

INDIGENOUS PEOPLES AND TERRITORIES UNDER SIEGE:

THE EXPANSION OF EXTRACTIVE INDUSTRIES UNDER DANIEL NOBOA'S GOVERNMENT



Indigenous Peoples and Territories Under Siege: The Expansion of Extractive Industries Under Daniel Noboa's Government

**Quito, Ecuador
August 2026**

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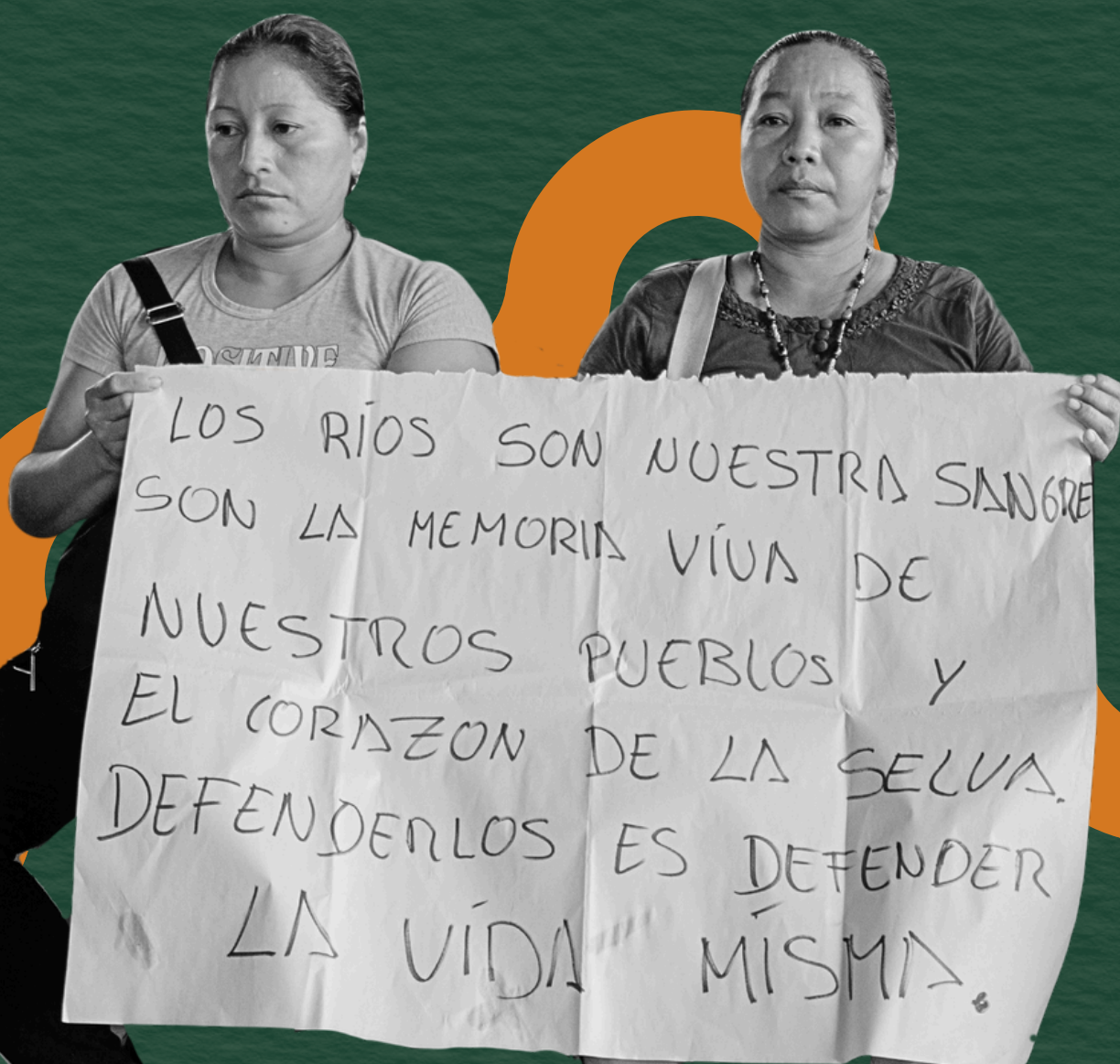
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1.

Introduction



Introduction

Ecuador is undergoing one of the most profound transformations in its extractive governance since the previous oil expansion cycle decades ago. In 2026, under President Daniel Noboa's administration, the Ecuadorian State has rapidly advanced a series of regulatory reforms and administrative measures that facilitate the expansion of mining and oil concessions while strengthening partnerships with international investors. While the Executive portrays this process as a necessary strategy to attract investment, sustain fiscal revenues, and address the economic slowdown, Indigenous, environmental, and human rights organizations warn that it heightens the risks facing Indigenous peoples and territories, rural farming communities, strategically important ecosystems, and democratic spaces for civic participation and dissent.

