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DEVELOPMENT OF A MODEL OF NEGOTIATION FOR THE YASUNÍ-ITT INITIATIVE

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Dedication

With love, I dedicate this research work to my parents and siblings, who are the cornerstone of my life.

To my beloved *Universidad Del Azuay*; where I was educated not only professionally, but humanly, ethically, and morally as well.

Acknowledgements

I give my sincere thanks to my thesis director, Dr. Javier Cordero and Co-director, Antonio Torres, for their patience and guidance while conducting this investigation.

To the faculty of International Studies, who for 4 years guided my education and forged my career path.

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Abstract

This research work presents the reader with an overview of what the Yasuní Initiative means to Ecuador and the world.

This research paper contains: a brief description of the richness of flora and fauna of the Yasuní National Park, a summary of the proposal that was presented to the world, the various analyses performed on the issue of environmental conservation, and a possible scenario in the case of the exploitation of this oil reserve.

Furthermore, a study of the stages of negotiation that took place throughout the 6 years of the Yasuní Initiative was conducted; further detailing the methods used by the negotiating team, the contributions made by each of the countries involved, and an analysis of the results obtained. The image of our country is analyzed within the international community regarding an initiative that swept the world, and today, despite its failure, is a benchmark for negotiating terms on environmental issues.

Finally, a detailed analysis of various national and international standards that deal with the issue of the environment is presented. Using legal grounds as a basis, an alternative model of negotiation that applies to the sale of all types of environmental services is drawn.

Introduction

Ecuador is a country that most of its life has depended and survived thanks to the contributions of the vast natural wealth it possesses. The mines, forests, rivers, and especially oil have been a source of livelihood. Thus, society and their multiple needs have created a culture of exploitation and pollution, causing great damage to the environment. Meanwhile, in Ecuador, the applicable legal structure has never been strict in regulating these practices; sadly, nature became only an extraction medium of raw material and enrichment, without the competent institutions having sufficient levels of exigency to protect the environment.

Since the Constitution of 1986 was ratified, certain environmental protection measures have been established; however, it is in this new historical period that both the internal regulations, such as the 2008 Constitution of Ecuador, the National Plan for Good Living, and the Conventions International Treaties, are trying to implement new environmental paradigms that deal with sustainable development. In this context, the initiative aimed to preserve the Yasuní oil underground, calling on the international community to provide financial aid in exchange for not emitting greenhouse gases by exploiting resources. However, despite the efforts of the Ecuadorian government, the initiative did not have the necessary support; and in August 2013, President Rafael Correa announced on national television, the end of this environmental project.

In this research, the context in which the negotiations were conducted is discussed; and at the same time, an alternative argument is developed based upon the applicable legal framework, to address the protection of the rights of nature and the vision that the author considers transcendental to be taken into account in the negotiations on environmental issues. Considering the country already has the experience of the Yasuní Initiative, despite its ultimate failure, the country and negotiators have great experience that can be the basis of new environmental projects.

CHAPTER 1: ECUADORIAN REALITY IN THE CONTEXT OF THE YASUNÍ PROJECT

1.1. Characterization of Yasuní National Park

Geographic Location

Yasuní National Park belongs to a group of 11 national parks in Ecuadorian territory. According to the Ministry of Environment of Ecuador, national parks are terrestrial or marine natural areas, with medium or large area, including one or more ecosystems with very slight alteration. Parks may include historical and cultural resources, in which there is a good representation of a diversity of species and wild genetic resources.

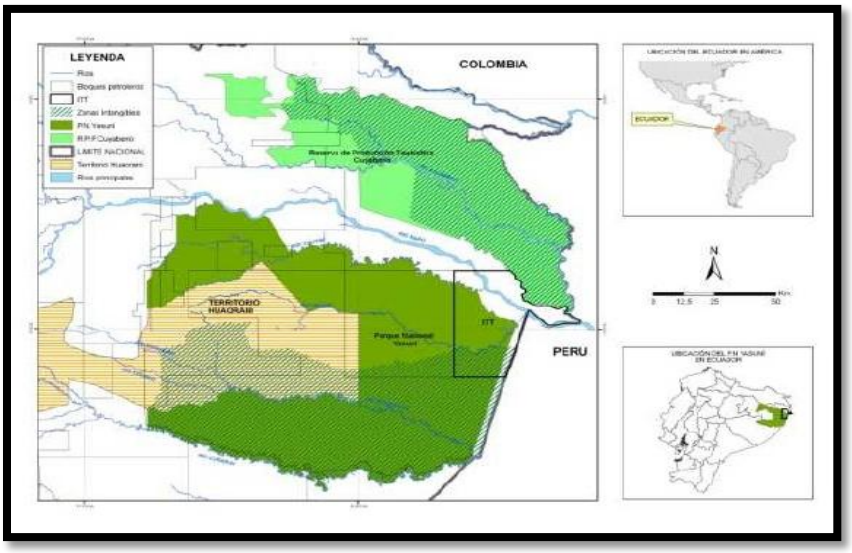
Furthermore, the Yasuní National Park was declared a protected area in 1979 by a Ministerial Agreement on July 26 of the same year. In this sense, according to the International Union for Conservation of Nature, protected areas are essential to conserve the natural and cultural diversity, environmental goods and services, and promote the sustainable development of indigenous communities that depend on it for their survival.

Yasuní National Park is the largest protected area in the Continental Ecuador, it also contains the greatest genetic diversity on the planet, as the number and variety of species is higher than in any other terrestrial ecosystem. Being an area of great scientific interest, the forests are home to more species of trees and shrubs per hectare in the world (664 species) and consequently represent an even greater faunal diversity. Under the dome formed by the tops of the trees, ancient life harbors many life forms, from the giant *ceiba* trees that seem to touch the sky, to the *leoncillo* - a little monkey that fits in the palm of your hand. Yasuní National Park is scientifically classified as a Pleistocene Refuge - important because of its

large size, rich biodiversity, speciation center, dispersion of living beings, and very high endemism; where species have survived for thousands of years. Because of this, the Yasuní was declared a Biosphere Reserve by the UNESCO in 1989 (Rivadeneira, 2007).

Yasuní National Park is located in the provinces of Orellana and Pastaza, in the areas of the sub-basins of Tuputini, Yasuní, Nashiño, Cononaco and Curaray, tributaries of the Napo River. The park is horseshoe-shaped and runs from the south of the Napo River to the north of the Curaray river, extending along the Tivacuno river basin (Campos, 1998).

Illustration 1: Geographic Location of the Yasuní National Park



Source: News from Ecuador, Yasuní Initiative, 2011.

1.1.1. Biophysics

To address the issue of the characterization of the Yasuní National Park, we will begin by defining what biophysics is, according to different scholars of this science. Biologist Nahle Nasif (2007) explains that, "this is a sub discipline of biology that studies the physical principles underlying all processes of living systems." Hence, it is a reductionist science; since it states that all phenomena that arise in nature have a predictable scientific

explanation. In other words, although we may not have the resources and tools necessary to give an explanation for the behavior of nature, the mere fact that it exists gives it validity.

In this sense, the Yasuní National Park has a biophysical wealth of great magnitude and a large number of important biological and physical phenomena. All of this will be summarized in a description of the area below.

The Guide to National Parks and Reserves of Ecuador (1998) and the National Directory of Protected Natural Areas of Ecuador (2007) mentions that the Yasuní National Park is formed by an endless succession of small hills, the result of the passing of ancient rivers; which is the main reason for its amazing biodiversity. The park is full of life in an area that has been classified as a tropical rainforest. In the *Cuyabeno* and *Limoncocha*, one can identify 3 types of forest: dry land, not flooded, located at the top, above the hills; seasonally flooded or floodplain forest; and the permanently flooded forest or *igapó*.

With respect to this classification, in the upland forest the vegetation is characterized as evergreen, heterogeneous, dense, with large species and many epiphytic flora. Due to the irregularity in its physiognomy and topography, it has a variety of habitats and occupies about 77% of the total area of the park. The trees range about 30 meters high, with straight trunks and buttress type roots - providing firm support against the wind, without going into the ground. Moreover, there are also emerging species that grow even higher, mainly *chuncho* and cedar, reaching over 50 meters high. Somewhat below, in the forest itself, there are balm, mahogany, star apple, *guámbula*, jigua, and *sapote* trees.

In the subcanopy, almost at ground level, species of palms are the most common, such as; *chambira*, *chonta*, *pambil*, and *Ungurahua*; these are used by the natives as food, medicine, and even as building material. This area also has a wide variety of herbs, climbing plants, and vines; as well as *pantanillo* channels and creeks.

Regarding the seasonally flooded forest, it occupies about 9% of the total area of the park and has a similar composition to the mainland. There are cedars in the canopy, palms in the subcanopy, and between the main trees there are *sangre de drago* and *cruz caspi*. In addition, there are mosses, lichens, ferns, *lianas*, and vines. On the other hand, in the flooded forest, you can see different complex ecosystems, all different from each other. The partially submerged vegetation has species that are almost all endemic to the area; their average height is 12 m, of which approximately third are underwater for most of the year. There is also a fourth type of swamp forest known as *moretal*; these are sectors with very calm waters, dominated by a species of palm known as *morete*, which is a source of food and shelter for mammals, birds, reptiles, and amphibians. A final type of vegetation in this habitat is presented by the islands, particularly those on the Napo and Curaray rivers; there *guarumos* and guavas are the most plentiful plants.

Regarding the fauna of the park, it has been determined that there are over 500 species of birds, such as; macaws, parrots, and toucans - arguably the most striking bird in the area. As for mammals, 173 species have been recorded; although it is estimated that there are about 200 different species of mammals, making up 57% of the mammal fauna in Ecuador. Of these, the best represented group is the bats, with 81 species and 7 different families (Ministerio del Ambiente, 2007). Primates are also part of this fauna; however, due to deforestation and hunting, extinctions are on the rise. Also, ocelots, jaguars, tapirs, peccaries, and three-toed sloths roam the jungle. Similarly, some aquatic mammal species, such as the manatee, the pink dolphin, and giant otter, are part of this great variety of wildlife found in the Yasuní park; although, these have also been the victims of over-hunting.

Yasuní park has one of the most extensive representations worldwide of reptiles and amphibians - 62 species of snakes and over 100 species of amphibians have been found; 43 species of which are exclusively arboreal frogs (Ministry of Environment, 1998).

There is also a significant diversity of freshwater fish due to the high amount of black, white, and clear rivers; as well as swamps and lagoons that house them in the park. In the

Yasuní National Park, 268 species have been documented but presumably there are many species that have not been found, most of which are located in the Napo River (Ministry of Environment, 1998).

1.1.2. Socioeconomics

The World Society of Socioeconomics, created in Harvard in 1989, is beginning to have major impact today in the Spanish-speaking world; that is why socioeconomics assumes that the economy is immersed, both in the social and cultural reality; hence, it is not a closed and self-contained system. Socioeconomics also assumes that the decision-making mechanisms used by individuals are influenced by values, emotions, judgments, prejudices, cultural affinities, and other constraints.

Regarding the Socio-Economy in Ecuador, we should start by mentioning that throughout history, Ecuador has shown that it is a country vulnerable to a number of exogenous factors; both natural, political, social, and economic; the latter factor dependent on its low level of industrialization and the export of a few commodities such as oil, bananas, coffee, shrimp, cocoa, and flowers. Erosion rates in the exchange of products (an exporter of raw materials), and a weak domestic institutional framework have affected economic performance in recent years, despite the country being oil rich with petrol prices on the rise.

The state oil industry accounts for 10% of GDP and 37% of total exports, and provides about 30% of government revenues. Agriculture contributed data in 2005 was 6.5% of GDP; with industry at 45.7%, and services at 47.8% (World Food Program - WFP).

According to the United Nations Environment Program (UNEP), Ecuador is one of 19 mega diverse countries in the world; which is a strategic resource and a highly significant global responsibility. Regarding economic growth, it was modest and unstable in the 90s;

then in 1999 and 2000, the country experienced an economic crisis stemming from the poor control over the banking system, fueled by corruption and speculation. The dollarization of the currency in 2000 and the increase of remittances from Ecuadorian migrants abroad are two important phenomena.

The average rate at which the non-oil economy grew between 2000 and 2006 was 3.9% per year. But between 2007 and 2012, the growth rate was 4.8%. In 2012, the economy grew by 5%, with emphasis on the construction sector, education, health and social services, manufacturing, and public administration (Diario El Universo, 2013). With this data, it appears that the country is in a process of change. Clearly, the non-oil economy still has much to improve and develop as oil dependence remains Ecuador's main source of livelihood; which is why the Yasuní Initiative is so important, since the country needs to solve the economic problems that still afflict it.

Regarding the analysis of the Ecuadorian social reality, in the Final Report of the Civil Society Index in Ecuador (2006), it argues that Ecuador supports the development of civil society conditions; however, levels of poverty, unemployment, and socioeconomic exclusion are high. Latent ethnic and regional tensions, which could lead to intense conflicts under certain circumstances, exist. There is still a latent delay in solving social problems and poverty; and above all, there is a serious problem of inequality and social inequity, and poor coverage of social security services. Although illiteracy has been reduced to relatively low levels, there are still many problems of quality and equal access to education, with strong differences between regions, specifically between the urban and rural sectors (Bustamante, Durán, & Andreetti, 2006).

1.1.2.1. Social reality in the Yasuní

Based on the above, it should be noted that the social setting refers to the study area of this thesis, which is the *Ishpingo*, *Tambococha*, and *Tiputini* fields, part of the Ecuadorian Amazon; including 24 *Waorani* communities with about 3,000 people, 6058 Kichwas, and

15 Shuar centers with about 1,000 people who have lived in harmony for centuries in Yasuní. (Yasuní International Network GREEN GOLD, 2008).

Today, these people have begun to lose their home due to oil exploitation, deforestation and colonization. Some indigenous groups have managed to preserve aspects of their culture and continue to live in the most traditional way possible, fighting continued violations of their rights.

Others, like the *Tagaeri* and *Taromenane*, descendants of ancient warriors, have fled deep into the forest to escape "civilization," basically choosing to live in voluntary self-isolation.

The *Waorani* have lived for centuries in the Yasuní. Today, most live in their ancestral lands lying between the Curaray and Napo rivers. The *Waorani*, semi nomadic hunters and gatherers, need a large area to maintain their traditional livelihoods. Their lands extend for more than 2,000,000 hectares, but now they only have 612,560 hectares (Yasuní International Network GREEN GOLD, 2008).

The *Tagaeri* separated from the *Waorani* in 1968 when, led by *Taga*, they decided to reject the settlement and fled to the depths of the woods to live in isolation. Alongside *Taromenane*, they are the last two indigenous communities currently living in voluntary isolation in Ecuador. The origin of the *Taromenane* is unknown, but it is believed that somehow they are related to the *Waorani* (Yasuní International Network GREEN GOLD, 2008).

