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**CHINA** *local / global*

# Chinese Mining and Indigenous Resistance in Ecuador

Cintia Quiliconi and Pablo Rodríguez Vasco

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## China Local/Global

China has become a global power, but there is too little debate about *how* this has happened and what it means. Many argue that China exports its developmental model and imposes it on other countries. But Chinese players also extend their influence by working through local actors and institutions while adapting and assimilating local and traditional forms, norms, and practices.

With a generous multiyear grant from the Ford Foundation, Carnegie has launched an innovative body of research on Chinese engagement strategies in seven regions of the world—Africa, Central Asia, Latin America, the Middle East and North Africa, the Pacific, South Asia, and Southeast Asia. Through a mix of research and strategic convening, this project explores these complex dynamics, including the ways Chinese firms are adapting to local labor laws in Latin America, Chinese banks and funds are exploring traditional Islamic financial and credit products in Southeast Asia and the Middle East, and Chinese actors are helping local workers upgrade their skills in Central Asia. These adaptive Chinese strategies that accommodate and work within local realities are mostly ignored by Western policymakers in particular.

Ultimately, the project aims to significantly broaden understanding and debate about China's role in the world and to generate innovative policy ideas. These could enable local players to better channel Chinese energies to support their societies and economies; provide lessons for Western engagement around the world, especially in developing countries; help China's own policy community learn from the diversity of Chinese experience; and potentially reduce frictions.

Evan A. Feigenbaum

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## Summary

Chinese mining companies were drawn to Ecuador by a strong interest in diversifying their sources of copper in Latin America. But Chinese mining operations in Ecuador, which could have contributed to Ecuadorian development, soon gained a negative reputation after these activities prompted a great deal of local pushback, especially from affected Indigenous communities. As a result, the major Chinese mining consortium that now controls Ecuador's two main copper mines has taken adaptive steps to stabilize its mining investment and increase the security of its supply networks, steps that often have not produced the intended results.

Working through two subsidiaries, the Chinese mining consortium has responded to this localized criticism with a blend of tactics that includes co-opting select local figures, colluding with national officials to sidestep environmental and sociocultural safeguards, and coercing inhabitants into relocating under the threat of force from accommodating Ecuadorian authorities. By turning Ecuadorian national elites against locals and using divide-and-conquer tactics among Indigenous communities, the Chinese-led mining projects have entrenched existing political cleavages, have undermined community cohesion, and ultimately have harmed Ecuador's democratic fabric, especially the standing of civil society and Indigenous rights organizations. While Ecuador has welcomed Chinese capital and other sources of international investment, this infusion of financing has increased the risk of political abuses at the national and local levels.

This paper explains the adaptive strategies employed by the Chinese consortium and its subsidiaries in charge of the Mirador and San Carlos Panantza mining sites, contrasting the differing results these tactics have produced in each case. Both projects are located in Ecuador's so-called Copper Belt provinces of Morona Santiago and Zamora Chinchipe, which are part of a mountain range known as the Cordillera del Cóndor. They are embedded in an ecologically and culturally sensitive zone that includes territory of the Indigenous Shuar community in the Ecuadorian Amazon.

In the case of Mirador, the Chinese mining consortium's adaptive response helped its subsidiary overcome local resistance but only by crushing it. In the case of San Carlos Panantza, local resistance so far has not been overcome, so the Chinese consortium has remained unable to proceed with its project. Neither case, even the Mirador site where mining has moved forward, is a sign of success for future relationships between Chinese mining conglomerates and Ecuadorian communities.

To understand why the Chinese consortium's adaptive tactics were somewhat more successful in Mirador, it is important to focus on the differing composition of the inhabitants of the land where the two mines are located. Mirador sits on territory shared by Shuar and non-Shuar settler communities who have different bonds with the land. The non-Shuar settlers emphasize the productive and



commercial value of the land over the spiritual and symbolic value that is key for many in the Shuar community. The Canadian-held and later Chinese-controlled companies active in Ecuador's mining industry understood this difference between Mirador's inhabitants and adapted accordingly: they managed to displace resistant residents despite widespread opposition through questionable and sometimes arguably illegal purchases of land.

In San Carlos Panantza, a second subsidiary of the Chinese consortium chose to respond to local criticism with the same alleged practices of violence, occupation, and displacement used in Mirador. However, although the two projects are geographically near each other, the situation played out differently at the second would-be mine: ongoing opposition has prevented mining operations from beginning at all yet. Again, paying attention to the inhabitants of the land is instructive. San Carlos Panantza is in the heart of Shuar territory in Arutam, a region with few non-Indigenous settlers. The mining incursion by the Chinese-run subsidiary and the Ecuadorian security forces tasked with supporting it were seen as a threat to the area's Shuar people, who have been strongly protesting and opposing the mining venture since late 2016.

This state of affairs is likely to have far-reaching effects for Ecuador too. The apparent collusion between Ecuador's national government and the Chinese consortium (and its subsidiaries) has crushed those who oppose mining, has upended the country's policies on resource extraction, and has yielded documented violations of local communities' human rights. These events have transpired because both the Chinese firms and the Ecuadorian state have tended to see local communities as an obstacle to the development of the country's extractive industries. As a result, local social and environmental safeguards have been weakened, tenuous consultation processes have eroded, environmental licenses have been granted under dubious circumstances, and local communities have been forcibly displaced.

This paper explores the implications of the adaptive tactics chosen by the Chinese mining subsidiaries that run the Mirador and San Carlos Panantza mines. It also addresses how Chinese companies have, in some cases, negotiated with local communities to begin mining exploitation, while also analyzing the ways the Chinese mining consortium has interacted with the Ecuadorian government and other players, such as the Canadian mining company it acquired and other peer companies that set up successful coalitions for mining development in Ecuador. Finally, the paper explores the effects the agreements between the Ecuadorian government and the Chinese consortium have had on local actors.

## Introduction

The mining industry has been gaining relevance in China's international development strategy, most notably in Africa and Latin America. Chinese players have expanded the country's direct investments in mining and its imports of metals and minerals. During the first decade of Beijing's Go Global strategy from 2000 to 2010, Chinese state-owned enterprises (SOEs) managed to position the country as "a leading producer of more than twenty types of minerals," as Chinese mining came to account for nearly \$70 billion in economic activity in 2010.<sup>1</sup> The International Council on Mining and Metals reported that this figure represents an expansion of more than 550 percent in the sector, making China one of the world's most powerful producers and consumers of metals.<sup>2</sup>

To understand China's growing impact, take just one part of the mining sector—copper. China's demand for copper, at 12,794 metric tons per year, makes it the world's largest consumer of the metal, constituting 53 percent of global demand.<sup>3</sup> And copper has been of increasing importance to China, since it is a key input for major economic sectors such as construction, technology, and especially energy. China has focused particularly on Latin America because the region holds 20.7 million tons of copper reserves, an amount that is roughly equivalent to 70 percent of the copper located in Chinese territory.<sup>4</sup>

Given this increasing Chinese dependence on natural resources such as copper, Beijing has prioritized investments in metal and mineral deposits abroad by sometimes making the pursuit of nonferrous metals a priority of bilateral relations. And more and more, China is looking for new partners in the region. For instance, though Chilean copper accounted for 66 percent of Chinese copper imports from Latin America in 2015, the depletion of the country's existing copper deposits has led Chinese players to redirect their mining investments to alternative sources. This includes countries like Peru, which has 17 million tons in known copper reserves; Bolivia, which has about 0.3 million tons; and Ecuador, which has 3.5 million tons.<sup>5</sup>

China also has brought these Latin American countries a steady source of financing in an industry where stable, long-term investment is needed. This has been vital for Ecuador because, over the last decade, the country has struggled to find international financing, especially following major drops in oil prices in 2016, 2017, and 2019. Chinese actors have become preferred strategic partners in the financing and implementation of Ecuadorian infrastructure projects, and Chinese mining investment has been decisive for the country's national development.

Over the past decade, certain Chinese actors have positioned themselves to make new investments that Ecuador has badly needed to build up its strategically important mining industry. One particularly influential Chinese actor in the Ecuadorian mining sector has been a Chinese-run mining

consortium, which is jointly owned by the Tongling Nonferrous Metals Group and China's national champion railcar maker, the China Railway Construction Corporation (CRCC). The consortium is called CRCC-Tongguan. In 2010, it acquired the Canadian company Corriente Resources along with Ecuador's two largest copper deposits—Mirador and San Carlos Panantza. The deal's terms valued the acquired company at around \$650 million.<sup>6</sup> In the process, CRCC-Tongguan gained control of two subsidiaries that Corriente Resources had established to help drive its mining operations in Ecuador—Ecuacorriente SA and Explocobres SA. While CRCC-Tongguan and its subsidiaries are not the only active players in Ecuador's mining sector, this paper focuses predominantly on them.