This extractive expansion must be examined in light of the State's international human rights and environmental obligations. International Labour Organization (ILO) Convention No. 169, ratified by Ecuador in 1998, establishes the State's obligation to ensure processes designed to obtain the free, prior and informed consent of Indigenous peoples whenever administrative measures or projects may directly affect them. Complementing this framework, the 2007 United Nations Declaration on the Rights of Indigenous Peoples recognizes Indigenous peoples' right to maintain and strengthen their spiritual, cultural, and material relationship with their ancestral territories, as well as their right to participate in decision-making regarding the exploitation of natural resources. Similarly, the well-established jurisprudence of the Inter-American Court of Human Rights—particularly in cases such as *Kichwa Indigenous People of Sarayaku v. Ecuador* (2012) and *Saramaka People v. Suriname* (2007)—has established that States must obtain the free, prior, and informed consent of Indigenous peoples when large-scale extractive projects are likely to have profound impacts on their lives, territories, or cultural survival. The obligation to obtain free, prior, and informed consent before adopting State decisions was reaffirmed in *Rama and Kriol Peoples, the Creole Indigenous Black Community of Bluefields, and Others v. Nicaragua* (2024) and is likewise reflected in Advisory Opinion No. 23 of 2025 of the Inter-American Court of Human Rights on Climate Emergency and Human Rights (OC-23/25, paras. 608–612)¹.

With regard to environmental protection under international law, the international legal system has recognized public participation rights since 1992 as a means of ensuring the sustainability of State decisions affecting the environment

¹ Available at: <https://acortar.link/Gwuc8X>

(Principle 10 of the Rio Declaration on Environment and Development). Two decades later, the UN recognized the human right to a healthy environment². In Latin America and the Caribbean, the region adopted the first legally binding environmental treaty: the 2018 Escazú Agreement, which focuses on environmental rights—access to information, public participation, and access to environmental justice—and elaborates on their content and, above all, the corresponding obligations of States. The above-mentioned Advisory Opinion 23/25 also establishes that recognizing the rights of nature is compatible with the Inter-American human rights instruments and represents an evolution consistent with the principle of the interdependence of human rights and the environment. According to the Inter-American Court of Human Rights (I/A Court H.R.), this evolution requires States not only to refrain from actions that cause significant environmental harm, but also to adopt measures to protect, restore, and regenerate ecosystems.

From this perspective, several reforms advanced by Daniel Noboa's government during 2024 and 2025 raise important questions about the compatibility of extractive expansion with international standards for protecting of Indigenous territories and the environment.

The promotion of foreign investment in the extractive sector, the introduction of a regulatory framework favorable to corporate interests, the reopening of the National Mining Cadastre, the streamlining of administrative procedures, and the easing of requirements governing the different phases of mining activities and environmental regulations are creating a scenario of intensified extractive activity in territories particularly sensitive from an ecological and sociocultural perspective. While the Executive maintains that these measures are intended to improve efficiency and attract investment without lowering environmental standards, Indigenous and human rights organizations warn that they weaken safeguards for effective participation, environmental oversight, and independent monitoring. This concern is especially relevant in light of the principle of environmental non-regression, widely recognized in international environmental law and comparative jurisprudence, which holds that States must not unjustifiably reduce previously established levels of environmental protection. These concerns take on an additional dimension under the Escazú Agreement, a regional treaty ratified by Ecuador in 2020, which obliges States to guarantee access to environmental information, public participation in environmental decision-making, access to environmental justice, and the protection of environmental human rights defenders.

² Available at: <https://acortar.link/kEcp8j>

Various international bodies have warned that Latin America remains one of the world's most dangerous regions for Indigenous and environmental defenders. In March 2026, UN experts expressed concern over the rapid deterioration of civic space affecting Indigenous peoples and human rights defenders, and called on Ecuador to ensure accountability for the excessive use of force and persecution. This concern aligns with reports issued by the Alliance of Human Rights in Ecuador (Alianza DDHH)—the 2024–2026 Position Paper on the Human Rights Situation and the 2025 National Strike Verification Report—which identified a concentration of human rights violations in the provinces of Imbabura, Pichincha, and Cotopaxi, all of which have a significant Indigenous presence. In the Highlands (known as the Sierra) and the Andean-Amazon transition zone, the risks faced by human rights defenders are further exacerbated by the use of criminalization as a mechanism of persecution and intimidation.

Various human rights organizations have denounced these practices. In 2026, the Alianza DDHH and international organizations denounced a verifiable pattern of criminalization in judicial decisions against water and land defenders from the community of Las Naves, who have resisted the Curipamba–El Domo project, operated by Curimining S.A. and linked to Canadian interests. The Office of the United Nations High Commissioner for Human Rights (OHCHR) also reported threats, intimidation, and even an attempt on the life of a leader from the same community. Amnesty International, CIVICUS, and Human Rights Watch have also warned of increased criminalization, surveillance, and restrictions on civic space in response to socio-environmental conflicts associated with extractive projects.

The enactment of the Social Transparency Act, the expansion of the State's oversight powers over civil society organizations, and the merger of the Ministry of the Environment into the Ministry of Energy and Mines have been widely interpreted as troubling signs of the erosion of democratic and environmental safeguards³.