The exact origin of the *Shuar* culture has been lost in time. The *Shuar* that live in Yasuní are not native to this area, rather they moved there in the late 1980s from southern Ecuador. The *Shuar* are known for practicing "*tzantz,"*an ancient custom of shrinking the heads of their enemies (Yasuní International Network GREEN GOLD, 2008).

Current Amazonian *Kichwa* are descendants of the ancient inhabitants of the region: *Quifkos*, *Záparas*, *Omaguas*, *Achuar*, and *Siona*. In the *Kichwa* community itself, there are other subgroups. The Amazonian *Kichwa* are also known as *Naporunas*, meaning "people of the Napo River," in their traditional language (Yasuní International Network GREEN GOLD, 2008).

It is important to note that although the Ecuadorian society is mostly governed under certain civilizing parameters, there are also small indigenous groups that continue to be important in shaping the Ecuadorian culture; these are wild groups that were never part of the attention and concern of government; however, private powers have had serious clashes with these groups because, in the words of Eduardo Gudynas (2013), "the violation of the rights of indigenous peoples is necessary for the extraction of the raw material."

1.2.3. Environmental Functions

The Yasuní Park is a mega diverse ecosystem that not only has intrinsic value but is the very source of our existence as a species. The main benefit of these ecosystems is that they regulate the climate; and are a source of fresh water, food, fuel, pharmaceuticals, and other renewable goods that directly benefit 1.6 billion people in the world, mainly developing nations (Caamaño, 2011).

Also, Larrea (2012), in his publication, *Yasuní Initiative to Change History*, suggests that biodiversity is the basis of the valuable ecosystem services provided by primary forests; their potential for health research has been widely recognized, as such constitutes an invaluable asset. He also considers the biodiversity of the Yasuní National Park as an unquestionable priority. Meanwhile, the environmental web portal, "Earth Economics" (2012), has estimated that the environmental benefits of this park would reach a present value of $ 9.8 million; meanwhile, Larrea has estimated that environmental costs from the exploitation of the Yasuní have a present value of $ 1.2 million, an estimate that only includes the effects of deforestation, loss of potential ecotourism, and non-timber forest

services; this estimate excludes several consequences of oil exploitation such as spills, local pollution, effects on the health of the people, etc.

Current deforestation in Ecuador has been estimated at 198,000 ha per year; the project aims to eliminate deforestation gradually over a period of 30 years, elimination CO_2 emissions by 777 million tons, saving $1.28 million. If the Yasuní project had been successful, there would have been a gradual elimination of thermal generation (the generation of electrical energy from the energy released as heat, usually by burning fossil fuels such as oil, natural gas, or coal), and replaced by renewable sources (hydroelectric, geothermal, wind, and solar) in Ecuador, elimination 43 million tons of CO_2 emissions, representing value of $263 million.

It is safe to say that increasing energy efficiency will contribute to further CO_2 reductions; it was estimated that the Yasuní Initiative would contribute to a reduction of at least 1 billion tons of CO_2 over the next thirty years (Larrea, 2012). All this will not only contribute to environmental protection but it will be a benchmark for fighting to preserve the habitat of humans.

1.2. Yasuní: project explanations

1.2.1. Plan Description and Governmental expectations

This project is one of the most innovative initiatives that has emerged over the years on environmental issues; in the words of Martínez (2007), "the Yasuní Initiative is an ecological model to replace the 'eco-illogical model:' low taxes, and a free market paradigm of unlimited growth.

The Yasuní Initiative involves Ecuador committing to maintain indefinitely, oil reserves underground in the *Ishpingo-Tambococha-Tiputini* (ITT) oil field. This prevents the emission into the atmosphere of 407 million metric tons of CO_2 that would be produced by the combustion of extracted oil. The real value of avoided emissions is greater from the effects of deforestation; directly and indirectly associated with oil extraction, infrastructure construction, methane produced by livestock in settled areas, and other sources. The value of avoided CO_2 emissions in the ITT is considerable, surpassing the annual emissions of Brazil (332 million MT) and France (373 million tons), and is equivalent to that of Ecuador (29 million) for 13 years. Taking into account the value of Certified Emission Reductions (CER) in the European Market, $17.66 (May 25, 2009) dollars per metric ton, the economic value of emissions avoided by the initiative would reach $7.18 million (Falconí, Vallejo, Larrea, & Burbano, 2012).

The petroleum potential of the ITT block reaches, according to recent estimates, 846 million barrels of 14.7API recoverable heavy crude. Oil exploration in this field would produce approximately 107,000 barrels per day over 13 years old; afterwards the wells would enter into a declining phase for an additional twelve years. Although the ITT field has proven reserves of approx. 944 million barrels, there are additional possible reserves of 1.53 million barrels; however this value is uncertain because it was not measured in a 3D seismic survey (Caamaño, 2011).

According to the analysis, the proposal is basically summarized in the following sections:

- Do not extract oil from underground.
- Drawing on the international community for resources in the form of symbolic sale of crude oil extracted.
- Create a capitalization fund whose interests grant permanent income.
- Develop, with those funds, a model of self-sufficiency (zero emissions, zero waste) and energy supply; for a post- oil development and industrialized phase.

Also, within the expected outcomes the expectation is:

- Protect the environment from the destruction of the ecosystem due to oil exploitation.
- Safeguard the stability of both local and global climates.
- Respect the rights of populations that are at the ITT field.
- Make the leap from industrialization to a non-dependence on oil.

The financing options are:

- Tax free donations in different countries.
- Direct donations via the internet.
- National collection campaigns.
- Donations from agencies or NGOs.
- Government to government agreements.

1.2.2. Ivonne Baki, ambassador of the initiative

As described by the official site of the National Government of the Republic of Ecuador, Ivonne Baki is diplomatic, a negotiator for peace, humanitarian, and political. She is a woman that was always interested in art; and through it tries to promote peace, unity, and love among nations. Ivonne started her career as a visionary artist, exhibiting her paintings and affecting thousands of people on four continents through her work.

In 1990, she was an artist at Harvard University, where she created the Foundation "Art for Peace;" the foundation organizes many exhibitions showing the conflict between countries, in order to build bridges and find solutions. In parallel, the foundation "Without Borders" is dedicated to promoting health in Ecuador, through prevention and education. Baki is also a founding member of the foundation "Galapagos Conservancy." The foundation has helped create environmental awareness to protect endangered animals.

In 2002, she launched her candidacy for the presidency of Ecuador. Her platform as a candidate was to end the great divide between those who have much and those who have little through education, development, and social equity; as well as Latin American integration and the fight against corruption. In 2003, she was appointed Minister of Foreign Trade, Industry, Integration, Fisheries, and Competitiveness. In 2006, she became part of the Andean Parliament; and in 2007 was elected President of the Andean Parliament by unanimous vote of the five countries: Ecuador, Bolivia, Colombia, Peru, and Chile.

On February 3, 2010, the President of Ecuador, Rafael Correa, appointed Baki as President of the Negotiating Team of the Yasuní-ITT Initiative. Baki was at the forefront of the initiative for about 4 years; which, despite its many activities around the world, could not meet their proposed goal. Even after the Ecuadorian Government renounced the initiative, she stated that, "despite these expected results, Ecuador should not rest in their struggle for environmental conservation; rather it should be an example of what is *Sumak Kawsay;* providing a wealth of thousands of scientific, medical, and technological breakthroughs we can discover by preserving the Yasuní National Park."

1.3. Ecuadorian reality in case of the exploitation of Yasuní

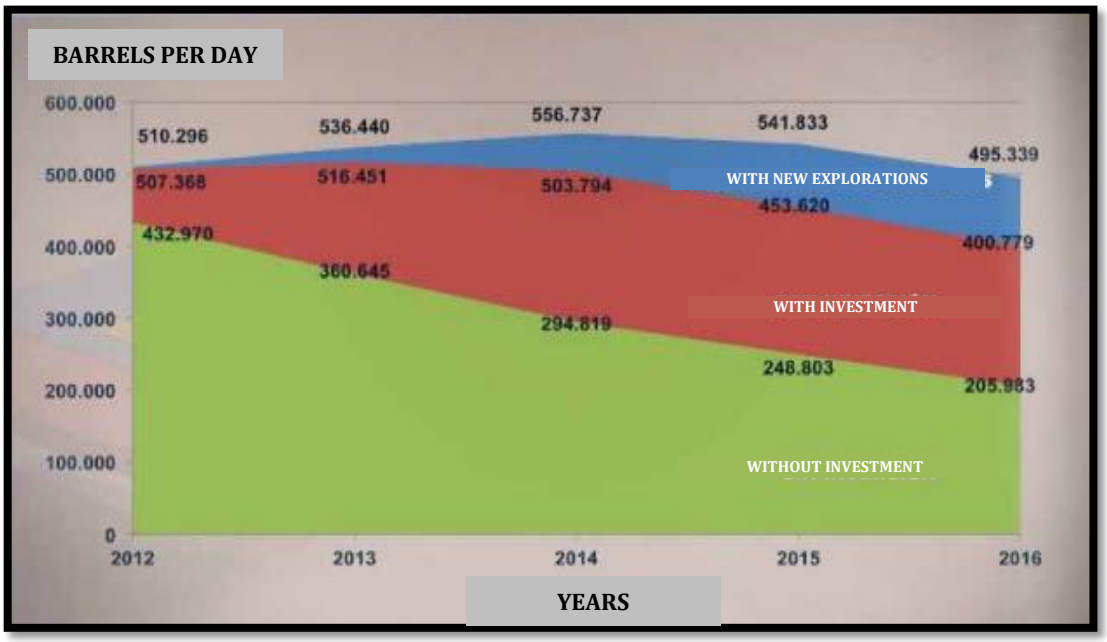
Six years after signing a pledge not to exploit the ITT oil fields, the Government of Ecuador has terminated, unilaterally, their agreement with the international community; abandoning the Yasuní National Park to the exploitation of oil found inside its territory. In this regard, it is important to perform an analysis of the economic benefits of extracting the oil in the Yasuní-ITT oil fields.

Oil exploitation of the ITT would result in a production of about 107,000 barrels of extra-heavy crude oil, over a period of approx. 10 to 15 years; after which the wells would begin a phase of decline. However, some analysts agree that the high density of simple oil extraction would be too expensive and would require additional construction of a

thermoelectric plant; as well as a high power conversion plant, essentially changing its density, for easy transport and commercialization.

The image below explains this concept visually:

Illustration 2: Estimated Production of Crude Oil, 2012 - 2016.



Source: National Government of the Republic of Ecuador, 2012. Retrieved from: Yasuní-itt.gob.ec

As seen in the picture, the Government has made a study of barrels of oil per day that would be obtained in the case of the exploitation of the ITT, resulting in a minimum amount of 432,970 barrels of oil per day, starting in 2012; by the fifth year, 2016, at least 205,983 barrels per day would be obtained.

According to the National Secretary of Planning and Development, oil prices in 2014 should fluctuate between $98.42 and $92.33. With this data, we can explore what kind of economic returns could be obtained from the extraction of oil in the ITT oil fields.

Taking into account the minimum value of barrels of oil produced by the ITT are 205,983 per day; and taking into account the minimum price of a barrel of oil is expected to be $92.33; Ecuador would receive $19,018,410.39 a day in oil revenue. At first glance, daily revenues of this size are extremely tempting for a country like Ecuador, which is currently in development and has historically maintained its economy mainly from oil revenues.

1.4. Analysis of the sustainability of the Yasuní project

The world population is 7 billion and will probably grow to 9 billion by 2050, this implies an increased demand for natural resources. Today, sustainability requires a decent living without compromising the needs of future generations (The United Nations, 2011).

Luz Guerrero, who has over a decade of experience in caring for the environment, organic farming, and sustainable development, states that, "the word sustainability is a term that can be used in different contexts, but in general it refers to the quality of being able to support yourself without outside help and without exhausting the resources available." In this sense, it can be argued that when talking about sustainability in the Yasuní project, it is necessary to analyze all aspects of the ecosystem.

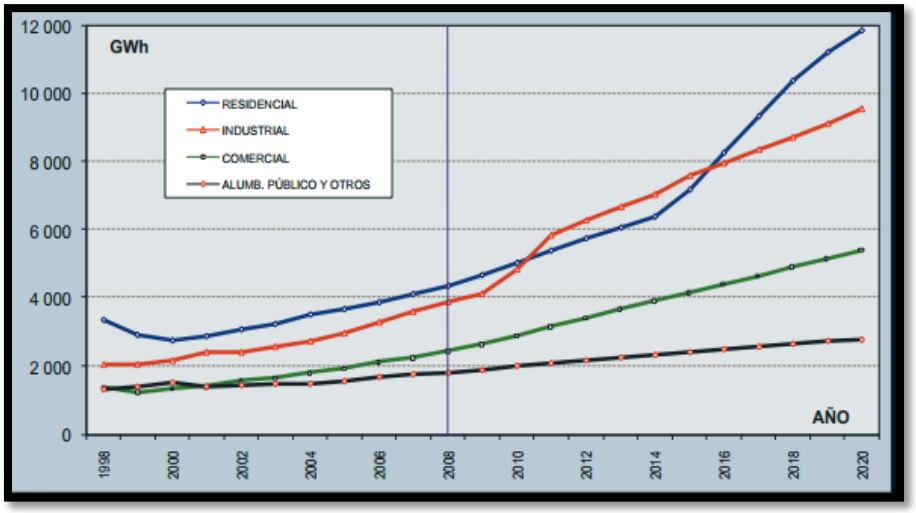
One proposal is that over a period of 13 years, between 3.6 and 7.2 billion dollars should be invested in profitable projects of renewable energy in order to finance the effective conservation of ecosystems remaining in Ecuador, sustainable social development in these areas, and improve the efficiency of national energy consumption. This is intended to consolidate an effective and orderly transition to a post-oil society with a sustainable and equitable foundation.

The following paragraphs outline the changes that the ITT Initiative intends to take in the fields of energy, conservation, social development, and scientific and technological research.

In terms of energy management, according to the statistics of electrical parameters of the distribution companies of Ecuador, the average electricity consumption in the country is 18,469 gigawatts an hours (GWh); this corresponds to the calculation made in September of 2012 (Empresa Electrica Quito, 2013). Currently, approximately 40% of electricity produced in Ecuador comes from thermal plants that are not efficient enough. According to the Ministry of Electricity and Renewable Energy, in 2010, Ecuador produced 10,634 GWh of thermal energy; which economically has not met expectations, and environmentally does not protect the environment. In addition, Ecuador is an importer of electricity, despite having a large energy potential. To reverse this situation, it would require large investments over an extended period of time in order to achieve economic sustainability; this is the objective of the Capital Investments Yasuní-ITT Fund.

