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A Few Days with Bill Vickers: Quietly Advancing Indigenous Rights

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On an early July evening in 1980, Bill and I sat around a cookfire in San Pablo, the main Secoya village overlooking the Aguarico River. It was Bill's "research site" and his second home of sorts. With us were sociologist Jorge Uquillas and anthropologist Enrique Vela from the National Institute for the Colonization of the Ecuadorian Amazon Region (INCRAE; an Ecuadorian government agency), as well as an engineer from Ecuadorian Institute of Agrarian Reform and Colonization (IERAC), Galo Varela. We had all arrived from Quito that day as team members in the Native Land Demarcation Project. The project had been designed a few months earlier by INCRAE and Cultural Survival, a Harvard-based NGO, to develop maps that could secure land titles for the Ecuadorian Amazon's three smallest and most threatened groups, the Cofán, the Siona-Secoya, and the Huaorani. Bill—whom the Secoya, Uquillas, and I had known for years—was logically and easily recruited to help figure out how to demarcate Secoya land. That's where the project began.¹

The Native Land Demarcation Project was an ambitious and, at the time, unprecedented effort to secure large, contiguous, communal land titles. It was also essential. Colonists had been pouring into the region since the 1970s along roads opened for oil development, and some curious new settlers were already motoring up and down the Aguarico. Agribusiness firms had also received large concessions, one of which, an approximately ten thousand-hectare African palm plantation, *Palmeras del Oriente*, was a short canoe trip and walk from San Pablo. Large remaining sectors of Amazon were labeled as *tierras baldías*—unoccupied and unused lands—and thus easily claimed by others. The indigenous groups risked becoming small islands surrounded by outsiders, as were the Cofán already. INCRAE was, at least, willing to help legalize the precarious lands of these small groups.²

But we weren't really sure how to go about the work. Although a few indigenous *comunidades* had been established earlier, the standard IERAC allocation at the time was a fifty-hectare family plot. We argued that established indigenous communities deserved larger land holdings. But "larger" was difficult to quantify. At the very least, indigenous people needed more communal space for future population growth. We considered how to factor in population growth, maybe creating space for something like five future generations. We also assumed that we would work on those methodological questions later, after some preliminary community meetings and mapping.

Back at the cookfire that first night, the mildly eccentric Vela decided to test our courage, manliness, or something else entirely, by preparing and serving rice very heavily laden with *aji* (chili peppers). This led to a lot of facial sweat, loud complaints, and then laughter and camaraderie. We would work well together. I remember Bill smiling and then quietly leaving the group to talk with our Secoya hosts. Several hours later he returned with a list of community members anxious to help: elders to inform us and younger people to move us along the rivers and through the forest. Their friendship, trust, and confidence in Bill were obvious.

Over the course of the next few days, Vela, for some reason, busied himself by toppling an outhouse on the San Pablo plaza and replacing it with a bread oven, which never got finished. The rest of us followed Bill's lead. We motored up and down the Aguarico River and its tributaries with the Secoya: photographing and mapping, identifying and locating critical sites on the maps, noting boundaries and contested areas, and walking to the western boundary of the African palm plantation, where the forest had been converted to a savannah. Each afternoon, we would return to discuss the mapping with the Secoya. A new re-

search methodology quickly and naturally emerged.

Rather than leaving it to the social scientists to figure out the logic and justification for future land needs, the Secoya themselves simply showed us what they regarded as “theirs” based on their historic sense of established hunting trails, rotating swidden garden plots, and regular fishing areas. Their claim distinguished but included the lands used by the neighboring (and kin) Siona, who seemed to be separating from their Secoya relatives. Albeit begrudgingly, the Secoya decided to accept the Palmeras del Oriente plantation, aware that it would be difficult to remove the powerful owners and could prejudice their other claims [see Kroijer in this issue for more on the Secoya and the palm plantation, ed.]. In brief, we drew up the map based on the Secoya’s sense of rightful as well as practical ownership—about fifteen thousand hectares, bordering the over six hundred thousand-hectare Cuyabeno Wildlife Reserve.

In late 1980, Uquillas delivered the maps to IERAC and the Ministry of Agriculture, which despite his regular visits did very little to advance the claims. It was not until April 29, 1983, that President Osvaldo Hurtado formally acknowledged each group’s territory. In a public ceremony, including representatives from each indigenous group, he addressed primarily the Huaorani, in part because the Secoya were still debating the presence of two colonist families within their claim, an issue that was eventually resolved.

