

Report: Mining Concessions Illegal in Ecuador

By [MiningWatch Canada](#)

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(Bozeman, Montana/Ottawa, Ontario) Mining concessions granted to Canadian and Chinese-owned companies in Ecuador are illegal and should be cancelled in compliance with the Mining Mandate, argues a legal brief submitted yesterday to the Ecuadorian Constitutional Court by the the [Environmental Defender Law Center \(EDLC\)](#) and MiningWatch Canada.

The Mining Mandate is a constitutional-level norm that has been in effect since April 2008. Ecuador's National Constituent Assembly issued the Mining Mandate ordering the termination of mining concessions that were granted without prior consultation with affected communities and if they were overlapping with water sources or protected areas, among other criteria. Even though constitutional-level norms of this type are mandatory and not subject to review or challenge, Ecuadorian authorities have failed to enforce the Mandate in certain cases, including conflict-ridden mining projects that the state now deems "strategic".

"Failure to fully implement the Mining Mandate violates the rule of law and establishes a dangerous precedent by which the law is applied to some, but not to all. Additionally, the current situation illegally consolidates violations of the rights of mining-affected communities in Ecuador, including to the right to due process, to live in a healthy environment, to prior consultation, and to water, among others," states lawyer and report author Lewis Gordon, Director of EDLC.

The brief compiles evidence from official documents, such as a recent audit by Ecuador's Comptroller General's Office, to demonstrate that the Mining Mandate remains in effect and that key Canadian and Chinese-owned mining concessions, which lacked prior consultation and overlap with water supplies or protected areas, have illegally been spared from the Mandate.

Documented evidence in the brief demonstrates that [INV Metals/IAMGOLD's](#) Loma Larga project (previously called Quimsacocha when it was 100% owned by IAMGOLD), [Junefield Mineral Resources'](#) Rio Blanco project (formerly owned by International Minerals Corporation), and [CRCC Tongguan's](#) Mirador and San Carlos Pananza projects (formerly owned by Vancouver-based Corriente Resources) should have lost most or all of their mining concessions. Mineral concessions granted to other Canadian-registered companies likely should have been revoked as well.

Ecuadorian authorities did revoke over 1,000 mining concessions, mostly for non-payment of concession fees, and in areas that reportedly did not have potential for significant mineral deposits.

"The Constitutional Court will only assess responsibilities within Ecuador, but Canadian

authorities also bear some responsibility, given how much they lobbied on behalf of Canadian companies when the Mandate was passed. Now, rather than companies losing their concessions as they should, community leaders and their allies fighting to protect land and water are being criminalized,” remarked Jen Moore, Latin America Program Coordinator for MiningWatch Canada.

EDLC and MiningWatch Canada presented the brief as Amicus Curiae, or “friends of the court”, in support of two constitutional challenges seeking the enforcement of the Mining Mandate. The Federation of Campesino and Indigenous Organizations of Azuay (FOA) and the Union of Community Water Systems of the province of Azuay (UNAGUA) filed the first suit in August 2011 and the Ecumenical Commission of Human Rights (CEDHU) and Acción Ecológica filed the second in June, 2012. EDLC and MiningWatch Canada are not parties to the suits.

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[Amicus Curiae \(Spanish only\)](#)

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