



Press Release
15th Local Rights of Nature Tribunal in Ecuador Deems
All Mining Illegal and in Violation of Human and Nature's Rights

Wednesday, February 19, 2025

Quito (Ecuador) - Quito, Ecuador – The 15th Local Rights of Nature Tribunal in Ecuador has concluded its hearing with a strong condemnation of mining in the country, stating that it not only violates the Rights of Nature but also infringes on the human rights of affected communities.

During the session at the Paraninfo of the Universidad Andina Simón Bolívar in Quito, experts and witnesses presented evidence of the devastating consequences of large-scale mining—particularly operations dominated by Canadian companies—on ecosystems and the lives of thousands of people. "The victims of mining are not only humans but also Nature," said Tribunal prosecutor Ramiro Ávila. "The companies, especially the Canadian ones, along with the Ecuadorian State through its inaction, bear responsibility for this devastation."

Geologist William Sacher outlined the significant risks associated with large-scale mining in Ecuador: "Ecuador is a seismically active country with heavy rainfall and rugged topography. These factors make mining even more hazardous here. Additionally, the country has weak institutional oversight, making it easier for Canadian mining companies—which control 40% of the sector worldwide—to operate without restrictions."

An industry that violates fundamental rights

The Tribunal heard multiple testimonies about how mining concessions have been granted without community consent. The militarization of territories and the coercion of local populations have turned consultation processes into mere administrative formalities, offering no real guarantees of participation. Gustavo Redín, a lawyer and expert in Human Rights and the Rights of Nature, emphasized that Ecuador has never conducted a truly free and informed prior consultation. "Communities are intimidated to prevent their participation, and those who are ultimately consulted are already aligned with the companies and the State."

Tribunal Judge Alberto Acosta reinforced this argument, demonstrating that mining activity violates multiple articles of the Ecuadorian Constitution. "Article 57, section 7; Article 398 on environmental consultation; and Article 408 on the State's participation in extractive benefits, among others, have been disregarded. The conclusion is clear: in Ecuador, all legal mining is illegal."

Luis Corral, spokesperson for the National Anti-Mining Front, presented alarming statistics: "92% of mining concessions are located in areas of high water importance, 30% in municipal conservation areas, and between 30% and 50% in Indigenous territories. And 100% of these concessions have been granted without environmental consultation."

Criminalization of water and Nature defenders

One of the most alarming issues highlighted by the Tribunal was the criminalization of environmental defenders. More than 200 people have faced legal persecution across different regions: in Palo Quemado and Las Pampas, 134 people were criminalized after being subjected to forced consultation processes under militarization; 47 defenders are facing legal proceedings for resisting mining in the Nabón páramos; and in Warintza, Fierro Urco, and Espíndola, nine water defenders have been sentenced to prison. Reports of state violence, militarization, and the creation of parallel organizations to fracture Indigenous resistance have also emerged.

Fausto Arechua, a defender from Las Naves, was sentenced to four years in prison. "They are persecuting us for defending water, trying to imprison us to silence us," he denounced, explaining that he was subjected to an unfair judicial process and convicted without evidence for resisting the Curipamba-El Domo mining project.

Juan Carlos Carvajal, a community leader from Palo Quemado and Las Pampas, reported that in 2024, the arrival of the mining company was accompanied by heavy militarization. In a parish of fewer than 700 inhabitants, more than 1,000 security forces were deployed. Additionally, the community is still dealing with environmental damage caused by over 40 years of mining activity, which has yet to be repaired.

Impact on water and communities

Testimonies from community leaders and environmental defenders illustrated the irreparable damage mining is causing in Ecuador. Daniel Sisa and Fausto Arechua described the dire situation in Las Naves, where 80% of the territory has been granted as mining concessions. "Access to safe water is at risk. During the rainy season, dynamite explosions trigger landslides that endanger our communities," warned Sisa. "The little animals—the monkeys, the toads—cry out for help. It's as if they are warning us of the danger. It's not just us asking for help; they are asking for help too," he said, in tears.