Of particular importance was President Hurtado’s choice of words. He stressed that Ecuador was not *giving* the land to indigenous groups but rather *recognizing* and granting titles to lands that they had occupied for thousands of years, adding that they could now continue to occupy this land for themselves, their children, grandchildren, and their descendants. At the time this was a rare and early recognition of indigenous land rights.

A few years later these sorts of global, panethnic, historical “rights” claims emerged in other area of the Ecuadorian Amazon, led by emerging indigenous federations like OPIP (Organization of Indigenous Peoples of Pastaza), FOIN (Federation of Indigenous Originations of Napo), the Shuar Federation, and CONFENIAE (Confederation of Indigenous Nations of the Ecuadorian Amazon). They elevated a simple word—*territory*—into a growing legal vocabulary, and the ethnic federations went on to prepare large maps to illustrate their claims.

Locally as well as internationally, the concept of *territory*, defined as lands of traditional use and occupancy for distinct ethnic groups, continued to gain wide use and increasing acceptance. Campaigns to recognize territorial claims were launched by regional ethnic federations. Meanwhile, at the UN headquarters in Geneva, the UN Working Group on Indigenous Affairs was advancing negotiations with the International Labor Organization on what would become the historic ILO Convention 169, granting “special rights” to indigenous peoples. Though covering a wide variety of human right topics and interests, the Convention gave particular emphasis to “territories” and emphasized the participatory and collaborative manner in which indigenous territories and their use should be identified, demarcated, and employed. Such special rights and participatory planning subsequently worked its way into the 1998 Ecuadorian Constitution and 2006 UN Declaration of the Rights of Indigenous Peoples.

It would clearly be an arrogant exaggeration to suggest that all these national and international advances were somehow indebted to the participatory mapping and spicy meals that took place in and around San Pablo during 1980, or were due to Bill’s friendships and ethnography. But there is no doubt that the manner in which the Secoya’s territorial maps were shaped, argued, and justified foreshadowed the significant—though often debated and frequently violated—rise of indigenous territories in Latin America and throughout recent indigenous rights law and discourse. The Secoya were quite grateful.

To illustrate, about a decade later, as the now-infamous Texaco (later Chevron) oil pollution case was developing and seeking support, several NGOs and lawyers working with Harvard Law School students brought the jovial and cheery Secoya leader, Elias Piaguaje, to Harvard Law School for a one-day conference. That was logical. The Secoya had witnessed the Aguarico River’s oil-produced pollution, and Elias’s colorful presence at national and international events produced dramatic effects. However, when Elias stood to speak before the crowded auditorium that day, rather than immediately address oil pollution, he first asked the audience if anyone there knew Bill Vickers or me. I raised my hand, said hello, and told him that Bill was too far away to attend. Elias then went on to praise the land-titling project,

and later detail the pollution problems.

It wasn't that the oil pollution did not matter to Elias or the Secoya. He and other Secoya have often spoken to the problem in forums both national and global for years. The titling of Secoya territory mattered more. However, while it was nice to be thanked, what Elias failed to emphasize was his and his kin's collaboration in drafting, explaining, translating, correcting, and redefining the maps and their meaning. For all of us, it was a successful exercise in ethnography: Malinowski in the Amazon with a strong dose of Boas' sentiments and respect for others. Bill Vickers can, and should, look down proudly at his unique contribution.

The Oilman Cometh

As Elias and the Secoya continued to speak out against earlier Texaco-Petroecuador pollution, in 1998, a new actor entered their territorial scene: Occidental Oil, or Oxy. This time the concern was not what the oil company had done but, rather, what it would do. Times had changed. By May 1998, Ecuador had ratified ILO 169 and there was also a new constitution; Ecuador declared itself multilingual and pluricultural but not yet plurinational. The practical meaning of new constitutional terms like "participation" and "consultation" were still to be hammered out in the field. Companies now had to discuss and negotiate some of the terms of natural resource extraction, but there were no clear guidelines or precedents.