As this Chinese consortium has navigated Ecuador's mining sector, it has invariably confronted a dynamic political landscape featuring a complex thicket of national and local actors, from ruling elites to local communities. The latter often have resisted the terms and conditions of big projects backed by political elites in the national capital, Quito. As a result, the Chinese players active in Ecuador's mining sector have had to adapt and employ various negotiating tactics with national and local interlocutors while seeking to safeguard their mining investments and their supply of metals and minerals.

It is worthwhile to compare the different strategies the Chinese mining consortium has employed since taking control of these copper mines in 2010. Both the San Carlos Panantza and Mirador projects are located in Ecuador's Copper Belt in the provinces of Morona Santiago and Zamora Chinchipe by a mountain range along Ecuador's border with Peru known as Cordillera del Cóndor. The mines are also embedded in an ecologically and culturally sensitive part of the Ecuadorian Amazon that includes territory of the Indigenous Shuar community.

The Shuar community is the most numerous Indigenous group in the jungles of Ecuador and Peru. In 1998, there were an estimated 110,000 Shuar people living in 668 communities in the two countries. Their territory in Ecuador is located in the Pastaza, Upano, and Zamora river basins in the Cordillera del Cóndor; this stretch of land covers 900,688 hectares, of which the state has only recognized 718,220 hectares.<sup>7</sup> The Shuar are grouped into communities that are linked to federations (civil organizations used by Indigenous communities) where the highest authority is the assembly led by a common president. Economically, the Shuar focus mainly on agriculture, and many Shuar people tend to strongly emphasize caring for the jungle and ceremonially significant sites such as rivers and waterfalls.

The Mirador project is managed by the consortium's Ecuacorriente SA subsidiary and directly affects the town of Tundayme and its 737 inhabitants, just over one-fifth of whom identified as members of the Shuar community before forced migrations took place.<sup>8</sup> Since 1960, Tundayme's population also

has included non-Shuar farmers that have migrated from the Sierra Mountains to the Amazon. Historically, the town has been an agricultural and cattle town, but since the early 2000s, large-scale mining has taken off too.<sup>9</sup> Meanwhile, the San Carlos Panantza project, administered by Explocobres SA, is close to the Limon Indanza and San Juan Don Bosco cantons, and several nearby parishes or small towns are being directly affected by the project. These towns include San Miguel de Conchay, Indanza, San Antonio, San Carlos de Limón, San Jacinto de Wakambeis, San Juan Don Bosco, Santiago, and Santiago de Panantza. The area's 12,289 inhabitants, of whom 5,636 are Shuar, are being affected by the project.<sup>10</sup>

On both projects, the injection of Chinese capital and the entry of a major Chinese consortium exacerbated social conflict and displaced members of the Tundayme and Nankints communities between 2015 and 2016. And in both cases, the lack of democratic channels for resolving these conflicts between the Ecuadorian state, the consortium and its subsidiaries, and these local actors left Indigenous communities without the political or organizational tools to resist or reverse these displacements.

In this environment, the Chinese mining consortium had to choose whether and how to engage with these local communities. The consortium did engage with Ecuadorian players, but it reportedly leveraged mostly national elites and some local elites against ordinary local residents. This negotiating strategy of pitting Ecuadorians against other Ecuadorians ultimately blunted protections for these Indigenous communities and exacerbated existing social divisions.

The first section of this paper explores the factors underpinning the success of a mining coalition in Ecuador between the Chinese consortium and a key Canadian acquisition with aligned interests as well as the alliances the Chinese parties in this coalition forged with the Ecuadorian state. Second, the paper analyzes the relationships the Chinese consortium and its subsidiaries formed with local Ecuadorian communities, especially the Indigenous ones that live near both mining projects. Third, it assesses the Chinese players' successes and failures in navigating the dynamics of local resistance from these communities. Finally, the paper describes the negotiating tactics the Chinese consortium and its subsidiaries used with national and local Ecuadorian actors.

## Chinese Acquisitions and the History of Resource Extraction in Ecuador

The CRCC-Tongguan consortium has left an indelible impact on Ecuador's societal and natural landscape with its copper mining investments, but it follows in a long line of Ecuadorian actors and multinational corporations that have sought to profit from the country's wealth of natural resources.

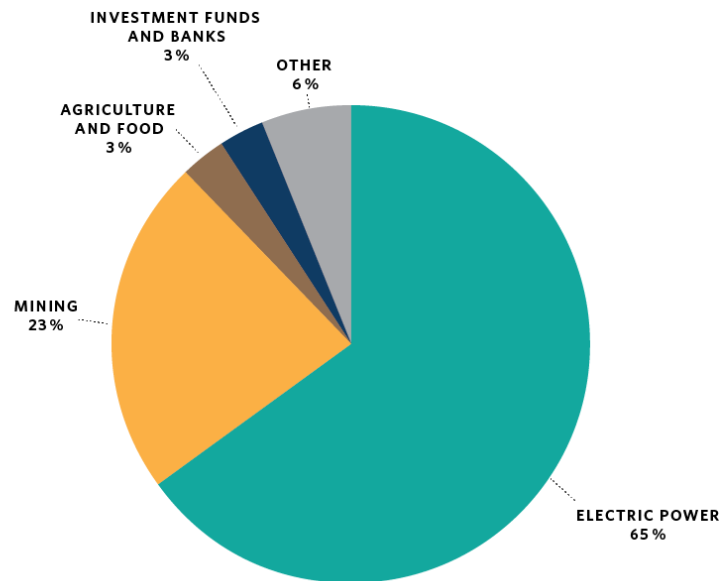
## A Fateful Acquisition by a Major Chinese Mining Consortium

The Chinese mining consortium entered Ecuador's mining sector in 2010 by leveraging the existing business networks and operations of the Canadian firm it acquired, Corriente Resources, which had been active in the sector for years. The consortium and other similar Chinese companies had a straightforward goal in mind: diversifying their supply of metals while reducing the monopoly power of Western multinational companies such as Broken Hill Proprietary (BHP, formerly known as BHP Billiton), the International Minerals Corporation, Rio Tinto, Vale, Anglo American, and others.<sup>11</sup> This repositioning of leading Chinese state-owned mining companies within global supply chains not only has stabilized copper production for Chinese customers but also has increased China's power to shape international markets and exert leverage in countries that receive Chinese investment. Under President Xi Jinping, China has become more assertive, not least through the pursuit of brownfield investments in the mining sector, including the purchase of existing firms such as Corriente Resources.

Mergers and acquisitions have been the core of China's approach to the Ecuadorian mining sector. Between 2010 and 2019, there were 138 transactions of this type in Latin America, with a total investment of \$79.2 million (see figure 1).<sup>12</sup> In a similar vein, Chinese mining investment heavily involves state-run firms. These SOEs have acquired turnkey projects for the exploitation of strategic

FIGURE 1

### Chinese Mergers and Acquisitions in Latin America and the Caribbean (2015–2016)



**SOURCE:** Alicia Barcena, Mario Cimoli, and Ricardo Perez, "Exploring New Spaces for Cooperation Between Latin America and the Caribbean and China," Economic Commission for Latin America and the Caribbean, 2018, <https://www.cepal.org/es/publicaciones/43213-explorando-nuevos-espacios-cooperacion-america-latina-caribe-china>.

**NOTE:** The mergers and acquisitions depicted here amount to 4 percent of total Chinese mergers and acquisitions globally in 2015–2016.

resource reserves in Ecuador, including large-scale mining endeavors like Mirador and San Carlos Panantza. The dominant role played by Chinese SOEs in the mining and energy sectors owes much to their leading role in strategic sectors of the Chinese economy. These companies, some of which are run by national-level officials in Beijing and some of which are run by provincial-level officials, are both owned and regulated by government entities in one form or another.

Mergers and acquisitions in countries like Ecuador provide key benefits to Chinese state-run enterprises. Such acquisitions lock in reliable supplies of natural resources, and they help major Chinese companies learn by getting plugged into global commercial networks and absorbing technical know-how. What is more, such transactions allow Chinese firms to learn about mediation processes when disputes arise with local communities affected by major projects. In Ecuador, for example, the CRCC-Tongguan consortium was able to piggyback on the groundwork laid by companies it had acquired (like Corriente Resources), saving the consortium time and resources as it looked to initiate additional projects.

