

Cuenca, July 22, 2016

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In our consideration:

We write to you with regard to the ‘Rio Blanco’ and ‘Loma Larga’ mining projects located in the páramos of the province of Azuay within the Cajas Massif.

We are deeply worried as a result of the threat posed to the protection of the páramos in Cajas and their importance for the provision of water and carbon sequestration.¹ We are concerned about the way in which these projects were permitted, which has excluded urban and rural communities, contrary to a constitutional decree to guarantee social participation and the right to consultation regarding issues that affect them.²

For example, upon request from the Minister of Mines, universities in the city are planning to undertake studies to determine the risks of mining activities in the páramos, concerning the quality and quantity of water. However, without these studies even having been started, a license to commence mineral extraction has already been granted for the Rio Blanco project.

In the interest of ensuring our right to water, a group of organizations from the counties of Cuenca and Girón [in the province of Azuay] solicited an expert report on the Loma Larga and Río Blanco projects from mining engineer James Kuipers, from Kuipers & Associates in Montana, U.S.³ After reviewing the technical reports from the mining companies INV Metals and Junefield, Kuipers

¹ Páramos act as carbon sinks, absorbing carbon dioxide from the atmosphere, the principal cause of climate change.

² Political Constitution of Ecuador, Art. 57, clause 7; Art. 398

³ James Kuipers has thirty years of experience in the metal mining sector. His expert report was requested by 16 organizations from the counties of Cuenca and Girón in collaboration with MiningWatch Canada and the Environmental Defenders Law Center (EDLC) and is based on a revision of the mining companies’ technical reports and supplementary documentation.

identified the following risks should metal mining activities be allowed to take place in the Cajas Massif:

- Impacts on water quality and quantity^{4,5}
- The liberation of arsenic and other heavy metals
- The impossibility of mitigating the risks 100%
- Economic risks that heighten the environmental risks

Kuipers, whose report is attached, categorizes these projects as very high risk given the potential impacts on water and soil at unacceptable levels for the downstream population. In his final conclusion, he states: “Given the limited economics of both these mines, and the lack of established regulatory oversight, together with the clear presence of prevalent [acid rock drainage] and metals leaching characteristics, these mines should not be developed.”

Given the above, with the aim of guaranteeing the rights to water, health, and food sovereignty and the economic activities of the citizens of Cuenca and other affected populations, we request that you suspend and revoke these mining concessions and initiate a process to **declare the Cajas Massif as a territory free of mining**. The Ecuadorian Constitution,⁶ legal precedents from the Colombian Constitutional Court⁷ and the warnings of various experts,⁸ in addition to those mentioned here, provide sufficient basis on which to apply the precautionary principle,⁹ enshrined in our Constitution, which comes into place where environmental damage is inevitable. It is urgent that you act.

If you do not respond to this well-founded request, we will hold you responsible as representatives of the corresponding agencies for the predictable human and environmental harms that mining activities in the Cajas Massif will generate. It is worth noting, to the extent that the Loma Larga and Rio Blanco projects are permitted to continue, that your acts or omissions will constitute crimes for which you can be held to account according to the Constitution, the laws of the Republic and international treaties to which Ecuador is a signatory.

We are hopeful that we can count on your consideration of this request.

⁴ There are 670 water concession holders in the area of Kimsacocha.

⁵ A report from the Internal Auditing Unit of the Municipal Company for Telecommunications, Potable Water, Sewage and Sanitation of Cuenca (ETAPA) (Code: UAIE-0036-2009) warns that mining activities could pose a serious risk to the Yanuncay watershed in terms of water quality and quantity, as well as the provision of water to the Sustag plant.

⁶ Political Constitution of Ecuador, Arts. 12, 406, 407, 411.

⁷ In February 2016, the Colombian Constitutional Court prohibited mining in páramos given their crucial importance in regulating the hydrological cycle and protecting the right to water of the population of the Inter Andean valleys. The Tribunal also underscored that the environmental costs of mining in páramo exceed the economic benefits. See: <http://www.elespectador.com/noticias/judicial/corte-constitucional-prohibe-mineria-paramos-articulo-615389>

⁸ The Global Congress on Páramos (Loja, 2009) recommended, given superior interests, that mining in all of its forms be excluded from the páramos. See:

<http://www.condesan.org/ppa/sites/default/files/recursos/archivos/folleto%20paramundi2.pdf>

⁹ A concept found in international law that is enshrined in our Constitution: Arts. 74 and 396.