Xavier Guachamín raised concerns about the toxic waste generated by mining operations. "Tailings dams could collapse at any moment, burying communities under toxic sludge," he warned. "The probability of failure is so high that it should be considered inevitable." He highlighted the Mirador tailings dam as a major threat—if it were to fail, the town of Tundayme could disappear under a mass of toxic waste.

Nayra Chalán, from the Saraguro people in Fierro Urco, denounced the threats to six rivers that serve as a critical water source for 62,000 people across 14 parishes. These rivers are jeopardized by 27,000 hectares of mining concessions, spread across seven projects owned by five companies. "Resistance has been met with repression: we have suffered injuries, persecution, and criminalization. In Gualel, in 2023, the military intervened and burned community members' trucks," she reported, warning that mining companies often use community division as a tactic to weaken opposition. Meanwhile, the Ministry of the Environment and other state institutions have consistently sided with extractive interests.

The community of Kimsacocha has been resisting the Loma Larga mining project, now operated by Dundee Precious Metals, for over 30 years. Despite repeated popular consultations where more than 90% of the population rejected mining, the government has ignored these results and continues promoting extraction in this páramo—a vital water source for Cuenca and the surrounding areas. Their struggle has involved hunger strikes, the criminalization of water defenders, and mass mobilizations, including a 20,000-person march in Cuenca to defend water rights. Hortencia Zhagüi, a water guardian from Kimsacocha, shared how they resisted the first phase of exploration and now face the threat of full-scale mining operations. "They have turned their backs on us, excluded us—but we stand firm. This struggle is for water, for our wealth, for our agriculture."

The Warintza case in the Cordillera del Cóndor exposed how mining expansion violates the rights of the Shuar people and threatens one of the world's most biodiverse ecosystems. Josefina Tunki, a Shuar leader, denounced the complete lack of consultation with her people, despite their explicit rejection of extractivism in a 2022 magna assembly. "We have lived in these forests for over 500 years, and now our territories are being divided—split between pro-mining and anti-mining factions. Water is life for us, and without it, there is no Buen Vivir," she warned. Fanny Kaekat, also from the Shuar people, described the devastation mining is already inflicting on her community: "The government is negotiating our territories behind closed doors, dividing families, making our people sick, and contaminating our water. Our land is not for sale—it is not a business, and we will not sacrifice it."

Nathaly Yépez, a lawyer from Amazon Watch, revealed alarming data from the environmental impact assessment of the project: "The open-pit mine will cover an area equivalent to 18 soccer fields and will be 11 fields deep. Additionally, there are 52 endangered species in the area directly affected by the project. Despite the International Labour Organization (ILO) confirming that the prior consultation process did not respect Shuar customs, the Ecuadorian government continues pushing the concession forward without providing guarantees for the community or for Nature."

In Espíndola, one of the poorest cantons in Ecuador, mining has advanced by exploiting the economic vulnerability of local communities. Esmeralda Vicente Salinas, from Colectivo Juntos por el Agua, denounced that Salazar Resources—a company linked to relatives of Ecuador's president—has received environmental permits to operate in the El Airo-Tundurama páramo, a designated water protection zone within a national park. "The water people drink is not safe, yet the government continues to grant mining concessions in municipal conservation areas and zones of sustainable use," she warned. Companies have also strategically used donations and school projects to gain local acceptance, further weakening community resistance. "We feel completely defenseless," she concluded.

Myriam Quezada, a member of the National Anti-Mining Front and a resident of Nabón—where mining concessions in water recharge zones threaten both water rights and local autonomy—denounced that 55,000 hectares have been granted as mining concessions, including 17,000 hectares to a Canadian company without prior consultation. "Mining companies didn't buy a territory; they bought a problem. In the face of this lawlessness, we have united with other organizations, and through our resistance, we have temporarily halted mining activities," she said. Quezada also criticized the government's abandonment of affected communities and the authorities' failure to respond to their petitions. "They have left us alone—but we continue to resist," she concluded.