Against this backdrop, this report examines how the expansion of oil and mining activities promoted between 2024 and 2026 has reshaped the relationship between the State, extractive capital, and Indigenous territories in Ecuador—with particular attention to the Amazon and the Highlands—as well as the recent legal and institutional reforms that underpin this new extractive cycle.

³ Available at: <https://acortar.link/sGButY>

The report is divided into two sections, followed by a general conclusion. The first section examines Ecuador's extractive policy, while the second analyzes the rights that it violates and places at greater risk. The first section reports on the situation in the Amazon, the Andean Highlands and subtropical region, the corporate and financial landscape, and the government's legal and institutional restructuring to advance extractivism. It concludes with a brief overview of extractivism by the numbers. The second section identifies six groups or clusters of rights that are especially vulnerable and at risk as a result of that policy and its implementation. These clusters include the rights to free, prior, and informed consultation and consent; the rights to ancestral ownership and possession of territories and lands; the rights to cultural identity, spirituality, worldview, and collective continuity; the right to a healthy environment and the rights of nature; the rights to water, food, health, a dignified life, and personal integrity; and, finally, the rights to participation, access to information, access to justice, and effective judicial protection. Clearly, all these rights are interrelated.

The report concludes that extractivist expansion under the current government is fundamentally different. It is not simply a usual increase in mining projects and activities. It is a policy in which the legal and institutional framework has been adapted to favor extractivism. This unfolds amid militarization across Ecuadorian society, enabling the imposition of projects and activities that would otherwise be impossible to carry out. The government is authorizing the extraction of oil, minerals, and metals from the subsoil without providing effective mechanisms for the participation of the affected peoples, in violation of their rights to free, prior, and informed consultation and consent. As a result, violations of the integrity of ancestral territories, the environment and nature, water, habitat, and food seriously jeopardize the survival of Indigenous peoples and nationalities. In short, they jeopardize the dignified life of individuals and peoples.

2.

Ecuador's Extractive Policy



Ecuador's Extractive Policy

Between March 2024 and May 2026, Ecuador's extractive policy shifted from maintaining the existing course to openly pursuing expansion. In January 2025, the Executive presented a 2025–2029 Investment Plan worth US\$41.879 billion, expecting to add more than 336,670 barrels per day through in-field and offshore projects. A few months later, Indigenous organizations and media outlets denounced that this “hydrocarbon roadmap,” made up of 49 projects worth more than US\$47 billion, threatens the ancestral territories of seven Indigenous nationalities that were not consulted about this new oil plan. If carried out, many of these projects would reopen the oil frontier in the central-southern and southeastern Amazon. In the case of mining, the most concrete institutional step was the decision to order the gradual and progressive reopening of the National Mining Cadastre in June 2025, beginning with small-scale non-metallic mining and leaving the door open to expansion into other regimes. Viewed as a whole, the 2024–2026 cycle shows the State that is simultaneously reactivating concessions, bidding rounds, operating contracts, and facilitation instruments to attract private and foreign capital.

This expansion has fallen disproportionately on Indigenous territories in the Amazon and high-Andean areas in the Highlands. In the latter, mining-related conflict centers on water, the paramo, prior consultation, and territorial control. The State argues that it needs to increase tax revenues to finance public spending, while also emphasizing the importance of generating foreign exchange earnings and ensuring legal certainty. Communities, nationalities, and peoples denounce impacts on at least three levels: First, territorial overlap between blocks or concessions and ancestral territories; second, intensified conflicts due to the lack of consultation, unconstitutional licensing, and environmental governance disputes; and third, the externalization of ecological and social costs, including pollution, deforestation, community fragmentation, and institutional weakening.

From a legal and international advocacy perspective, the decisive issue is not simply that the Government is seeking investment, but how it is doing so. Its methods include administrative simplification, the expansion of exploratory phases, the replacement of environmental licenses with environmental authorizations under the 2026 mining reform, the creation of mining clusters, the strategic militarization of mining areas, and the merger of the environmental authority with the ministry responsible for promoting extractivism. The Executive maintains that this does

not lower standards, but rather makes oversight “more efficient.” Indigenous and environmental organizations, as well as international media, describe it instead as an institutional setback that deepens conflicts of interest and weakens safeguards in particularly sensitive territories.

Amazon Region

Noboa's government's oil agenda combines four lines of action: increasing production in mature fields, renegotiating contracts with private operators, launching new bidding rounds in Amazonian areas, and reconfiguring infrastructure. In January 2025, the Ministry presented the 2025–2029 Hydrocarbons Sector Investment Plan, estimated at US\$41.879 billion⁴. *Associated Press (AP)* later summarized the official August 2025 roadmap as a portfolio of 49 projects valued at more than US\$47 billion⁵. This gap between the two figures suggests an expanded or restructured portfolio in 2025, while the strategic direction remains unmistakable: more exploration, more public-private partnerships, and more territorial opening.

