January 16, 2007, legalized the official boundaries of the indigenous area and from then on the policy regarding the area was binding. In this decree, the government reiterated that damages caused by development projects severely affect the culture and society of the Uncontacted, leading to their physical extinction. Since at that time there was not yet any reference in national legislation on genocide, the decree linked the impacts of oil development on the Uncontacted people with the crime defined in the Convention on the Prevention and Punishment of Genocide.⁵

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⁴ The word “Intangible” in English means something immaterial, “incapable of being perceived by the sense of touch”. In Spanish it means something that should not be touched or forbidden of being approached.

The government’s decision to create the Zona Intangible was seen as positive itself because its intention was to guarantee the integrity of land and natural resources for the Uncontacted people. However, the government was criticized for taking almost eight years to establish the area’s boundaries, a delay explained by its desire to satisfy oil interests. In spite of the measure’s important purpose - to prevent ethnocide - its implementation indicated that safeguarding the interests of the oil companies was of greater concern than safeguarding the human rights of the natives. The boundaries of the Zona Intangible were fixed to assure access to oil fields and wells rather than on the basis of the needs of these peoples. According to De Marchi et al. (2013), oil companies working in the indigenous territory monitored the delimiting process of this Zone in order to verify that it would not affect their blocks. In addition to the government’s concern to satisfy oil industry wishes, the creation of this area was an insufficient and impractical measure, because it neglected the culture of the Tagaeri, Taromenani, Oñamenane, Iwene and other peoples, whose way of life involves constant movement throughout what they understand to be their ancestral territory in search of food and natural resources required for survival. This issue was among the concerns that lead the Inter-American Commission on Human Rights (IACHR) to observe that the land provided for the Uncontacted was not an effective form of protection for these vulnerable groups (IACHR 2006).

Soon after the Zona Intangible was delimited, the government understood that the Uncontacted people would be entering the oil fields and other areas occupied by oil

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6 See: Inter-American Commission on Human Rights, Cautionary measures case No. MC-91-06; and Report on the Human Rights Situation in Ecuador, April 24, 1997, Chapter IX; CIDH Annual Report, par. 117.
infrastructure outside that restricted area and, worse, that new oil fields would be installed inside it (Luna, Alfredo 2017). In light of this unavoidable reality, Ecuador’s President promoted the development of two guideline documents: "National Policy of Peoples in Situations of Voluntary Isolation" and "Code of conduct to be observed by public and private companies adjacent to zona intangible that carry out hydrocarbons activities in the Amazon Region of the Republic of Ecuador." The first instrument, although announced by the President of the Republic in 2007, has not been formalized by any administrative act so far (Rivas, interview 2017) though certain parts of it were included in the second document which was issued in 2008 through a Ministerial Agreement.

The most relevant concept of the “National Policy of Peoples in Situation of Voluntary Isolation” is the admission of the high risk of physical elimination hanging over uncontacted peoples. The document states that the “extermination” of these peoples “should never be considered a means to facilitate extractive activities in the Amazon, nor as an inevitable collateral result of these activities” (Presidency of the Republic 2007). The policy’s admission constitutes official recognition by the Ecuadorian state that oil industry and all other activities that tend to occur around it may lead to the extermination of these vulnerable indigenous groups and therefore must be avoided.\(^7\)

On the other hand, the “Code of Conduct to be observed by public and private companies adjacent to zona intangible that carry out hydrocarbons activities in the Amazon Region of the Republic of Ecuador” is a set of recommendations based, in general, on the “National Policy of People in Situation of Voluntary Isolation,” It is based

\(^7\) The document deliberately use the term “avoid” and nor “prohibit”.

228
on notions of cultural diversity, intangibility, self-determination of peoples, non-contact, precaution, equality, respect for human dignity, and pro homine principles. Although it is true that social notions of respect for the indigenous social environment are presented here, their practical value is very limited because the Code does not establish any limits on oil activity, the engine of the current stage of frontier expansion and the primary cause of all the violence experienced by the Uncontacted peoples. The guideline documents have had no practical value because are not binding since they have no legal status.

Said public policies notwithstanding, the creation of the Zona Intangible was another step in the vulnerabilization of the Uncontacted because the area in question, with specific borders and surrounded by oil activities and colonists, made less practical one of the most important life strategies of these people: secrecy. Since then it is a given that most of the Uncontacted peoples will be found in a certain patch of the rainforest, so more likely to be located by their enemies. Moreover and ironically, this zone is now patrolled by soldiers, oil company security guards, and officers from public agencies that have promoted frontier expansion, which is the current wave of risk that challenges the survival of the Uncontacted. Now these people are confined to a limited territory over which the government has extended its control through roads and trails, and surveillance devices. As a result, the Uncontacted have been implicitly divested of land lordship over their lands, which are now completely controlled by their nemesis, the “cannibal” outsiders whom they have been prepared for centuries to confront.

**Collective Rights to Protect the Human Rights of the Isolated People**

There are legal bodies to which indigenous peoples can appeal to protect their rights and ethnic interests, and said rights include their human rights, their economic
and social rights, and their collective rights. These societies are covered by universal rights applicable to all persons without distinction, as regards human, economic, and social rights. In the case of collective rights, an Ecuadorian national system has been established to protect the cultural differences each ethnic group has generated as part of its particular historical experience of social and natural interrelations.

Notwithstanding the great progress that has been made in human rights related to indigenous peoples in general,\(^8\) the instances indicated do not necessarily protect the basic interest of the Uncontacted peoples. Particularly, the rights protected do not include the right of these peoples to remain isolated, that is, in geographic, social, and political seclusion, with no relationship with the state. The principle of peoples’ self-determination, which is the closest right to protect the isolationist interest of the Uncontacted, is a notion applicable to countries and nationalities with respect to their right to live in the political system that suits them best. Intra-nationally, this notion protects peoples’ right to adopt their cultural practices and customs without any restrictions, except those that radically affect constitutional principles or human rights. However, that right does not protect the desire of a community to remain isolated.

The ILO conventions 107 and 169,\(^9\) on indigenous and tribal peoples, regarded as the most important international instruments in this field, implicitly tend to integrate these peoples into the national societies of the countries to which they belong, without regard to the permanence of their cultures. ILO Convention 107 “was intrinsically

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\(^8\) The Indigenous and Tribal Peoples Convention of 1989, promoted by the International Labour Organization Convention, also known as ILO-convention 169, and the United Nations Declaration on the Rights of Indigenous Peoples1 in 2007, are two of the most influential international instruments on indigenous peoples.

oriented towards assimilation. ... [It] is based on the underlying assumption that the only possible future for the native peoples was their integration into the rest of society, and that others had to make decisions about their development” (ILO 2013: 4). Although this conception was revised in ILO Convention 169, that instrument has implicitly maintained the prejudice of the previous instrument, since the only innovation to avoid the integration of indigenous peoples is the introduction of the consultation and participation mechanism with respect to policy decisions that may affect them (ILO 2013). However, this mechanism is not applicable to uncontacted peoples because consultation and participation imply approaching these peoples and, consequently, the loss of their right to remain unrelated to external society.

International human rights organizations, on the other hand, have promoted important decisions on indigenous peoples. For example, the Inter-American Court of Human Rights has ruled on indigenous peoples’ ownership of the natural resources in their ancestral territory, that is to say, those they have traditionally used, indicating that without this ownership, their economic, social, and cultural survival would be threatened. In addition, the Office of the United Nations High Commissioner for Human Rights established a set of protection guidelines for peoples in isolation, in which they basically ask that their human rights be understood in light of their particularity of non-contact or recent contact, keeping in mind the threats they face and that their irreplaceable right and need to maintain their strategies of physical and cultural survival includes isolation (UNHRC 2009).

10 See the sentences of the Inter-American Court on Human Rights, in the following cases: Yakye Axa indigenous people vs. Paraguay (June 17, 2005), the Sawhoyamaxa indigenous people vs. Paraguay (March 29, 2006), and the Xákmok Kásek indigenous people vs. Paraguay (August 24, 2010).
At the national level, in the elections of 2007, voters opted for candidates promoting change. This led to approval of a new National Constitution in 2008. The Magna Carta introduced provisions regarding human and environmental rights, gender equity, social vulnerability, and other issues historically neglected in the country, among them, the collective rights of indigenous peoples, detailed in article 57. However, except for the last part of this article, none of the provisions (Table) apply to uncontacted indigenous peoples. This is because threats to the cultural and physical survival of the uncontacted people are of a different nature than those faced by other indigenous peoples and therefore cannot be controlled by applying these rights.

Table 7-1. Indigenous collective rights in Ecuador

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<th>(Article 57 of the Constitution - Summary)</th>
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<td>The following collective rights shall be recognized and guaranteed to communities, peoples and indigenous nationalities, in accordance with the Constitution and with covenants, declarations and other international human rights instruments:</td>
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<td>1. Maintain, develop and strengthen their identity, sense of belonging, ancestral traditions and forms of social organization.</td>
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<td>2. Not be subjected to racism.</td>
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<td>3. Recognition, redress and compensation to communities affected by racism, xenophobia and related intolerance and discrimination.</td>
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<td>4. Preserve the imprescriptible property of their lands.</td>
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<td>5. Maintain possession of ancestral lands and territories.</td>
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<td>6. Participate in the use, usufruct, administration and conservation of the renewable natural resources of their lands.</td>
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<td>7. Prior free and informed consultation (*) on plans for the exploitation of non-renewable resources on their lands.</td>
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<td>8. Preserve and promote their practices on biodiversity management.</td>
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<tr>
<td>9. Preserve and develop their own forms of coexistence and social organization, and of generation and exercise of authority.</td>
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<td>10. Create, develop and practice their own or customary law.</td>
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<td>11. Not be displaced from their ancestral lands.</td>
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<td>12. Maintain, protect and develop collective knowledge.</td>
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<td>13. Maintain, recover, protect, develop and preserve their cultural and historical heritage.</td>
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</table>

The territories of the peoples in voluntary isolation are of ancestral possession, irreducible and intangible,\(^{11}\) and in them will be forbidden all type of extractive activity. The state will adopt measures to guarantee their lives, to ensure their self-determination and willingness to remain in isolation, and to ensure the observance of their rights. Violation of these rights will constitute a crime of ethnocide, which will be included in the penal code.

\(^{*}\) This clause establishes the right of "consultation" only, not of "consent", which indigenous peoples have insisted to the United Nations.

Source: Constitution of the Republic of Ecuador, article 57

The last sentence of article 57 indicates that individuals and organizations who trespass Uncontacted territory to set up extractive activities in their lands will be committing the crime of ethnocide. Despite the high level protection this provision provides, it has yet to be applied, as discussed below. Among the other collective rights, only four are relevant to the uncontacted peoples. These are: (i) preserve the imprescriptible property of their lands; (ii) maintain possession of ancestral lands and territories; (iii) the prohibition of displacement from their ancestral lands; and iv) the irreducibility and intangibility of the territories of the peoples in voluntary isolation. The

\(^{11}\) Forbidden.
rest of the rights in this article are administrative rules and, in some cases, simply
descriptions of the respect obviously due not only indigenous people but all of the
country’s inhabitants. In addition, the four collective rights relevant to Uncontacted
people (see Table 7-1, num. 4, 5, 11, and final clause) have, in practice, been
neutralized by oil policy which is by far more important to the government.

Ethnocide: A Heroic but Ineffective Figure to Protect the Uncontacted

A provisions addressed by the collective rights of indigenous peoples is the
concept of ethnocide. However, this powerful legal provision, when coming up against
oil interests, became a decorative phrase, losing its protective quality. The figure of
ethnocide was linked with the cultural and physical risk of the Uncontacted and included
in article 57 of the National Constitution, in which the penultimate paragraph states:

The territories of the peoples in voluntary isolation are of ancestral possession,
irreducible and intangible,\textsuperscript{12} and in them will be forbidden any kind of extractive activity.
The state will adopt measures to guarantee their lives, to ensure their self-determination
and willingness to remain in isolation, and to ensure the observance of their rights.
Violation of these rights shall constitute a crime of ethnocide, which shall be defined by
law.