Chinese firms have not always held sway over Ecuador's mining sector. Prior to 2009, Canadian companies dominated the Ecuadorian mining scene. But after the country's new mining law came into force in 2009, China's participation in the sector grew, in effect repositioning Chinese companies in regional and global value chains where Western companies had long predominated.<sup>13</sup> The passage of the new mining law paved the way for Chinese investments because a provision that would have required firms to acquire the prior and informed consent of affected communities was ultimately not incorporated into the law. Moreover, Ecuador's Public and State Security Law (also passed in 2009) gave the country's armed forces a mandate to protect the facilities and infrastructure of public and private companies from the fallout of opposition to their commercial activities.<sup>14</sup>

The emergence of these Chinese firms, in turn, has had a profound impact on Ecuador's national development objectives, as national policymakers have come to prioritize the extraction of natural resources more heavily—a trend that has had major effects on local Ecuadorian communities.<sup>15</sup> For one thing, the Ecuadorian national government has softened regulations to pave the way for large-scale mining, with negative consequences for local communities. Indeed, the Ecuadorian government particularly has neglected social and environmental safeguards for local communities affected by the Mirador and San Carlos Panantza projects.

The Mirador mining site encompasses nearly 10,000 hectares under concessions in the province of Zamora Chinchipe.<sup>16</sup> As the first open-pit mine in Ecuador, Mirador is the country's most advanced mining project to date. The mine began operations in July 2019, with an initial production of 10,000 tons per day of copper concentrate.<sup>17</sup> The project has reserves of about 3 million tons of copper, 3.2 million troy ounces (about 110,000 kilograms) of gold, and 26.1 million troy ounces (around 810,000 kilograms) of silver.<sup>18</sup>

The CRCC-Tongguan consortium's other major copper deposit acquisition in the 2010 deal was the San Carlos Panantza site in the province of Morona Santiago, a project led by Explocobres SA. But the consortium developed the Mirador project first because it was less politically controversial and faced less Indigenous opposition.<sup>19</sup>

Even so, the second mine at San Carlos Panantza is also a strategic project for Ecuador. This project, which is at an advanced stage of exploration, is also an open-pit mine, but it is much larger than Mirador, with 38,548 hectares under concession.<sup>20</sup> During the first ten years of exploitation, the mine is projected to produce 500 million pounds of copper, 30,000 ounces of gold, 1.1 million ounces of silver, and 3 million pounds of molybdenum each year with a daily rock-processing capacity of 90,000 tons.<sup>21</sup> But in contrast to the Mirador project, San Carlos Panantza is currently suspended due to resistance from local communities.<sup>22</sup> This contrast reveals much about how the CRCC-Tongguan consortium has and has not been able to successfully overcome local opposition to its mining operations.

### Early Periods of Extractivism in the Cordillera de Cónдор

The CRCC-Tongguan consortium was far from the first actor to try to exploit the natural resources nestled amid the natural beauty of Cordillera de Cónдор—a trend that goes back more than half a century. For all their economic promise, these mines are located in a rich natural landscape and are poised to have a major ecological impact. The Cordillera de Cónдор region is known for its biodiversity, hosting 600 species of birds, 120 species of amphibians, and 59 kinds of reptiles, while also boasting more than 220 species of tree in each hectare of forest.<sup>23</sup> It arguably contains some of the richest displays of flora of nearly any area of comparable size on the planet, and the region is a key part of the hydrologic cycle in the surrounding landscape, uniting the Andes Mountains with the Amazon River.

The region's unique biological endowments go hand in hand with its geological richness: limestone and sandstone formations are abundant in the Andes Mountains amid the Cordillera del Cónдор's many plateaus, with abundant deposits of copper, gold, silver, molybdenum, and other elements.<sup>24</sup> These metal and mineral deposits are complemented by a wealth of cultural and archaeological sites that populate what has been the ancestral territory of the Shuar Indigenous people for centuries.

However, in the middle of the twentieth century, the Ecuadorian state sought control of these Amazonian lands by declaring them vacant territories and ignoring the ancestral rights of their Indigenous inhabitants. The region's Indigenous communities lost their hold on their territory after the legalization of property ownership for new settlers.<sup>25</sup> This process deepened with the passage of the Land Reform, Idle Lands, and Settlement Act of 1964; the formation of the Institute of Agrarian Reform and Settlement; and the evangelizing undertaken by the Catholic Church and evangelical Christian missions—all of which devastated these Indigenous communities.<sup>26</sup> This coalition of the

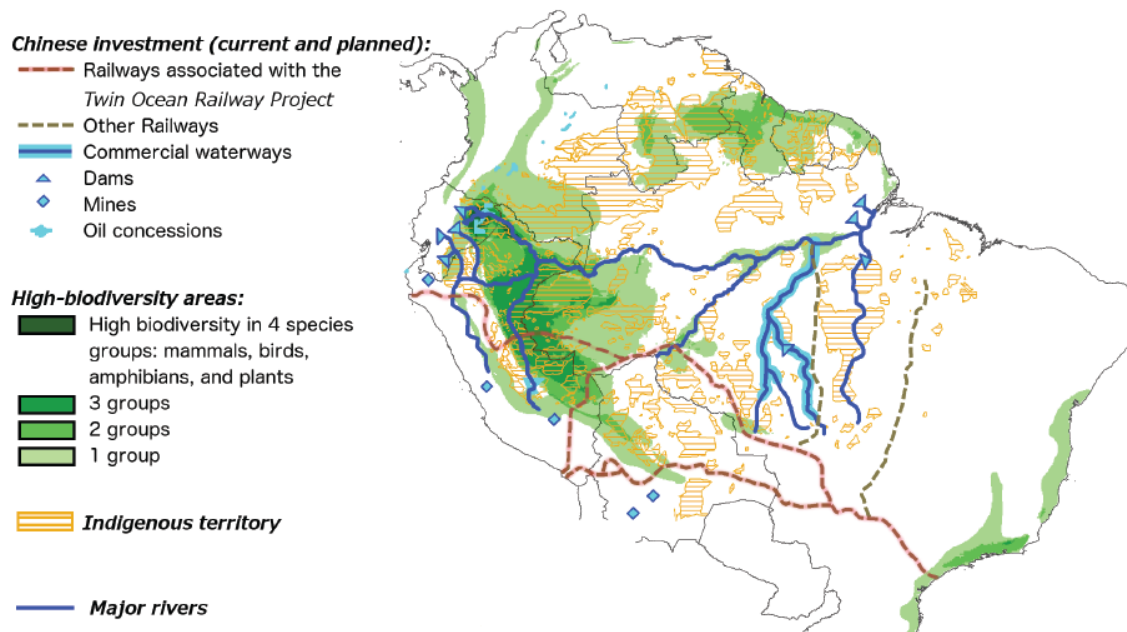
Ecuadorian state and the church displaced local communities by facilitating migratory waves of Kichwa people (another Indigenous group), mestizos, and other settlers from Ecuador’s central highlands to the Cordillera del Cóndor; these migrants were attracted by the region’s wealth of natural resources, including wood, rich agricultural lands, and livestock.

This wave of migration, in turn, inaugurated an initial period of extractivism (intensive extraction of natural resources) centered on primary industry, whereby raw materials were sold to be converted into manufactured goods elsewhere.<sup>27</sup> In this first phase, the expansion of extractive activities on the South Amazon frontier fragmented the traditional territory of the Shuar people by dispossessing them of large tracts of their land and transforming their communities’ traditional mode of living. In time, this state of affairs condemned Shuar communities to a sedentary lifestyle.<sup>28</sup>

By the mid-1970s, a second phase of extractivism had begun in the Ecuadorian Amazon, as oil exploration in the region expanded due to the shortage of oil wells in the country’s southern reaches (see map 1).<sup>29</sup> Investments in oil yielded a more aggressive form of extractivism that fully integrated these Amazonian territories into the global economy as multinational companies appropriated

MAP 1

### Chinese Investment, Biodiversity, and Indigenous Territory in the Broader Amazon



**SOURCE:** Rebecca Ray, Kevin Gallagher, Andrés López and Cynthia Sanborn, “China en América Latina. Lecciones Para la Cooperación Sur-Sur y el Desarrollo Sostenible” [China in Latin America. Lessons for South-South Cooperation and Sustainable Development], Universidad del Pacifico and Boston University, 2016, <https://repositorio.up.edu.pe/bitstream/handle/11354/2216/RayRebecca2016.pdf?sequence=1&isAllowed=y>.