The growth in demand for electricity in Ecuador has been constant from year to year as shown in the chart below:

Illustration 3: Evolution of Electricity Consumption in the National Interconnected System.



Source: Electrification Master Plan of Ecuador 2009 – 2020.

Power generation has grown at a constant rate, but it is due to energy imports from Colombia and Peru since 2003. Between 1991 and 2006, as a result of slow economic growth and the weakening of the state under political structural adjustment, public investment capacity in power generation has weakened. Investment in hydropower projects was minimal, and the expansion of the generation was based almost exclusively on thermal plants that require low initial corporate investment and low construction times. As a result, in 2006, renewable energy covered only 44% of electricity generation, while thermal plants accounted for 47% (Acosta & Martinez, 2010, pgs. 27, 28).

Since 2006, the Correa administration has fully resumed investment in renewable energy and participation in hydropower, raising the amount to 59% of renewable energy electricity generation in 2008. The National Development Plan provides for significant future investment in renewable energy, with a primary goal to overcome the current dependence on fossil fuels. The hydroelectric plants included in this goal are: the *Coca Codo Sinclair*, *Paute Sopladora*, *Baba,* and *Ocaña*, as well as the wind projects: *Villonaco* and *Galápagos*. It has been estimated that the hydroelectric potential of Ecuador is 21,500 MW, of which only 10% is used. Also, the country has high solar energy potential, given the country's location on the equator, and large areas with wide annual irradiation. The Electrification Master Plan of 2009 - 2020 aims to start investing in other renewable energy sources. Besides the aforementioned wind projects, Ecuador plans to build three more geothermal power plants: *Chalupas*, *Tufiño,* and *Chachimbiro* (Acosta & Martinez, 2010, pg. 28).

These new initiatives are a revolutionary way to change the production matrix as it not only provides millions of jobs, essential for reducing poverty and underdevelopment, it also changes the country's paradigm of resourcing that, while it is not enough for our country to sustain 14 million Ecuadorians, it is a step that should have already been taken dozens of years ago. This new plan by Ecuador's current administration constitutes a breakthrough in the development vision we have as a country. Furthermore, the contributions would be deposited in the Capital Investment Fund Yasuní-ITT to be used to fund strategic sustainable development programs in Ecuador, such as:

- Preventing deforestation and ecosystem conservation in its 44 protected areas;
- Support for reforestation, afforestation, natural regeneration, watershed management, and proper management of one million hectares of forests;
- Promoting social development in the areas of influence of Yasuní, including health, education, training, technical assistance, and productive employment in sustainable activities, such as: ecotourism, agriculture, protection of ecosystem services, and agro-forestry;
- Promotion of research, science, technology, and innovation;
- Increased energy efficiency in power generation, transportation, and housing.

1.5. Environmental Conservation, positions.

Concerning the sociology of environmental conflicts, "environmentalism is a multifaceted figure, born of local, transnational disputes, with varying degrees of polarization and institutionalization" (Fontaine, 2007).

Concerning political ecology, "environmentalists, or environmental movements, are born as a reaction to the environmental crisis facing the world; it is a critique of the prevailing development model, driven by global capitalism" (Leff, 2001).

The proposal of a moratorium on oil extraction activities in the Yasuní National Park has its origins from a very influential environmental sector; self-representing Amazonian communities and settlers affected by the social and environmental impacts have tried to influence the decisions and policies for the development of the public agenda.

From sociological perspective, Fontaine (2007) notes that the environmental movement claim covers the rural and indigenous communities of the northeast for reparations and compensation due to pollution contaminating their land since the 1970s. Other interested parties express an opposition of non-governmental organizations (NGOs) exploring for in

protected areas; other communities' rejections stem from the expansion of mining activities in their territories.

The Ecuadorian environmental movement focused on public opinion from the resulting environmental impacts, especially in the oil industry exploiting the fragile ecosystems of the Ecuadorian Amazon jungle; this movement influenced constitutional reforms (Fontaine, 2007). The first reform was ratified in 1998 in Articles 86 to 90, seeking to protect the right to have a healthy environment, recognition of 19 collective rights and cultural diversity, and the criminalization of environmental damage. In 2008, the Constituent Assembly of Montecristi established additional rights for nature.

Currently, concerning the Yasuní-ITT proposal, there are different opinions and points of view. The environmentalists together with social organizations and indigenous peoples emphasize that this initiative is a pioneering movement that could help set standards for new forms of emissions reduction and conservation, compared with little success achieved by the Clean Development Mechanism or buying pollution permits that were established under the Kyoto treaty.

These environmental movements propose to, "put climate efforts in originating ideas and common but differentiated responsibilities, governed under the principle that he who pollutes, pays" (Oilwatch, 2008); this proposal is linked to a transition agenda for a Post-Oil society in Ecuador.

These movements all agree that the exploitation of the ITT field radically change local social and cultural dynamics; therefore the environmental impacts are certainly significant; especially due to the emergence of a dangerous economic logic, whose consequences are evident in the Northern Amazon; specifically the commodification of social relations and a growing consumer demand for goods and services.

In 2010, a group of scientists published the first comprehensive synthesis in the scientific journal, PLOS ONE, which included peer-reviewed data on the biodiversity of the Yasuní National Park. That study concluded that Yasuní has outstanding global significance due to its extraordinary biodiversity. The publication describes the potential to sustain this biodiversity in the future if it is not degraded by human activities such as oil development. Here, scientists concerned for Yasuní reviewed the key findings on the species richness; this has influenced others to discover even more information that has been presented in the three and a half years since its publication. In 2010, the authors of the study published in PLOS ONE generated a series of policy recommendations, including:

Do not allow new roads, or other routes of entry, such as drilling routes, railways, canals, or extensions of existing roads to be built within the Yasuní National Park and its buffer zone. Do not allow new exploration projects or exploitation of oil in the Yasuní, particularly in remote and relatively intact Block 31 and ITT.

The study infers that it is not possible to find a common position, or opinion, from the regional officials and leaders of organizations, due to widespread ignorance about the details of the initiative. Also, based upon the interviews of people living in the ITT fields, positions range from indifference to slightly optimistic of the possibility of having sources of income and employment now that the Yasuní will be exploited.

1.6. UNDP and its role in the Yasuní Initiative.

As stated on the official website of the Organization of American States in Ecuador, the United Nations Development Program is the UN organization advocating for change and connecting countries to knowledge, experience, and resources to help people build a better life. Its main objective is to help countries build and share solutions to the challenges of democratic governance, poverty reduction and prevention, crisis recovery, energy, environment, and HIV / AIDS.

In this case, the Ecuador Yasuní initiative is assisted by the UNDP, an organization that will manage the sale of the YGC (Yasuní Guarantee Certificates). These certificates will be deposited in an international trust managed by the UNDP, whose board will consist of the biggest contributors to the initiative. The state representatives of the Ecuadorian Civil Society will verify that the trustee complies with a mandate to invest in clean lines and new policies of equitable and sustainable development as defined in the New Constitution and the National Development Plan.

In this regard, the State shall provide, as a guarantee of the contributions, YGCs at the nominal value thereof. If the government of Ecuador decides to exploit the ITT field, the State will lose ownership of the fund and will not receive any of its proceeds; investments will also be transferred to taxpayers. The total amount of contributions should equal the value of avoided carbon dioxide emissions, maintaining the oil reserves of the ITT field.

The UNDP's role as management and control will play a key role in this initiative as it will monitor all proceeds, as well as adherence to the guidelines of effective functionality given since the beginning of the launch of the ITT.

CHAPTER 2: THE NEGOTIATION PROCESS OF YASUNÍ IN THE WORLD

2.1. International Business: methods used for negotiating the Initiative.

Ecuador chose other governments as the main focal point to obtain resources. In this sense, the negotiation strategy was developed with the "lobby." Sierralta (2005), scholar of international trade issues, explains that, "this is as a way to negotiate and influence political and economic decisions, both domestically and in the private sector, in order to overcome trade barriers, consolidate investment, or generate sympathy for a cause or project.

In the Yasuní case, this method was used as a way to form bilateral agreements giving ambassadors to experience first-hand the area in question. It is important to understand that Ecuador is trying to overcome the position of an underdeveloped country; thus, the presence of a developed country in the negotiation generates trust, thereby placing a tacit guarantee on the effective use of donated resources.

Meetings and conversations about the Initiative were momentous; the report on the Yasuní Initiative, presented by the Heritage Ministry Coordinator, is summarized below.

Once the trust was started in August 2010, Ecuador began negotiations with those countries in which a financial contribution was imminent. Heritage Coordinator Minister visited the United States, Germany, Spain, Italy, and Norway in order to obtain financial support for the Initiative. In New York, Ecuador participated in the UN General Assembly, accompanied by the Vice President, Jorge Glas, together with Ivonne Baki. There they had the opportunity to meet with more than 20 ministers of various countries involved in the initiative. In Germany, it was possible to convince the German Ministry of Cooperation to

support the initiative. In Spain, the Spanish pledged support for the first year and for additional years as needed. These efforts in turn achieved positive results, such as the continuation of negotiations with Germany. This result is complemented by the actions taken by the MCP, along with the German Civil Society, and the country's parliament to pressure the government to support the Initiative. It also achieved a first contribution of the Spanish government, negotiating a debt swap with Italy, and international contributions from the governments of Chile and Belgium, and the Foundation for Sustainable Development (FSD).

Likewise, the Coordinating Minister of Heritage, during trips accompanied by the official delegation of the President of the Ecuadorian Republic to the Latin America-E.U. Summit in Spain, Japan, and Korea; widely promoting the Initiative. Ecuador also participated in the Shanghai Expo Fair and the Book Fair in Lima, where presentations were given on the initiative; the result of these steps led to new support from Asian countries.

The Yasuní Initiative, along with the *Socio Bosque* Project, were presented in Nagoya, Japan, at the Conference of the Parties on Biodiversity; in many forums, both formal and in so-called "parallel events" of civil society.

In December 2010, representatives from the Heritage Coordination Ministry, headed by Maria Fernanda Espinosa, traveled to the Climate Change Summit in Cancun to prepare for the visit of the President of Ecuador to promote the concept of Avoided Net Emissions and the Yasuní Initiative. The President participated in the Summit and made a presentation on the Initiative. The participation of the Ecuadorian delegation included innovative concepts like Net Emissions Avoidance, the Yasuní Initiative, and the concept of REDD+. The summit minutes were introduced in the official documents of the Convention against Climate Change; Ecuador was ranked as a world leader in the area of climate change. With regard to REDD+, it is a mechanism that aims to support a policy of conservation and use that promotes consistent, comprehensive, integrated, and proper management of Ecuadorian forests; the Yasuní Initiative is part of a "package" to attract those interested in the conservation of said forests.

The Ministry of Heritage promoted the Initiative in numerous forums and events, the most important being the People's Summit in Cochabamba in April 2010, where both the Chancellor and the Minister, Patiño Espinosa, organized a series of promotional events about the Initiative; they also visited the ALBA Summit, held in Otavalo-Imbabura in June 2010. Also, presentations were made in *Macas*, *Gareno*, and in the *Waorani* community adjacent to the Yasuní National Park. In the Social Forum of the Americas, held in August 2010 in Paraguay, the Initiative held two events; as well as one at the V Congress of Environmental Forestry Law in Bolivia.

In the 2010 United Nations Convention on Climate Change, in Cancun, there was a series of activities led by President Correa. The President made a presentation on the Yasuní Initiative to 200 delegates and civil society representatives at the headquarters of the Conference in Cancun. Bilateral meetings with Portugal, Norway, the UAE, Belgium, and Canada were held. The participation of the Ecuadorian delegation scored several achievements such as incorporation into final documents adopted at the UN Climate Change Conference in Cancun, the concept of net avoided emissions, adoption of the REDD mechanism, wide dissemination of the Yasuní Initiative with the participation of President Correa, including the Belgian contribution to the Initiative, the dissemination of the national position on climate change in international negotiations on issues of intellectual property, and financing through regional organizations.

In September 2013, the Committee on Biodiversity visited the Yasuní National Assembly, and in October of the same year, did the same with a group of ambassadors interested in the Initiative in Ecuador. Prof. Carlos Larrea made a presentation on the Yasuní Initiative to Mr. Hermann Krützfeldt, representative of the Andean Development Corporation in Ecuador. Later he visited Canada, giving a lecture on the Yasuní Initiative to a group of students from Trent University.

As discussed above, a number of visits promoting the initiative were made. There was a logistical deployment to different countries, visiting summits, forums, and meetings; which led to much sympathy for the revolutionary proposal that was the Yasuní. Unfortunately,

the cause still lacked credibility, force, and especially commitments that create a direct economic involvement of countries in the Yasuní initiative.

2.1.1. The "*Yasunizate*" Campaign.

Within the field of business, one of the most influential ways to reach the masses is through promotional campaigns, an idea that is strategically positioned in the minds of people, thus creating commotion. One of the most talked about campaigns used by those who led the negotiating team of the Yasuní initiative, together with the Government, was the "*Yasunízate*" campaign. On November 20, 2011, Ecuador held a worldwide re-launch of the Yasuní Initiative.

The Agora of the House of Ecuadorian Culture in Quito was the place where citizens gathered to support the Yasuní initiative, the event was televised nationally and internationally.

The campaign launch party, meetings, and agreements lasted for about 10 hours; Ecuador, and the world, made public the importance of the initiative. National and international musicians, radio and television characters, scientists, academics, thinkers, and public leaders were present during the event. Also, there was a circus in the *Casa de la Cultura*, with exhibits on environmental protection rights; Magic Circus Theatre "Social Art," and a cultural fair located in the park "*El Arbolito*," where they showed photos and videos of the Proposal.

The campaign, as previously mentioned, sought to extend an invitation to all citizens, to join efforts to save the Yasuní; even requesting volunteers. However, even though the events held were well received, most likely due to the musicians and free activities, the results were not as expected simply because not enough money was raised. At this point, it is important to note that although it was a completely well-crafted campaign from an advertising point of view; Ecuador is still a society that has not received sufficient

education on environment issues. In the end, it was no more than a attempt to get the word out; any money raised would never be enough to reach the goals needed for the Initiative.

Context analysis of the acceptance of the Initiative by the International Community - countries connected to the project.

In the report of the status of negotiations with the various countries of the world, a distinction between countries with high interest and countries with medium level of interest was made. The countries with a high degree of interest were:

- Germany

For this negotiation, Ecuador responded to questions from the German government with a 10-page letter, delivered personally by Minister Espinosa to the German Ministry of Cooperation. From this visit, the German government said that the doors were open for negotiation, but they still had reservations. Therefore, Ambassador Sevilla traveled to Germany and held an explanatory meeting.

- Spain

Spain's first contribution in 2010 was for a total of $1,341,000 USD. The possibility that part of the bilateral cooperation resources would be channeled through the Initiative was pending.