In 2009, soon after the Constitution was adopted, Ecuador’s Penal Code was
reformed to define ethnocide as applied to the Uncontacted people:

Art. (2).- Whoever disrespects the self-determination of a national, ethnic, racial
or religious group, or the desire of said group to remain in voluntary isolation,
shall incur in the offense of ethnocide and shall be punished with ordinary
imprisonment for three to six years.
Art. (3).- Whoever acts in a way that threatens the total disappearance of people
in voluntary isolation, or in order to change in any way, the culture, way of life or

\textsuperscript{12} This term is used in the sense of exclusion.
identity of the people in voluntary isolation, shall be punished with imprisonment of two to four years.

In the new penal code, the Código Orgánico Integral Penal\textsuperscript{13} (Integral Penal Organic Code), which went into effect in 2014, the definition of the crime of ethnocide was changed as follows:

Art. 80. Ethnocide. A person who deliberately and in a generalized or systematic fashion totally or partially destroys the cultural identity of peoples in voluntary isolation shall be punished with imprisonment from sixteen to nineteen years.

Although the new provision increases the punishment, it renders impractical charging anyone with the crime due to the very specific conditions that rule it (individual person and deliberation). While the provision of 2009 punished any action of any person or organization that violates the self-determination of those in isolation or acts in a way that would result in cultural or physical damage to the Uncontacted, the provision of 2014 reduces drastically the conditions which would be defined as a crime.

First, the new provision on ethnocide establishes as the agent of the crime any "person that deliberately" commits a prohibited act. In addition, the provision becomes even more inapplicable given that the action or actions leading to the crime have to be "generalized or systematic". This mean that oil companies in general and any of its activities in particular cannot be termed ethnocidal because they are not deliberately intended to harm the peoples in question. Under these conditions, it is impossible to charge any specific person with the crime since it is very unlikely that a company or an individual would go to the jungle to deliberately and systematically destroy totally or partially the cultural identity of the Uncontacted. And in this way the crime of ethnocide has been reduced to a fictional clause. In addition, the threat to the isolation of the

\textsuperscript{13} See Registro Oficial No. 180 of February 10, 2014.
Uncontacted is no longer, in itself, considered a crime. So, forced contact can be carried out without being punished. In this way, the possibility of any charges of ethnocide against the Uncontacted being brought in Ecuador has been eliminated.

The change in intensity and effectiveness of the legal provision of ethnocide occurred precisely when oil interests were under discussion. The most notorious situation was the failure of a leading governmental project intended to avoid oil extraction in the rain forest. With the widely known Yasuni ITT Project, the Ecuadorian government asked for economic compensations from international donors in return for leaving underground a significant amount of oil discovered in a small patch of land overlapping the Yasuni National Park and the Zona Intangible. Once this project failed, due to technical and political inconsistencies, the government announced that it would be extracting the oil in question. Technically, under article 57, that should not have been permitted since the oil in question lies under part of the territory frequented by Uncontacted people. In addition, as the area involved was part of a protected area, Ecuador’s legislature, the National Assembly, had to authorize extraction. However, not only was the National Assembly unconcerned about the fact that oil activities in the area could lead to ethnocide, a majority of legislators reaffirmed that oil policies in Ecuador cannot be challenged by any public interest, including those related to human rights. Among the reasons for approving oil extraction in the Yasuni ITT area, the legislature stated the following:

... it can be concluded that the Constitution preserves nature’s conservation in protected areas and in intangible areas, but the state needs the economic resources that may come from extractive activity for the fulfillment of its constitutional obligations.¹⁴

¹⁴ See National Assembly of Ecuador, “Report to the Commission on Biodiversity and Natural Resources. Permanent Commission on Justice and State Structure” (Registro Oficial No. 106 of October 22, 2013.)
This legislative criterion in fact annulled the final part of the Constitution’s article 57, which protects the territories of the peoples in voluntary isolation, peoples for whom the crime of ethnocide was established. In this case, the security of the isolated peoples has been rejected in favor of oil activity, leaving these people without the most important protection that the Ecuadorian legal system established for them. The basis for revoking the protection granted to the Uncontacted people is that there is no conscious desire to commit genocide involved in the policies and issues that may permit such a tragic situation. Moreover, the wider question is why the same governmental period in which the legal provision of ethnocide was created has, in practice, undermined that figure and even automatically suspended it. Obviously, any response to this question must take into account that the government has incurred in an extreme violation of the rule of the law in detriment to the Uncontacted people, a human group that is chronically vulnerable due to the constant predation exercised against them for at least five centuries. And the fact of vulnerability has been recognized by the government.

**Subordination of Human Rights to Extractive Policy: Concession of the Armadillo Oil Field**

In 2008, almost a decade after the government created the Zona Intangible Tagaeri-Taromenane\(^{15}\) and one year after its boundaries were legalized, the oil frontier irrupted again in the indigenous territory at a point called Armadillo. This area is within the Zona Intangible; however, an uncontacted group had been sighted there. This should have led to the suspension of oil activities, according to article 57 of the Constitution, in order to protect the way of life of the isolated people.

\(^{15}\) See Executive Decree No. 552, published in *Registro Oficial* No. 121 of February 2, 1999.
Even though the Uncontacted exist in the area, on May 19, 2008, the board of Petroecuador, the state oil company, made a critical decision regarding the survival of these isolated people. In spite of being fully informed about the existence of Uncontacted groups in the Armadillo Field, the board approved oil activities there. Uncontacted people have been seen in that area for several years, so the government has had the responsibility to avoid any socioeconomic activity there that could violence involving these indigenous persons which, in fact, had occurred on two occasions. The government’s decision to allow oil activities there illustrates the frontier governance struggle with all its dramatics effects.

Because the Uncontacted exist in the Armadillo area, on December 30, 2008, Ecuador’s Ministry of the Environment sent a communication to the minister of Oil and Mines\textsuperscript{16} explaining that, since that area is part of the territory of the Uncontacted, seismic prospection and other oil related activities are not allowed. This particular activity requires the opening of an extensive network of trails, the presence of many workers and the installation of temporary camps, so that violent clashes with the Uncontacted are likely. In fact, a few months earlier, workers were speared to death near a similar oil area. Consequently, the minister of the Environment reminded the minister of Oil and Mines that article 57 of the new Constitution, approved several months earlier, protects Uncontacted people and their territory, and that trespassing and carrying out activities in said territory are included in the crime of ethnocide because, according to the Constitution, such acts constitute threats to the physical and/or cultural survival of the Uncontacted people. In light of this, BGP Ecuador Co. S.A and

\textsuperscript{16} See communication no. 10537-08 D-MA, December 30, 2008, Ministry of the Environment of Ecuador.
Petrotesting, oil companies conducting exploratory and/or exploitive activities, were ordered to immediately stop said activities in the Armadillo area. The companies in question had not taken into account the presence of Uncontacted people in their management plan.

Evidence of Uncontacted people in the area prompted the National Hydrocarbons Directorate to prohibit oil activities a year. Later, in June 2009, the minister of the Environment endorsed said prohibition, ratifying the decision in July in these words: “activity in the field cannot be carried out without the authorization of this Ministry, under penalty of initiating the pertinent legal actions for the breach of a constitutional mandate and the crime of ethnocide.”

The public official’s concern for the human rights of the uncontacted people was not necessarily due to sympathy but a matter of practical convenience. He did not want to find himself charged with a crime in a national court or, worse, the International Criminal Court. Later, the same official had to deal with a Constitutional Court case brought by two indigenous organizations attempting to stop the granting of oil concessions in the territory of the Uncontacted.

According to the minister of the Environment’s communication, the companies in question had trespassed repeatedly into the Uncontacted’s territory and had agreed to pay the leaders and members of the Ñoneno Huaorani community in return for

17 See communication no. 0261-2009-D-MAE of June 11, 2009 from the Ministry of the Environment to Petrotesting Oil Company.
18 See communication 010-DINAPA-EEA-90063 of January 7, 2009, in which the National Director of Hydrocarbons prohibits entry into said oil area by oil companies.
permission to enter the nearby Uncontacted’s territory. In addition, the companies had flown several times over said territory and had identified the location of several camps. As explained in Chapter 5, when the Auca people split into the groups known as Huaorani and Uncontacted, in many respects the factions become enemies, particularly in the control of natural resources and hunting areas over which at least two massacres have occurred. The oil company formed an alliance with the Huaorani village in order to gain access to Uncontacted territory and encouraged members of the community to fight against the Uncontacted and in favor of oil activity, from which they would gain economic benefits.

Nevertheless, oil companies understood that the Minister of the Environment’s warning would not stop their activities if higher ranking officials were contacted. Thus, they began to lobby the National Secretary of Public Administration, an official close to the Presidency, who sent the following dispatch to all the high ranking officials of the Executive branch:

MINISTERS AND STATE SECRETARIES, AUTHORITIES OF THE CENTRAL AND INSTITUTIONAL PUBLIC ADMINISTRATION OF THE EXECUTIVE BRANCH

In order to ensure the timely and effective progress of projects, especially those in strategic sectors, I remind you of the President of the Republic’s instructions in the sense that any order to stop a project work must have the President’s prior authorization.

This was clearly a message to the environment ministry whose orders to stop oil activities in Uncontacted territory were thus neutralized. Because of the pressure

21 The Huaorani community does not have the right to grant permission regarding the territory of the Uncontacted, but in paying for that right, the oil companies pretends to compensate for the consequences of their actions in some way.

exerted by the National Secretary of Public Administration the Environmental Ministry aligned itself with the position of oil extraction at any cost. Indeed said Ministry sent a communication to an oil company working in Uncontacted territory, in the Armadillo area, stating that for all activities requiring fieldwork, a “technical commission” would be assembled to enter the territory with the “pertinent police and military protection to ensure the physical integrity of its members and to “avoid or control possible encounters with isolated peoples.” In fact, oil activities in the Armadillo field continued and workers protected by armed guards entered a territory whose people assume that strangers are vicious murderers, thus creating conditions for a confrontation. It is ironic that the same minister of environment who tried to stop oil activities in this area of the Uncontacted people’s territory provided oil concessions in other areas and defended them in the Constitutional Court, as will be discussed below.

Strikingly, all the administrative decisions analyzed were taken after the IACHR requested the Ecuadorian government in 2006 to adopt precautionary measures in favor of Uncontacted because of the evidence that the Armadillo area is a part of their foraging space, necessary for their survival. This has been confirmed in a report entitled “Consideraciones técnicas sobre la situación de Pueblos Indígenas Aislados en el sector Armadillo,” in which the Ministry of the Environment lists at least 28 events that prove that the area is part of the territory used by the Uncontacted; these include the

23 See communication MAE-SCA-2010-0518 of February 10, 2010 from the Undersecretary of the Environment to Petrotesting (a company related with oil activities).

24 Precautionary measures are provisions taken by the Commission requesting that a State make the needed arrangements when there exist serious and urgent situations of risk or irreparable harm to persons or to subject matter of a pending petition or case before the organs of the Inter-American human rights system. These arrangements should be aimed at avoiding risk or preventing irreparable harm. See article 25 of the Rules of Procedure of the Inter-American Commission on Human Rights.
spearing death of a squatter that occurred in March 2008, just two months before Petroecuador approved drilling in the area.

The existence of uncontacted people outside the Zona Intangible showed that said area was not an effective way to protect these vulnerable groups. This observation was made by the IACHR when ordering that precautionary measures be taken in 2006. According to this international human rights organization:

In view of the background of the case, and because the creation of the so-called "Zona Intangible" in 1999 has not translated into a mechanism for protecting these peoples, the IACHR considers that it is appropriate to grant precautionary measures under article 25 (1) of its Rules of Procedure in favor of the Tagaeri and Taromenani Indigenous Peoples. Accordingly, the Inter-American Commission requests the Ecuadorian State should take effective measures to protect the life and personal integrity of the members of the Tagaeri and Taromenani peoples, in particular, adopt such measures as may be necessary to protect the territory in which they live, including the required actions to prevent the entry of third parties.25

The IACHR’s request was ignored by the Ecuadorian government in the process of establishing and authorizing oil concessions in the Armadillo field. Human rights and indigenous organizations went to court to stop oil activities in the area. None of the cases was successful, in spite of the fact that they involved vulnerable people who enjoy special constitutional protection26 and that they have additional legal protection

25 See “Proceso de Medidas Cautelares” no. MC-91-06 of the Inter-American Commission on Human Rights, and “Informe sobre la situación de los derechos humanos en Ecuador,” April 24, 1997, Chapter 9, Informe Anual de la CIDH, paragraph 117.