As part of that agenda, the Government pushed for the renegotiation of contracts with private operators in the Amazon. The investment platform the Noboa government is seeking to build is clearly transnational. In July 2024, it signed the renegotiation of Block 46-MDC with ENAP Ecuador, a Chilean private company, securing an additional investment of US\$90 million through 2035. In 2025, it announced a contractual amendment to Block 14 with PetroOriental, a Chinese company, extending the contract until 2040 and projecting an additional investment of US\$36 million. In December of that year, ENAP announced the Pambil A-1 exploratory well in Block 47, Orellana. In April 2026, the Vice Ministry of Hydrocarbons brought together ten private operators—Petrobell, ENAP Ecuador, PCR, Gran Tierra, Gente Oil, Andes Petroleum, PetroOriental, Pacifpetrol, Orión, and Pluspetrol—to present their 2026 plans aligned with the Noboa government's policy⁶. The regulatory signal to the market was clear: the Executive is not only seeking new blocks, but also aiming to maximize production in already operating blocks through contract extensions, workovers, and new private investment.

⁴ Available at: <https://acortar.link/14dmCq>

⁵ Available at: <https://acortar.link/JToMG2>

⁶ Available at: <https://acortar.link/al8HG1>

The attempt to delegate the Sacha field was another piece of that strategy to award flagship assets to private or mixed capital under extraordinary fiscal pressure⁷. On March 3, 2025, the Ministry defended the signing of the contract as an operation that would allow the State to receive US\$1.5 billion and increase efficiency. However, on March 11, 2025, *Primicias* reported that the process fell through because the Chinese-Canadian consortium Sinopetrol failed to pay the premium demanded by President Noboa's government. In May 2026, an agreement signed between Ecuador and the United States reopened the possibility of U.S. companies investing to reactivate this field.

The current cycle's main territorial offensive is concentrated in the central-southern and southeastern Amazon. According to an Amazon Frontlines document based on publicly available government information and information requests indicates that the Sub-Andean and Southeastern rounds cover 18 blocks—29,663.42 km²—slated for bidding since August 2025, with 89% of their surface area made up of primary forests. The overlap affects the territories of seven Amazonian nationalities: Andwa, Shuar, Achuar, Kichwa, Sapara, Shiwiar, and Waorani. *AP* also reported that seven Indigenous organizations denounced that 18 of the blocks in the official plan affect their ancestral lands, covering an area comparable to Belgium⁸.

This was followed by the relaunch of the Intracampos III round in November 2025 for three blocks in Sucumbíos, with an expected increase in production of 9,000 to 12,000 barrels per day. Even as parts of the extractive agenda encountered delays or controversy, the Government continued to pursue a two-pronged strategy between 2025 and 2026: maximizing production from mature fields while expanding the extractive frontier.

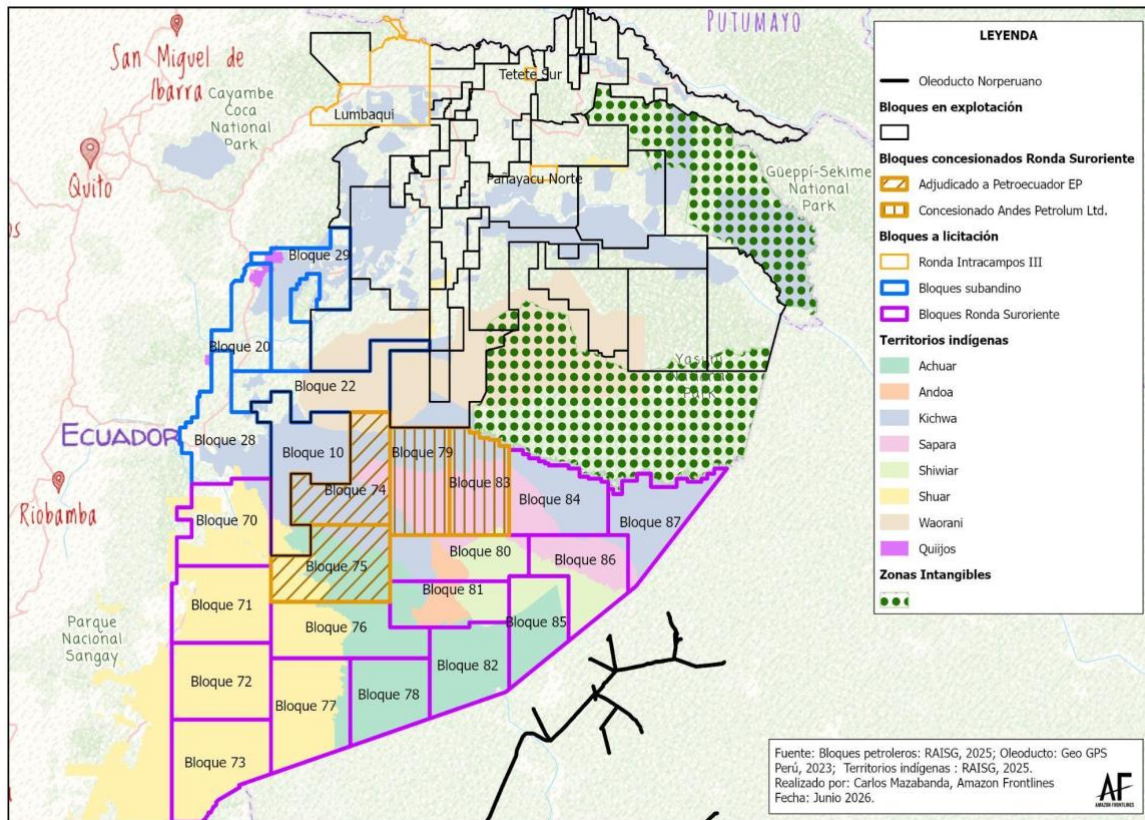
The corporate landscape that emerges is, indeed, one in which Amazon is operated through a combination of Ecuadorian state-owned enterprises and Chinese, Chilean, Colombian, Singaporean, and other regional capital,⁹ as discussed in the subsection on the corporate and financial landscape below.