- Italy

During the visit by thr Heritage Ministry Coordinator, the debt exchange was completed. It was noted that the Italian government would prepare a document, for the Ecuadorian government to review. Italy expressed interest in the initiative.

- Norway

The Coordinator of the Heritage Ministry prepared a letter to Norwegian Prime Minister with explanations requested by the country; in order to continue negotiations. Carlos Larrea made several presentations on the Yasuní-ITT Initiative in Oslo, Bergen, and Bodø Stavagen. As a result, a Norwegian campaign to promote the initiative was organized and active support from Rainforest Norway was obtained, considered a key element for the support of the Norwegian government.

- Portugal

After a meeting with the Minister of Environment of Portugal, the Minister said he would schedule a videoconference to clarify aspects of the Initiative.

- Peru

The financial support provided by the Government of Peru fell through.

- Turkey

The Foreign Ministry held a meeting with the Ambassador of Ecuador in Turkey who said that his country is ready to give a contribution to the Yasuní Initiative.

- United Arab Emirates

At the meeting with the Minister of Foreign Affairs in Cancun, the UAE indicated their willingness to support Ecuador provided their membership is ratified in the IRENA (International Renewable Energy Agency).

The countries with medium interest were:

- Qatar

Contact with the Emir who said he would visit Ecuador, a country that also ended up adhering to the project.

- Egypt

Followed by a visit of the Ambassador of Ecuador to Cairo; who in the year 2010, expressed support for the initiative, urging the group of non-aligned countries to join the project.

- France

A visit to that country to contact the Ministry of Cooperation, the Ministry of Environment, parliament and civil society, unfortunately the negotiations were unsuccessful.

- South Korea

In initial talks with the South Korean Ambassador in Ecuador, the Ambassador indicated that the country was “not ready” to contribute to the initiative. However, in 2012, the negotiation was completed and South Korea joined the initiative alongside entrepreneurs from the country.

- Vatican City

During the visit to Italy, the Ecuadorian representatives contacted the Community of St. Egidio, who expressed interest in supporting Ecuador in fundraising in the Vatican.

- Sub-national governments

It is necessary to include in this list the various regions and sub-national governments that indicated their interest in contributing. Among these were: Brussels and Flanders (Belgium), Lille Métropole (France), Rhone-Alpes (France), and Milan (Italy). It is also important to include several States of the United States including: California, Washington, etc.; in Canada, Ontario and Quebec; some states in Germany and Switzerland; some Chinese provinces; and autonomous regions in Spain: Cataluña, País Vasco, and Valencia.

At the request of the Ecuadorian Embassy in Brussels, Prof. Carlos Larrea held a series of meetings to promote the Initiative with the Government of Wallonia, the European Parliament, and the Belgian parliament and civil society; this led to a contribution from the regional government of Wallonia to the Initiative.

As noted, there were several attempts made around the world to obtain funding for the Yasuní Initiative. However, Keynes raises an interesting point; he noted that markets do not always operate in line with what economic theory has observed for years. For example, "one-third of the labor force of the U.S. faced unemployment in the 1930s; instead of prices, quantities were adjusted and the economy eventually balanced itself out" (Vogel, 2012). This premise is discussed because, considering developed countries have more revenue, they could provide a way for countries still struggling with poverty to advance economically. Developed countries remain in a comfort zone while underdeveloped countries have adapted to economic phenomena; at the same time creating a dependency which puts Ecuador in a position of inequality when wanting to negotiate issues of great importance, such as the Yasuní Initiative.

Although there were many countries involved, others were hesitant. Nevertheless, I believe that the idea of giving and receiving still prevails. In addition, the amounts contributed were not motivated by any sort of liability arising from a developed country, or a true interest in environmental issues or any kind of development agenda; many times it was to

look good or somehow make restitution for the great destruction and environmental pollution that is promoted by the great powers.

2.3. Negotiation Team.

Within any project negotiation, the use of human resources is essential ase official spokespersons of the central idea. The Yasuní Initiative, as a state and government mega project, has great men and women who were in charge of promoting the Yasuní Initiative to the world.

Tarcisio Granizo, former Assistant Secretary for Policy at the Ministry of Heritage, and member of the negotiating team of the Yasuní Initiative, indicates that in this proposal, two different groups, worked together to obtain funds for the Initiative. First, there was a political team made up of; the President and Vice President, the Foreign Ministry, the Coordinator of Strategic Resources and Environment, the Institute for Regional Amazon Eco-Development of Ecuador (ECORAE), the National Secretary of Planning and Development, and a representative of the Assembly. The negotiating team was Ivonne Baki, who led this group, together with the Secretary General of the Andean Community of Nations, Freddy Ehlers; and Ambassador Francisco Carrión. Although Ehlers only acted as n goodwill ambassador; within this categorization, there were about 15 negotiators, who usually changed according to the requirements and needs.

The 2012 Yasuni project report, explains that:

The Yasuní Initiative Trust Fund was governed by the Management Committee, chaired by the Coordinating Minister of Heritage. The Committee consists of three representatives of the Government (the Coordinating Minister of Heritage, the Coordinating Minister for Strategic Sectors, and the Minister of Planning and National Development); two representatives of contributing governments (in 2012, Italy and Spain), and a member of

the *Huaorani* indigenous community, which also represents the Ecuadorian Civil Society. Also part of this committee was the UNDP Resident Representative and the Executive Coordinator of the Office of the Multi-Partner Trust Fund (MPTF).

The Management Committee is supported by the Technical Secretariat of the Yasuní Fund. This impartial entity, headed by the Coordinating Ministry of Heritage, provides administrative and technical support to the Management Committee. The Ministry of Heritage acts as Government Entity Coordination and is responsible for the development, implementation, monitoring, and evaluation of the Yasuní Fund portfolio implemented by national institutions. The Ministry assumes full programmatic and financial accountability, on behalf of the Government, of the activities of the National Recipient and Implementing Organizations.

In this regard, it is important to emphasize that both the Yasuní Initiative and the Trust Fund Initiative were managed by skilled people; directing and reporting on the activities demanded by the Initiative.

2.4. Understanding the importance and the benefits of knowing how to negotiate environmental issues.

Environmental issues are a branch of science that directly affects life and the development of a society. As the authors of "Yasuní from a multi-criteria perspective" explain, "The concern for biodiversity is necessary to allocate resources to protect it. This involves choosing several possible alternatives, which in and of itself is an economic problem. The valuation of biodiversity can have a monetary expression, but the dangers to which it is subjected, cannot simply be reduced to a single market value" (Vallejo, Larrea, Burbano, & Falconí, 2012, p. 41). Therein lies the importance of the negotiations concerning environmental resources, because impacts in the short and long term affect, directly and indirectly, the lives of the citizens of an ecosystem. On the other hand, it is important to note that climate deterioration also causes economic problems in a country; since, extreme

changes in the climate and environment can cause natural disasters; which as a result generates reconstruction costs, affecting the budgets of the governments responding to said disasters.

It is unfortunate to say that human beings, as paradoxical development has advanced, are destroying the few last wild or natural areas left on the planet; are causing the extinction of plants and animals; are losing valuable species; are contaminating the ocean, air, soil and water and other resources. If this process continues, future generations will not enjoy the many things that we have today. Moreover, humans are not only impoverishing their surroundings and themselves, but are compromising their own survival as a species. At this point, it is important to emphasize that nature conservation should not be based on fashion or political motivations; conservation should be practiced based upon the merits of the various aspects of social life; such as: economic, scientific, cultural, ethical, social and legal issues.

In recent years, environmental protection has been presented as a need that transcends the borders of states, reaching a global level. This awareness has resulted in numerous treaties, summits, forums, and conventions; reflected in the various documents adopted by countries in their domestic legislation.

Countries like Costa Rica, whose territory is rich in natural resources, is developing the creation of environmental projects to ensure the conservation and protection of resources; despite its low economic power. "Costa Rica is the first country in the world to be approved by the World Bank for an initiative under the Carbon Fund, which will give the country access to $ 63 million for the Payment of Environmental Services (PSA) from the sale of 12 million tons of carbon" (Vindas, 2014). This country is now an example of the ability to sell environmental services; however, I believe that in this case, there should be more analysis of the conditions of the World Bank; that they do not affect the sovereignty of the state and truly create direct benefits to society, the conditions should be negotiated and discussed under the framework of cordiality and respect.

In Ecuador, the idea of protecting nature has been fused into the Andean world and has produced a new institutional seed throughout the constitutional order. The *Pacha Mama*, or Mother Earth, is subject to certain rights and therefore must be respected, preserved, and regenerated. Undoubtedly, this is a great step towards development from a country that needs its resources to improve its economy; however, at this point there have been a few setbacks on international policy that infringes on the interests of each country. The Climate Summit in Cancun should have ended in an international agreement to replace the Kyoto protocol, which expired in 2012. The refusal to actually reduce carbon emissions by the rich countries of the North, the lack of a legally binding measure to combat the climate crisis, lead to the forum not reaching a solid agreement (Vallejo, Larrea, Burbano, & Falconí, 2012). However, the climate change summit in Doha, succeeded in gaining support from 194 countries, including Ecuador, to extend the deadline for implementation of the Kyoto Protocol to 2020; despite clear opposition from Japan, Russia, Canada, and New Zealand.

It is clear that while there is no social, political, and economic will of countries, we will continue to observe with sadness as the largest generators of greenhouse gases continue to pollute without limit; even despite progress towards international laws and public awareness, those who produce less environmental damage, as in the case of Ecuador, lack access to economic resources to avoid a major natural disaster, such as the destruction of the Yasuní National park.

2.5. Results of the negotiation of the Yasuní.

The Yasuní project, despite not being successful, generated environmental awareness within the Ecuadorian citizens. The campaign included events, concerts, propaganda, advertising, and social media that captivated the people's atttention. As stated by the Magazine *Líderes*, in its publication, "*Desayunizar, un desafío publicitario*" ("De-Yasunize," an advertising challenge), after 6 years, we face a challenge: is it possible to "de-Yasunize" a country that believed and became involved in the environmental issue?" The campaign, which started in 2008 had a budget of $7.3 million for promotion and publicity, today faces the challenge of selling us on a safe exploitation. Considering the analysis raised by Ecuador about the opportunity to keep the oil underground and preserve the environment, Network Defenders of Nature in Ecuador presents the following data: Until August 2013, a contribution of about $13.3 million dollars was raised that was deposited in the trust; i.e. only 0.37% of the expected $ 3.6 billion in compensation from the international community to leave the oil underground. To this, $116 million is added in commitments not directly linked to the Initiative.

To get an idea of the performance of the international community in this project, we present the following table:

Table 1: Amounts in dollars raised through 2012, recorded in the Trust from the United Nations Development Program, UNDP.

Contribuyentes	Años anteriores a 31-dic-2011	Año actual ene-dic 2012	Total
Avina Foundation	100,000	-	100,000
Chile	100,000	-	100,000
Colombia	100,000	-	100,000
Constructora N Odebrecht	129,975	-	129,975
Earth Day Network	-	158,853	158,853
Ecuador*	125,000	125,000	250,000
España	1,400,400	-	1,400,400
Everfresh (Turquía)	20,000	30,000	50,000
Georgia	100,000	-	100,000
Héctor Delgado	50,000	-	50,000
Italia	-	1,965,519**	1,965,519**
Meurthe-et-Moselle (Francia)	53,763	-	53,763
Región de Rhône-Alpes (Francia)	195,314	-	195,314
Región de Valonia (Bélgica)	-	1,220,465	1,220,465
Ryohin Keikaku Co. Ltd (Japón)	-	200,140	200,140
Sector privado***	44,847	136,884	181,731
SK Engineering & Construction	-	50,000	50,000
Turquía	100,000	-	100,000
World of Kindness (Rusia)	100,000	19	100,019
Total	**2,619,299**	**3,886,881**	**6,506,179**

* Esta contribución se destinó al contrato de los Servicios de Difusión Pública, un monto equivalente fue asumido de manera conjunta por el PNUD. ** El total comprometido por Italia equivale a US$ 43.98 millones. ***El gobierno regional de Limousin contribuyó con US$ 6,366. Todas las contribuciones inferiores a US$ 50,000 están reflejadas en esta línea presupuestaria.

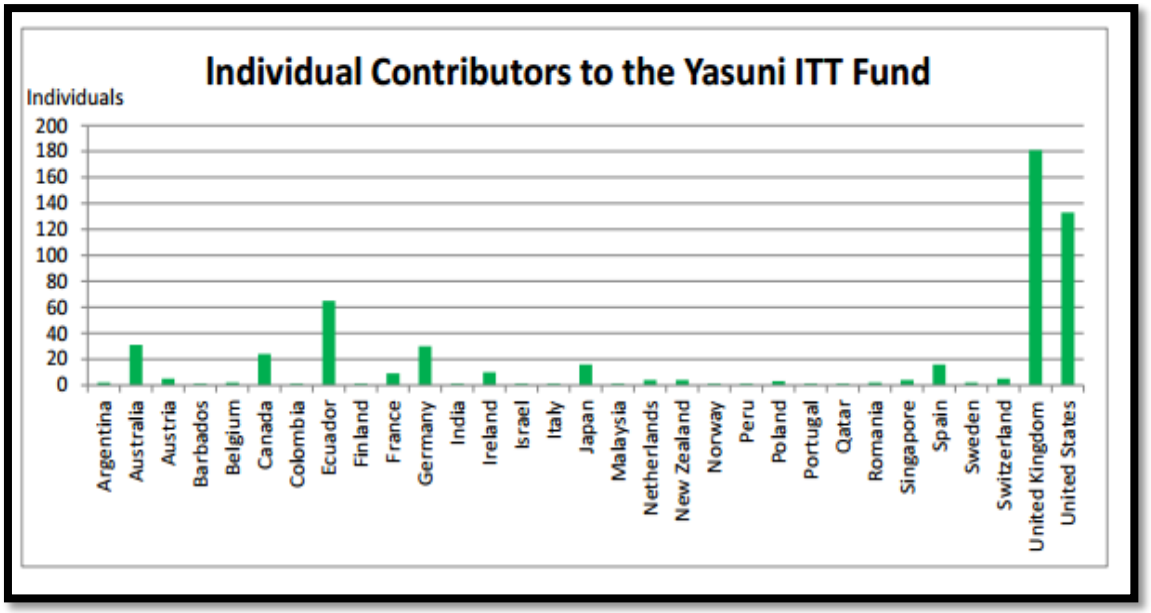
Source: Yasuní Report – 2012.

In this table, it appears that in 2011 the Trust Fund had only $ 2,619,299; at the end of 2012, we were able to raise $ 3,866,881, a total of $ 6,506,179. Although negotiations had already been held with other countries, these had not yet deposited money in the fund, as in the case of Germany and Indonesia who supported the initiative in August 2013, the President announced that there was a total of 13.3 million dollars.