26 See article 57 of National Constitution.
under the collective rights principle due to their isolation as a result of which any activities that affect them constitute the crime of ethnocide. These cases demonstrate that Ecuador’s judicial system is incapable of adopting decisions that contradict the orders of the Executive branch, widely known as the predominant branch in Ecuador. In fact, many analysts have observed that judges and courts in Ecuador are under control of the Executive branch, particularly of the President.27

**Justice Forsaken**

Law, in the most general sense, is a system of rules intended to protect public and private interests regarded as necessary for fostering peace, wellbeing, security, development and other conditions for social life. Under special conditions of vulnerability, the legal systems provide some specific rights to groups and individuals in order to protect them from threats that otherwise would inhibit, deprive or prevent the groups or persons in question from accomplishing legitimate needs, goals or aspirations. The judicial system must protect these rights when they are jeopardized or violated, understanding that the law is not an end per se, but only an instrument to accomplish certain purposes to achieve social equity that the State is interested in promoting and that embody justice (Real and Montúfar 2018).

Ecuador’s Constitution is particularly noted for the protection it grants to vulnerable people, such as the elderly, persons suffering catastrophic illnesses, children and those persons affected by temporary or permanent problems or conditions. These persons are beneficiaries of priority attention in services offered by the state or private

27 See, for example, Pásara 2014.
sectors (see article 35 of the Constitution\textsuperscript{28}). Since the Uncontacted peoples are a social group at risk, they are automatically beneficiaries of prioritized attention, and their constitutional rights must be guaranteed by judges at all level. However, the exercise of these rights before judicial bodies is another area in which uncontacted peoples are being rendered invisible, discriminated against, and made chronically vulnerable. Obviously, these groups are totally unaware of the logic of the outside society, including the legal system, so it is impossible for them to appear before the courts to defend their rights. However, given that Ecuador’s Constitution expressly cites them as holders of rights, including that of remaining hidden, an ombudsman or other qualified public authority has a responsibility, \textit{ex officio}, to represent them in court. When that does not happen, it is reasonable that members of outside society (whether individuals or indigenous organizations) assume, \textit{de facto}, the representation of these Uncontacted people and protect their rights. This, however, as seen in legal cases described below, has been denied by the judicial system. Consequently, all the rights established for them have, in fact, been rendered null and void.

\textbf{Worsening Vulnerability Through Legal Invisibilization}

Legal invisibilization is a hidden threat to indigenous peoples living in voluntary isolation. Because they reject outside society, they cannot advocate for their own rights and thus it is difficult, if not impossible, to prevent actions detrimental to their

\textsuperscript{28} Article 35 of Ecuador’s Constitution states as follows: Older adults, children and adolescents, pregnant women, persons with disabilities, persons deprived of their liberty and those suffering from catastrophic or highly complex diseases will receive priority and specialized attention in the public and private spheres. The same priority attention will be given to people at risk, victims of domestic and sexual violence, child abuse, natural or anthropogenic disasters. The state shall provide special protection to persons in situations of double vulnerability.
subsistence and even to their survival by socioeconomic actors with open or implicit government support.

Analysis of the lifestyle of Uncontacted peoples through history has led to an understanding of how remaining hidden is, in and of itself, an issue that has resulted in high vulnerability due to the persecution that these people have experienced even in contemporary times. Hiddenness has been important in avoiding asymmetric confrontations with other indigenous groups and members of outside society, including missionaries, the army, governmental concessionaires, and squatters, among other frontier actors, including oil companies authorized by the state. Vulnerability has thus been promoted by the government which, ironically, through its role in the creation and implementation of protective public policies for these people, becomes the guarantor of the rights of these groups.

Two legal actions illustrate the inconsistencies in the government’s role as promotor of vulnerability and guarantor of the rights of the isolated people and how said role promotes legal invisibilization and a de facto elimination of the constitutional guaranties that favor the Uncontacted. The first case is an injunction, requested by the indigenous organizations Waorani (Huaorani) Nationality of Ecuador (NAWE) and the Confederation of Indigenous Nationalities of Ecuador (CONAIE), in order to suspend the “Environmental License to Petrobras Energy Ecuador for the execution of the development project and production in block 31 Nenke and Apaika field”. The second case is a criminal complaint of ethnocide against the Uncontacted people presented by the indigenous organization CONAIE in 2011.

The first case involved Oil Block 31 and the Nenke and Apaika oil camps, which are located in the ancestral territory of the Huaorani and Uncontacted peoples. The organizations requesting the injunction, NAWE and CONAIE, appeared before the Ecuadorian State in a district court in defense of the interests of the isolated groups. The request was forwarded to the District Court for Administrative Disputes, No. 1, in Quito. The court refused to hear the injunction request on March 10, 2008, alleging that requests of this kind were not under its jurisdiction. The decision was appealed to the Constitutional Court, which accepted the case on June 4, 2008. The final decision in the case was written by the Court on August 20, 2015 more than seven years after it had been presented and a decade after the administrative decision that the legal action tried to stop had been written.

The Court’s final decision denied the plaintiffs’ request for an injunction on the grounds that it did not fulfill procedural requirements and because the administrative decision that the injunction was intended to stop did not constitute a violation of rights. The central issue for this decision was the “lack of active legal standing” of the plaintiffs, the indigenous organizations NAWE and CONAIE. In its decision, the court stated that

The accusers are not legitimate representatives, inasmuch as they have not presented “the fair title by which the representation of an ancestral and hidden people is legally justified by third parties who pretend to represent said people’s collective rights through a private organization, without showing any proof of standing, thus, the action is without basis...30

It is ironic that the court demands that “just title” of an ancestral people be presented when one of said people’s consistent cultural traits is that they insist upon

30 See Constitutional Court resolution No. 648 in the injunction to suspend the “Environmental License to Petrobras Energy Ecuador for the execution of the development and production project in block 31 Nenke and Apaika field.” Registro Oficial no. 654 of December 22, 2015.
remaining hidden, rejecting any contact with outside society. Precisely because of this fact the National Constitution has included a special provision for protecting the territorial and cultural rights of these peoples. Moreover the Minister of the Environment, the authority that granted the license under discussion, went even further, denying that right of the plaintiffs to present a constitutional injunction on behalf of the Uncontacted people. 31

The decisions of the district tribunal and the Constitutional Court clearly demonstrate the government’s role as unconditional promoter of the oil industry which will no admit limits of any kind on that industry’s activities. They also show the incomprehension, underestimation and intolerance for a cultural expression that breaks with the established norms of the nation’s official culture. In addition, the decisions demonstrate the state’s contempt for the Uncontacted peoples, transforming said peoples into societies with no avenues for exercising the rights that have been specifically designed for them.

From the legal point of view, the judges mechanically adopted the concept of “active legal standing” in a case involving the Uncontacted people who, by definition, cannot appear before any court. Article 169 of the Constitution states that justice will not be sacrificed as a result of the omission of formalities. In this case, the plaintiffs were indigenous peoples’ organizations and one of them was the organization of the Huaorani indigenous people, a group that shares ethnicity with the Uncontacted but that decided to accept contact with the outside society fifty years ago.

31 Legal statement of the Minister of the Environment in response to the injunction request to suspend the "Environmental License to Petrobras Energy Ecuador for the execution of the development and production project in block 31 Nenke and Apaika field."
Beyond the legal technicalities discussed by the Constitutional Court, this case confirms that the Uncontacted, isolated or invisible people that still exist in Ecuador’s Amazon will have no rights as long as they remain beyond the reach of the state (i.e. contacted). They will enjoy no legal protection, despite the laws enacted, theoretically, to defend them. Moreover, the described situation raises the question on the state’s view of the rights of isolated peoples who, for obvious reasons, cannot appear before a judge to defend those rights. They are groups that are hidden, isolated, uncontacted, a situation that even the state defends with a specific constitutional norm. But despite this circumstance, envisaged in the normative system, the State itself (through the judgment of its judges and a government official), does not allow third parties to use those rights to defend these people who, though they have no identity within and no connection to the larger society, are still human beings. It is inconceivable that the judges of the Constitutional Court deny an action for the protection of rights because “the just title by which the representation of an ancestral and hidden people is legally justified” has not been presented. It is a contradiction of their role that the judges did not offer any reflection on the constitutional guarantees that are affected when a socio-environmentally dangerous activity, such as oil production, takes place in the territory of a vulnerable social group, to whom special attention is owed. The judges of the Court were obliged to act ex officio in defense of the constitutional rights of the people in question. Nevertheless, an already vulnerable people became invisible, that is, even more vulnerable.\(^{32}\)

\(^{32}\) Article 11, numeral 3 of the Constitution states: “The rights and guarantees established by the Constitution and by international human rights instruments will be directly and immediately applicable by and before all public servants, both administrative and judicial, either ex officio or on the request of a party.”
Since they are unable to appear for themselves or to be represented by third parties, isolated peoples are prevented from exercising their rights and, therefore, caught in a legal limbo. In this way, they become ignored, invisible in the eyes of the national community and, therefore, as in the past, they will continue to be subject to violations of their natural rights and the same kind of atrocities that have been committed against them during previous phases of frontier expansion. Once again, the Ecuadorian state repeated the pathetic official response to the massacres against Uncontacted people in 2003 and 2013, basically refusing to assume that the Uncontacted are human beings in need of protection. The situation described is a concrete expression of the double legal standard promoted by the Ecuadorian State. Although it claims to be in favor of a wide range of constitutional rights for the Uncontacted, it in fact provides real protection to the oil industry, responsible for diminishing the physical and cultural security of these isolated groups.

Finally, it is important to emphasize the time it took for the judicial system to respond to an action involving constitutional guarantees. This process lasted seven years, even though it involved indigenous groups in danger of extermination due to oil activities and therefore potential victims of the crime of genocide / ethnocide as a result of any intervention affecting their survival. During such time, this fact was not under consultation, analysis or reflection of any kind in dealing with this case. Instead, the case was kept in a drawer for a full seven years after it was presented, clear evidence

33 Because of the high number of cases dealing with, the Constitutional Court typically does not respond timely to demands and complains it receive regularly. However, cases presented for its attention are responded about six month later. Then, when after more than a year a case is not responded it is informally understood that such case is politically or socially controversial and judges do not like to take any action in order to avoid being criticized by politically or economically influential parties. This has become a rule during the leftist government that rule Ecuador since 2007.
of the complete lack of interest in the Uncontacted, in spite of the fact the legal matter under discussion involved a humanitarian crisis potentially linked with genocide / ethnocide.

While the case described was being decided (or not) by the Constitutional Court in order to stop an oil concession, another case was presented, in 2011, to the attorney general charging that the crime of genocide / ethnocide was being committed against the Uncontacted people. CONAIE, the national Indigenous organization, filed the complaint, which was endorsed by member of the National Assembly and human rights activists.\textsuperscript{34} The complaint argues that ethnocide is being committed against the Tagaeri, Taromenane, Oñamenane and Iwene people whose territory has been invaded by several oil concessions authorized by the government, in violation of the laws that protect these isolated groups. The defendants in this case were the then President Rafael Correa and several ministers and other high profile officers involved in the oil administration. Despite the serious charges made in this case, the Attorney General’s office sent to the Ombudsman, asking him to determine the actions to be taken. In practice, this meant, first, dismissing the issue as a criminal case and, second, minimizing its importance by sending the matter to an office that in the last years has been reduced to deal with minor violations of the law, typically affecting consumers.\textsuperscript{35} At this point, the Ombudsman who at the time of having referred the case was recently

\textsuperscript{34} See Charges brought by the Confederation of Indigenous Nationalities of Ecuador, against President Rafael Correa and other Ecuadorian public officials, for the possible commission of the crime of ethnocide against the indigenous Tagaeri, Taromenane, Oñamenane and Iwene. See Attorney General’s Office, guide No. 03390 of general correspondence.

