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Ecuador: Relationship between the government and indigenous people and those acting on their behalf or perceived to be acting on their behalf particularly in relation to land claims (April 2002 - 2005)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The government of former president Lucio Gutiérrez was elected in 2002 with the support of indigenous organizations (Fundación Seguridad y Democracia April 2005; Freedom House 11 Aug. 2005).

However, Freedom House explained that, by the end of 2003, Gutiérrez' government had lost the "key political support [of] Indian and peasant communities" over needs for economic reform and tensions arising from the "conflicting demands" coming from "his heterogeneous coalition" (11 Aug. 2005). According to sources, the Pachakutik movement, [translation] "political branch of the Confederación de Nacionalidades del Ecuador (CONAIE)" supported Gutiérrez until a disagreement occurred over a new labour code eight months into his administration (Fundación Seguridad y Democracia Apr. 2005; Freedom House 11 Aug. 2005; see also *Country Reports 2004* 28 Feb. 2005).

In 2004, the ombudsman opened offices in indigenous communities to promote indigenous rights (*Country Reports 2004* 28 Feb. 2005, Sec. 5).

The indigenous movement's demonstrations in Quito

Various demonstrations were held by indigenous groups during 2004, against government corruption or socio-economic policies (AI 25 May 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 2b). Repression of indigenous protesters by the Ecuadorian army led to the death of four protesters during a February 2004 demonstration (ibid., Sec. 5).

On 15 April 2005, after two weeks of protests in which the CONAIE took part, president Gutiérrez declared martial law (*Estado de excepción*) (Fundación Seguridad y Democracia Apr. 2005). Following 19 hours of violent protest, it was withdrawn (ibid.). Such events as well as actions by the opposition in Congress led to Gutiérrez' downfall and interim replacement by vice-president Alfredo Palacio (ibid.).

In November 2005, 10,000 indigenous people demonstrated against Ecuador's proposed free-trade agreement with the United States, requested the departure of an oil exploitation company and called for the organization of a national popular assembly (*asamblea constituyente*) to rewrite Ecuador's constitution (*Weekly News Update on the Americas* 20 Nov. 2005; *El Comercio* 18 Nov. 2005; Confederación ECUARUNARI 14 Nov. 2005). Alfredo Palacio's government subsequently held meetings with indigenous organizations, including the CONAIE (ibid.; *Weekly News Update on the Americas* 20 Nov. 2005). The Confederación de los Pueblos de Nacionalidad Kichua del Ecuador (ECUARUNARI) declared that the police repressed a demonstration on 16 November 2005 using tear gas and water cannons (Confederación ECUARUNARI 16 Nov. 2005).

On 12 July 2005, Huaorani communities from the Ecuadorian Amazon organized a march calling for an end to oil exploitation on their land (*Latin America Press* 27 July 2005). They were welcomed by Congress and by Interior Minister Mauricio Gándara (ibid.).

Targeting of indigenous leaders or representatives

Amnesty International denounced threats received by indigenous and community leaders in its report covering the events of 2004 (AI 25 May 2005).

In November 2005, CONAIE denounced the attack of their offices, which, according to them, was direct retaliation for their opposition to the free trade agreement (23 Nov. 2005). The president of CONAIE survived an armed attack in February 2004, in which four of his family members were injured (AI 25 May 2005; *Country Reports 2004* 28 Feb. 2005, Sec. 5). At the end of 2004, no one had been arrested in connection with this attack (ibid.). The CONAIE reported phone threats received by a few leaders of the organization in what its president Leonidas Izas described as a [translation] "campaign of threats" (CONAIE n.d.).

In September 2005, Amnesty International called attention to death threats received by Lina Maria Espinoza Villegas, a Colombian working in the Orellana province of Ecuador (8 Sept. 2005). Amnesty International believed she was targeted for providing training on human rights to indigenous communities opposing oil exploitation in the Orellana province (AI 8 Sept. 2005).

Amnesty International also denounced the 22 May 2005 burglary of the non-governmental organization Acción Ecológica's offices in Quito, in what "appears to be a threat in response to the organisation's work on behalf of indigenous people in the Amazon opposed to the international companies drilling for oil in the region" (1 June 2005).

In the Pastaza province and among others, an indigenous community, the Sarayaku, was subjected to "physical attacks, death threats and other forms of intimidation" for their opposition to oil exploitation (AI 25 May 2005). As well, in February 2004, Marlon Santi, president of the Sarayaku Association was attacked in Quito one day before going to a meeting of the Inter-American Commission on Human Rights in Costa Rica on behalf of his community; "[i]n 2003 the Inter-American Commission on Human Rights had ordered the Ecuadorian state to protect the Sarayaku community in the province" (ibid.).

Land claims

No information could be found on the treatment of indigenous leaders involved in land claims issues.

According to *Country Reports 2004*, "[l]and was scarce in the more heavily populated highland areas" (28 Feb. 2005, Sec. 5). The Ecuadorian constitution calls for consultations with indigenous organizations regarding the exploitation of natural resources located in their communities (*Country Reports 2004* 28 Feb. 2005, Sec. 5). As well, legally, land can be owned in a communal way (ibid.).

The Confederación Nacional de Organizaciones Campesinas, Indígenas y Negras of Ecuador (FENOCIN) denounced the absence of an agrarian policy (Confederación FENOCIN 30 Aug. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Oral sources: The Confederación de Nacionalidades Indígenas del Ecuador (CONAIE) and the Pachakutik Movement did not provide information within the time constraints of this Response.

Attempts to reach the Confederación Nacional de Organizaciones Campesinas, Indígenas y Negras of Ecuador (FENOCIN) and a Washington Office on Latin America (WOLA) collaborator based in Ecuador were unsuccessful.

Internet sites, including: Agencia de Noticias Plurinacional del Ecuador (ANPE), Consejo de Nacionalidades y Pueblos del Ecuador (CODENPE), Human Rights Watch (HRW), Washington Office on Latin America (WOLA).

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