⁷ Available at: <https://acortar.link/KDNT2t>

⁸ Available at: <https://acortar.link/Sf63MG>

⁹ Available at: <https://acortar.link/vn4bZJ>

Map of the 2025–2029 Hydrocarbons Sector Investment Plan: Blocks in the Southeastern, Sub-Andean, and Intracampos III Round



The impact on Indigenous peoples in the Amazon is not merely prospective. An investigation by InfoAmazonia and GK¹⁰ published in 2025, documented that in Block 10, three companies operating over the past three decades employed strategies that fragmented communities and made them dependent on oil operations. The same investigation, based on data from the Ministry, found that 16% of Ecuador's territory has been concessioned to public and private oil companies; that oil blocks overlap with 207 of the country's 437 Indigenous territories, covering approximately 21,000 km²; and that 1,584 oil spills were recorded between 2012 and 2022, with inadequate pipeline maintenance identified as the primary cause. Amnesty International documented the situation of gas flares in Sucumbíos and Orellana in 2024 and 2025, highlighting the risks they pose to health, the environment, the climate, and to children and young environmental defenders¹¹. Routine gas flaring is not an isolated harm, but a structural feature of Ecuador's hydrocarbon model that affects air, water, biodiversity, and the living

¹⁰ Available at: <https://acortar.link/Z64PQA>

¹¹ Available at: <https://acortar.link/VE9ekE>

conditions of Amazonian communities. This combination of induced dependency, aging infrastructure, and territorial overlap constitutes a pattern of structural harm rather than a series of isolated incidents.

The transboundary dimension further heightens these risks. *AP* reported that, in July 2025, Peru and Ecuador signed an agreement under which Petroecuador would sell crude oil directly to Petroperú and connect Ecuador's southern Amazon reserves to the Northern Peruvian Pipeline, with drilling scheduled to begin in January 2026¹². In response, the Achuar, Wampis, and Chapra peoples in Peru warned that the agreement would jeopardize consultation safeguards and increase exposure to infrastructure with a historical average of 146 oil spills per year. In other words, extractive expansion in Ecuador's Amazon is no longer limited to opening new blocks; it is increasingly conceived as a binational crude oil transport corridor¹³.

The academic literature confirms this pattern of cumulative harm. A 2024 study published in *Science of the Total Environment* examined 24 years of oil extraction in Blocks 16 and 67 of Yasuní National Park, highlighting that the area is one of the most biodiverse places on the planet and home to ancestral Indigenous communities¹⁴. Another article published in *Geoforum* characterized the “multiple injustices” of Ecuador's fossil fuel territories by analyzing the spatial overlap among oil activities, infrastructure, Indigenous territories, and documented socio-environmental impacts¹⁵.

The new wave of extractive expansion in the Amazon region is not limited to oil. In the mining sector, the key structural measure was the reopening of the National Mining Cadastre. Ministerial Agreement MEM-MEM-2025-0018-AM¹⁶, issued in June 2025, instructed the mining authority to issue the administrative act required to gradually and progressively reopen the National Mining Cadastre, beginning with small-scale non-metallic mining, and to repeal the regulations that had kept it closed since 2018. The agreement itself links this reopening to earlier 2024 resolutions that facilitated new concessions in favor of ENAMI (National Mining Company of Ecuador – ENAMI EP). From the State's perspective, the measure was intended to restore its capacity to grant concessions and reorganize the mining sector. From a rights-based perspective, however, it reopened a key institutional pathway for the territorial expansion of mining.

¹² Available at: <https://acortar.link/rJwH25>

¹³ Available at: <https://acortar.link/6esdzy>

¹⁴ Available at: <https://acortar.link/Is2w2t>

¹⁵ Available at: <https://acortar.link/ncHVao>

¹⁶ Available at: <https://acortar.link/0mbKB2>

The Central Bank of Ecuador (BCE) itself reported in 2024 that the largest total area under mining concessions is concentrated in Morona Santiago, primarily in the San Carlos Panantza project, covering 38,548 hectares, and the Warintza project, covering 25,176 hectares. In the case of San Carlos Panantza, the BCE reported that the project's total expected investment amounted to US\$3.032 billion. However, between 2010 and 2024, only US\$35 million had been invested, and the concessions remained suspended.