\textsuperscript{35} See Case (Expediente Defensorial) no. 46978-2010, Defensoría del Pueblo del Ecuador.
appointed proved to be in complete accord with the government’s pro-oil extraction agenda.\textsuperscript{36}

Both cases confirm that the Uncontacted are outside the law, nonpersons, people whose existence cannot be demonstrated and, thus, whose rights cannot be defended. Even though article 16 of the International Covenant on Civil and Political Rights states that “Everyone shall have the right to recognition everywhere as a person before the law,” the Ecuadorian State denies protective rights to the Uncontacted. This means that it also denies the principle according to which all individuals throughout the world are recognized as bearers of legal rights and, therefore, endowed with the legal capacity to exercise these rights and access to courts to request the enforcement of said rights (UNHCHR n/d).

The context of the actions described above is important. The charges were presented just few years after one massacre of Uncontacted people and shortly before a second massacre caused precisely by extractive activities, and also after these isolated people had attacked, on several occasions, to loggers collecting timber in their land. Consequently, the state, at all levels and branches, should have been conscious of the extreme importance of the matters presented by the two indigenous organizations. However, no state entity established to protect the human rights at issue in these cases, particularly the Defensoría del Pueblo, the Ecuadorian Ombudsman, took the necessary steps. The Ombudsman did not appear in court to protect the rights

\textsuperscript{36} The former Ombudsman had taken seriously the rights of the Uncontacted. He defended their right to remain in voluntary isolation and asked the Inter-American Commission on Human Rights to order precautionary measures to be taken on their behalf. See communication from Fernando Gutiérrez, Ecuador’s Ombudsman, to Santiago Canton, Executive Secretary of the Inter-American Commission on Human Rights, Quito, July 12, 2011.
of the Ecuador’s Uncontacted and to “issue measures of mandatory and immediate compliance in the matter of protection of the rights, and to request judgment and sanction before the competent authority, for their non-compliance.” It was because of the Ombudsman’s failure to protect the rights of the Uncontacted people that NAWE and CONAIE appeared before the court and the Attorney General Attorney to demand action. But the state did nothing.

The Inter-American Commission on Human Rights has emphasized that it is not enough for states to adopt norms that recognize and protect the rights of indigenous peoples, warning that this step alone cannot guarantee the rights of these peoples (IACHR 2010). Instead, the Commission insists that there be practical and effective implementation of the constitutional, legal and regulatory rules that exist in a country’s legal system. Without implementation of said rules, rights remain a fiction. Therefore, given that Uncontacted people are unable to advocate on their own behalf, the IACHR calls on States, international organizations, members of civil society, and other actors in the defense of human rights to ensure that the human rights of these peoples are respected to the same extent as those of all inhabitants of the Americas, taking into account the particularities of their situation” (IACHR 2010).

Ecuador’s legal system suffers from the practical implementation of collective and human rights problem that the IACHR warned about as regards the human rights of indigenous peoples. The case analyzed above reveals the double standard that exists in Ecuador’s legal system when it comes to the application of constitutional guarantees for society in general and those that applicable to the Uncontacted people. Although the

37 According to article 215 of Ecuador’s Constitution, the ombudsman (Defensor del Pueblo) has the authority to issue these measures.
Constitution explicitly protects the isolation and other cultural traits of these groups, in practice, they maintain a status of indefiniteness before a State, which today views them with indifference at best and, at worst, with barely concealed animosity, as has happened in the past.38

The distortions and prejudices that lead the state to ignore the rights of groups not under its control are maintained implicitly. According to the analysis of the rights that would otherwise protect the Uncontacted, it is clear that there is a significant gap between the constitutional text, that is sufficiently clear, and the way that text is implemented. In other words, not all inhabitants of the country enjoy the same protection or guarantees. In practice, the protective mantle of rights enumerated in the Constitution does not cover groups in voluntary isolation, leaving them in a regulatory vacuum, in an interregnum.

**The Rationale of Plunder: The Failed Promise of Protecting the Uncontacted**

The rules and administrative actions reviewed in this Chapter demonstrate that the government of Ecuador has been aware for more than a decade that the peoples in voluntary isolation are highly vulnerable to development activities. Specifically, these rules and actions acknowledge that, in the ancestral territory of the indigenous Auca-Huaorani cultural complex, there exist uncontacted people for whom oil development can be lethal. Consequently, carrying out such activity could constitute a crime of genocide. This concern is consistent with the national and international framework for

38 During colonial times, ethnic groups that did not expressly adhere to the Spanish Crown were considered bellicose or non-collaborative (Ludescher 2001); they enjoyed no legal protection and, therefore, were subject to attack. As discussed in previous chapters of this dissertation, this perception remains intact even in the republican period. Fuentes (1997) reports cases of widespread violence in the Ecuadorean Amazon during the rubber boom, involving forced labor, torture and murder of indigenous people. Similarly, Yost (1979) comments on the “custom” of shoot Aucas before they decided to allow contact.
the prevention and punishment of crimes of ethnocide and genocide. However, the Ecuadorian government has opted for creating measures intended, supposedly, to protect these people while, at the same time, deliberately approving activities that make that protection impossible. Reviewing the main administrative decisions regarding oil extraction in the traditional territory of the Uncontacted manifest the government’s overwhelming interest in such industry. Even knowing beforehand that its decisions could lead to the crime of ethnocide under international and national law, this knowledge has not been an impediment to extractive decisions detrimental to these people.

The facts surrounding the government’s actions toward the Uncontacted peoples demonstrate that the current stage of frontier expansion in the Ecuadorian Amazon is occurring exactly the way similar frontier expansions occurred during the conquest and the colonial period: the pursuit of real or mythical treasures, abundance, prosperity, and so on, take precedence over all else. In the name of that pursuit, any perceived obstacle must be subdued or eliminated. Today, when the treasures in question are basically oil, land, and other natural resources, the situation has not changed, except for the invention of new vocabulary to rationalize or justify, through the language of human rights, sustainable development and ecological conservation, what ultimately constitutes plunder.

While the discourse of respect for local people and the environment, and implementation of economic development have softened the way frontier expansion is perceived, expansion of the oil frontier in the lands of the Uncontacted is occurring with the same violence, sometimes open, sometimes hidden, as it has in the past. However,
now we must add an important new element: the certainty of damage to and the elimination of human beings. While in the past conquerors and colonizers were convinced that they were doing what was deemed correct, now governmental officials, oilmen, and developers know very well that what they are doing is against current moral and legal principles. Conquerors in the 15th and 16th centuries were convinced that indigenous peoples had no soul, while religious orders in colonial times implicitly accepted violence against indigenous peoples in order to convert them to Catholicism and thus save their souls. Today, however, Ecuador’s government reaffirms international concepts and legal guarantees on human rights with respect to Uncontacted indigenous peoples and even creates legal and public policy standards to assure such respect. Nevertheless, this concern is contradicted by the state’s primary rationale, which is plunder, as demonstrated in the present phase of frontier expansion.

The review of Ecuador’s law and public policies regarding the isolated people, which include the crime of ethnocide, and observing some of the administrative and judicial responses to issues concerning the Uncontacted people, reveal enormous discrepancies. The bold concepts of the law and policies for protecting these extremely vulnerable forest people collide with the pervasive practice of plunder of the territory of peoples who are other, weak, strange, and thus victims of frontier expansion. This is the reality concealed by with philanthropic policies created to protect these indigenous peoples.

It is obvious that the law and policies concerning the Uncontacted people are not honest, or at least coherent, expressions by the government which is completely biased in favor of oil extraction. What is not obvious is that an implicit desire to destroy these
“other, weak, and strange” people is a sustained tendency in the country. The facts analyzed in this study show that the government’s policies not only have a negative impact on the isolated peoples as regards their material subsistence but by denying third parties the right to defend them before courts, the government also bars their access to justice. In other words, not only are the Uncontacted people unable to exercise their rights on their own behalf, under the current rules, no one else can do it for them.
CHAPTER 8
CONCLUSIONS: DEVELOPMENT, LAW, AND GENOCIDE IN ECUADOR

In the current situation of the isolated peoples of Ecuador cannot be judged from the reductionist perspective of analyzing casuistic or incidental negative impacts derived from the oil frontier to determine whether or not they are legitimate or adjusted to the national or international environmental and human rights standards. That perspective makes it impossible to appreciate the dramatic and imposed vulnerability of these rainforest people who are being forced into an inescapable situation due to the intense use of their territory in development activities. Since these small communities live basically hidden and avoid any contact with outsiders, they are, beyond a reasonable doubt, on the verge of disappearing; some of them may already have been eliminated by the complex of threats and vulnerabilities promoted by frontier expansion.

As maintained in this study, the crisis of the uncontacted peoples in general can only be understood in the context of the systematic process of conquest, colonization, and development that the Amazon has been experiencing since the 16th century. Therefore the oil front and all state policies regarding productive activities in the territory of these indigenous peoples are part of that historical process in which the persecution, enslavement, and physical and cultural elimination of indigenous peoples have occurred. This view is consistent with the Auca-Huaorani experience and, consequently, that of the uncontacted people in whose worldview “there is only one long history of predatory attacks perpetrated by cannibal outsiders and internal destruction caused by homicidal madness, interrupted here and there by truce, growth, and recovery” (Rival 2002: 45). This cultural conception of vulnerability could only have been built on
concrete social experiences of hardship during the different periods of outside interventions, in colonial and republican eras.

On the other hand, isolated people present a challenge for the government in whose territory they exist and for international humanitarian organizations. These elusive groups are not visible, violently reject outsiders, and their subsistence is totally dependent upon nature and its resources. Thus it is not possible to establish for or apply to them standards of life understood as such by mainstream society, nor is it possible to measure the level of hardship they are experiencing. What is known and understood comes from inference, given that most of their territory has been taken for developmental activities, that such territorial occupation means a reduction of available natural resources, and that attacks and massacres since 2000 have inevitably eroded their social fabric and undermined their collective will. In other words, through empirical or scientific approaches, mainstream society can only determine that most of the uncontacted peoples’ traditional rainforest territory has been invaded, altered, and reduced due to productive activities. Evidence also indicates that these isolated people avoid dwelling in or moving around areas taken by outsiders because it imply a risky for them, and that they have suffered at least three massacres in the last 15 years which would have taken the lives of about 100 persons. These people also fear death at the hands of outsiders who fear them because they identify them as barbarians ready to attack. The dense and unexplored forests where the uncontacted people live make

An undetermined number of indigenous persons have been murdered, many in massacres. Killing Aushiris-Aucas (now known as Huorani, Taromenane, Tagaeri, among other, related, traditional peoples) was a usual occurrence in Ecuador before the 1970s (Yost 1979 and Karsten 1998). And during oil prospection after the 1970s, there have been persistent rumors of manhunts of uncontacted people to avoid attacks against oil company employees. (Kimmerling 2006, 2013; Cabodevilla 1994; Castro Caycedo 1998). Since oil areas are protected by the state and companies, it is impossible to determine if other killings have occurred beyond officially reported massacres.
discovery of massacres and the killing of individuals difficult to discover. In summary, the uncontacted die silently, their deaths unrecorded by an aloof, outside world unprepared to understand these strange human beings.

The only possible result of this scenario is constantly reduced territory automatically leading to fewer wild gardens, fewer natural resources for subsistence, and fewer areas to retreat to and hide in to avoid attack, and, consequently, fewer opportunities for survival. On the other hand, given that the phenomena leading to the destruction of the rainforest and occupation of these peoples’ traditional territory have been encouraged, authorized, and supported by the Ecuadorian government, I contend in this dissertation that there exists a deliberate will to push them beyond the limits of survival. In other words, the fact that the requirements for survival of the uncontacted have eroded to a dangerous extent is widely known and, thus, it is reasonable to infer that these people are living in a state of unmitigated hardship and their way of life is, therefore, on the brink of collapse.