On the other hand, the 2012 Yasuní Report informs us that the MPTF Office of the UNDP set-up a "DonateNow" button to receive donations from private networks. The "DonateNow" button was available until December 2012, earning a total of $ 34,419 in contributions. This amount is included in the "private sector" section of the table presented above. In total, there were 559 people from over 30 countries who supported the fund until

2012, with contributions ranging from $2 to $ 5,000. The following is a visual representation of these contributions.

Illustration 4: Individual country contributions to the Yasuní project.



Source: Yasuní Report - 2012.

In this table, we can see the most donations came from the UK, followed by the United States. It is also important to analyze the contributions by private Ecuadorian citizens, who were not directly involved with the operation of the ITT fields; despite not being a developed country, public awareness was reflected in about 60 Ecuadorians.

2.6. Analysis of the image of Ecuador facing the Yasuní proposal.

Evaluation of international policy regarding the positioning of the international image of Ecuador on the ITT Initiative poses two scenarios; the international image of the country, in terms of consolidated environmental principles, in addition to the country's image, was enhanced; overshadowing ideologically found positions on climate change (Vallejo, Larrea, Burbano, & Falconí, 2012). However, the discussion should be had about what

happened to the country's image by the Yasuní Initiative not happening; we could argue that the country's international image will be damaged. Even with Plan B going into effect, i.e. partial operation, the original plan is a failure; even more so if the decision is made to exploit the ITT oil field.

It is important to mention at this point that Ecuador, with the Yasuní Initiative, held a large international position on policies for the conservation of biodiversity; thanks to this initiative, Ecuador was present at the Conference on Biological Diversity in Negoya – Japan. At this conference, it was agreed that consolidation is ideal for the conservation of the rich biodiversity of the area; to opt for the operation, knowing that there are no technologies that can fully mitigate the effects of oil exploitation on ecosystems, and introducing extractive activities in the ITT oil field, would cause imbalances and would significantly affect biodiversity. Therefore, in the analysis of the ability to influence international policies for the conservation of biodiversity, "the Yasuní initiative has presence in various, multilateral forums and spaces, specifying mechanisms to implement policies for the conservation of biodiversity" (Vallejo, Larrea, Burbano, & Falconí, 2012). However, the exploitation of the ITT field would eliminate an influence Ecuador has in defining international policies for biodiversity conservation.

Likewise, regarding the influence of Ecuador in the processes of regional integration, the Yasuní initiative was supported by a number of multilateral and regional organizations such as CAN, UNASUR, the Rio Group, the Movement of Non-Aligned Countries. However, it could be argued that the exploitation of the ITT oil field would hardly influence the negotiation process. The great paradox of these organizations is that, despite being important to Latin America, these contribute no money. Support is just an invitation or recommendation to countries of these organizations to contribute to the Yasuní initiative.

As a final point of analysis, we assessed the potential of Ecuador to attract foreign direct investment. Unfortunately, FDI depends crucially on democratic, legal, and economic stability; tax schemes, environmental and social standards; and clarity of public policy, etc.

The principles promoted by the Yasuní Initiative would encourage greater environmental awareness, but exploitation would produce oil revenue (Vallejo, Larrea, Burbano, & Falconí, 2012).

All previously developed evaluation shows that the Yasuní Initiative was a very planned in addressing the issue of biodiversity conservation, as evidenced in the field of international relations. Ecuador had great potential as a negotiating country, offering a product that, while not tangible, gained the country a lot of recognition and political weight. However, now in the extraction stage, Ecuador's credibility on the subject of international negotiations in the environmental field has reduced; and although the initiative presented by Ecuador is valued, it no longer has the same political weight for enacting environmental policies. However, certain governments are taking the Ecuadorian model as an example for the development of new and improved initiatives that contribute to environmental conservation.

CHAPTER 3: ALTERNATIVE FUND MANAGEMENT SYSTEM FOR ENVIRONMENTAL SERVICES.

3.1. Importance and relevance of the proposal.

Environmental services are those benefits arising directly from nature according to the website of the Organization of the Environment for Sustainable Development. "Conservation International Ecuador" (2014) explains that environmental services, "are eco systemic or environmental services, protection and control of resources water, climate regulation, soil protection, the prevention of natural disasters, provision of scenic beauty, and other natural and cultural attractions, and spaces for religious and spiritual expressions." There is also the option value, i.e. values of nature that so far we have not discovered, but that in the future may represent new opportunities for sustainable development and human welfare (new medicines, fibers, or food. All these services are very important elements in the sustainable development of peoples around the world and should be re-rated and discussed.

Furthermore, regarding the data on deforestation, "Ecuador has one of the highest rates of deforestation in Latin America, with an annual loss of between about 60,000 to 200,000 hectares of native forest; experts say this is due to illegal logging, the expansion of crops, and the pressure of oil and mining companies. The country has about 9.6 million hectares of primary forests according to the Government, and is one of the countries in the region with more variety of trees, due to the wide climatic difference of its territory." (Diario El Universo, 2011)

Ecosystems, ranging from tropical humid, to the Andean plateau, to the Amazon where the Yasuní Parkis located, are considered by scientists as the most bio-diverse area of the world. Based on the so-called Red List of Threatened Species of the International Union

for Conservation of Nature (IUCN), the Ministry of Environment said that, in Ecuador, there are 217 endangered mammals, 238 birds, 276 reptiles, and 521 amphibians. In total there are 1,252 species (in 2010, the total was 3,036 species) (Diario El Comercio, 2014).

All of this data shows that the environmental issue is still an item that has been abandoned by the central and regional governments and should treated with greater responsibility within the development agendas of the various regions. The rising population, and the development of certain new technologies for production, increases demand for natural resources; endangering ecosystems and global stability (Murillo, 2007). In this regard, the need for developing countries to begin to propose new strategies for conservation of natural resources for sustainable development is imperative.

To be effective, resources should be concentrated so that they go beyond the individual capabilities of a country. All countries, or at least a specific group, should implement environmental assessments and promote together the various plans and programs. That's why today, both national and international conventions and treaties must be implemented, helping international law play a leading role in the decisions of the international community.

3.2. Analysis of the legal points that will support a sustainable business model

3.2.1. The Constitution of Ecuador.

Until 1991, Ecuador lacked environmental standards. The only current environmental standard was the Law on Prevention and Control of Environmental Pollution of 1976. With the passage of time, and the need for a control body of the environment, on August 4, 1996, the Ministry of Environment was created by Executive Decree No. 195.

With the arrival of the constitution of 2008, the Ecuadorian government formed new paradigms to be applied in environmental issues. Ecuador's 2008 Constitution went beyond the borders of anthropocentrism, receiving inspiration from the worldview of the Andean peoples (*Pacha Mama*); recognizing the rights of nature. This established a radical break with the whole tradition of political philosophy; that is, rights are held by the natural or legal persons, and among them is the manipulation and exploitation of nature according to their own interests (Alimonda, 2010). In this sense, referring to a break from traditional guidelines, the Constitution of Ecuador's environmental legislation focuses on the following items:

Article 14-. "The right of the population to live in a healthy and ecologically balanced environment to ensure sustainability and good living, Sumak Kawsay."

A widespread recognition of habitat protection is fundamental to the effective implementation of *Sumak Kawsay* (Good Living) as a lifestyle concept in the Ecuadorian population.

With the Constitution of 2008, Ecuadorians make a commitment to respect the rights of nature, as is expressly enshrined in the seventh chapter of the Constitution of the Republic of Ecuador, entitled "Rights of Nature," which states:

Article 71 -. "Nature, or Pacha Mama, where life is reproduced, is entitled to its existence, maintenance, and regeneration of its vital cycles; its structure, functions, and evolutionary processes are fully respected."

Another one of the most important items within this legal system is:

Article 72-. "Nature has the right to restore itself (...)", since it directly affects all environmental liabilities that use resources and does nothing to offset the damage caused, leaving degraded soils, polluted rivers, among other damage.

In Article 73, *"The State will apply precaution and restriction for activities that could lead to the extinction of species, the destruction of ecosystems, or the permanent alteration of natural cycles (…)."*

In this sense, the state is committed to ensuring the life of all species, while their own life cycles and development are respected territories.

Furthermore, according to *Article 7-. "People, communities, and nations are entitled to benefit from the environment and natural resources to enable them to live well. Environmental services will not be subject to appropriation; production, provision, use, and exploitation shall be regulated by the state."*

I believe that the intention to safeguard the natural wealth of Ecuador is very good; however, it leaves an open door where the state can infringe directly on the control of environmental services. Nature is of great importance to human life and should be controlled with absolute respect, and with a sense of justice and equality.

Other articles of the Constitution of Ecuador that are directly relevant to environmental issues are the following:

Article 406.- "The State shall regulate the conservation, management, and sustainable use, recovery, and domain constraints of fragile and threatened ecosystems, among others; the moors, wetlands, cloud forests, wet and dry tropical forests and mangroves, marine ecosystems and marine-coastal."

Article 407.- "Extractive activity of non-renewable resources in protected areas and declared protected zones is prohibited, including forestry. Exceptionally exploiting these resources can be substantiated on request of the President of the Republic, and prior to a declaration of national interest by the National Assembly, which he sees fit, he may call a referendum."

Article 413.- "The State shall promote energy efficiency, the development and use of practical and environmentally sound technologies and clean and renewable energy, that is diversified, low impact, and does not jeopardize food sovereignty, the ecological balance of the ecosystem, nor the right to water."

Article 414.- "The State shall take appropriate measures for the mitigation of climate change by limiting emissions of greenhouse gases, deforestation and air pollution; take measures for the conservation of forests and vegetation, and protect the population at risk."

The laws based in reality will always be valid, described under the force of a constitution in a country like Ecuador. It is important to note that its application ultimately rests on the state. It is true that Ecuador is a constitutional republic; which tries to define itself, in some way, as a state of new features, conscious of climate change, including sections on good living. But it is also important to note that the Latin American experience the States, despite all its renewed revolutionary environmental legislation, remain directly or indirectly, consciously or unconsciously, the largest predators of nature. However, this does not give less importance to the validity of the Ecuadorian constitution; by contrast, it draws attention to the need for new ways of thinking about politics and international relations in the struggle for true humane societies with nature.

3.2.2. Convention on Climate Change and the Kyoto Protocol

The United Nations Framework Convention on Climate Change was adopted in New York on May 9, 1992 and entered into force on March 21, 1994. It primarily strengthened global public awareness of the problems associated with climate change.

In 1997, governments agreed to incorporate an addition to the treaty, known as the Kyoto Protocol, with stronger action on the issue of climate change; in principle, it recognizes that it is a "framework" document, i.e. a text to be amended or developed over time so that efforts against global warming and climate change can be better targeted and more efficient.

According to UN data, a total of 142 nations, including Ecuador, have ratified the treaty; the Kyoto protocol is legally binding on countries that have signed it. Ecuador became involved in the process to address global climate change with the ratification of the United Nations Framework Convention on Climate Change (UNFCCC) on February 23, 1993, and the Kyoto Protocol on January 13, 2000. The importance of the Convention on climate change promotes recognition that there is indeed a real danger of climate change, with uncertain consequences that may arise. To reduce this risk, its main aim is to lower concentrations of greenhouse gases (GHG) in the atmosphere at a level that would prevent dangerous human interference with the climate system. This reduction should be achieved within a timeframe sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable sustainable economic development.

The Convention on climate change announces certain features such as the recognition that:

"The global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in

accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions."

Thus, it promotes active involvement of all countries on environmental issues. However, the Convention makes reference to "common but differentiated responsibilities." This is a concept that directly concerns the most industrialized countries, which have been largely responsible for the increase in GHG emissions.

Furthermore, it states:

"…Recognizing the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on the production, use and export of fossil fuels as a result of measures taken to limit emissions of greenhouse gases."

In this paragraph, Ecuador is one of the countries clearly identified as dependent on the use and export of fossil fuels. Regarding commitments, Article 4, literal c) clearly states the following:

"*All parties should promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases (...) in all relevant sectors, (…);"*

Therefore, most of the cost to be paid should be made by developed countries through a technology transfer commitment; while recognizing the vulnerability to the effects of climate change in the poorest countries and their right to economic development. Also the Kyoto Protocol states that the traditional development model has to change towards sustainable development, for which the Convention encouraged promotion and sharing of

environmentally sound technologies, and know-how; and the public dissemination of information on climate change (Fronti & Fernández, 2006).

The Kyoto protocol focuses on greenhouse gases that are causing serious environmental pollution, such as: Carbon Dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and Sulfur hexafluoride (SF_6). In order to comply with the effective control of emissions and reductions of greenhouse gases, each country must have an effective national system. The different mechanisms states should apply are explained below:

The Kyoto Protocol establishes a mechanism called "clean development," which is referred to in Article 12 of this document, it tells us:

A mechanism for clean development is defined.

The purpose of the clean development mechanism is to assist Parties not included in Annex I in achieving sustainable development and contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction of emissions commitments under Article 3.

Under the clean development mechanism:

a) Parties not included in Annex I will benefit from project activities that result in certified emission reductions; b) Parties included in Annex I may use the certified emission reductions accruing from such project activities to contribute to compliance with part of their quantified emission limitation and reduction of emissions (...)

The clean development mechanism shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Protocol and be supervised by an executive board of the clean development mechanism.

Emission reductions resulting from each project activity must be certified by operational entities to be designated by the Conference of the Parties (…)

In this sense, it is about supplying emission reduction units (ERUs) to the countries that transfer clean technologies or projects financed for the reduction or elimination of emissions in developing countries, which in turn will contribute to the effective implementation of the mitigation of climate change.

On the other hand, Article 17 of the Kyoto Protocol describes an economic mechanism, i.e. addressing the issue of trade in emission rights between countries; it states:

"The Conference of the Parties shall define the relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability in relation to trade allowances. The Parties included in Annex B may participate in trading operations allowances (...) Any such trading shall be supplemental to domestic actions taken to meet their quantified emission limitation and reduction of emissions under that Article."

Therefore, industrialized countries, or companies from these countries, to limit or reduce their emissions, can sell surplus allowances to countries or firms deemed more difficult to meet the target agreed upon in this Protocol.

Fernández Cuesta and Fronti de García (2003), argued that the atmosphere has a minimum private resource cost, but its social cost can be very high which may lead the organization to acquire new resources in order to prevent the emission of pollutants that cause acid rain

or the destruction of the o-zone layer. However in 2005, when the Kyoto Protocol was in force, the same authors claimed that the atmosphere can have a very high cost to private companies that do not worry about properly managing their environmental costs.