Indigenous lands. The Ecuadorian state claimed these areas for exploitation and had them incorporated into the national government's resource extraction strategy due to their lucrative natural resource deposits. In the process, these lands were emptied of many of their biological and ecological resources.<sup>30</sup> For local populations and especially for Indigenous peoples, this trend yielded stark choices about whether or not to comply with the Ecuadorian government's nation building, a bind that further facilitated these Indigenous people's loss of self-determination.<sup>31</sup>

For Ecuador, this phase of extractivism gave rise to a new Amazonian political economy. The territories exported natural resources and had a scarcely diversified range of industries, meaning that the whole region was highly dependent on the fluctuations of international demand for natural resources.<sup>32</sup> This process has continued for decades in the Cordillera del Cóndor, with the Ecuadorian state hoping to exploit resource deposits identified in the early 1990s. But the Alto Cenepa War between Ecuador and Peru in January and February 1995 in the provinces of Morona Santiago and Zamora Chinchipe discouraged exploration activities for a time by the mining company GEMS SA.<sup>33</sup> Future success in the Amazonian Copper Belt, from that point forward, required the resolution of this armed conflict. Peace negotiations extended until 1998, when a peace treaty was signed, enabling multinational companies to enter the Cordillera del Cóndor.<sup>34</sup>

After the signing of an agreement to end the war, a follow-on agreement on mining was signed, emphasizing the investigation of new deposits and the delineating of areas to be ceded for exploration by major mining corporations worldwide.<sup>35</sup> In 1999, the Australian giant BHP (then BHP Billiton) acquired the concessions of GEMS SA in the Cordillera del Cóndor. Later that year, these holdings passed into the hands of Corriente Resources, which stood up two subsidiaries, Ecuacorriente SA and Explocobres SA, a few years later to implement the Mirador and San Carlos Panantza projects.<sup>36</sup>

## The Formation of a Canadian-Chinese Mining Coalition

Before the CRCC-Tongguan consortium got in on the act, several trailblazing Canadian mining companies (including Corriente Resources) set the stage for massive mining operations in the Ecuadorian Amazon. After the 1998 peace agreement enabled mining exploitation in the Cordillera del Cóndor, the amount of Ecuadorian lands set aside by early 2000 as concessions for exploration or exploitation rose almost exponentially, including about 5,629,751 hectares or roughly 20 percent of the country's national territory.<sup>37</sup>

In this early stage, Canadian mining companies like Corriente Resources gained a foothold in the Cordillera del Cóndor without major social opposition, due to the lack of socialization of the proj-

ects by both transnational companies and the Ecuadorian state. Moreover, structural poverty and the state's failure to provide adequate public services ensured that local communities were initially supportive of the arrival of mining companies and the new benefits and wealth that they provided.<sup>38</sup> Later on, the lack of transparency about the projects eventually did breed more discontent once this initial societal infatuation with the Canadian companies subsided.

These Canadian companies took advantage of the sheer absence of the Ecuadorian state from these areas by negotiating directly with local communities. In effect, the companies displaced the Ecuadorian government by providing small gifts or community-focused projects that wove ties of reciprocity between the firms and local inhabitants.<sup>39</sup> These corporate strategies of community relations ensured that the firms secured informal local consent for the projects without needing the Ecuadorian government to mediate.<sup>40</sup> What is more, by displacing the Ecuadorian state in negotiations with local actors, the mining companies themselves managed to reduce social unrest in towns and isolate groups opposed to the mining because they had secured wider community acceptance of their extractive activities.<sup>41</sup>

But this arrangement ultimately had a downside for Ecuador at the local level: the absence of the state in local communities left them more vulnerable to pressure from private actors.<sup>42</sup> According to Hugo Ayui, president of the Shuar El Pangui Association, an Indigenous advocacy group, this situation facilitated agreements between select local communities and these companies, including exploration agreements between Ecuacorriente SA and the Shuar Waritz Center in Morona Santiago, which were signed without the knowledge of the Interprovincial Federation of Shuar Centers of Morona Santiago.<sup>43</sup>

This arrangement established a new pattern in Ecuador that continued even after the Canadian companies involved were acquired by the Chinese consortium: the co-optation of local leaders by multinational companies without the wider support of community organizations. This common practice ultimately weakened the Shuar community and the Indigenous organizations in these localities and facilitated an alliance between companies like Corriente Resources, BHP Billiton, and Lowell Ecuador SA. For example, according to a major Ecuadorian environmental nonprofit called Acción Ecológica, Lowell Ecuador SA allegedly promised to make an annual payment to the Shuar center in exchange for an exploration permit and the indefinite use of the community's lands.<sup>44</sup>

Such informal practices are, in fact, illegal in Ecuador as they violate Decree 1793, which covers public procurement.<sup>45</sup> These informal agreements between the Canadian (and later Chinese) companies and local leaders led to the fragmentation of the broader Shuar community, since not all the Shuar centers agreed to such arrangements. In particular, the Shuar people in the region of Arutam, where the San Carlos Panantza project is located, rejected this practice.<sup>46</sup>

Indeed, strong Shuar opposition in San Carlos Panantza halted that project's development and led the Chinese consortium to choose Mirador instead to be the first mega-mining project executed in Ecuador.<sup>47</sup> The distinctive social composition of Mirador's communities also factored into the Chinese consortium's decision to prioritize that mine. Unlike San Carlos Panantza, which sits on Shuar territory in Arutam, Mirador was populated by many more-recent settlers and mestizos whose attachment to the land was based more on its productive capacity, whereas other Shuar and Indigenous populations tend to value the land for its intrinsic ancestral value.<sup>48</sup>

These differences enabled Ecuacorriente SA to adapt to local conditions, leveraging different strategies to secure land rights in Mirador, while taking advantage of the poor socialization and general lack of awareness about the project among members of the community. But the Ecuadorian state failed too. There was little clarity on the terms of the project's environmental impact assessment and the project's ecological effects on the land. Indeed, the Ecuadorian state, by seemingly neglecting to fulfill its putative duty to shield its citizens from the perverse socio-environmental effects of extraction, prompted the proliferation of misinformation and deepening mistrust among local communities. But from the Chinese subsidiary's perspective, this fallout had the perceived benefit of weakening organized community activism and opposition toward mining ventures.<sup>49</sup>

In some instances, according to one report by a nongovernmental organization, the consortium's questionable (and sometimes illegal) acquisitions of Ecuadorian land were reportedly dependent on duplicity, threats, or the use of proxy buyers who deceived local inhabitants into selling their property to them only to turn around and resell the property to the consortium.<sup>50</sup> This lost territory caused the first displacements in September 2015 in Tundayme, where the Mirador project currently operates.<sup>51</sup>

While the multinational mining companies' inducement-based approach successfully reduced social unrest in Mirador and San Carlos Panantza, this model had intrinsic limits.<sup>52</sup> These tactics could not, for example, absorb locals into the projects' workforces, and this approach had the drawbacks of enabling corruption of local leaders and fostering resentment over allegedly coerced land sales. These consequences led to local disenchantment and broken promises, prompting social discontent that broke the initial consensus that had been forged between the mining companies and local communities.<sup>53</sup>

### Public Backlash and Failed Regulatory Pushback

As a result, between 2005 and 2006, resistance to the mines began to reemerge. This opposition arose against both projects and built up gradually into an anti-mining movement across the southern Amazon region. This backlash led then Ecuadorian president Alfredo Palacio to try to temporarily suspend mining activities in the provinces of Morona Santiago and Zamora Chinchipe. The

Ecuadorian Ministry of Environment (later renamed the Ministry of Environment, Water, and Ecological Transition) declared those parts of the Cordillera del Cóndor protected forests.<sup>54</sup> Still, Corriente Resources SA did not comply with this provision, as the company kept extracting resources and mining during this period despite the government's order, according to a report by two human rights organizations.<sup>55</sup>

By 2008, this mining-induced disorder was stoking intensifying social conflict across the southern Amazon. As a result, Ecuador's National Assembly passed reforms to regulate mining activities in the country. These reforms included the cessation of concessions that could affect water sources, a prohibition on monopolies, the revocation of concessions that had fallen into the hands of public officials, and the suspension of those that did not comply with tax and legal obligations or those that had not ensured adequate consultation with local communities.<sup>56</sup> This new regulation suspended the majority of the concessions in the whole country at that time.<sup>57</sup> The decision allowed the Ecuadorian state to position itself as a regulator of the mining sector, and for a time it seemed possible that mega-mining in Ecuador would be banned.