In this final Chapter, I summarize the elements that explain the current situation of the uncontacted and discuss the meaning of the deliberate restriction of the material basis of their survival in terms of the human rights system. On the one hand, I discuss the virtual inevitability of the disappearance of isolated peoples who find themselves in an unrelenting struggle against the outside world as a result of persistent threats, diminishing natural resources, including food, and unrelenting harassment, territorial seizure, and entrapment by asymmetric human activities in their territory. Without stopping the oil industry, these threats cannot be prevented since this activity requires the implementation of countless socioeconomic, legal and technological associated
processes. On the other hand, based on this discussion, I will then explore whether it is legitimate to assume that this situation constitutes genocide.

Frontier Expansion and Forced Vulnerability

This study has endeavored to determine how frontier expansion in the Amazon has brought unsurmountable social threats (conquerors, missionaries, extractive bands), to the uncontacted people, resulting in extreme social vulnerability with catastrophic consequences. Physical elimination of entire indigenous groups (genocide), disappearance of cultural identities (ethnocide), deterritorialization and displacement and systematic torture are just some of the human rights violations they have endured through history. That aggressive environment has existed in what is today Ecuador since the 16th century, leaving indigenous peoples little time to deal with these devastating transgressions and to adopt recovery strategies that would allow them to improve their response to new interventions. This explains why most of the indigenous identities in the Amazon have disappeared since the European conquest. Notwithstanding these shattering events, the current uncontacted people were able to deal with all these risks, avoiding the direct impacts of the invasion until the mid-20th century.

The social landscape described is the result of cultural intervention for the purpose of controlling indigenous lands and labor and forcing the local people to adapt to Western culture, including religion, and socioeconomic tenets. At the moment this process is practically complete for all indigenous peoples of the Amazon, except for those territorial and cultural redoubts defended by the so-called uncontacted clans. However, although oil development — the current phase of frontier expansion — has not been accompanied by the explicit or visible brutal violence that characterized the
conquest and colonial periods, it includes forms of material violence that destroy the means of subsistence of the Uncontacted people and push them into a geographic cage. In other words, violence is subliminal or at least concealed, as what occurs appears to be in accordance with the general respect for human rights. As a result, in the present phase of frontier expansion led by the oil industry, the geographical relicts controlled today by the uncontacted people are being invaded, something that was not possible during the conquest or colonial times.

The problems faced by indigenous people in isolation are a direct effect of introduced anthropic threats, be they technological (oil activity, road infrastructure, etc.) or social (colonization, deforestation, agriculture), in their habitats. Taking into account that oil activity has been incessant for several decades, as have colonization and the destruction of forests by agricultural activities; isolated villages are subject to anthropic risks that did not exist when the Aucas were contacted. The oil industry, because of its enormous economic, technological, and political impacts, promotes several ancillary socioeconomic processes that evolve autonomously, harming local people and the environment. Colonization of the rainforest by thousands of squatters, logging and hunting activities, and the creation of settlements in traditional lands are among the most pervasive socioeconomic processes directly associated with the oil frontier. Other risks include attacks by outside groups (including Huaorani individuals, loggers, mercenary groups, etc.), and diseases. In normal conditions, these isolated clans would have been able to deal with these threats, but since their territory and, thus, their essential resources have been reduced, the combined pressures of these threats have undermined their resilience and their ability to respond.
To maintain their lifestyle, the Tagaeri, Taromenane, Oñamenane, Iwene, and other isolated peoples have resorted to several subsistence and self-defense mechanisms which have helped them keep at bay intruders seeking to contact them and transform their territories into areas for logging, hunting and other extractive activities. These strategies include the creation of anthropogenic forests or wild gardens scattered over their traditional lands which provide a source of food wherever they move; refuges in which to hide and prearranged routes along which to flee in the event of an attack. The most important survival strategy has been the humanization of the forest, an adaptation which guarantees the sustainability of their culture in an unstable and threatening environment.

Nonetheless, because of the relentless advance of the oil industry, these survival strategies are becoming increasingly ineffective and in some cases have been destroyed. The force of frontier expansion in the traditional lands of the uncontacted leads to territorial fragmentation, closure and destruction of their anthropogenic forests and consequently the loss of subsistence options, mobility, and refuges from external threats. In addition, as indicated, their Huaorani brothers, those Aucas, who were rounded up and placed in settlements and assimilated more than a half-century ago, have developed opposing interests and some of them see the uncontacted as their enemies, as they interfere with logging activities. The reported massacres and several independent attacks within a decade demonstrate this rivalry due to frontier expansion.

These combined and pervasive effects of the complex of factors involved in the oil frontier are overwhelming for small ethnic identities whose most important elements of defense are their land and all the cultural artifacts imbedded on it in order to have
food, resources, and dwelling places that make it possible for them to remain invisible to strangers. Given that the uncontacted consider all strangers to be “cannibal assassins" out to kidnap and eat them (Rival 2002), hiding, moving about, and maintaining wild gardens in an extensive territory are critical issues of cultural and material survival. Unfortunately, these features have been destroyed and reduced and/or access to them has been blocked by the oil frontier and the complex of socioeconomic activities around it. In addition, while in the past the Aushiri-Auca were able to move to different areas of their vast traditional lands to avoid overwhelming threats, the uncontacted have a significantly reduced territory surrounded by activities and people that are a threat to them.

The practical consequences of the vulnerability and risk the uncontacted peoples face are cultural and demographic decline and eventual disappearance. This may occur due to acts of rapid violence, such as attacks and massacres that are physically and culturally lethal given the extremely reduced demographic situation of clans, or by intermittent violence due to recurrent situations of erosion of life systems (territorial loss, reduced access to, and destruction of their anthropogenic forests), which will literally end up suffocating them.

The cumulative effects of such scheme of occupation are of social and ecological order, to which the Tagaeri, Taromenane and other isolated clans have little or no possibility to offer resistance to defend their cultural and physical integrity. Due to the devastating effects of the oil frontier, it can be presumed that these peoples have entered to a process of entropy, which will inevitably lead to a collapse. The coincidence of these threats in time and space will lead these peoples to extinction (Berney 1997).
Loss of Resilience and Impaired Capacity for Recovery

The uncontacted people have been systematically ignored in Ecuadorian history. In the references to them they are treated as oddities or as parties to violence. Their victimization by the oil industry has been seen as a part of the harsh but unavoidable social change that accompanies frontier expansion. In fact, these types of changes have occurred in other indigenous environments in the Amazon during the various waves of frontier expansion. In the case of the frontier expansion resulting from the oil boom that began in the mid-1960s in northeastern Ecuador, the impacts affected the Cofán, Siona, and Secoya indigenous peoples; they were integrated into that logic of intervention; the fact that they were forced to move their traditional settlements to other sites within their territory was not regarded as catastrophic. They lost much of their ancestral territories due to massive spontaneous colonization and deforestation, and suffered the contamination of many bodies of water in the area; they experienced forms of social violence derived from the intense colonization, as well as from the humanitarian crisis due to drug-trafficking and guerrilla activity in Ecuadorian territory (Real 2007). Since these indigenous groups have already experienced other waves of intervention, as well as a relationship with outside society for more than a hundred years, the impacts of the oil activity did not affect them catastrophically and they were thus able to recover and even experience improvement in a number of social indicators.

But the social resilience observed in the Cofán, Siona, and Secoya prior to the onset of oil activity could not occur in the case of the uncontacted people because of the different values and beliefs, cultural traits, and historical process the isolated people have developed and experienced. The main aspects of these differences include the total absence of contact with outside society for centuries, nomadism, the total
dependence on the forest for survival, and the creation of wild gardens dispersed throughout their territory, essential for subsistence. This set of traditional factors provided isolated groups with formidable resilience to the different waves of frontier expansion in the past. The Aucas-Aushiris, from which the uncontacted come, have been able to resist and recover from the effects of these waves of harsh frontier expansion processes. However, oil frontier expansion, not only combines issues of the periods of conquest, colonization, and resource extraction that have hit this region, but is also massive in character due to the intensity, extension, and replication of activities at different sites in the territory. Thus, in the current character of frontier expansion where land is being invaded by overwhelming and permanent threats the mechanisms that define the resilience of the uncontacted are rendered useless. Consequently, these people are undergoing the effects of the simultaneous complications of losing resilience and impairment of the recovery capacity.

The effect that most starkly demonstrates the dramatic situation of the Uncontacted in their struggle against the oil frontier is the territorial loss. As explained in several parts of this study, oil activity involves the installation of infrastructure (oil wells, pipelines, camps) that disrupt the connectivity between the wild gardens or sites from which the uncontacted obtain their subsistence and some of these gardens are destroyed by that infrastructure. The reduction of the number of available gardens, together with the rupture of the network and of the managerial decisions based on how mature or recovered a garden is, defines the order in which gardens are visited and harvested.
Recent studies indicate that modern hunter-gatherers relocate their camps to maximize their foraging efficiency, moving to another area once their search for food becomes too inefficient. They move in response to the decreasing abundance or supply of food and other resources in a given productive patch. This hypothesis has been tested using the marginal value theorem,\(^2\) which predicts camp movements among humans, specifically, among the Batek, a group of indigenous hunter-gatherers from Peninsular Malaysia (Venkataraman et al. 2017). According to this study, hunter-gatherers like the Uncontacted must have available several camps and a culturally devised plan for periodic harvesting. If any element of this network fails, the entire subsistence system is compromised. Considering the huge areas taken for oil activities, the uncontacted are no longer in control of most of their camps.

Given the above, the uncontacted are very probably facing interconnected troubles that include constant exposure to threats and disasters, and this increases their vulnerability to a level beyond anything they have experienced over the centuries. These threats and disasters include the ideological and social factors in which they occur, leading to cumulative effects of vulnerability and risk. The exposure to threats and to ideological and social factors have been present for centuries, during which waves of conquest, colonization, and natural resources extraction have taken place at various sites and times in their traditional territory, but past generations of the uncontacted were able to elude the usual tragic effects of these challenges. Basically, in ancient times they could successfully apply and use the highly efficient strategies of

\(^2\) The marginal value theorem is an optimality model that usually describes the behavior of an optimally foraging individual in a system where resources (often food) are located in discrete patches separated by areas with no resources.
frequent mobility, remaining hidden, and taking advantage of forest gardens dispersed throughout the vast territory that was available before the oil frontier appeared. Such schemes provided great versatility in rejecting an invasion by turning their lands into hazardous areas for strangers whom they incessantly harassed, attacked, and killed. In short, these strategies guaranteed a formidable resilience to these small bands of the forest and explain why they have been able to survive the harsh times of conquest, colonization, and natural resources extraction, which defined the disappearance of dozens of ethnic identities in what is today the Ecuadorian Amazon. By fleeing, hiding, and having subsistence resources everywhere in their territory, these people were not affected by the ideological and social practice of contacting, removing to reservations, and Christianizing / civilizing “savages” as was the policy up to just a few decades ago.

Although the uncontacted could successfully deal with invasions, persecutions, and extermination that occurred from the 16th to the mid-20th century, they became increasingly trapped, their social resilience undermined once the oil frontier came in their lands. The new threats they face are overwhelming and dictate the loss of resilience and the likelihood of social collapse. The recovery of these groups under current conditions is practically impossible given that the material basis of their livelihoods is, in large part, being destroyed or degraded and their access to those resources is being blocked because of the spread of oil infrastructure. Thus, as Dyer (2002) maintains, disruption and system collapse are inevitable.