Thus, environmental cost is defined as the consumption, necessary and properly valued, of factors related to production: natural resources needed for production, assimilation by the natural environment of waste from production, consumption activities, and the set of environmental goods and services that are geared to the needs of the human being (Fronti & Fernández, 2006); which leads us to the conclusion that companies that are in the countries listed in Annex B of the Kyoto Protocol, must start changing their ways of operating with the environment, broaden their horizons and take in planning that should be changing or correcting all those practices of irresponsible pollution and use of non-friendly technologies; since all this only causes increased pollution and in no way contributes to climate change mitigation.

3.2.3. Convention on Biological Diversity

The Convention on Biological Diversity is an international agreement that was established in June 1992 and entered into force in late 1993. To date, 193 states are parties to this agreement.

Ecuador ratified the agreement in February 1993, as recorded in Official Records No. 109 of January 18, 1993, and 146 of March 16, 1993. Undoubtedly, this instrument is a step in the development of conservation and sustainability of biodiversity. The governing body of the Convention on Biological Diversity (CBD) is the Conference of the Parties (COP) which convenes every two years to review the progress each country has achieved on the subject of biodiversity. In 2010, Parties to the CBD adopted the Strategic Plan for Biodiversity 2011-2020, a ten-year framework for action by all interested countries to safeguard biodiversity and the benefits it provides to mankind. The mission of this plan is to “take effective and urgent action to halt the loss of biodiversity in order to ensure that by

2020, ecosystems are resilient and continue to provide essential services, thereby securing the variety of life on the planet and contributing to the welfare of humans and the eradication of poverty (...)" (United Nations Environmental Program - UNEP, 2011).

As we know, biological resources are vital to the survival of humanity and of course, to the continued social and economic development of nations. The conservation of biological diversity should be of common interest; however, despite efforts such as the aforementioned strategic plan, today ecosystems are under threat, and in every corner of the earth there are plenty of endangered species. Nevertheless, there is greater environmental awareness that is expected to impact humanity's responsibility towards nature.

The official website of the United Nations on this issue indicates that, "the Convention on Biological Diversity covers biodiversity at all levels: ecosystems, species, and genetic resources. In fact, it covers all possible domains that are directly or indirectly related to biodiversity and its role in development; from science, politics, and education to agriculture, business, culture, and much more." To better understand this issue, an analysis of certain items will be performed:

Article 1.- "The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the utilization of genetic resources through, inter alia, appropriate access to genetic resources by appropriate transfer of relevant technologies, taking into account all rights over those resources and technologies, and by appropriate funding."

So, although States themselves enjoy sovereignty to exploit its resources, it should continue to respect nature and the sustainability of the planet; environmental issues must transcend borders so that the objectives set out in this first article are valid. As well as in the Kyoto Protocol, the Convention on Biological Diversity also talks about the transfer of

technologies that must be adapted to the social and economic realities of the countries. Thus, once again, it encourages international cooperation and appropriate use of environmental services.

Within this analysis, it is likewise important to mention Article 5 of the Biodiversity Agreement regarding cooperation; it states:

"Each Contracting Party, as far as possible and as appropriate, cooperates with other Contracting Parties, directly or, where appropriate, through competent international organizations, (...) and other issues of common interest to the conservation and sustainable use of biological diversity."

On the other hand, it is important to mention the information exchange mechanism that seeks to carry out the agreement referred to in the following article:

Article 17.- "1. The Contracting Parties shall facilitate the exchange of all relevant publicly available sources of information to the conservation and sustainable use of biological diversity (...). 2. Such exchange of information shall include exchange of results of technical research, scientific and socio-economic as well as information on training and surveying programs, specialized knowledge, indigenous and traditional knowledge (...)."

Through this process of information exchange, not only would there be a widespread awareness of environmental protection practices of each country, but this information can be learned and applied to Ecuador.

Also, I consider it important that within this international instrument, a method of analysis and monitoring of the goal is proposed within Article 6 and 7, for example:

"Develop strategies, plans, or programs for the conservation and sustainable use of biological diversity and adapt for this purpose existing strategies, plans or programs and proceed through sampling, and other techniques, the monitoring of components of biological diversity."

This alerts the entire international community, because it is not a simple environmental medium document intended to protect nature, it is a document that must be included in the development of national programs for environmental development.

Within this agreement it refers to the issue of financing, an aspect that I consider of great importance; as it is vital that there be legal means which countries can use to get the money and carry out environmental projects, Thus, the following article states:

Article 20.- "(...) 2 -. The developed country Parties shall provide new and additional financial resources to Parties that are developing countries, full incremental costs to them of implementing measures which fulfill the obligations assumed under this Convention and to benefit from the provisions of the Convention. These costs shall be determined by agreement (...) in accordance with policy, strategy, program priorities, and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties (…)."

5.- "Parties shall take fully into account the specific needs and special situation of least developed countries in their actions with regard to the funding and transfer of technology."

As can be seen, the rules are clear regarding the inherent responsibility of developed countries to contribute to the sustainability of the planet, the Convention calls for a common understanding between countries and speaks again of the measures to be taken to aid the least developed countries, such as technology transfers and financing.

Within the financial mechanisms associated with the CBD, we find the Global Environment Fund, established in October 1991; to provide new and additional grants and concessional financing to cover the "incremental" costs, or additional costs, associated with transforming a project with national benefits into one with global environmental benefits (Ministry of Environment, 2011).

According to data from the Organization for the Environment "Chile, Sustainable Development" (2011), the GEF has provided, since 1991, more than $1 billion to over 357 projects and generated $ 1.7 billion in supplementary co-financing. In addition, the GEF consists of 180 member governments, in partnership with international institutions, nongovernmental organizations, and the private sector.

Ecuador being a country with great natural potential reflected in our fauna and flora, possessing varied biological and cultural diversity, and being an invaluable social, natural, and physical epicenter, it has the responsibility of protecting these great attributes. The managers of environmental policy, in turn, must comply with the provisions of the Convention on Biological Diversity; and in turn, rely on the international instruments that can contribute to the management of the protection of the rights of nature, in this case presenting and executing projects.

Within this same convention, we find the following:

Article 26.- "Each Contracting Party shall, at intervals determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures taken to implement the provisions of this Convention (...)."

With this tool, each of the countries is in urgent need to act with absolute adherence to respect nature and to inform the international community of all those aspects that have been developed in the struggle to protect biodiversity. In the case of Ecuador, in total there

have been four "National Reports for the Convention on Biological Diversity," as well as reports regarding various aspects such as ecosystems, species biodiversity, genetic biodiversity, plans and programs for sustainable use of biodiversity, policies and plans, among other topics.

3.2.4. Johannesburg Convention.

The World Summit on Sustainable Development was held from August 26 to September 4, 2002 in Johannesburg - South Africa. Held ten years after the Earth Summit in Rio de Janeiro, this summit brought together nearly two hundred countries, business leaders, and representatives of civil society. As a result of this summit, two documents were adopted by consensus, the "Johannesburg Declaration" and the "Johannesburg Plan of Action."

It is not a conference on poverty, but a conference about the kind of development that countries should strive to achieve, both developed and developing nations. However, poverty, excessive consumption, and unsustainable lifestyles are the major concerns of the Johannesburg Summit. Therefore, sustainable development seeks to address these concerns through measures that promote economic growth and social development and also the protection of the environment (Department of Public Information - United Nations, 2002).

In the Johannesburg Declaration on Sustainable Development, a number of commitments that, 10 years after the UN Conference on Environment and Development in Rio de Janeiro, must be strengthened and reaffirmed. In this regard, it is important to mention Section 8 of this declaration, it says:

"Ten years ago (...) we agreed that the protection of the environment, social development and economic development are fundamental to sustainable development based on the Rio principles. (...) We passed a global program entitled 'Agenda 21' and the Rio Declaration on Environment and Development, to which we reaffirm our commitment."

Therefore, below is a brief explanation of these documents set forth above.

Agenda 21

With 40 chapters and 115 program areas, according to the Information Center of the United Nations, it was adopted at the United Nations Conference on Environment and Development held in Rio de Janeiro from the 3rd to the 14th of June 1992. Agenda 21 is a comprehensive global action plan covering all aspects of sustainable development, among which are: air and water pollution, combating deforestation; desertification, among others.

In Agenda 21, governments plotted with detailed patterns of action whose implementation could leave the world of unsustainable economic growth models in favor of activities that protect and renew environmental resources. The areas of action include: the protection of the atmosphere; combating deforestation, soil destruction and desertification; prevention of air and water pollution; the reduction of fish stocks; and promote the safe handling of hazardous waste.

At the Earth Summit, it was agreed that most of the financing of Agenda 21 would come from the public and private sectors in each country. However, it is also considered that new external funds were needed to support the efforts of developing countries to implement sustainable development and protect the global environment.

It is noteworthy that the Johannesburg Summit, in which Agenda 21 was developed, is also associated with the Global Environment Facility (GEF), established in 1991, whose projects primarily are implemented by the UNDP, the UNEP, and the World Bank. These organizations aim to conserve and sustainably use biodiversity, tackling global climate change, and phasing out substances that deplete the ozone layer, among others.

Rio Declaration on Environment and Development

The Rio Declaration on Environment and Development was adopted in the framework of the UN conference developed in Rio de Janeiro from the 3rd to the 14th of June 1992, which was later used in the Johannesburg Summit as an annex. It is noteworthy that the declaration is not a legally binding instrument; therefore its provisions cannot be used to assume the existence of established legal obligations on the parties. Notwithstanding, it includes a number of important principles for sustainable development, which can provide guidance for the interpretation of other obligations to other parties (Torrijos, 2007).

According to the website of the United Nations, the most important principles established in the Rio Declaration on Environment and Development are:

- *Man must be at the center of concerns.*
- *Environmental protection shall constitute an integral part of the process.*
- *All States and people shall cooperate in the task of eradicating poverty as an indispensable requirement for sustainable development.*
- *Special priority should be given to the situation and needs of the least developed and most vulnerable countries from an environmental standpoint.*
- *Global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem is required.*
- *The responsibilities of States on the degradation of the global environment must be common and must be differentiated, as they have contributed to such degradation.*
- *To protect the environment, the precautionary approach shall be widely applied, using the Environmental Impact Assessment as an instrument of national policy.*

Each of these principles forms the basis of the different countries to conduct activities against the commitment to achieve sustainable development. However, as manifested by Bermeo (2005), although the results achieved so far are not encouraging, the fact remains that the only hope for humanity is, and will remain, Sustainable Development. Therefore,

an ethical commitment forces us to insist that the North and South political leaders, civil society, and business sectors, change their patterns of behavior, as it may soon be too late in terms of the preservation of Planet Earth.

The convention finally established a compromise on the issue of sustainable development:

Article 36.- We commit ourselves to the Plan of Implementation of the World Summit on Sustainable Development and to expediting the achievement of socio-economic and environmental objectives within the deadlines contained therein.

This Implementation Plan, to which this declaration relates, is the attached document that reflects direct actions to be taken by countries to address the issue of climate change, which we discuss below.

Johannesburg Plan of Implementation

The Johannesburg Plan of Implementation was adopted at the conclusion of the World Summit on Sustainable Development from August 26 to September 4, 2002, in Johannesburg, South Africa. It is reflected in 79 pages, 170 paragraphs grouped into 11 chapters of objectives that attempt to reconcile economic growth, social justice, and environmental protection. Among the sections that interest us in this thesis, we mention the following:

Biodiversity.- The discussion focused on two major issues: a) setting a deadline for achieving a significant reduction in the rate of loss of biodiversity and b) the equitable sharing of benefits arising from the use of biodiversity (Torrijos, 2007). This text set 2010 as the year to achieve the goal of reducing the loss of biodiversity. Regarding the distribution of benefits arising from the use of biological diversity, it mentions:

"Negotiating the creation of an international regime to promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources."

However, it is doubtful that it was unclear whether the scheme would be legally binding or simply voluntary actions of countries.

Chemical substances.- The discussion was based on the negative environmental effects of chemicals on humans and that they should be minimized. Thus, the following compromise was reached:

"(...) By 2020, chemicals are used and produced using transparent science assessment procedures and risk management, bearing in mind principle 15 of the Rio Declaration on Environment and Development, so as to minimize adverse effects on human health and the environment (...)"

Protecting and managing the natural resource base of economic and social development.- Regarding a commitment to halt and reverse the degradation of natural resources. The approved text states:

"To reverse the current trend of degradation of natural resources, it is necessary to implement strategies that include targets adopted at the national and, where appropriate, regional levels to protect ecosystems and to achieve an integrated management of land, water and resources; while the local, national and regional capacity is strengthened."

At this point, the establishment of action programs with financial and technical assistance that simultaneously allow measures retention and protection that can actually meet the challenge of sustainable development is encouraged.

Climate Change.- The discussion revolved around the Kyoto Protocol, explaining:

"We strongly encourage those who have not done so to ratify the Protocol timely. Measures to be required at all levels are:

- *Meet all the commitments and obligations under the UN Framework Convention on Climate Change.*
- *Collaborate to achieve the objectives of the Convention.*
- *Provide technical and financial assistance to developing countries and countries with economies in transition and strengthen their ability to comply with their commitments under the Convention (…)".*

Action, despite still being ignored by countries like the U.S., Australia, and Russia, needs to be strengthened and especially adopted by those who still remain the world's main polluters. Again, it urges countries to provide technical assistance in order to achieve the objectives of the United Nations Framework Convention on Climate Change.

Natural resources.- the Plan of Implementation states:

"*Forests and trees cover nearly one third of the earth's surface. The sustainable management of forests, both natural and man-planted, to get their timber and non-timber products is essential for sustainable development and is an important means to eradicate poverty, significantly reduce deforestation, halt the loss of biological diversity and degradation of land and resources, and improve food security and access to clean water and energy at an affordable cost (…)."*

Also, a reference is made to:

"*Take immediate action at the national and international levels to promote sustainable timber harvesting and provide the means to achieve it and to facilitate the provision of financial resources and the transfer and development of environmentally sound technologies (…).*"

Again the countries of the world are invited to become more aware in the use of natural resources as a source of life, which is why drinking water, food security, and access to energy are mentioned. I believe that these concepts are a step towards the development of a healthier lifestyle, inviting countries to adopt both measures; although its applicability may be difficult in developing countries, international cooperation must prevail over any political interest.

3.2.5. Forestry Law, Conservation of Natural Areas, and Wildlife

In response to environmental degradation and to ensure the conservation of areas of high representation within the Ecuadorian ecosystems, the State established the National Heritage Protected Areas, the Ministry of Environment delegating the responsibility for the administration, management and conservation of flora and fauna, whose law today lies within the Forestry Law, Conservation of Natural Areas, and Wildlife.

As background, it should be noted that the Forestry Law, Conservation of Natural Areas, and Wildlife was issued on August 24, 1981 and consolidated on September 10, 2004, it was published in Official Registry 418 the same day. The current law contains 107 articles as well as technical terms of interest in the matter, a number of transitional provisions, and a final disposition.