At this point the Secoya were neither gun-shy nor experienced in oil development issues. And Bill logically feared, and wrote about, a "slippery slope" with any involvement. But he did not shy away cynically to his study when Oxy began to consider new wells within its Block 18, which included most Secoya communities, and a unique opportunity arose

To obtain permission for initial seismic exploitation, Oxy's community relations staffer invited several Secoya leaders to Quito, where they were persuaded to sign a vague one-page letter of agreement approving the initial seismic work and subsequent drilling if the first tests warranted development. This was a mistake. At the time, Ecuadorian law required new consultation and approval at *each* production stage, and the staffer had not even reviewed the agreement with the company's lawyers or directors. He was subsequently replaced. Perhaps more important, the Secoya leaders had not reviewed the agreement with community members before signing, nor did they call a meeting upon returning to San Pablo. Other community members, however, did, and declared the agreement null and void. Consequently, the community, now represented broadly by the *Organización Indígena Secoya del Ecuador* (OISE), and the company decided that a new agreement was needed. The Oxy-OISE dialogues got underway.

Working for almost two years, several high-level Oxy staffers and a lawyer met for several days each month with OISE leaders, who were supported by an international and a national NGO, several Ecuadorian advisers, and a lawyer. They were joined by two "international observers": Bill and me.³ Though both the company and OISE had invited us, we made clear that, while our participation would be independent, we were not neutral. Assuring an informed, participatory, and economically fair agreement would be our goal. We were, of course, justifiably nervous and huddled frequently in private conversation. As in 1980, there were no clear guidelines or regulations.

First, they hammered out a Code of Conduct to order relations during the negotiations. They then established the rules for exploratory drilling, and with them methods for lodging complaints and payments for such things as road-related deforestation and noise/dust problems created by helicopters. These were not rushed agreements and were quite well-received by both parties. Finally, they began discussion of compensation. How much? And who was to receive the money? There was talk of a lump sum of \$200,000–\$300,000, which was considered to be quite a large settlement, and which would then be divided up amongst the Secoya on a family-by-family basis. Given the likelihood of frittering away such individual payments while accepting that the Secoya had every "right" to do so, Bill and I recommended that Oxy increase the payment (double it, in fact) if OISE put the money into some managed trust for community projects, scholarships, or other long-term community interests. The Secoya rejected this option, exposing in part some of the community divisions and personal distrust that first sparked the Oxy-OISE dialogues.

This concerned Bill. Factionalism, internal disputes, and even a bit of corruption were, of course, not unique or unheard of in earlier times. But Bill believed that they seemed to be becoming more common. In the end Oxy provided compensation in both ways: some for lump-sum payments and some as a community development fund, managed by a responsible Ecuadorian NGO. But there really was, or is, no “end” for the Secoya. In May 2006, Oxy was expelled from Ecuador, leaving the Secoya to deal, in part, with Petroecuador (the national oil company) and, in perhaps larger part, with each other.

The Oxy–OISE agreement was created in context, through participation, and with honest dialogue, a methodological approach now accepted by many human rights practitioners—and one resembling good ethnography. Bill, once again, used his skills to help advance an indigenous rights precedent. Shortly before he fell seriously ill, we discussed “updating” the OXY–OISE case. His main concern at the time was Secoya internal feuding. We did not get around to documenting that, and certainly could not have resolved it, before he died. I suspect that Bill is still wondering what’s going on in San Pablo, perhaps scratching his head in reasonable uncertainty

Notes

¹For the Huaorani demarcation, the project drew on excellent support from James Yost. In 1983, the Huaorani received sixty-seven thousand hectares as titled land, and an additional 250,000 hectares were set aside as the Yasuní Reserve. Since then, as has been well and regularly documented, the status of the reserve has become extremely precarious due to conflicting policies surrounding oil development. For the Cofán, at the time of the project their lands were very limited and almost totally circumscribed by colonists and oil development. These small land titles were awarded to them, but a far better solution was provided when the entire community voluntarily relocated in 2002 to the four thousand-square kilometer Cofán Bermejo Ecological Reserve

²The project was, officially, under the umbrella of the National Advisory Commission on Indian Affairs, which included representatives from INCRAE, IERAC, the Office of Campesino Development, the National Forestry Program, and the Ministry of Agriculture and Animal Husbandry (Uquillas 1985).

³Bill was, of course, the anthropologist most familiar with the Secoya. I, at the time, was co-directing (with Rob Wasserstrom and Susan Reider) the tripartite (indigenous organizations–environmental NGOs–oil corporations) Harvard Dialogues on Oil in Fragile Environments, which included both OXY and CONENIAE, of which OISE is a part.

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