Another factor eroding the life and culture of the uncontacted is, ironically, the practical ineffectivity of the policies and legal system created to protect them. As noted previously, the creation of the Zona Intangible, the recognition of the crime of ethnocide,
and the establishment of policies designed to oblige respect for the isolation of these people have failed as instruments of protection. The historical experience of the uncontacted people as regards frontier expansion basically demonstrates that they are constantly harassed by attempts to contact and incorporate them into the Western way of life. They are also presumably protected by human rights legal instruments. But they remain beyond the reach of the judicial system, left outside of the protective measures devised for them. All the negative impacts experienced by the isolated come from decisions made by institutions and individuals acting “within the law,” and this causes substantial social harm to a social group that is kept “outside the law,” beyond the jurisdiction of the nation’s legislation. The practical result of this is impunity for those persons and entities that regularly break the law in their treatment of the Uncontacted people and their territory.

The expansion of the oil frontier does not show the brutishness characteristic of past frontiers, nor is there the evident intention to specifically harm the uncontacted. This occurs, nevertheless, as a result of the invasion of their territory and the persecution to which they are subjected as a result, and thus the social fabric is irremediably damaged. The government knows very well that oil activity automatically produces overwhelming negative processes for these people. Thus, these state decisions are inexorably eroding the subsistence basis of these people. However, the cruelty that exists is not recognized by members of outside society. Ironically, it may also be only dimly perceived as such by the uncontacted for whom persecution has been a way of life for centuries. In light of the loss of their land, the destruction of their forests, invasion y squatters, and other culturally aggressive occurrences against the
Uncontacted, it is clear that these small human communities are being pushed to extinction, or may already be extinct.

**A People Cornered and on the Verge of Collapse**

This study holds that frontier expansion in the form of intervening in and control over territories and local societies that have not been integrated into so-called civilized society has had tremendous effects on the social fabric of the affected people. In this process, which involves physical and symbolic violence, issues of threat, vulnerability, and risk are continuously present as a way to consolidate a new form of social order and environmental management. As sustained in this dissertation the Amazon region has been one of the most extensive and dramatic cases of frontier expansion and social control in the world. The latest— and probably the final— victims of this phenomenon are the last remaining groups of uncontacted people. They are being circled by the oil frontier and its associated threats in the form of colonization, logging, and land deprivation, among others.

In light of the socially devastating situation of the isolated people and since they are simultaneously undergoing a process of vulnerability and loss of resilience, or adaptive flexibility, we can logically infer that tragedies they have suffered, such as attacks, massacres, and loss of vital resources, will continue until their cultural and physical reproduction will be unviable, at which point they will fall into the situation Dyer (2002) calls “punctuated entropy.” Since this outcome is the result of the government’s sponsorship of oil activities and its unwillingness and/or inability to guarantee these people’s constitutional rights, authorities have been told that the government may be guilty of the crime of genocide/ethnocide (CONAIE 2011).
Spokespersons for indigenous and human rights organizations have charged repeatedly that the uncontacted are the victims of genocide/ethnocide and crimes against humanity. (CONAIE, 2011). Their accusations have gained credibility as a result of at least three massacres these people have endured in the course of the last two decades and additional reports of open and subtle violence that have prompted references to these crimes, as defined in Ecuadorian legislation. Genocide and crimes against humanity are modern forms of describing practices that have occurred everywhere throughout the known history of our species. Massive killing and elimination of social groups considered strange, different, or enemies on grounds of ethnicity, religion, and geographical location, among others causes, have been a routine practice in human history. The Amazon region is no exception in this regard.

Beginning in the 16th century, peoples of the Amazon have been victims of slaughter and other forms of oppression as a consequence of the European conquest, colonization, and natural resource extraction. Many of these acts were episodes of what has become known, worldwide since 1944, as genocide.

The modern concept of genocide has been developed and adopted by the international community after the mass elimination of Armenians, Jews, and Romans by Turkish and German governments in the first half of the 20th century. It has been said that modern genocides are not a single episode but an ideological process based on political and administrative governmental decisions, and includes military or violent actions (Bacca 2015). Genocide can be a subtle process disguised in the customary course of daily life events, seemingly normal and completely accepted by government and society. The underlying causes of this crime can be imbedded in banal or heroic
social thinking of a country or an ethnic group, and emerge as a routinely social practice. Because of its status of normality in a given society this behavior can be more danger than spontaneous social explosions of rage and frustration, which can be detected and controlled immediately. Feierstein (2014) suggests that genocide “starts long before and ends long after the actual physical annihilation of the victims.” (Feierstein 2014: 12)

Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, (CPPCG), and article 6 the Rome Statute of the International Criminal Court (ICC Statute) define genocide as follows:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

On the other hand, article 7 of the Rome Statute of the International Criminal Court defines as crimes against humanity the following acts “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”: murder; extermination; persecution against any identifiable group or collectivity on racial, national, ethnic, cultural, religious, or other grounds that are universally recognized as impermissible under international law, and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
As indicated in this study, the isolated people of Ecuador (i.e. the Abijiras, Aushiris, Aucas, and now the Taromenane, Tagaeri, and other small communities living in forest remnants of the Ecuadorian Amazon) have been constantly harassed, persecuted, and killed by members of outside society (conquerors, missionaries, rubber traders, soldiers, explorers, and so on) in their attempt to overcome and subdue these communities since the 16th century. In 2007 the Ecuadorian government admitted that the uncontacted are extremely vulnerable people. As a consequence, policies and laws were established to make the invasion of traditional lands and harassment of the people living there possible bases for charging those involved with the crime of genocide.\(^3\)

Since then there has a general policy of respecting the desire of these groups to remain isolated, and the government has implemented laws and policies which expressly link pressures around the uncontacted people with the danger of genocide, which is a legal figure included in article 57 of Ecuador’s Constitution and called “ethnocide.” Thus, the uncontacted people are explicitly identified as being threatened by both genocide and crimes against humanity, as understood in the Ecuadorian legal system, the CPPCG and the ICC Statute.

The history of the uncontacted, as well as that of their ancestors, the Aucas, Aushiris, Sabelas, and other ethnic identifications through the times, has been one of persecution resulting in the constant need to hide to avoiding being chased and murdered by strangers. In recent decades, persecution and death still occur but with the idea of something exceptional occurred in a setting of normality. Land deprivation,

\(^3\) See: Fifth Consideration of Executive Decree 2187 regarding the creation of an “Zona Intangible” for the uncontacted people, which states that Ecuador is a signatory to the Convention on the Prevention and Punishment of the Crime of Genocide. See: Executive Decree 2187, published in Official Register No. 1 of January 16, 2007.
encirclement, and belief in the universal sameness or unity of homo sapiens are used to justify contacting the Uncontacted, the result of which is the destruction of their culture and, in most cases, their very survival.

**Genocide**

The Rome Statute of the International Criminal Court, RSICC, and the Convention on the Prevention and Punishment of the Crime of Genocide, CPPCG, establish two requirements for a charge of genocide: intentionality and responsibility. Intentionality, a highly subjective feature, is extremely difficult to prove without a formal confession by the suspect (Robinson 1960). The “intent to destroy” means that the suspect acted with the knowledge that his/her actions would cause one or more of the effects determined in article 2 of the Convention and article 6 of the Rome Statute.

Conventionally, the issue of intentionality is taken as an individual or collective decision to eliminate a group. However, intentionality of this sort was more likely to be present throughout the world before the creation of the CPPCG, during times where states and political groups could openly express hatred against minorities. Today, by definition, in an era of political correctness, characterized by paradigms of development and cooperation, it is difficult if not impossible to get statements or gestures that even remotely suggest the intention to commit genocide. It is more likely that it will be “collateral damage,” an unintended side effect of implementing public policy. The structural violence of governmental plans or projects can be as destructive of indigenous communities, local peoples, and other minorities as an intentional program of annihilation (Lewy 2010).

The International Criminal Tribunal for Rwanda stated in the Akayesu judgment (1998) that “the offender is culpable because he knew or should have known that the
act committed would destroy, in whole or in part, a group” (ICTR 1998, Para 520). Thus, specific intent implies a direct and manifest connection between an act or a socioeconomic or political process and its genocidal consequences, which would be geographically and temporally separated. This “includes cases in which the perpetrators did not intend to harm others but should have realized or known that the behavior made the harm likely” (Alvarez 2001, 52).

When applying these principles of international law and doctrine to the situation of the uncontacted in Ecuador, we find that the rule and the conduct of the government regarding these indigenous peoples coincide in analytical terms. The most important aspect is that the government knows very well that these people will be seriously affected by activities implemented on their traditional lands. Expansion of the oil frontier involves, in and of itself, structural violence. Combined with the legal and illegal socioeconomic consequences that the expansion process promotes, there is a very high possibility that the subsistence base of these peoples will be destroyed. Moreover, when Ecuadorian authorities authorized oil activities in traditional lands, they did so in spite of the government’s conviction that any entry into the lands of these indigenous people would be devastating for their cultural and physical survival. This situation may therefore meet the requirement of article 2(c) of the CPPCG which defines genocide as “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.” In the uncontacted drama the existence of “calculation” could be debated as regards fieldworkers, colonists, and other agents of frontier expansion who assume that are simply doing their jobs and promoting progress and civilization in the jungle. But those political and administrative decision-makers who
authorize oil activities have demonstrated calculation or at least negligence regarding
the human security of the uncontacted.

As explained in Chapter 7, intentionality, calculation, and negligence were
evidenced, for example, when authorities permitted oil activities in the so-called
Armadillo Field in the uncontacted’s traditional lands. The Minister of the Environment
initially opposed the project, based on human rights concerns, particularly the possibility
of ethnocide. However, after pressure from the presidency of the republic and oil
company representatives, the activities were allowed. Thus, they resulted in
“deliberately inflicting on the group conditions of life calculated to bring about its
physical destruction.” The Armadillo Field is just one of several areas in the territory of
the uncontacted people taken for oil activities.

Article 80 of the Código Orgánico Integral Penal, Ecuador’s criminal code, states
that ethnocide occurs when “any person who, in a deliberately, generalized, or
systematic manner, totally or partially destroys the cultural identity of the voluntarily
isolated peoples.” The code further states that those guilty of said destruction “will be
punished with prison from 16 to 19 years.” Those who decide on extracting oil from
traditional lands are clearly involved in deliberation, generalization, and/or systematic
actions which, sooner or later, will lead to the total or partial destruction of the cultural
identity of the uncontacted.

On the other hand, the primary effect of decisions by the government and oil
companies has been possession of uncontacted lands. As a result, these people are
forced to flee from substantial parts of their traditional lands in order to avoid contact
with outsiders. Displacements incite intertribal clashes and killings because the
uncontacted have no choice but to wander about the jungle looking for another temporary settlement, coming into areas occupied by encampments, military posts, logging spots, and even Huaorani areas, situations in which deadly clashes are very possible. Finally, displacement deprives these people of resources they need to survive, forcing them to reestablish their food and resource network, an arduous task that is not always possible.

**Crimes against Humanity**

Besides genocide, the situation of the uncontacted people also involves three other crimes against humanity: extermination (article 7 (1) (b) RSICC), attack directed against a civilian population (article 7 (1) (h) RSICC), and other inhumane acts (Article 7 (1) (k) C RSICC). For the uncontacted people, continual harassment, loss of traditional lands, and other forms of systematic violence are manifestations of the crimes described.

According to the RSICC, determining whether the crime of “extermination” has occurred does not require proof that the perpetrator knew that his/her conduct was part of nor that he/she intended that conduct to be part of a widespread or systematic attack directed against a civilian population. In the case of the “attack directed against a civilian population,” it is understood that “policy to commit such an attack” requires that the State or organization actively promote or encourage such an attack against a civilian

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4 As explained earlier, the Huaorani people have developed interests regarding the uncontacted, particularly with respect to land use for tourism, logging, and oil activities. Since the Huaorani benefit from these activities, clashes with and massacres of the uncontacted have been explained as retaliations of the former to impediments that the latter have created to these activities, particularly illegal logging (Cabodevilla and Aguirre 2013).