In the end, however, development interests and the need for foreign investment won out. The national Ecuadorian state began taking an active role in the ownership, appropriation, and exploitation of mineral resources from this point on, in line with Ecuador's strategy to be a producer and supplier of raw materials for international markets. Within months, firms' compliance with the new regulations was already falling short, leaving untouched a handful of projects that were deemed strategic including Fruta del Norte, Loma Larga, Río Blanco, Mirador, and San Carlos Panantza.<sup>58</sup> According to Teddy Valdivieso, a former general coordinator of the Ecuadorian Ministry of Non-Renewable Resources (another ministry that has undergone name changes over time), the drafting of the new mining law in 2009 was shaped by active pressure from Chinese and Canadian officials in high-level, closed-door meetings with Ecuador's president during which they urged him to respect their interests in the hydroelectric and mining sectors.<sup>59</sup>

When the Ecuadorian government held discussions on the mining law before its passage, it was mainly the Canadian Embassy that intensively worked to guarantee that the interests of Canadian mining companies were safeguarded.<sup>60</sup> The Canadian minister of foreign affairs visited Ecuador in 2008 to discuss Canada's doubts about the yet-to-be-passed mining law with the Ecuadorian government. That said, Chinese firms got increasingly involved in lobbying the Ecuadorian government for mining permits during this period as their mine holdings in the country expanded.

More broadly, the Ecuadorian Ministry of Mining and Oil (which has undergone multiple name changes over the years) organized two national dialogues in 2008 to discuss and socialize the law with local communities and regional organizations. The first dialogue only included civil society

organizations and was later allegedly used to identify opponents to mining projects and label them as radicals opposed to development.<sup>61</sup> At the second dialogue, multinational corporations were invited along with local communities and regional organizations, except supposedly radical ones that were excluded, such as the National Peasants Coordination–Eloy Alfaro and the Confederation of Indigenous Nationalities of Ecuador and its related groups.<sup>62</sup> Conversely, multinational corporations such as the Ecuacorriente SA, Aurelian Resources, Corriente Resources, and Iamgold actively participated and had a direct dialogue with then president Rafael Correa and the minister of mining and oil.

As a result, while the national Ecuadorian government had initially stepped in to reassert control and mitigate the perverse social and political effects of multinational side deals with local communities, the national government ended up bending to the will of these multinational companies, forging deals of its own, and passing a law that reflected those companies' interests. A de facto alliance emerged between the foreign multinational mining companies and the Ecuadorian national government due in no small part to the country's pressing need to attract foreign investment.

This coalition succeeded in shaping the 2009 mining law to, for example, exclude requirements for prior consultation with local communities and the legislature before the granting of concessions.<sup>63</sup> Moreover, the law incorporated serious inconsistencies on the processes of societal participation and prior consultation. For instance, although the first draft of the law included a requirement of express consent from local communities, that article was eliminated in the final draft of the law, reportedly due to pressure from the mining lobby. In short, local communities were left without legal standing to pursue prior consultation or shape the outcomes of major decisions about mining projects. Instead, consultation was enshrined legally as little more than an informational process.<sup>64</sup>

### The Emergence of Chinese Mining Conglomerates

In May 2010, around a year after the passage of the 2009 mining law, the CRCC-Tongguan consortium entered the Ecuadorian mining sector by acquiring the Mirador and San Carlos Panantza mines in full. Between 2009 and 2011, the bulk of Ecuadorian mining activity shifted from Canadian to Chinese companies—a transition that resulted in a Chinese-Canadian partnership characterized by cooperative relations on mining and the formation of coalitions between the Ecuadorian state and corporate entities like the CRCC-Tongguan consortium that had bought Canadian firms.

After the Corriente Resources acquisition, Chinese corporate actors including the CRCC-Tongguan consortium managed to capitalize on groundwork done by the Canadian companies they acquired during the earlier exploration phase, gaining control of these mining projects' concessions prior to the launch of the projects' exploitation phase.<sup>65</sup> Other Canadian firms like Lundin Gold have been players in the Ecuadorian mining sector over the years too.

## Chinese Co-optation Strategies in the Cordillera del Cóndor

Meanwhile, Chinese investors now appeared on the scene as the lenders of last resort for Ecuador. This strategy allowed the Chinese government to use loans from state-backed policy banks to encourage the Ecuadorian government to cooperate on oil and mining projects. A natural alignment emerged between Ecuador's need for financing for mining operations and China's international development strategy, which emphasized overseas investment in strategic sectors such as energy and mining.

But China's overtures took place without transparency and sometimes appeared to skirt the law. For example, in January 2012, after the Canadian-owned company Corriente Resources was bought by CRCC-Tongguan, the newly acquired Chinese subsidiary changed its address from one in the Cayman Islands to one in Vancouver, Canada, due to an Ecuadorian ban on concluding any contracts with companies operating in tax havens, a law that had gone into effect in June 2009.<sup>66</sup> Corriente Resources had owned the Mirador and San Carlos Panantza projects since 2002 but had previously been registered in the Cayman Islands.<sup>67</sup> The combined forces of the Canadian and Chinese mining lobby successfully stymied any regulatory action based on the complaints of Ecuador's Superintendency of Companies and the national anti-mining movement that warned the government about Ecuacorriente SA being headquartered in the Cayman Islands rather than Canada. According to the letter of the law, that fact could have potentially nullified the transfer of ownership from the Canadian firm to its Chinese buyer if the company had not skirted the law by switching its address to one in Vancouver.<sup>68</sup>

During this sensitive period, just after large-scale mining was thoroughly discussed during Ecuador's 2007–2008 National Constituent Assembly and as the 2009 mining law was being deliberated on and passed, Chinese mining companies began intensively investing in Ecuadorian mining projects and made a fateful choice that set the tone for their future engagement in the country. The Ecuadorian Constituent Assembly took place in 2007 and 2008, and its participants drafted the 2008 Constitution of Ecuador, which was approved via a 2008 constitutional referendum. In those discussions, a ban on large-scale mining was considered but not adopted.<sup>69</sup>

The Chinese mining companies chose to lobby and negotiate with national policymakers in Quito about whether and how to regulate the mining sector.<sup>70</sup> Between 2009 and 2011, Chinese mining investment gradually displaced Canadian mining companies in much of Ecuador. This strategy, which began with the emblematic Chinese acquisition of Corriente Resources in May 2010, involved regular meetings between representatives of the Ecuadorian president (Correa), then coordinating minister for strategic sectors Jorge Glas, and influential Chinese officials like Xi, former minister of commerce Chen Deming, and retired Chinese official Li Yuanchao. Chinese ambassador to Ecuador Yuan Guisen famously said of the Mirador contract that Correa was right to say that “Ecuador cannot be a beggar sitting on bags of gold” and therefore needed to develop its mining potential.<sup>71</sup>

The Chinese consortium stopped focusing its outreach largely on local Ecuadorian communities—as the Canadians had been doing, with limited involvement from the Ecuadorian state—and instead chose to center their efforts on the national government itself and ruling elites in Quito. This approach ensured a strong alliance between Ecuadorian policymakers and the Chinese consortium. But this fateful choice intensified local opposition and conflict as the price of forging a consensus with Ecuadorian national political elites. Ultimately, this arrangement came about at the expense of the democratic participation of local communities and environmental movements.<sup>72</sup>

After the consortium's acquisition of the Mirador and the San Carlos Panantza projects in 2010, Chinese investment in the Ecuadorian mining sector expanded exponentially, reaching its highest level of \$85.4 million in 2012.<sup>73</sup> That year, the Ecuadorian state and Ecuacorriente SA signed the first large-scale mining exploitation contract involving Mirador. This investment was welcomed by elites in Quito: indeed, the country's financing needs for the exploitation of these resources did much to determine the government's friendly policies toward mega-mining and this policy turn toward so-called "neo-extractivism."<sup>74</sup>

As Chinese investment expanded, the Ecuadorian state redesigned its extractive mining policies, which were largely shaped by the new consensus Ecuadorian leaders had forged with Chinese interlocutors on mining exploitation. This consensus was politically legitimated first at the national level with Ecuadorian ruling elites, followed by the forging of wider acceptance that large-scale mining would be a source of important development opportunities for Ecuador and should, therefore, be encouraged, whatever the impact on local communities. This consensus reshaped the institutional priorities of key Ecuadorian government bodies that linked mining policies more closely to market needs; for example, the mining ministry has, since 2015, been charged with reducing the tax burden on mining companies and attracting global investors to Ecuador.<sup>75</sup>