For Warintza, *Primicias* reported that Solaris Resources secured a US\$200 million financing agreement with Royal Gold in May 2025, while the company itself announced a letter of intent with the Shuar Arutam people in February 2025. From a territorial perspective, this means the southern Amazon is facing simultaneous pressure from oil and copper extraction across the territories of the Shuar and neighboring Indigenous nationalities.

The cases of Warintza, San Carlos Panantza, Sinangoe, and gold mining in Napo reveal recurring patterns: the absence of, or deficiencies in, prior consultation, judicialization, the use of public force, impacts on water resources, community divisions, corporate pressure, and criminalization. In 2024, United Nations experts warned that the environmental consent processes conducted to reactivate mining projects may have failed to include all affected persons or to provide complete and impartial information, thereby exacerbating social conflict. The same communication noted that more than 70 human rights defenders, including Indigenous leaders, had faced criminal charges for opposing projects or criticizing consultation processes. It also warned that the companies responsible for those projects had filed complaints in retaliation against human rights defenders and protesters.

Illegal mining also adds another dimension of organized violence. Studies and reports published in 2025 conclude that illegal mining has driven the expansion of environmental harm, the presence of armed groups, criminal economies, pollution, and violations of the collective rights of Indigenous peoples¹⁷.

¹⁷ Available at: <https://acortar.link/BDHFuJ>

Andean Highlands and Subtropical Region

In the Highlands, extractive activities take a different form, but one that is equally sensitive from a legal perspective: the conflict between mining expansion, the paramo supply, and community territories. Recent academic literature on the Ecuadorian Andes has shown that Indigenous communities face increasing pressure because their paramos are vital sources of water for downstream cities and irrigation systems. As a result, these hydro-social territories become strategic spaces contested by external actors. Similarly, a 2026 study of the Alao River basin concluded that mining has significant socio-environmental impacts precisely in areas where local communities depend directly on natural resources. The study population consisted primarily of Indigenous and mestizo communities. This evidence is particularly relevant to the Highlands because it shows that the impacts extend beyond mining excavation itself to the reorganization of territory, water resources, and local systems of social reproduction.

This pattern is reflected in emblematic cases of imposed mining projects: Loma Larga, Las Naves–Curipamba/El Domo, Río Blanco, Palo Quemado–La Plata, and Llurimagua.

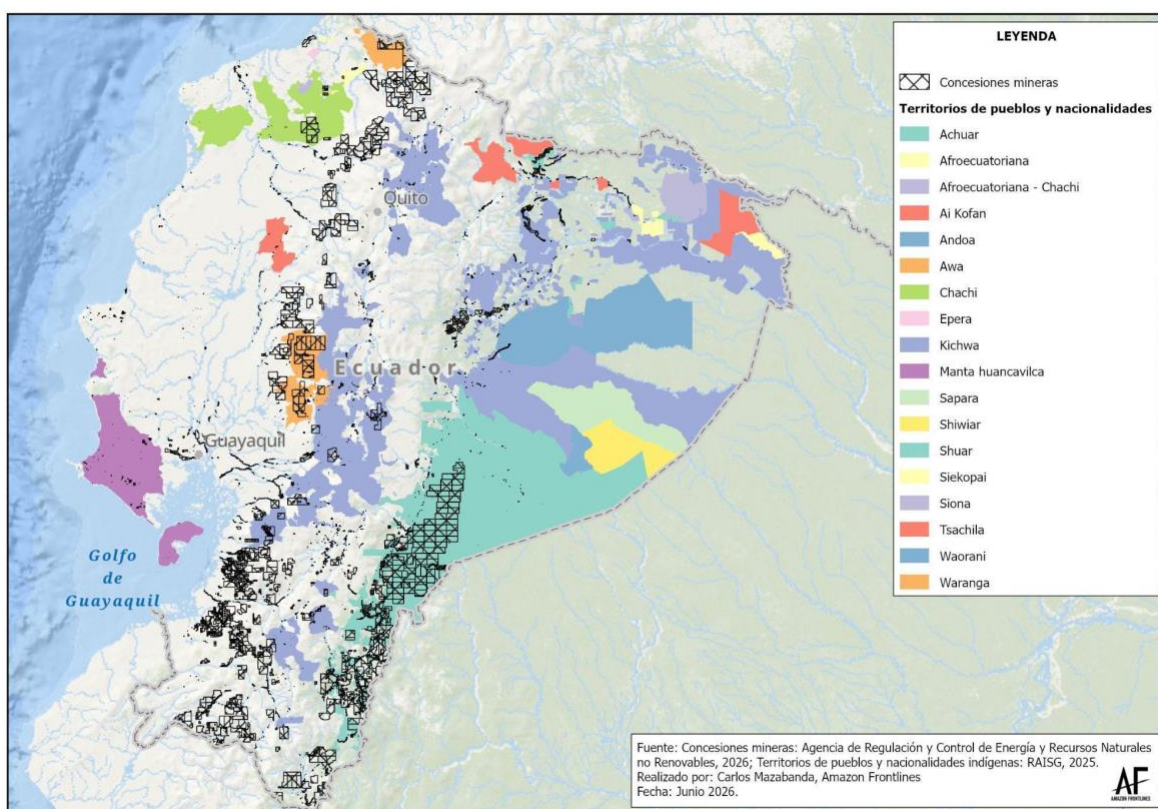
The Loma Larga project in Azuay epitomizes this new phase in the Highlands. *Primicias*¹⁸ and *El Universo*¹⁹ reported that, in May 2025, the State completed Ecuador's first process to obtain the free, prior, and informed consent of Indigenous peoples for a mining project, in compliance with a 2023 ruling by the Azuay Provincial Court of Justice. From a legal perspective, this development can be interpreted in two ways. On the one hand, it shows that the project had been moving forward with procedural shortcomings regarding collective rights until the courts intervened. On the other hand, it reveals that the current Government is determined to move forward with highly contentious mining projects in the Highlands by conducting consent processes only after the fact and then linking them to environmental licensing, in an irregular attempt to re-legitimize controversial projects in high-Andean territories.