The three main topics covered in the Forestry Law, Conservation of Natural Areas, and Wildlife, are: forestry, natural areas, and wildlife. On the other hand, it designates three categories of land use: forests and protective vegetation, forest heritage, and natural heritage areas.

It is important to start with Article 1, which is what gives us an approximation to the idea of what constitutes forest resources within the state; the Act states that:

"*State forest estate constitutes, forest land under the Act are: property, natural forests that exist in them, grown on their own and wildlife; forests that may have been planted or planted on government land, excepting those which would be formed by settlers and villagers on land in possession (...). State lands marginal for agricultural or livestock use. All lands that are in their natural state, due to their scientific value and influence on the environment, for the purposes of preserving the ecosystem and species of flora and fauna, are to be kept in the wild. They also form the forest land heritage, as well as forests in the future that enter its domain, including those legally reverted to the State (…).*"

Therefore, the issue of equity, meaning the natural resources; and physical, biological, and historical features, is a subject of very careful consideration when trying to influence the State or individuals. In this case, the law protects state forests as part of their heritage, and in turn refers to their value of conservation.

In Chapter IV of this legislation, it talks about the subject of forest land.

Article 9.- "Forest lands are understood by those, which by its natural conditions, location, or as unfit for farming should be used for growing timber and shrub species, conservation of protective vegetation, including herbaceous and so on, considered by studies, soil classification in accordance with the requirements of public interest and environmental conservation."

I believe that this issue is a fundamental axis in the Ecuadorian environmental law for those lands that can be reforested, which immediately leads to the need for conservation of the protective vegetation resource that can become a subject of general interest within a state, considering the value of environmental services provided by these reforested areas.

On the other hand, this law references forest utilization contracts:

Article 31.- "The forest utilization contracts that include surfaces greater than a thousand hectares, shall require competitive bidding. If it is higher than ten thousand hectares, is also required, the authorization of the President. Those who are were in arrears in previous meeting contracts may not participate in the competition with the state or public sector institutions (...)."

Although the provision is clear, it is important to consider the role fulfilled by the Ministry of Environment as an administrator in environmental issues. Ecuador should be concerned about regulating the use of their resources, but also should take into account that there are certain limits and rules to follow.

As for the activities of the Ministry of Environment, the following items are explained:

Article 50.- "Ministry of Environment will promote, coordinate, and conduct research on the conservation, management, use, and development of forest resources and natural areas of the forest estate."

Article 51.- "For the fulfillment of the activities mentioned in the previous article, the Ministry of Environment is responsible for:

- *Creating research on native and exotic wildlife of forest species;*
- *Signing agreements relating to research, training, and forestry education;*
- *Implementing training programs and training in conservation, management, and development of forest resources and natural heritage areas of the State;*
- *Establishing in coordination with the Ministry of Education and Culture and other public sector entities, educational programs and outreach concerning the matters referred to in the preceding paragraph; (...).”*

In these articles, the Ministry of Environment coordinates research and management concerning the natural resources of the country. This is intended to institutionalize certain issues that are of national interest and should be socialized into Ecuadorian society.

Furthermore, Article 66 explains that:

“The heritage of natural areas of the state is constituted by the set of wilderness areas; these in turn are noted for their protective, scientific, scenic, educational, touristic, and recreational value, or because they are ecosystems that help to maintain the environmental equilibrium.”

These characteristics are what determine their value; that is, the resources they offer the general population. In terms of environmental balance, these are areas of great importance in ecosystem sustainability.

Finally, Article 68 states that:

“The heritage of the natural areas should be kept unchanged. For this purpose management plans for each of these areas will be developed. This property is inalienable and imprescriptible and no one can declare any real right over it.”

This article emphasizes that the natural areas are an inalienable and unalterable territory; the rights given to these protected areas cannot be easily violated and must be respected.

In the words of Basantes (2010), Forestry Law, Conservation of Natural Areas, and Wildlife has been applied for over twenty years, and during this time a system of protected natural areas was developed. However, a large majority of your items have not been and are applied or may apply. The main motivation that legislators had was safeguarding biodiversity, using the Ministry of Environment to determine special areas for this purpose such as: National Parks, Ecological Reserves, Wildlife Refuges and Biological reserves.

I think it is essential to review the effective applicability of Forestry Law, Conservation of Natural Areas, and Wildlife because improvements need to be made in the conditions of some of these protected areas. Responsibility for this task lies from the executive level to the very citizens who are part of the state.

3.2.6. Preservation Act of Reserve Areas and National Parks.

Ecuador is a country with an exceptional geographical position, crossed by the equator and the Andes. Due to the influence of several ocean currents, it has extraordinary biodiversity which has prompted the creation of various areas and parks. Currently, "Ecuador has a protected area of more than 4 million hectares that amount to 16% of the national territory. One of the most important areas of the country, and which accounts for 16.7% of the protected area, are the Galapagos Islands." (Asociación Panameña de Ejecutivos de Empresa, 2013).

The global concern over the destruction of natural areas, especially in tropical countries like ours, has generated particular interest for biodiversity conservation. Therefore, the "Act for the Preservation of Reserve Areas and National Parks," was published in the official record of Ecuador, its last modification was made in 2009. Today, this publication

is a fundamental pillar in Ecuadorian environmental law since it directly affects the preservation of reserve areas and national parks.

To better understand the issue of reserve areas and national parks, the same law gives us a description of what is understood regarding these terms:

Article 1.- "Previous natural monuments, forests, areas, and places of special beauty, and scientific and national interest, at the request of the National Forest Management and/or the Ministry of Tourism, and specialized studies, will be defined and declared reserve areas or national parks through Inter-ministerial Agreements by the Ministers of Environment and Tourism. In order to understand the marine aquatic environment and their populations, reports are required by the National Institute of Fisheries and the Directorate General of Fisheries (...)."

Likewise, the Act supports the institutionalization of certain materials in the environment to various state agencies:

Article 2.- "The reserve areas or national parks in the technical and scientific field will be controlled and managed by the National Forest Management.; in the areas of natural beauty and tourist attraction by the Ministry of Tourism, and the aquatic environment by the Directorate General of Fisheries."

The issue of institutionalization is transcendental, constituting order within the governmental organization. In this case, the analyses, reports, and addresses should be taken into account from each of these agencies on the issue of protection and nature conservation.

One of the legal forms we are most interested in, in this study, is Article 3; which refers to the use of reserve areas and national parks. It states:

"Reserve areas and national parks may not be used for purposes of farming, livestock, forestry and hunting, mining, fishing or colonization; these shall be maintained in a natural state to fulfill their specific purposes within the limits determined in this Act, and are used exclusively for tourism and scientific purposes."

In this respect, the provision is clear to ensure that these areas cannot be manipulated for any reason, since they must maintain their natural state. For this reason, I consider the issue of preservation much stronger in this article because value is given to the natural reserves and parks; only being used for tourist or scientific purposes.

Also, within the law, there is an article relevant to this study which states:

Article 13.- "The Committee of National Parks will take an advisory and consultative role, and suggest the general and specific measures necessary for the preservation, beautification, services, dissemination or knowledge of places of regional and national interest that are, or can be considered, reserve areas or national parks (...)."

The law grants rights to a committee to direct, advice, and provide support to those who need information on reserves and national parks. This is very beneficial to those who are analyzing or creating projects in protected areas.

3.2.7. National Plan for Good Living.

Article 280 of the Constitution of the Republic of Ecuador defines the National Development Plan as "*the instrument to which the policies, programs, and public projects will be subject; programming and implementation of the state budget; and investment and the allocation of public resources; and coordination of the exclusive powers between the central government and autonomous governments. Its observance is mandatory for the public sector and indicative of other sectors*."

A development plan is of vital importance to a country, as this is where all policy guidelines are outlined and explained. In turn, it also serves as a tool to guide newly elected administrations on topics and issues formerly being worked on; this method ultimately leads to continued growth and development.

As described on the National Government website regarding "the Good Life," the National Plan for Good Living 2013-2017 is the third national plan, based upon its two predecessors. This plan is the instrument whereby the national government creates public policy on public management and investment for citizens to obtain the coveted *Sumak Kawsay*, or "Good Living." This policy has been promoted, and has been in effect, since 2007.

The Good Life is a mobilizing social idea, which goes beyond the concept of development in force in the Western tradition; instead, it is associated with a broader progress notion that includes the term "sustainable development." Mancero (2012) defines this concept as, "development that is able to meet current needs without compromising the resources and opportunities of future generations." This is an alternative proposed that considers other priorities for social and environmental progress; different from the simple implicit economic growth in the traditional developmental paradigm. This policy is not about returning to some idealized past, rather it address the problems of contemporary societies while maintaining a historical responsibility. The Good Life does not stand for non-

development; rather it provides a different view of economics, politics, social relations, and the preservation of life on the planet. The Good Life promotes community and the sustainable pursuit of collective happiness, and improved quality of life based upon values (SENPLADES, 2013).

The National Plan for Good Living 2013 - 2017 contains a set of 12 goals. Within these 12 objectives, we are interested in Goal 7; which refers to "Guaranteeing the rights of nature, and promoting environmental, territorial, and global sustainability."

In this regard, the National Plan for Good Living refers to the "Green Revolution" based upon eco-efficient production patterns with greater economic, social, and environmental value. The Plan states as priorities the conservation and sustainable use of natural resources, the inclusion of environmentally clean technologies, the implementation of energy efficiency, the increased use of renewable resources; and the prevention, control, and mitigation of pollution and production, sustainable consumption, and post-consumerism (SENPLADES, 2013).

The Ecuadorian state's policy of national development and effective environmental conservation means emphasizing the natural heritage that the country possesses and the use of new, environmentally friendly technologies. An important point in this section is the theme of encouraging the use of renewable energy, which is a challenge because we would have to only use those elements of nature that can easily renew themselves, and stop the use and abuse of our non-renewable resources.

Some policies implemented within this objective include:

7.1 "Ensure the promotion, the validity and enforceability of the full rights of nature."

7.2 "Know, value, conserve and sustainably manage the natural heritage and terrestrial biodiversity, inland aquatic, marine and coastal, with fair and equal access to its benefits."

7.3 "Consolidate sustainable forest management as part of the forest governance model."

7.4 "Promote the generation of bio-knowledge-as an alternative to exporting primary production (...)".

7.6 "Manage sustainable and participatory manner the water heritage, focusing watershed and environmental flows to ensure the human right to water."
7.7 "Promote efficiency and greater participation of sustainable renewable energy as a means of preventing environmental pollution."

7.8 "Prevent, control and mitigate environmental pollution in the process of extraction, production, consumption and post-consumer."

7.9 "Promote patterns of conscious, sustainable and efficient consumption sufficiency criterion within the limits of the planet."

7.10 "Implement mitigation and adaptation to climate change to reduce the economic and environmental vulnerability with emphasis on priority groups (...)."

Specifically in relation to the environment and nature, the National Plan for Good Living as mentioned above, provides several themes to be applied by all levels of government. These policies are intended to achieve a more supportive, responsible, and reciprocal society to live in harmony with nature. The country therefore urges the strengthening of the systems of protected areas; and aims to achieve the same environmentally friendly planning processes to economic development, and alternative, sustainable and strategic use of new paradigms rooted in the natural life idea of protecting biodiversity.

3.2.9. Clean Development Models.

The Clean Development Mechanism (CDM) is an arrangement established in the Kyoto Protocol, containing three flexibility mechanisms. Only Clean Development Mechanisms are an important scope for cooperation and development at different levels.

The Clean Development Models are established in Article 12 of the Kyoto Protocol, which allows governments of industrialized countries (Annex 1 countries of the Kyoto Protocol) and businesses (natural or legal persons, public or private entities) to subscribe agreements to meet targets for reducing greenhouse gases; these entities will have to invest in emission reduction projects in developing countries in order to "purchase" certified emission reductions at lower costs than in their markets.

It is also important to mention that the Clean Development Model also allows the transferring of clean technologies to developing countries; these investments by governments or companies also receive certified emission reductions (CERs), which can be purchased at a lower cost in their markets, simultaneously achieving emission reduction targets. "In fact, the effect on climate change of one ton of carbon dioxide emitted or reduced in Washington or in Lima is the same. Given the global distribution of GHGs, mitigation is reflected in the cumulative figures of emissions worldwide, regardless of latitude where it had actually happened" (Center for Sustainable Development in the Americas, 2000).

It is important to appreciate the change in Latin America towards the use of clean technologies; taking into account a number of projects that affect not only energy consumption but coincide with other plans and programs, such as the Ecuadorian Plan for Good Living.

The CDM Executive Board is the regulatory authority and point of contact for the registration of projects and issuance of CERs. A study from the Foundation Institute for Promotion and Development Support (IPADE) (2007), states that "various projects have been registered within the CDM Executive Board that have to do with reducing gases in the chemical industry, farming, manufacturing processes, treatment and waste disposal, and treatment of fugitive emissions." The study also states that they are on track to register projects on afforestation and reforestation, use of solvents, construction, transportation, metal processing, mining, and energy distribution.

Latin America and the Caribbean have been one of the regions of the world that has shown interest in developing the CDM over time. At the regional level, there have been initiatives of environmental enhancement since the early 80s. Discussions and negotiations on the Framework of the UN Convention on Climate Change and the Kyoto Protocol were held in a region whose participation was instrumental in the early development of modalities and procedures that were defined in the early 90s. It's important to mention that in Latin American and the Caribbean there have been a total of 194 projects, of which Ecuador has submitted 8 (Coto & Morera, 2007).

Is worth mentioning that there is a specific categorization made by the CDM Executive Board for the submission of projects based on clean development models, as shown below:

Table 2: Types of CDM Projects.

CDM PROJECTS CATEGORY	TYPES OF PROJECTS
Manufacturing Industry	Improved energy efficiency in production processes in the manufacturing sector with the implementation of new technologies. Change in fuel use within the sector

	(e.g. from oil to natural gas or biomass).
Energy industry	Creating plants from renewable sources: wind, solar, biomass, etc. Recovery of landfill gas for energy production. Source substitution of fossil energy for wind, solar, biomass, etc.
Waste management	Capturing methane producing landfills for disposal or for the production of biogas. Treatment of wastewater for methane capture and biogas production.
Agriculture	Improved management of waste produced by livestock to reduce GHG emissions and the potential production of biogas.
Chemical Industry	Destruction of GHG used in some chemical processes. GHG reduction through the implementation of new technologies.
Energy demand	Introduction of new technologies for l improving energy efficiency. Electrification of villages.
Fugitive emissions in the use of halocarbons and sulfur hexafluoride	Catalytic conversion of HFCs used in chemical processes.
Land use, change of land use, and forestry	Carbon dioxide capture projects through afforestation or reforestation.

Source: Basic Guide on Climate Change and Cooperation Development, 2007.

As you can see, there are very different types of projects which each country can undertake. However, the trend today is the implementation of projects related to the development and implementation of renewable.