5 At the moment more than 50 Uncontacted people have been killed in at least two massacres and it is unknown how many of them have been killed as a result of several single clashes.
population\(^6\) (PCICC 2000, 9). And, finally, the crime against humanity involving “other inhumane acts” is committed when the perpetrator inflicts great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act. In this crime the perpetrator is aware of the factual circumstances that established the character of the act, and the conduct is part of a widespread or systematic attack directed against a civilian population. Here the perpetrator knows that the conduct is part of, or intends the conduct to be part of, a widespread or systematic attack directed against a civilian population.

The threats and vulnerabilities that the uncontacted people have faced throughout history have not ceased as a result of the many laws and policies designed to protect them. Indeed, just few years after the government created a protected area for their exclusive use, they suffered several clashes with members of the Huaorani people and loggers cutting trees in their traditional lands, resulting in three massacres. Thus, the ideological, material, and legal risks that have encompassed the different waves of frontier expansion are still active with all the prejudices that unconsciously legitimate the issues of violence against these people.

The three known massacres that exterminated all or most of the members of three “manicabos” or family clans, the clashes with outsiders, and the structural violence that accompany oil activities, colonization, logging, and other socioeconomic activities in the traditional land of the uncontacted people may lead to the elimination or

\[^6\] Governmental promotion or encouragement should be seen also when public policies allow something that inevitably will have detrimental effects in a specific population. That is the case of the oil policies that promote and encourage companies and people to expand the frontier toward the lands of the isolated people.
disappearance of some clans. Most of the murders of Uncontacted persons go unreported because they occur deep in the forest.

Now there is little discussion on the origin of these situations of violence and death. All agree that they are the result of the oil frontier. As a result, social actors initiated legal or illegal socioeconomic processes creating a complex of threats and risks to the Uncontacted. Given these negative effects, the Ecuadorian government established policies which constitute an explicit admission that oil activities are a concrete risk for these isolated bands of the forest. The government further determined that the land of the Uncontacted should be free of all persons and activities from the outside world, for that purpose establishing a specific area in which these people are believed to live. However, the decision to create a reserve for the Uncontacted did not include sufficient attention to the fact that these isolated people are basically hunters and gatherers and, as such, they are a transhumant culture whose members require large areas to survive. Besides, as discussed earlier, they have as a bio-cultural asset, wild gardens, chunks of forest enriched in an intergenerational manner for centuries, so that the uncontacted may move to obtain subsistence resources throughout a larger area than the designated Forbidden Zone. It was in this sense that the Inter-American Commission on Human Rights ordered that cautionary measures be taken in 2006, stating that the so-called Zona Intangible for the exclusive use of the Uncontacted people is not enough to guarantee their survival.

In spite of measures taken by the state, and demonstrating the validity of analysis of the Inter-American Commission on Human Rights, attacks against and murders of uncontacted persons have occurred within and beyond the boundaries of the
Zona Intangible and oil activities are occurring in areas these people rely on for subsistence resources. In other words, genocidal acts are occurring, that is, members of the group are being murdered (CPPCG, article 2, a), they are experiencing serious bodily and/or mental harm (CPPCG, article 2, b), and they are suffering deliberately inflicted conditions of life calculated to bring about their physical destruction in whole or in part (CPPCG, article 2, c). These acts, directly or indirectly caused by governmental decisions, have been socially, politically, and legally analyzed and challenged as elements of a crime of genocide. By permitting oil activities in the territory of the uncontacted, the Ecuadorian government is purposefully violating its own conviction that any trespass into the lands of these indigenous people will lead to their cultural and physical destruction.

If violations of the CPPCG, article 2, clauses a) and b), that is, killing members of the group and causing serious bodily or mental harm to members of the group, are incontrovertible, it is pertinent to question whether the fear of cultural and physical destruction is a result of deliberate decisions made by the government. In other words, is there evidence of “intent to destroy” these people, as stated in article 2 of the CPPCG and article 6 the ICC Statute, and in article 2, c), the “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.” Both clauses correspond to a highly subjective situation, a mental predisposition that the perpetrators of any crime would be unlikely to confess to. Nevertheless, the facts indicate that government officials have been extremely negligent in that they have deliberately ignored and rejected norms and policies designed to protect the uncontacted people. This fact clearly qualifies as intent to commit a crime.
The Wretched of the Forest

For five centuries the people of the Amazon have struggled for survival as a result of the direct and indirect effects of conquest, colonization, natural resource extraction, and other promoters of frontier expansion in this vast area. Many of these groups have disappeared, due to disease, massacres, land and resource deprivation, constant persecution, and other lethal effects of these interventions. In light of the interventions that started in the 15th century, very few groups have remained autarchic, free from the intrusions of the dominant Western mode of life and completely independent of political connections with the national government and socioeconomic exchanges with the world beyond. Yet to survive in such a politically, economically, socially, and philosophically isolated environment and to avoid persecution, they have been forced to hide, rejecting external interferences and defending courageously their land and cultural isolation.

The Tagaeri, Taromenane, Oñamenane, Iwene, and other clans in Ecuador are some of the very few uncontacted, scattered hunter and gatherer groups that still survive in the world. These groups have not had exchanges of any kind with other groups. In all cases they have been subject to extreme violence by outsiders who have tried to contact them, control their lands, and subject their communities to the political order. The cultural and physical life of these groups has been of no interest to anyone until few decades ago, when some observers have warned that they were in danger of becoming victims of genocide (Lewis 1969; Kimerling 2006, 2013).

Reviewing the past and current history of the uncontacted and their ancestors in light of the United Nations human rights legal system, it is evident that, in fact, these small bands are the victims of genocide and crimes against humanity, as defined by the
legal framework described. Before the Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948, the issue of harassment, persecution, and intentional or nonintentional killing of uncontacted people was little more than a series of anecdotes offered by adventurers and explorers who came into contact with members of these groups while wandering about the rainforest. In the consolidation of the oil industry in their traditional lands (1960s to 1990s), persecution, land dispossession, and murder accompanied development. And after 1998, when the government realized that these invisible bands of the jungle must have some lands and rights in order to survive, incidents of ethnic destruction were rendered invisible and the promise to protect the uncontacted unfulfilled. Although government officials have committed to human rights protection for these people,\(^7\) said commitment has had no practical or legal effect because of the ideological and cultural gap that separates said groups from outside society. (Rivas, interview 2017)

After violent clashes involving the uncontacted people and the demands of human rights activists, environmentalists and indigenous groups, the government devised policies to protect these people considered vulnerable and in danger of extinction. This concern was the basis for creating norms for their protection. Violation of these norms was linked to the crime of genocide/ethnocide. Nonetheless, the facts show that these initiatives were little more than a strategy crafted to cover an historic disdain for and bias against the Uncontacted, who, in the final analysis mattered less than the economic development of the country. This strong ideological bias condemns these people to symbolic and material death.

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7 See, for example article 57 of National Constitution and the "National Policy of Peoples in Situations of Voluntary Isolation", among other documents.
Although abundant journalistic and anthropological research, the effects of the oil industry on traditional peoples has been overlooked by the status quo in Ecuador because of the historical prejudices against them, the perceived importance of the oil frontier to national development, and the invisible nature of its effects to the world beyond the oil fields. Besides these issues, which will be discussed further, the unconscious “model” that the current generation has regarding genocide further blurs the crisis of the uncontacted. That model consists of the gruesome and intentional annihilation of masses of people such as those caused by the German Nazis and the Turkish government against Jews and Armenians. Consequently, both the opinion of specialist expressed in the legal doctrine and the statements of judges expressed in jurisprudence tend to make physical/mass elimination and gross intentionality a requirement for determining whether the crime has occurred. This bias has detrimental effects on indigenous people who have been victims of severe human rights violations (Shabas, 2000).

In the case of the uncontacted people, it is clear that decisions leading to the fragmentation of their territory and the dislocation of those people who are dependent on that territory as their sole source of subsistence for these people, have been, in all cases, deliberate. The Armadillo Field lease,\(^8\) for example, is just one of several cases that clearly demonstrate that all decisions regarding that lease were taken with the knowledge that uncontacted people were living in the area, and that they would suffer harm as a result of the lease. The Ministry of Environment initially prohibited oil activities in the area, warning that genocide was a possibility if said activities were to be

\(^8\) See Chapter 7 of this dissertation.
conducted. In other words, a high ranking government official feared the physical
destruction, in whole or in part, of the uncontacted people in the area. Nevertheless, oil
activities were finally authorized by the same Ministry of Environment who received an
explicit order to do so from the General Secretary of the Presidency. Thus, there was an
implicit admission that the conditions of life of the isolated people were going to be
negatively and extremely affected, leading to warnings about the fear of genocide.

How can we understand this double moral standard regarding the Uncontacted
people? Why does the government systematically ignore murder, land dispossession,
and other forms of extreme violence? It would be conventional and fruitless to respond
to these questions by attributing perversity to the decision makers who authorize oil
activities in traditional lands. It is possible that many of those decision-makers, if not all,
are respectable and respectful people, concerned about social problems, and even
sympathetic with indigenous communities in general. They are certainly ordinary
citizens. Nevertheless, they have not guaranteed the safety and lives of human beings
who have been pushed into deadly confrontations.

One explanation is that these officials are simply demonstrating Arendt's concept
of the "banality of evil" (Arendt 1965). In other words, ordinary people are capable of
carrying out or promoting cruel and atrocious acts that push people to a predictable end.
These perpetrators are not fanatics, but average persons fulfilling conventional ideas or
assumptions for professional or economic gains.

If in a Nazi war criminal like Eichmann, as described by philosopher Hannah
Arendt, there was no visible sign of the assassin we would expect to see in someone
responsible for genocide (Arendt 1965), it is even harder to identify that quality in public
officials responsible for the oil policy that led to the invasion of Uncontacted lands in Ecuador. So how do we explain how it is that these people have promoted and continue to promote the cultural and physical decline of entire communities and clans of traditional peoples? I suggest that the response is to be found in the social and ideological prejudices and assumptions that have permeated the understanding of the uncontacted people and their predecessor cultures.

To the outside world, the Uncontacted still represent the other, the distinct. They are people who do not share values with “us”, and this leads to expressions of fear and contempt against them. Generally speaking, for the Western worldview, those outside the notions and values of mainstream society are considered strange, and peoples like the uncontacted, with whom Europeans established no relationship, were previously considered wild, mythical creatures, aboriginals of the forests. This idea is still present in the foundational concepts of the establishment which considers “other,” weird, or strange anyone who does not identify with the basic ideological features of the larger society. Prejudice against the “other” has not disappeared with regard to the uncontacted, at least in the minds of the officials who make political and administrative decisions related to their lands. These underlying perceptions push the isolated people beyond the “universe of obligation” (Fein 1993) of world outside. The lack of a shared consciousness and of communication prevents both sides (outside society and uncontacted people) from understanding each other, respecting and accept the others’ “otherness”.

The consequences for the uncontacted are two-fold: first, they are implicitly considered the enemy that has to be removed, the savage that needs to be contacted,
tamed, and controlled; second, there exists no moral obligation to respect and defend them, which explain the absence of compassion, grief, and remorse when a member of an uncontacted group is killed and even when an entire group is massacred. These people are not regarded as members of “our” group but, rather, strangers whose loss does not cause pain, sorrow, or any other form of suffering that consciously or unconsciously occurs with the death of any of “us.” This reminiscence of the old concepts of human and savage (non-human) was evident with the massacres of Taromenane clans, one of the uncontacted ethnicities, in 2003 and 2006. As indicated, the government’s response was late and erratic in a way that would not occur if the dead had been members of mainstream society regarding to whom at least some formalities should be fulfilled.

On the other hand, the Western ideological predisposition has worked against these people who remain hidden in the forest to create contempt, fear, and derogatory images and stereotypes that consciously or unconsciously define them as inferior, sub-humans, beings who must be eliminated or at least culturally transformed in order that they become what is considered rational, normal. Thus, there is a pervasive idea that the uncontacted must be contacted in order to be considered part of “us” and therefore meriting the parcel of rights and goods that the State deems appropriate.