Having forged this new consensus, the Chinese consortium stepped out on its own and managed to influence changes to Ecuador's relevant regulatory framework, obtain special privileges for the San Carlos Panantza and Mirador mines, and win future concessions; another Chinese mining company, Junefield Mineral Resources, purchased the Gaby and Río Blanco gold and silver fields in the province of Azuay for \$28 million in 2013.<sup>76</sup>

The new consensus on the benefits of large-scale mining has allowed multinational corporations to make further inroads in Ecuador (including further Chinese investments) and also has led to changes to Ecuador's democratic framework for protecting the rights of local populations. For example, in 2018, the public consultation that ratified the ban of the mining of metals within certain protected areas did not include protected forests of the Cordillera del Condor, which were left vulnerable.<sup>77</sup> Over time, this consensus between Quito and the Chinese mining consortium has stoked growing social strife in Ecuadorian communities.<sup>78</sup>

Because Chinese companies entered Ecuador by acquiring Canadian firms, they have been able to mitigate some of the risks market entry would have otherwise posed. But once established in the Ecuadorian Amazon, these Chinese firms have made some changes to the Canadian companies' operational practices. Professor and activist Maria Fernandez Soliz has argued, for example, that Chinese mining companies have had a much more disruptive effect on local communities. They have obtained regulatory approvals from the Ecuadorian state but have not necessarily secured endorsements from affected communities.<sup>79</sup> Whereas early multinational players had engaged in community outreach efforts, sometimes dividing Indigenous communities but nonetheless filling a vacuum left by the absence of state authority, these Chinese mining companies have focused predominantly on lobbying national decisionmakers in Quito at the expense of liaising with communities, much less seeking their active participation and assent.

The CRCC-Tongguan consortium and other similar Chinese mining companies have adapted to local opposition by embracing three interrelated strategies that have led to significant shifts in communities near both major mining projects in the Cordillera del Cóndor:

- land grabbing through the declaration of easements under the mining law;
- seemingly violating (with impunity) the rights of local residents and weakening community cohesion through the co-optation of some but not all community leaders; and
- co-opting the support of organizations sympathetic to mining, which has stoked confrontations but also has demobilized local resistance.<sup>80</sup>

## Mirador

The ethnic composition of the town of Tundayme in Zamora Chinchipe was one of the decisive factors that facilitated the execution of the Mirador project: the local Shuar population and settlers inhabited the space jointly with mestizos who had acquired property titles in traditionally Shuar territory.<sup>81</sup> Ecuacorriente SA capitalized on certain residents who put more stock in their lands' commercial value, allowing the Chinese subsidiary to effectively complete the controversial land purchases that Corriente Resources had started.<sup>82</sup> Ecuacorriente SA also sought agreements with local communities that did not depend on achieving wider consensus.

To complement their national lobbying in Quito, Chinese companies did at times seek to adapt in response to the wishes of local communities by working with select local leaders. But they did so effectively by dividing neighbors against neighbors. For one, the Chinese firms sought to co-opt local leaders and organizations that favored mining, leveraging such locals to be their proxies amid considerable controversy. In practice, this meant that the Chinese consortium did pursue dialogue and community relations strategies—but only with segments of local populations that approved of



Chinese mining activities in the first place. These tactics generated consternation within the Shuar community, dividing the Shuar Federation of Zamora Chinchipe and the Provincial Federation of the Shuar Nationality Zamora Chinchipe. (Generally speaking, the former has been more receptive to Chinese investment, whereas the latter has typically been more opposed to such deals.)

In Mirador, this meant the Chinese consortium worked with local non-Shuar settlers and the Shuar Federation of Zamora Chinchipe, which has tended to favor mining as a possible solution to both structural poverty and the long history of state neglect that has hurt Shuar communities for generations.<sup>83</sup> Through co-opting and other tactics, Ecuacorriente SA won the support of non-Shuar settlers and a few local Shuar communities. For example, the Chinese subsidiary granted scholarships to the settler population in Tundayme, which allowed it to burnish a surface-level corporate image of being socially responsible while masking less flattering realities on the ground.<sup>84</sup> Despite these overtures, the majority of the local Indigenous population disapproved of the Chinese mega-mining venture.<sup>85</sup>

Ensuing complaints soon charged some of the leaders of the Shuar Federation of Zamora Chinchipe with allegations of dishonesty, including claims of diversions of funds into individuals' bank accounts, illicit enrichment, and the allegedly illegal purchases of several properties. Even though these allegations remain unproven, the apparent cultivation of patronage networks broke the resistance in Mirador and allowed the Chinese firm to successfully execute the project.<sup>86</sup>

In effect, the story of Mirador is not one of a Chinese consortium's ignoring local leaders but one of dividing the local and poor Ecuadorian community against itself by working only with local supporters to overcome local opponents. The reality, however, is that the majority of the local population never abandoned its opposition and resistance to this mining venture and its harmful environmental practices.

This has been especially true of the communities living in the now-defunct neighborhood of San Marcos in Tundayme, which was located on one of the project's mountain slopes.<sup>87</sup> This community strongly resisted the project. To defuse social opposition from the neighborhood, Ecuacorriente SA, unlike its Canadian predecessor, also leveraged the full support of the Ecuadorian state, which ordered the displacement of these locals by deploying security forces while citing Ecuador's laws on public safety. Authorities in Quito gave the armed forces a mandate to protect corporations like Ecuacorriente SA in those areas.<sup>88</sup>

The forced displacement of the residents of San Marcos in Tundayme occurred due to a Chinese strategy of enlisting the support of both segments of the local population and the Ecuadorian state itself. Consequently, according to Ecuadorian civil society organizations, the vast majority of the

population withdrew from San Marcos by 2010 due to land grabs, potentially illegal purchases of land, threats of eviction, and environmental contamination.<sup>89</sup>

To protect their territory, the residents of San Marcos founded an Indigenous rights organization called the Amazon Community of Social Action in Cordillera del Cóndor (CASCOMI), which has been recognized by the Confederation of Indigenous Nationalities of Ecuador. But the mining companies turned to the state again, and in May 2014 Ecuacorriente SA personnel with the protection of Ecuadorian security forces demolished the school and the church in San Marcos, according to accounts from a major Ecuadorian periodical and a nongovernmental organization.<sup>90</sup>

This apparent collusion between the Ecuadorian state and the Chinese consortium led to a culture of impunity, one that ultimately endangered the lives of community leaders and took the life of one of them: José Tendetza, an Indigenous leader who had complained to the CRCC-Tongguan consortium and written a letter to the Beijing-based China Development Bank, which bankrolls mining in the region. Tendetza received several threats and was eventually found dead in December 2014 with signs of torture on the bank of the Zamora River in the Mirador area. The crime remains unsolved and therefore has gone unpunished.<sup>91</sup>

According to a report by an Ecuadorian civil society organization and other sources, in September 2015, Ecuador's national police, officials from the Mining Regulation and Control Agency, and private personnel from Ecuacorriente SA reportedly evicted about thirteen to sixteen families without prior notice, allegedly using physical violence and verbal abuse. On December 16, 2015, a further displacement of around eighteen to twenty-five families took place after they condemned the presence of the Chinese subsidiary's private security guards among the police and allegations of sexual harassment suffered by girls and women in the community.<sup>92</sup>

By February 2016, the former residents of San Marcos had become a displaced population inside the Cordillera del Cóndor when the state offered Ecuacorriente SA the support of the security forces and the institutional power of the state to evict the local population with virtual impunity. One local, an elderly Shuar woman named Rosario Wari, was reportedly relocated and then abandoned at the Central Park of El Pangui, according to a civil society report, even though the subsidiary told the Ministry of Economic and Social Inclusion that she had been relocated without incident.<sup>93</sup> In total, this series of displacements in San Marcos and other nearby communities affected 136 people, with very few managing to resist pressure to relocate.<sup>94</sup>

To summarize, when assessing the effectiveness of the Canadian-initiated and Chinese-executed mining incursion in Mirador, it is important to acknowledge the composition of the territory's inhabitants. Many of the area's non-Shuar settlers emphasize the productive and commercial value of

the land over the spiritual and symbolic value that is key for many in the Shuar community. The Canadian and Chinese lobbies understood this difference in the territorial dynamics of Mirador, managing to displace the community opposition through dubious (and at times seemingly illegal) purchases of land.