CHAPTER 4: MOTION FOR NEGOTIATING ENVIRONMENTAL SERVICES THROUGH THE STUDY OF YASUNÍ INITIATIVE.

In Ecuador, according to the analysis throughout this research work, we can say that the orientation of the country on environmental issues is creating a policy based on the balance between economic development and conservation of natural resources, laws that focus their concern on preserving its main natural heritage, its rich biodiversity. It is also important to emphasize that the State, with its new 2008 Constitution, has adopted the principles of social solidarity and environmental awareness; which has been crucial to advance its social transformation processes.

This thesis aims to contribute new ideas that will be important steps that must be taken into account for future negotiations in Ecuador.

The "Yasuní" case study is the basis of, which below is presented, negotiation alternatives; as the experience of our country in this process has played a critical role in the development of new methods. It is worth indicating that the Yasuní is not a conventional or traditional model of environmental negotiation as the expected economic outcome is unique with respect to all environmental projects presented by the world at large.

First, I must start by saying that I believe that the country supports the principles of sustainable development, such as the principle of common but differentiated responsibilities; the precautionary principle, the need for new and additional resources, and the transfer of technology for the implementation of national environmental programs.

Second, it should be noted that internationally, Ecuador participates as a member of the Group of 77 (G-77) in environmental negotiations. The G-77 was established on June 15,

1964 by seventy-seven developing countries of the "Joint Declaration of the Seventy-Seven Countries Declaration." Ecuador has supported a large group of countries with common interests; but, many times it hasn't been very effective in their commitments to international summits, primarily due to economic constraints, a common problem for the vast majority of the countries in this group.

Approach:

As a result of the analysis of the Yasuní Initiative and the Environmental Legal Framework of Ecuador, I consider it important to use a new mechanism, which in this case is aimed at the importance for developed countries with excess capital to contribute to the progress of less developed countries; despite the fact that developed countries do not necessarily share Latin American and Ecuadorian ideology, efforts should be made so that the results and benefits of joint ventures be mutual.

Speaking of capital, I should point out that due to the opposite interests of the great powers in the world, it would be practically futile to negotiate an issue with countries that care little for the progress of underdeveloped countries. The idea of negotiation is mainly based on the premise that "we must act now because the cost of inaction will be far greater in the future." To understand this idea better, we will analyze an example:

The United States, according to the World Bank, accounts for 11% of CO_2 emissions in the global emissions figure in 2013, becoming one of the most environmentally polluting countries, after China (27%). The United States is one of the most criticized countries worldwide in terms of international policies; in the specific case of the environment, it is one of the main opponents to the signing of treaties or agreements and their indifference towards taking radical steps towards protecting the environment has caused great discontent worldwide. New research shows that "if current trends continue, the total cost of global warming will amount to 3.6% of the gross domestic product (GDP). Just four of the impacts of global warming (hurricane damage, real estate losses, energy costs, and water

costs) will cost 1.8% of the U.S. GDP, almost $ 1.9 billion a year (in today's dollars) by 2100" (Ackerman & Stanton, 2008).

As we can see, the future impacts of environmental degradation are not only tangible environmental issues, but an issue significant economic implications; about 3.6% of the country's total GDP. At first glance this seems low but it actually amounts to billions of dollars.

According to the World Bank, the U.S. GDP in 2012 was $15.68 trillion, that means the 3.6% cost for environmental damage would amount to $564.48 billion dollars. Considering that the Ecuadorian GDP in 2012 was 84.53 billion dollars, we are talking about the cost of environmental damage would amount to about 7 times the Gross Domestic Product of Ecuador.[1]

Detailed studies of costs for each of the items discussed in this study are what need to be involved in future negotiations. The author of this study wants to show that a major issue in all of this is the lack of importance by developed countries given to the environment; this will be the basis of future negotiations. Losses due to problems like climate change will be great for developed countries, as well as underdeveloped countries that will also be affected by the weakening of major economies in the world.

The question is not only how we value the damage to future generations living in America, but also how to value the costs of people around the world today and in the future. Negotiations should address real solutions to climate change; not solely on the comfort and economic welfare of a few, but for the welfare of all humanity. Despite Ecuador's disproportionate contribution to climate change, we still must participate in change. The Yasuní Initiative is now a precedent starting point, and it also shows that a small country can become the initiator of new and modern alternative solutions to climate change.

[1] Note: GDP data were obtained from the official website of the World Bank and additional data was calculated by the author of this study.

On the subject of industry, the web page of the Economic Commission for Latin America - CEPAL (2009) reports that “the effects of climate change on industry will mainly be in the areas of energy, construction, and infrastructure integrity; and additional costs for new quality standards. These new costs imply that the industrial sector should be subject to new climate-related regulations and standards, as well as other factors such as consumer preferences.

This author believes that steps should be taken towards the transfer of clean technology; a theme repeatedly mentioned in various international instruments such as the Framework Convention on Climate Change, the United Nations Convention on Biological Diversity, and the Johannesburg Convention. Once the economic effects from environmental damage are truly appreciated, we should concentrate efforts for training and use of new environmentally friendly technologies for the sustainability of the planet.

Possible ways in which governments, businesses, and civil society may act to promote environmental protection and the reduction of greenhouse gases are:

Reduce the demand for goods and services that cause excessive greenhouse gas emissions; such as air pollution mechanisms used in industrial processes involving combustion, in industries such as the automotive and residential heating. Similarly, some industries emit harmful gases in their production processes, including chlorine and hydrocarbons, which should be avoided.

More efficient economic processes, an increase in the lifespan of goods and services that can produce economic savings, and a reduction in the emissions of greenhouse gases. Ideas that would promote these concepts could be: a more efficient public transport system used by citizens in a responsible manner or forms of power production that produce little to no emissions.

Implementation of a clean development model where developed countries contribute responsibly in mitigating climate change; to include effective compliance to the Kyoto Protocol. In Ecuador, developed countries could submit projects to improve energy efficiency in production processes with the implementation of new technologies, or the improved management of resources produced for livestock to reduce greenhouse gas emissions. In addition, CO_2 capture projects through afforestation or reforestation.

Implementation of Agenda 21 for local, sustainable development and environmental protection at all levels; within which there are priority issues such as water resources and urban and rural local development; specifically transportation networks, energy production, agriculture, aquaculture, and fisheries.

With regard to the above points, it should be add that "the development of an energy matrix with clean, inexpensive, and easily accessible sources is essential; therefore, government policy should provide support for these technologies and the energy necessary to create incentives such as tax breaks to companies that use them" (Carvajal, 2013). Undoubtedly, efforts in mitigating climate change depends upon the awareness of those, who have a direct influence on the environment; as it requires that the public in general be made aware of the importance of environmental services and conservation.

Moreover, there are different ways of negotiating that can be applied in the field of international relations for the sale of environmental services; the tools the negotiator should have, have already been explained. More importantly, the negotiator should know which method to use in order to effectively sell his initiative.

As the author of this thesis, I have decided to refer to the proposal of the "Games of Power." The term power in a generic sense is defined in the dictionary as a synonym for "strength, vigor, ability, possibility." Claude Steiner (2010) was somewhat more specific about this term, adding that, "the definition of power, and this is true in all sciences, is the ability to create change against resistance and, conversely, the ability to resist change."

Therefore, the power relations in the international world are born and developed between human groups and societies; these are the real protagonists of the international society.

For Professor William Ury, "negotiation is not limited to the activity of formally sitting at a table, facing each other, and discussing a contentious issue; it is an activity, without ceremony or protocol, where one tries to get something they need or want from someone else" (Ury, 1991, p. 4). It is important to mention another statement on the subject of negotiation in international relations; within the "Power Plays," we learn that "individuals can and often make irrational and emotional decisions in conflict situations; but for the purposes of theoretical analysis, game theorists assume people behave rationally simply because they have found this more to be more profitable when constructing a theory" (Dougherty & Pfaltzgraff, 1993, p. 521). In this sense, we can say that negotiating is accompanied by a firm idea that is brought to the table that must be very well supported; and of course, every negotiator should avoid any irrational emotions.

One of the characteristics that defines the structure of an international society is a decentralized power; not necessarily complete power, but a global authority with powers of sanction over the States. In this sense, international law sets a minimum commitment that states are willing to recognize as a result of requirements involving the entire international community. Consequently, international law, although it has superiority in the policy level, only has the right to act as a coordinator of the sovereign state wills. So ultimately, the willingness of states is what governs international law. It is important that negotiators take into account how important the opinion of each individual condition is; they must insist that the sovereignty of each nation is what finally compels those in power to make decisions.

To delve a little further into this issue, I will refer back to Steiner (2010) who explains that "international negotiations discuss cooperative solutions to a competitive situation that requires more commitment and creativity than simple propositions; negotiations go beyond self-defense, rather they seek to find common ground."

To understand this, the author suggests that we should analyze the difference between the proposals, "Zero Sum Game" and "Non Zero Sum Game," raised in 1993 by Dougherty & Pfaltzgraff. Regarding the zero-sum game, in which A wins and B loses, for which, in the specific case of negotiations it is not convenient, since there is no benefit whatsoever to the other party. On the contrary, in non-zero-sum games, the sum of the profits of the players should never be zero; hence there is room in this type of game for cooperation. Therefore, in this case, we will use this method for the development of our negotiation.

The negotiator must be clear that cooperation is a process of political interaction, in which the actions of each party involved require mutual adaptation through a process of negotiation or policy coordination. Cooperation is not the absence of conflict, on the contrary, it is a reaction to it; this is a diplomatic way to reach a consensus.

The conservation of the environment is an aspect that will benefit all nations; even though it might cost a country more money, in the short and medium term, the benefits will be mutual; because it is investing in the conservation of the environment, which in the future could reach a cost billions of dollars. "In some games, some or both parties can win; but at the end of the game two or more parties may have unevenly distributed amounts, which can be good or very bad. The reward depends on whether the outcome was mutually decided" (Dougherty & Pfaltzgraff, 1993, p. 525). The important thing is to make just decisions, since the intent of the proposal is to benefit, and not end negotiations until a favorable result for anyone is achieved.

Finally, considering that our country is one of the most diverse areas in the world, with a wealth of flora and fauna, the environmental discourse in the negotiations of a country like Ecuador is fully based on national legislation; such as the Constitution, the Forestry Act, and the Management of Protected Areas; and they are supported by policies and objectives stemming from a development plan known as the "Good Living." These same policies grant Ecuador the right to turn to the international community for financial support for the conservation of their environment. Also, there is a whole wealth of international laws that may also be of crucial importance in the implementation of the negotiation processes. This

strategy involves developing synergies within the international community, to promote proper management of forest ecosystems and integrated land management.

CONCLUSIONS

1) The Yasuní Initiative turned out to have been a model of negotiation which aroused great interest and excitement in the international community; it contained a much more rational model than any other because it negotiated with the term "Net Avoided Emissions," a mechanism that prevents contamination rather than dealing with it after the damage has already been done.

2) The negotiation efforts undertaken by all those who were in charge of the initiative were very well made and planned with professional quality. However, I find it interesting that the project was allowed to last for 6 years; when in the early years, it was already clear that they had not reached even a quarter of their goal. The methods used, although they were taking shape during the process, were not quite radical and the results were disappointing; therefore they had to take action, such as full and partial re-structuring of the methods used in the negotiation, and eventually termination of the initiative altogether.

3) The Yasuní initiative made history, nationally and globally; this environmental issue helped Ecuador to be known worldwide as the source of an innovative project; giving the country experience in negotiation, lobbying, presentations in international fairs, approaching business leaders, presentations to international organizations, and new ideas of conservation and sustainability.

4) I believe that one of the reasons why the ITT Initiative had no support was because initially, it was not an initiative for environmental purposes; rather, Ecuador wanted to sell the idea of "Avoided Net Emissions;" leaving oil under land, that for developed countries, is a resource they need. The development of a country like Ecuador is a non-topic in these countries; regardless, this was the first time a country asked for money for the conservation of a forest. Nevertheless, the meaning

was lost on the other as they were not sufficiently motivated to support the initiative.

5) The sustainability of the Yasuní project, part of the idea of changing the energy matrix, was also a new milestone in the development of Ecuador; it intended to use renewable energy. I believe this is transcendental in all economies, as it is a vision of the future that recognizes that one day oil will no longer be a source of income.

6) Development, in terms of public policy contained in the various environmental laws in the Ecuadorian territory, are a key element in the realization of the various plans for sustainable development and conservation of our natural wealth, taking into account that in Ecuador, nature has become a subject of rights.

7) There are a number of national and international laws which requires countries to take charge of the development of new methods in mitigating climate change; however there are still few efforts made to avoid contamination. In this sense, international instruments are in fact a fundamental pillar in the implementation of projects, but they must be carried out with the utmost seriousness by the states themselves.

8) Negotiations on environmental issues that take place in the future must be framed on an economic basis, i.e. they must show that investing today in mitigating climate change is an issue that not only affects a country but the entire globe in general; and if not mitigated soon, it will be a much greater task in the future. It is also necessary that the negotiators come to the dialogue table with clear objectives under proper planning and preparation; which enables them to carry out successfully the non-zero-sum method based on game theory of international relations, within the framework of cooperation.

RECOMMENDATIONS

1) I believe that in the case of any initiative that has to do with environmental issues, it must be thoroughly analyzed with respect to the risks taken, and a certain amount of time should be given to procure the investment that this requires. This can be done in the rare event that there are no pending issues that depend on the success or otherwise of the project; and if there are, make ongoing assessments for no more than three months; then according to the results, decide to go ahead, make adjustments, or terminate the project.

2) Ecuador has already taken an important step in presenting the Yasuní Initiative to the world, demonstrating their concern for environmental responsibility; although it was not a process that had the expected results. I think Ecuador should proceed in the planning and development of new projects, perhaps not as ambitious as the ITT, but perhaps something on climate change. Or at least, gradually raise awareness to those in charge with the great task of preserving and protecting the environment.

3) National and international laws that are applicable today in Ecuador are evidence that there is a real interest in the conservation of wildlife. I wouldn't say it qualifies as revolutionary all the new ideas developed by Ecuador for sustainable development and the achievement of Good Living; nevertheless, without diminishing the work already done, there is still much left to do; for example, the specific case of companies. As businesses are created, expanded, or modified, they must be aware of their responsibility to nature and use of environmentally friendly mechanisms. We should also ensure greater public awareness in respect of our habitat, because there is only one Earth and its destruction would mean the extinction of the human race.

4) I believe that the presentation of a detailed study of costs and benefits is critical in the development of environmental negotiations; therefore, the negotiator will use

this study in the search of monetary funds to support a successful short, medium, or long term business model. Also, it is recommended that the negotiators use the non-zero sum method, a tool used to find mutual benefit for all parties involved in the negotiation process.

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