This, in summary is a clash of worldviews between the West and local Amazon cultures. Thus, notwithstanding the physical success of the uncontacted people in evading the control of the outside world for centuries, they are being defeated by the underlying concepts of frontier expansion today, even those in violation of human rights principles and rules. This explains the forced encounters that religious orders and
Evangelical Protestant sects attempted to have with the Aucas beginning in the 1950s, when the desire and the right of these people to remain in isolation was first denied. These attempts at contact promoted the division of the group into Huaorani and uncontacted in the 1960s, when state-sponsored oil frontier expansion strengthened the former and encircled the latter. The current conditions of violence against the uncontacted has been crafted by missioners trying to contact them, oil companies trespassing into their lands, and, basically, by the government promoting natural resource extraction and even creating a paraphernalia of protective law and policies to cover the current dramatic situation of the isolated people.

Thus, in spite of legal provisions presumably intended to protect the lives and traditional culture of the uncontacted, their communities and lands are supposed to be integrated to the main society in order to attain civilization and progress. Introducing oil activities into traditional lands which are subsequently colonized by squatters is opportunistically defined as the achievement of said civilization and progress in the jungle, which is the archetype of wildness and disorder. Besides, the universalistic notion of a world in which all people should be connected is constantly working against these people and, in that way, any violence against them is normalized, legitimized, made invisible, and forgotten.

As a result, the laws and policies based on the highly vulnerable condition of these people are afloat in a sea of misunderstandings, ideological confusion, and disregard for the lives of those different from “us”. This explains why, in practice, no real protection from the oil industry and other activities is provided to people who are undoubtedly suffering as a result of loss of land, food, and security, the basic elements
for survival. Consequently, the uncontacted people are not only threatened by the very real dangers accompanying oil frontier expansion, but also by an ideological trap composed of misunderstanding, contempt, and fear that engender, risk, and death for them.

The rationale described, for the destruction of the human security of people whose survival depends exclusively on the integrity of their territory, forests, and ability to remain in isolation, is a systematic assumption of “normality.” It has been used for generations of frontier stakeholders to justify the killings, attacks, and land dispossession of uncontacted peoples. It has come to be seen as so “normal” that the people making or implementing decisions leading to the destruction of these peoples do not think of themselves as ethically compromised as a result of the direct and indirect effects of their actions. What is more, they may not even understand the frontier expansion in which they are participating will affect these people in a negative and very possibly deadly fashion. Thus, the culprits responsible for the deaths of these invisible people are also invisible. In addition, the extreme violence the uncontacted apply in defending their land and culture provides outsiders with a justification for attacking and/or removing them to areas where they will not be in the way of progress. It is in this underlying belief where old and new ideological understandings come together that policies requiring that: these people be contacted, removed to reservations, and controlled to civilize, and catechize, to help them achieve progress, modernization, and development.

Besides these ideological assumptions that are devastating for the uncontacted, their human security has been systematically eroded and their human dignity ignored
because they are not the equals of members of the larger society, because they are “other”. Chalk and Jonassohn (1990) explain the importance of the perception of otherness in genocide issues. Genocide, they maintain, does not happen among equals, “the victims are not only not considered equals but are also defined as something less than fully human, people of lesser quality on grounds of religion, language, manners, customs, and so on. In short, the victims should be infra-humans, be they pagans, savages, or even animals” (Chalk and Jonassohn 1990:28). The uncontacted, along with and the Aucas, Aushiris, and other previously nonintegrated groups, are unconsciously seen as unworthy, people for whom no care need be extended because they are not part of us, they are strange, others. They are of interest only to religious groups trying to “civilize” them. and of incidental interest for natural resource extractors trying to control their lands.

The ideological environment discussed has provided the social and administrative legitimacy to decide on and carry out activities that have led to the destruction and erosion of the essential foundations of the uncontacted people’s way of life. Besides issues of social contempt discussed above, these decisions compose what Bilder (2010) calls a thanatological exercise of politics and technologies, suggesting that there is a conviction that the death of some is necessary to protect the life (the wellbeing) of the group (Bilder, 2010).

Frontier expansion and its effects on people and nature is a highly ideological human enterprise. It is composed of violence, politics, economics, and beliefs that must be implanted in a given area in order to generate order, civilization, progress, development. The uncontacted people have successfully confronted several frontier
expansion waves since the 16th century but are failing in the face of the most aggressive of all, the oil frontier. This frontier has defeated not only the people in whose territory it operates, but also the laws, principles, and institutions created for protecting these people. Thus, the long war that these people have waged against those others who do not respect their autonomy, autarchy, and freedom will soon come to an end.

In addition, like frontier expansion, human rights paradigms and other measures to protect people under attack are not ideology free. They respond to the prejudices and interests finely ingrained in laws and principles devoted to protect the status quo, normalcy, and, in general, the economic, political, and social conditions of the nation. Thus, the public officials, oil company employees, and other people who, without remorse, promote the disappearance of the uncontacted are not evil individuals but part of a socio-political system that implicitly condemns others, strangers and people considered outside the norm to death. In these conditions, the uncontacted are wretched in their own land, excluded from human rights protections, including those protections specifically devised for them, so that they will disappear, despite the promises of the Ecuadorian State to protect their lands and culture.

**Closure**

The discussion about human rights and genocide/ethnocide regarding the uncontacted, officially introduced by the Ecuadorian State, is another case of a de facto redefinition of whom and what is worthy of legal protection. As stated by Merry (1992), law contributes to the social construction of a fair and just society but is also a form of violence because it is legitimized and imposed, allowing those in dispute to manipulate legal frameworks to construct an interpretation of truth that others must accept (Merry 1992).
From a reductionist perspective, this study has shown the history of tiny and scattered groups of isolated people hidden in a vast and luxuriant Amazon jungle who, century after century, have waged an unending battle against the ideological, political and material threats involved in conquest and frontier expansion. These outside interventions on these remote lands are, in fact, periodic waves of invasion by the Western powers, including religious orders, the military, and all the strength and violence of the national state. Despite the obvious asymmetries, these isolated peoples succeeded in surviving invading forces by responding with simple but efficient ambushes and attacks that created fear in the aggressors and gave rise to the legends of invincible warriors and the dreaded jungle. As a result, these peoples, be they Aushiris, Abijiras, or Aucas, the ethnic ancestors of the current uncontacted, could keep intact their traditional cultures until recent times, when virtually all of the Amazon’s indigenous peoples have succumbed to Western culture.

The uncontacted of Ecuador are some of those rare groups on the Earth who refuse modernity, reject neighbors, enjoy isolation, and flourish in solitude. However, although at one time they controlled the jungle without restriction, their freedom has been constantly compromised. They have been incessantly persecuted and killed without remorse, and dispossessed continually of their land. They have struggled asymmetrically against a multifaceted enemy who has appeared as brutal conqueror, pious missionary, greedy gold and natural resource seeker, extravagant explorer, and well-mannered bureaucrat. All of these strangers who have visited their lands have come to contact, remove, and control them, even if that means that these groups must lose their lives in the process. As a result, the targets of these efforts have concluded
that these outsiders are assassins and cannibals that who have come to kill and to eat them.

The single goal of these people of the jungle is to live without intrusions by these strangers into their forests, to keep their autarchy, and to keep their millennial mode of life based on incessant movement through the forest with periodic stays to enjoy the fruits of their gardens scattered throughout the jungle. The goal of the intruders is to remove and to control them in order to have access to the natural resources of their lands. At the present stage of frontier expansion, driven by oil, the Uncontacted can no longer succeed in their confrontations with this new threat. Thus, these clans are finding survival increasingly difficult due to the significant reduction in their lands and the resources required for survive. As stated in previous chapters, oil industry is a pervasive and powerful activity because it promotes several socioeconomic activities that are practically impossible to control once they are put in motion. For example colonization and expansion of the agriculture frontier, illegal logging, hunting, among other activities become quickly in an extended front that inevitably erode the natural realm and therefore the habitat of the isolated peoples.

Social extinction does not necessarily happen at a single point in time but tends to occur in phases. Genocide and crimes against humanity are not always noticeable and visually dramatic in Amazon environments, especially when they occur in dense and inaccessible forests, beyond the view of the media and the courts. The crimes against the uncontacted are invisible as is their way of life because they are psychologically, ideologically, politically, and socially far from any of the world's societies. These crimes can occur over time, as one act of aggression leads to another
and another, with all acts remaining unknown in the depths of the forests and kept secret by their perpetrators.

So it does not matter if an intention to commit genocide exists or is absent because the effects on the uncontacted are the same in either case. Intention here is hidden in the ideas, symbols, and interpretations of civilization, progress, development, order, and so on. Moreover, the risk of genocide is ironically concealed by the discourse on human rights and, specifically, of protecting the uncontacted people.⁹

The process that started five centuries ago may have reached a critical point, leading toward social entropy. The oil industry is the protagonist in this process of frontier expansion, that latest wave against which the Uncontacted will not survive as they did all previous rounds, beginning in the 16th century. Today these small groups of human beings that choose to live in an autarkic society, without hierarchies, without links with outside societies, completely self-sufficient, are facing an overwhelming threat. Ideologies, policies, prejudices, and disdain are destroying human groups that managed to avoid all threats and risks for more than five centuries but that now are being forced into collapse and extinction. The uncontacted face not only cultural and physical destruction but also an ontological extinction. The uncontacted clans will never be known by the outside world, they will be completely erased if urgent action is not taken by the government, stopping oil industry in critical areas of their traditional land. There is no reason to believe, however, that this is going to occur.

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Notwithstanding persecution and other crimes committed against them, these isolated peoples won all the battles waged against them when no rules, no laws, no notions of respect for them as individuals and as a culture existed. Ironically, they were divided and weakened and forced into a state of siege after laws to avoid genocide and crimes against humanity appeared and notions of free determination and respect for traditional peoples and theirs lands were promoted. They were surrounded and culturally choked in the presence of specific laws and policies the Ecuadorian government established to protect them.

A clash of worldviews was supposed to be solved by applying human rights to protect individual agency and collective rights of self-determination. However, the rhetoric of human rights in Ecuador has not been strong enough to overcome national economic interests and even, at times, issues like corruption and political agendas. In this context, human rights are a political ploy, applied when governmental policy priorities need them for propaganda purposes designed to demonstrate respect for peoples, cultures, nature, and other paradigms of current times. Even when, at the same time, the Uncontacted were being viciously attacked and killed by a band of Huaorani people instigated by loggers, plans to protect some of the lands of the Uncontacted were being promoted internationally by the Ecuadorian government, under the guise of the Yasuni ITT Initiative. This plan diverted international attention away

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10 Fernando Villavicencio, an Ecuadorian journalist interviewed for this study has denounced that during Ecuadorian president Rafael Correa’s government crude oil from a public company was illegally re-sold at higher prices by political allies, and millions of barrels of oil, including those extracted from the Yasuní National Park and Traditional territory of the Uncontacted were negotiated in advance, before they were actually exploited.
from the massacres of the Taromenane people—one of the Uncontacted clans—so that
their memory faded and they were forgotten.

The situation of the Uncontacted people demonstrates that the human rights
discourse and, specifically, the legal figures of genocide and ethnocide in the national
and international legislation are no more than fictions unless the political will exists to
guarantee that human rights are respected and genocide avoided. But this cannot
happen when the government is the agent of aggression.
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Byron Real is an Ecuadorian lawyer who has worked on environmental and human rights issues in the Amazon region. He and his wife Marcela Enriquez have brought public attention to threats to national parks and reserves through lawsuits and other means aimed at public entities and oil and timber companies. They took the Ecuadorian state to court to stop oil activities in the Yasuní National Park and the territory of the Huaorani, Tagaeri, Taromenane, and other indigenous peoples. They also brought Texaco, Petroecuador, and CEPCO City oil companies before the International Water Tribunal (held in The Netherlands) for polluting the Amazon rainforest and compromising the human security of the local people.

Real has worked on environmental, anthropological, and social vulnerability issues in Ecuador, Bolivia, Cuba, The Netherlands, United States, and Venezuela. He has been a pro-bono lawyer for environmental human rights for more than 25 years.

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