First, Ecuacorriente SA reportedly deployed various forms of harassment against the local population opposed to the project, with the alleged use of direct threats by the subsidiary's workers against the residents, the support of figureheads, and the use of proxies in the acquisition of property deeds.<sup>95</sup> Second, the CRCC-Tongguan consortium used a state-capitalist alliance that, bolstered by the 2009 mining law, declared many community-held properties to be land exclusively for mining activities, a declaration that allowed the Ecuadorian state to use security forces to benefit the Chinese subsidiary by aiding in the violent displacement of the resistant population and the subsidiary's successful acquisition of those territories. In the end, the mine at Mirador became operational in July 2019, though community discord has continued to fester.

### The San Carlos Panantza Case

Chinese overtures at Ecuador's other major mining site have been even less successful at either defusing community opposition to mining or getting mining operations off the ground. That said, the inroads the CRCC-Tongguan consortium has sought to make here still have had wide-ranging effects. In San Carlos Panantza, the consensus between the Chinese mining consortium and Ecuador's national elites (and select community leaders) not only enabled Chinese investment but transformed local political values. By leveraging some Ecuadorians against others, pitting Quito against Indigenous communities, and dividing pro- and anti-mining groups, Chinese investors have fragmented Ecuadorian unity and undercut groups that oppose mining.<sup>96</sup> For the Ecuadorian state, these tactics have contributed to and enabled an ideological atmosphere that favors extractivism. For local Ecuadorian communities, this approach has fueled resistance and a countervailing belief that sometimes local opposition can prevail over repression.<sup>97</sup>

In San Carlos Panantza, what the Chinese consortium did in Mirador played out on a larger scale. Recall that the Shuar form a majority of the more than 12,000 residents of Arutam. Many of them resisted mining ventures by the Chinese-owned subsidiary Explocobres SA, and this resistance ultimately led to reports of physical violence and psychological intimidation.<sup>98</sup> The state provided the Chinese subsidiary with a set of territorial occupation strategies that ranged from negotiations, demands for easements to gain the use of desired land, and even the use of military and public security forces to press opposing communities to comply.<sup>99</sup> This again led to the securitization of Chinese investment ventures in Ecuador's mining sector.<sup>100</sup>

According to accounts from academics and civil society, in August 2016, the Indigenous community at Nankints, located in the canton of San Juan Bosco, was evicted in an operation involving 2,000 Ecuadorian police officers and military personnel. These forces removed eight families that had resided in this community.<sup>101</sup> Undoubtedly, this overwhelming show of force against the local population was meant to instill a sense of fear and impunity, thereby discouraging future resistance and curtailing the conflict, as has happened in Mirador. Neither the Chinese company nor the Ecuadorian state pursued dialogue or negotiations with the residents of Nankints, who were given no option but to leave their homes without prior notice or face the disproportionate show of the force.<sup>102</sup> Unfortunately, since they resisted relocation, they reportedly have not been compensated for their forced displacement.

Before abandoning their homes and in defense of their ancestral territory, the inhabitants of Nankints who had left their village returned on November 21, 2016. But the next day, the state recovered the village again by resorting once again to apparent shows of force. Ecuador's Ministry of the Interior filed a criminal complaint and issued arrest warrants for forty-one people from the Nankints and other nearby communities, accusing them of "terrorism."<sup>103</sup>

On December 14, 2016, the Shuar residents, like those in Nankints, tried to recover their territory, with a similar result: the Ecuadorian state militarized the area, and a confrontation broke out between the security forces and the Shuar population, with the state deploying tanks and helicopters to end the standoff. This confrontation and the disproportionate use of force reportedly resulted in multiple casualties, including a dead police officer, numerous injured police officers, and several wounded Shuar. The Shuar subsequently took refuge in neighboring towns and in the jungle.<sup>104</sup> Correa declared a state of emergency in the area and sent in thousands more police and military forces with the aim of pursuing and displacing local communities.<sup>105</sup>

As a result, the population of Nankints became another displaced group in the Cordillera del Cóndor, and there were also reports of violent displacements in the neighboring Shuar communities of San Carlos Limon, Tsuntsuimi, and Kutukus, where inhabitants reported harassment by the security forces and the destruction of the doors of their houses.<sup>106</sup> This happened even though all of these communities had formal recognition for their property titles, property that was located on what was acknowledged to be Indigenous ancestral territory. Correa extended the state of emergency twice, ignoring an alert from the Inter-American Court of Human Rights for Ecuador to refrain from using this state of emergency to mete out disproportionate reprisals against these communities.<sup>107</sup>

The CRCC-Tongguan consortium seems to have chosen in late 2016 to employ the same alleged practices of violence, occupation, and displacement in San Carlos Panantza as had been used in Mirador. However, despite the geographic proximity between the two projects, the differences

between the composition of the two territories' inhabitants played a key role in keeping the San Carlos Panantza project from getting underway. Recall that San Carlos Panantza is located in the heart of the Shuar territory in Arutam, with few non-Shuar settlers nearby.

Thus, the incursion by the Chinese mining consortium and the Ecuadorian army was understood as a threat to the Shuar people, who mustered a strong resistance and protests between November and December 2016, during which a police officer unfortunately ended up dying.<sup>108</sup> The protesters paid a heavy price too.

As a result of the internal conflict, there was no possibility of dialogue between the Ecuadorian government, the Chinese mining consortium, and the local communities, causing the indefinite suspension of the advanced exploration phase of the San Carlos Panantza mining site. In one notable case, the mining camp facilities were heavily damaged by groups opposed to mining in late March 2020, a development that exacerbated ongoing tensions.<sup>109</sup> The lack of mediation and adequate reparations has encouraged the emergence of armed groups near the San Carlos Panantza project, which could further deteriorate the region's democratic climate and protection of the rights of local communities.

## Two Mining Projects, Two Different Outcomes

The Chinese government is content to let SOEs act as its proxies, using them as agents to influence local ruling elites, forge coalitions, and shape domestic political decisions in host states.<sup>110</sup> One approach has been to let SOEs try to influence laws, regulations, court decisions, and other types of negotiated resolutions that affect the domestic frameworks in host countries that govern how Chinese commercial and political actors operate.<sup>111</sup> These dynamics are evident in the developments at both of Ecuador's major copper mining sites.

This is largely what has happened in Mirador, where the close linkages forged by Chinese state-run companies with the Ecuadorian government have favored commercial interests at the expense of the human and political rights of local populations in places like Tundyame and Nankints. This state of affairs has undermined community cohesion and democratic norms in Mirador, not just by displacing local populations but also by prompting reports of a sustained pattern of force that has led to other abuses.

In Mirador, Chinese mining companies have found willing allies among Ecuadorian national elites who have sought to promote economic development at any cost, even when those policies have negative social and environmental consequences for specific populations, such as Indigenous

peoples.<sup>112</sup> As a result of the acquiescence of Ecuadorian political elites, Chinese companies have sometimes exercised undue influence over Ecuador's national mining policies, leveraging the country's own political system in their favor.<sup>113</sup> But these arrangements have created a vicious cycle of silencing complaints and even enabling some dubious (and even illegal) activities that affect local residents who have little means of and few channels for redress.<sup>114</sup>

This is precisely why the United Nations special rapporteur expressed concerns in 2018 about forced displacements in Nankints and Tundayme between 2015 and 2016.<sup>115</sup> Given allegations of the excessive use of force, CASCOMI sought relief from the Ecuadorian courts in January 2019 on the grounds of human rights violations. The Office of the Ombudsman of Ecuador presented an amicus brief based on national and international reports about state violence and actions by the Chinese mining consortium against the communities of the Cordillera del Cóndor.<sup>116</sup>

But the Ecuadorian judicial system provided no redress for the locals of Mirador. Despite the presentation of evidence and the existence of national protection mechanisms that legitimate these communities' complaints, the judge ruled against the community on January 15, 2019, arguing that the population of Tundayme stemmed from migration from Ecuador's central highlands. This meant, the judge ruled, that (with a few exceptions) the majority of the community did not constitute "ancestral indigenous people" entitled to redress under the law.<sup>117</sup>

