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Subsecretaría de Tierras y Reforma Agraria

Dr. Galo Chiriboga Zambrano  
Fiscalía General del Estado

December 19, 2016

Esteemed authorities,

The below-signed international organizations write to express their profound concern about the militarization of the Shuar Indigenous communities of Nankints and the State of Emergency that has been declared in the province of Morona Santiago with the aim to impose the Panantzta-San Carlos mine project in the area.

The Shuar Indigenous community of Nankints was evicted by soldiers in August 2016 in order to make way for ExplorCobres S.A.'s Panantzta-San Carlos project. When the community sought to recuperate their territory in late November, the area was militarized. Then, on December 14, when police and soldiers reportedly acted on an order from the District Attorney in Gualaquiza to enter the area, a violent confrontation took place that left one police officer dead and seven people wounded.

ExplorCobres S.A. is a subsidiary of the Canadian-registered companies Corriente Resources and CRCC-Tongguan Investment (Canada) Co., themselves subsidiaries of the Chinese consortium CRCC-Tongguan. CRCC-Tongguan purchased Corriente Resources and the Panantzta-San Carlos project in 2010.

This company should have lost the mining concessions associated with the Panantzta-San Carlos project for lack of compliance with the 2008 Mining Mandate, which remains in effect. According to this mandate, mining concessions that were granted without prior consultation of affected communities, or that overlap with sources of water, among other criteria, must be repealed without economic compensation. For these and other reasons, the Auditor General found that this copper, gold and molybdenum project does not meet the Mining Mandate. In addition to other issues, the Auditor General identified over 400 water sources vital to the life

and culture of the Shuar people in the 14,000 hectares where the thirteen mining concessions that are part this project are located.

It is important to note that Canadian mining companies – among them Corriente Resources – and the Canadian Embassy in Quito share responsibility for the lack of application of the 2008 Mining Mandate. At the time that it was past, the Embassy and companies fought to defend the economic interests of industry against the rule of law in Ecuador and the negative impacts of these projects in ecologically and culturally sensitive areas, such as that affected by the Panantza-San Carlos project.

Another serious irregularity concerning this project is that the Ministry of the Environment granted it an environmental license in 2011 on the basis of an environment impact study carried out ten years earlier under a different constitutional framework, mining law and environmental legislation than are in place today.

This project does not only affect Nankints, but rather ten Shuar Indigenous Centres belonging to the Tariamiat, Arutam and Churuwia Associations, as well as numerous campesino families. Other Shuar Centres and campesino communities are also in the broader area of influence of the project.

We deeply regret the death of police officer José Luis Mejía Solórzano and express our solidarity with his family, as well as with the others who were wounded. At the same time, we believe that this violence could have been avoided.

In the interest of avoiding further violence and the wellbeing of the affected communities, we urge that you immediately lift the State of Emergency, withdraw the armed forces and the company from the area, and open a process of dialogue with affected communities that would be premised on full respect for their human rights, including to self-determination and free, prior and informed consent as enshrined in the UN Declaration on the Rights of Indigenous Peoples, as well as other international accords and jurisprudence.

Signed:

1. Alternatives au Développement Extractiviste et Anthropocentré (ALDEAH)
2. Amazon Watch, U.S.
3. Atlantic Regional Solidarity Network, Canada
4. Bios Iguana, México
5. CATAPA, Belgium
6. Centro de Documentación e Información Bolivia (CEDIB), Bolivia
7. CEIBA, Guatemala
8. Censat Agua Viva, Colombia
9. Cercle des Premières Nations de l'UQAM, Québec, Canada
10. Colectivo CASA, Bolivia
11. Colectivo Voces Ecológicas (COVEC), Panama

12. Comité Ambiental en Defensa de la Vida, Tolima, Colombia
13. Committee for Human Rights in Latin America (CDHAL), Québec, Canada
14. Cooperación, Perú
15. Defensa y Conservación Ecológica de Intag (DECOIN), Ecuador
16. Defensa del Ixofillmogen – Vancouver, Canada
17. Delhiin Mongol Nagoon Negdel (DMNN), Mongolia
18. Earth Law Center, U.S.
19. Environmental Defender Law Center (EDLC), U.S.
20. The Esperanza Project, U.S.
21. Friends of the Earth – Canada
22. Fundación Ecuémica para El Desarrollo y la Paz (FEDEPAZ), Perú
23. The Gaia Foundation, U.K.
24. GRUFIDES, Perú
25. Intercontinental Cry, Canada
26. Justiça nos Trilhos, Brasil
27. Justicia, Paz e Integridad de la Creación (JPIC), Chile
28. KAIROS: Canadian Ecumenical Justice Initiatives
29. Kalikasan Peoples Network for the Environment, Philippines
30. Kanaka, Ecuador
31. Listen To The Amazon, U.K.
32. McGill Research Group Investigation Canadian Mining in Latin America (MICLA), Canada
33. Mining Injustice Solidarity Network – Toronto, Canada
34. Mining Justice Action Committee – Victoria, Canada
35. Mining Justice Alliance – Vancouver, Canada
36. MiningWatch Canada
37. Movimiento Mesoamericano en Contra del Modelo Minero (M4), Regional
38. Movimiento Morelense Contra las Concesiones Mineras de Metales Preciosos, México
39. Observatorio de Conflictos Mineros de América Latina (OCMAL), Regional
40. Observatorio Latinoamericano de Conflictos Ambientales (OLCA), Chile
41. Otros Mundos Chiapas, México
42. Procesos Integrales para la Autogestión de los Pueblos (PIAP), México
43. Red Muqui, Peru
44. Red Mexicana de Afectados por la Minería (REMA), México
45. Servicios Internacionales Cristianos de Solidaridad con America Latina - Oscar Romero (SICSAL), Canada
46. Society for Threatened Peoples, Switzerland
47. United for Mining Justice, Canada