¹⁸ Available at: <https://acortar.link/5MJDdk>

¹⁹ Available at: <https://acortar.link/g1iljf>

The Highlands have also become part of the extractive portfolio through medium-scale or second-generation mining projects. In October 2024, *El Comercio* reported that construction had begun on the Curipamba–El Domo mine in Bolívar after 17 years of development²⁰. The BCE confirmed that the strategic Río Blanco project remains suspended by court order²¹. The picture that emerges in the Highlands, therefore, is not one of simple “mining reactivation,” but of a differentiated landscape: some projects advance with strong State intervention to resolve consent and permitting requirements; others remain stalled by litigation or court rulings; sit within an official narrative that prioritizes speed, foreign exchange earnings, and legal certainty.

Map of the National Mining Cadastre in Continental Ecuador

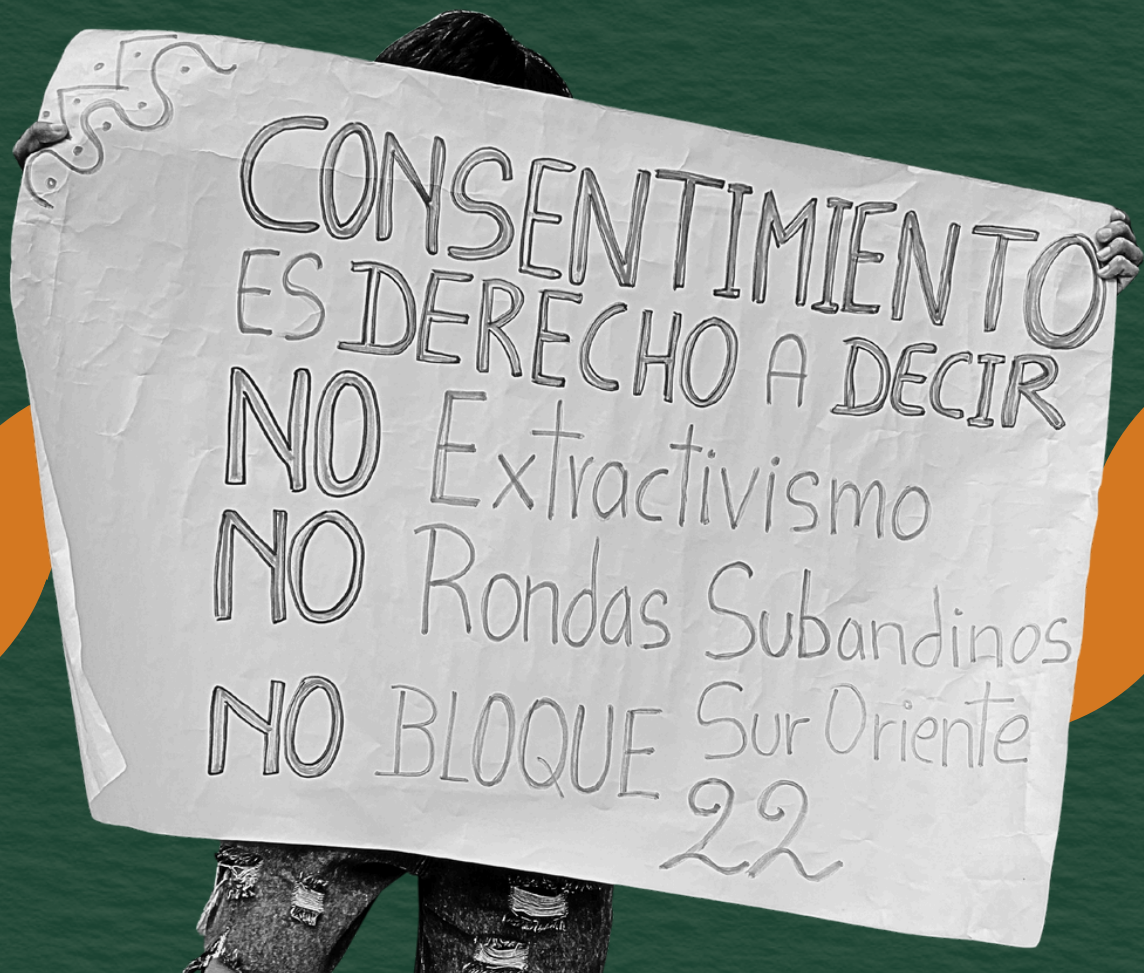


²⁰ Available at: <https://acortar.link/tzyilQ>

²¹ Available at: <https://acortar.link/d6EWOX>

3.