This court ruling also disregards international conventions that obligate governments to provide protections to Indigenous populations. One such document is Convention 169 of the International Labour Organization on the protection of Indigenous people, a document to which Ecuador is a signatory.<sup>118</sup> The Ecuadorian government also ignored a prohibition by the International Covenant on Economic, Social, and Cultural Rights on forced displacement for the development of extractive industries.<sup>119</sup>

By insisting that many of Mirador's locals do not, in fact, meet the legal definition of "Indigenous," the Ecuadorian state used the law against them. The ruling meant that the community did not have the right to demand prior consultation on the mining project. The refusal to rule in favor of the Tundayme community effectively legalized what arguably should have been illegal actions against the affected territories.<sup>120</sup>

But the story proved to be somewhat different in San Carlos Panantza, where stronger community organizing by the Shuar community of Arutam against large-scale mining has thus far prevented the opening of the mining project there. At this second site, reports of lobbying, corruption, and violence by Explocobres SA and the Ecuadorian state against local communities actually had the opposite effect—yielding strong resistance, widespread opposition, and ultimately an emphatic local

rejection of the mega-mining project. Despite support for the project by the Ecuadorian mining ministry and the Mining Regulation and Control Agency—which sought to facilitate the Chinese concession and allow the advanced exploration phase of the project to proceed—the level of local resistance to the company’s abuses intensified. This culminated in the burning and destruction of the La Esperanza mining camp, located near Nankints, by unidentified armed assailants in March 2020.<sup>121</sup>

The escalating societal conflict surrounding the San Carlos Panantza project has led to the suspension of mining activities in the area with the risk of outright armed conflict as a result of the Chinese mining consortium’s unwillingness to negotiate more with local actors.<sup>122</sup> Instead, the consortium reportedly has resorted to intimidation tactics, and local institutions (such as the Office of the Ombudsman) have claimed to receive harassing calls from Ecuacorriente SA company staff aimed at silencing complaints and advancing the mining project’s development.<sup>123</sup>

In the cases of both mines, Chinese SOEs are working through national and local Ecuadorians against other locals. The pernicious adaptation strategy the Chinese companies have employed aims to divide by conquering and seeks to enlist ruling elites in ways that disrupt local communities and fracture community cohesion.

A major factor that helps explain the different outcomes for these two Ecuadorian mines is that the Mirador community has been much more fragmented than that of San Carlos Panantza. This is in part because previous waves of migration by mestizos and other non-Shuar settlers near Mirador have reduced the Shuar share of the population and fragmented the area’s collective identity; as a result, certain (especially non-Shuar) segments of the population with fewer ties to the lands’ ancestral significance have been more open to allowing intensive mining operations.

This reconfiguration in the ethnic makeup of Mirador’s population has dramatically changed the historic links between the territory and its community members, many of whom today emphasize the economic productivity of land rather than historic Indigenous land rights. Conversely, San Carlos Panantza, which is located in the heart of Shuar territory in Arutam, has been safeguarded because of the comparatively high level of Shuar community organization in terms of membership, political experience, and national recognition. This is not to say that the Shuar community in Arutam has not suffered divisions or has not been influenced by lobbying tactics from the Ecuadorian state and Chinese mining companies. But in San Carlos Panantza, the Shuars’ relative organizational strength has kept individual corruption cases isolated and, thus far, has preserved community cohesion and has facilitated ongoing political resistance to mining operations.

## Lessons Learned From Chinese Tactics in Ecuador

Chinese mining companies arrived in Ecuador because of strong Chinese interest in diversifying the country's sources of copper in Latin America. Chinese state-run companies arguably have acted as arms of the Chinese state, which seeks resources around the world to fuel China's industrial development. But Chinese activities in Ecuador soon gained a negative reputation for turning Ecuadorian national elites against locals and using divide-and-conquer tactics among Indigenous communities. In doing so, the Chinese-led mining projects have undermined community cohesion and ultimately harmed Ecuador's democratic fabric and mechanisms for dispute resolution.

While Ecuador has welcomed Chinese capital and other sources of international investment, this infusion of capital has increased the risk of abuses at the national and local levels. Once the Chinese companies positioned themselves as allies of Ecuadorian elites, and especially ruling elites in Quito, they failed to manage local conflicts through community outreach and local consensus building. Instead, the Chinese companies helped reinforce and entrench existing political cleavages in Ecuador, while exacerbating the lack of protections for Indigenous communities.

In the case of Mirador, the Chinese mining companies overcame local resistance but only by crushing it. This approach will likely breed ill will toward Chinese investors for years to come. In the case of San Carlos Panantza, local resistance could not be (or at least has not yet been) overcome, so the Chinese firm has been unable to proceed with its mining operations. Neither case, even the Mirador site where mining has moved forward, bodes well for China's relations with local Ecuadorian communities in the years ahead.

Ultimately, these outcomes owe much to the decision by the CRCC-Tongguan consortium to abandon the strategy that had been used by the Canadian companies it acquired in Ecuador. Whereas the Canadians spent more time negotiating directly with local communities while also trying to consolidate an alliance with national elites and the Ecuadorian government, the Chinese mining companies abandoned the locally focused strategy and went straight to Quito to crush local resistance. This complicity between the Ecuadorian central government and Chinese companies modified Ecuador's institutional framework to favor mining while dislocating communities and sweeping away social opposition.

This has proved to be a very unstable strategy because, while the Chinese firms have relied on co-opted local players, those players have had to resort to shows of force and sometimes, reportedly, the use of force to safeguard the Chinese companies' interests. This outcome has further poisoned the well for the Chinese companies among local communities and shows how a failure to navigate cleavages between a national capital and local residents can backfire.



This state of affairs is likely to have far-reaching effects for Ecuador too. The collusion between Ecuador's national government and Chinese firms has crushed those who oppose mining, upended the country's policies on resource extraction, and yielded systematic violations of local communities' human rights because local residents are seen by both the Chinese firms and the Ecuadorian state as obstacles to the development of the country's extractive industries.

The result has been a weakening of local social and environmental safeguards, the erosion of tenuous consultation processes, the sometimes-illicit granting of environmental licenses, and the forced displacement of local communities. The Chinese lobby in Ecuador has certainly proved effective at moving mining forward in Mirador. But the arrangements it has established neglect the rights of Indigenous groups and have fragmented resistance by strong-arming and sometimes harassing local communities.

One conclusion from Ecuador's experience that may resonate with other countries in similar straits is this: when a host government can easily resort to the tools of coercion, an extractive model of development will often lose legitimacy among large segments of local populations, even if it delivers returns on investment and contributes to economic growth. Because Ecuador often lacks alternative channels for Indigenous groups to seek redress for their grievances, the state resorted to repression, according to multiple observers. Notably, these tactics have not always succeeded even on their own narrow, economics-focused grounds. In San Carlos Panantza, for example, this approach had the opposite effect of what Quito had intended, further emboldening opposition to copper mining instead of mollifying or crushing it.

Other economies characterized by intensive resource extraction could learn from this experience: without community buy-in, development activities will not always win local support. For their part, Chinese mining companies should draw some lessons too: despite their best efforts to enlist the power of local players and the Ecuadorian state, the Chinese mining consortium ended up facing a total rejection of (and the indefinite suspension of) its mining activities at one of the two major sites it has targeted for mining investments.

Looking ahead, Chinese and Ecuadorian supporters of these projects would do well to improve governance in the mining sector for several reasons. Doing so would involve establishing channels of dialogue to enhance community participation, vie for community support with more robust forms of consultation, court the support of local actors by protecting their rights rather than suppressing them, and perhaps even redistributing some share of mining revenues to foster long-term peace and prosperity among local communities.

In short, Chinese mining companies need to show a more conciliatory attitude toward local actors so as to avoid resorting to alienating shows of force. Ecuador and other countries need to implement more robust monitoring frameworks for mining ventures. They should enact a policy involving joint responsibility—shared between the companies, the government officials, and the communities involved—to make negotiating processes with foreign investors more transparent. Countries like Ecuador should guarantee compliance with their legal and regulatory responsibilities, especially in relation to projects' socio-environmental effects. They also should respect human rights when the exploitation of mining sites is concerned.

Even though Chinese mining firms can point to Ecuadorian government agencies, ruling elites, and some local players as supporters of what they have done in the country, they ultimately have failed to meet high social and environmental standards. This failure to protect Indigenous populations is a shared responsibility. Just because the Ecuadorian government sometimes failed to enforce its own standards and, in some cases, appeared to violate them, Chinese firms cannot presume that their ventures are guaranteed to enjoy long-term Ecuadorian support. Eventually, such a lack of popular support will most likely come home to roost.

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