A Tribunal that reflects a global struggle

The Tribunal also addressed the role of free trade agreements in mining expansion. Cecilia Cherez, of Acción Ecológica, denounced the relationship between the FTA with Canada and the impunity of extractive companies: "It is not a symmetrical negotiation. Canada wins, Ecuador gives in. We have identified that the main interest of Canadian investments is mining. The FTA only reinforces their legal shield."

The oral verdict

The 15th Local Rights of Nature Tribunal in Ecuador shows that mining in the country is illegal and destructive, causing serious violations of the Rights of Nature, human rights, and the right to prior, free, and informed consultation. It denounces the use of free trade agreements as tools to facilitate access to strategic resources and the advance of "green colonialism" under the guise of energy transition. The Tribunal demands an end to the criminalization of environmental defenders, respect for popular consultations, and the immediate withdrawal of mining companies from affected territories, as well as the review of concessions granted without proper environmental studies.

In addition, the judges demand transparency on the construction of tailings dams and the prohibition of those located downstream, such as in Condor Mirador. The Tribunal recognizes the work of environmental defenders such as Daniel Sisa, Josefina Tunki, and other community leaders, demanding their protection by the State, and holds the governments of Ecuador and Canada, as well as the companies involved, responsible for the violations presented, requesting the non-ratification of the Free Trade Agreement with Canada. Finally, the Tribunal denounces both illegal and "legal" mining that violates rights and calls for Ecuador to be declared free of metal mining, especially in water recharge areas.

The mandate for this session was presented to Zenaida Yacasama, Vice President of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), and Hortencia Zhagüi, representative of the Victoria del Portete and Tarqui Drinking Water Administration Board, who will represent these struggles at the next international hearing of the Tribunal, to be held in Toronto on February 28, 2025, coinciding with the Prospectors and Developers Association of Canada (PDAC) Conference. Download the mandate [here](#).

To see the video of the entire session, [click here](#).

About the Rights of Nature Tribunal

The International Rights of Nature Tribunal is a citizen-led institution that addresses violations against Nature and the rights of its stewards, holding corporations and governments accountable for environmental destruction. By providing legal recommendations and amplifying popular voices, the Tribunal promotes a framework for environmental justice based on the Rights of Nature.

Since its creation, the Tribunal has reviewed cases on all continents, covering issues such as fracking, deforestation, fossil fuel extraction, large-scale infrastructure, and mining. Its decisions serve as a model for protecting Nature and defending its rights as a basis for effective and just management. [More information about the Tribunal here](#).

Tribunal Judges

This session of the Tribunal featured a distinguished panel of judges,:

- Elsie Monge (President): Executive Director of the Ecumenical Human Rights Commission (CEDHU) and Professor Emeritus.
- Alberto Acosta: Former President of the Constituent Assembly and prominent author.
- Francesco Martone: Coordinator of the Tribunal Judges' Assembly and former Senator of the Republic of Italy.
- Blanca Chancosa: Indigenous leader and founder of the Confederation of Peoples of the Kichwa Nationality of Ecuador (Ecuadorunari).
- Carlos Zorrilla: Co-founder of Defensa y Conservación Ecológica de Intag (DECOIN), defender of Intag against mining.

Leading the prosecution were Adriana Rodríguez, coordinator of the Andean Human Rights Program (PADH) and research professor at the Universidad Andina Simón Bolívar, and Ramiro Ávila, university professor and former judge of the Constitutional Court of Ecuador, as Prosecutors of the Earth, and Patricia Carrión, lawyer of the CEDHU, and Natalia Greene, director of the Global Alliance for the Rights of Nature (GARN) and vice-president of the Ecuadorian Coordinator of Organizations for the Defense of Nature and the Environment (CEDENMA), as Co-Secretaries of the Tribunal.

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