Corporate and Financial Landscape



Corporate and Financial Landscape

In the hydrocarbons sector, the investment platform the Noboa government is seeking to build is clearly transnational. In April 2026, the Ministry identified several key private operators with a significant foreign presence: ENAP Ecuador; Colombia's Gran Tierra; Singapore's Gente Oil; the Chinese-owned Andes Petroleum and PetroOriental; as well as Pacifpetrol, Orión, PCR, Petrobell, and Pluspetrol, all of which are active in different blocks across the Amazon. This is further reinforced by the fact that the contract for Block 14 was renegotiated with PetroOriental through 2040, and that ENAP announced the Pambil A-1 exploratory well in Block 47, Orellana, in December 2025. The corporate landscape that emerges is one in which the Amazon is operated through a combination of Ecuadorian state-owned enterprises and Chinese, Chilean, Colombian, Singaporean, and other regional capital.²²

China occupies a particularly prominent position. It is already represented through PetroOriental and Andes Petroleum; it also featured in the failed attempt to award the Sacha field to the Chinese-Canadian consortium Sinopetrol²³; and it reappears in the mining sector through Jiangxi Copper and the CRCC–Tongguan Group. From a binational perspective, Peru has become a key player—not as a traditional investor, but as a potential State partner for transporting crude oil from the southern Amazon through Petroperú and the Northern Peruvian Pipeline²⁴. In other words, the internationalization of the extractive portfolio goes beyond attracting foreign investment; it also encompasses intergovernmental and logistical arrangements that are reshaping export corridors.

Canada continues to play a structural role in the mining sector²⁵. At least seven Canadian mining companies operate in Ecuador, including Atico, Aurania, Barrick, Silvercorp/Curimining, Dundee, Lumina, and Lundin Gold²⁶. That foundation has been reinforced by further signs of growing investment interest. In 2025, the Canadian company Solaris Resources secured US\$200 million in financing from the U.S.-based Royal Gold²⁷ for the Warintza project. According to reports in the financial press, Noboa also stated in September 2025²⁸ that Barrick Gold, Glencore, Río Tinto, and Hancock Prospecting had expressed interest in exploring

²² Available at: <https://acortar.link/vn4bZJ>

²³ Available at: <https://acortar.link/18kIKb>

²⁴ Available at: <https://acortar.link/rJwH25>

²⁵ Available at: <https://acortar.link/Gh9ksH>

²⁶ Available at: <https://acortar.link/7mZtp6>

²⁷ Available at: <https://acortar.link/ChBXw6>

²⁸ Available at: <https://acortar.link/gSMZLD>

opportunities in Ecuador²⁹. Although the latter information comes from press reports rather than an official government document, it is consistent with the Government's broader narrative of attracting mining investment following the reopening of the National Mining Cadastre.

China's mining footprint has become more pronounced a geopolitically³⁰. The BCE expressly identified ExplorCobres Continentales S.A., a subsidiary of CRCC—Tongguan Investment, as the concessionaire for San Carlos Panantza. Between 2025 and 2026, the Cascabel project shifted from being associated with SolGold³¹ to becoming increasingly linked to Chinese capital—first through Jiangxi Copper's acquisition³² of an equity stake and later, according to Ecuadorian media reports, through that company's assumption of control over the project. The implication for international advocacy is clear: Ecuador is not merely attracting investment in extractive industries; it is also drawing Indigenous territories and strategically important ecosystems into a broader geoeconomic competition for copper, gold, and crude oil³³.

²⁹ Available at: <https://acortar.link/y6cXwn>

³⁰ Available at: <https://acortar.link/vXeQbu>

³¹ Available at: <https://acortar.link/oM8p70>

³² Available at: <https://acortar.link/hTnDAs>

³³ Available at: <https://acortar.link/xsbRaY>

4.

Regulatory and Institutional Restructuring



Regulatory and Institutional Restructuring

The first major regulatory change during the period was the reopening of the National Mining Cadastre. The Ministerial Agreement issued in June 2025 ordered the gradual and progressive reopening of the cadastre and the granting of new mining concessions, beginning with small-scale non-metallic mining, and expressly repealed the 2018 resolution that had closed the cadastre. That decision was linked to the Ministerial Resolution issued in June 2024, which called for amending of the mining cadastre closure to give effect to ENAMI's preferential and first-option rights³⁴. From a legal perspective, this means that the Executive did more than simply announce new mining investment: it rebuilt the administrative framework needed to support the expansion of mining concessions.

The second major change was the mining reform introduced by the Organic Law on Social Transparency in August 2025³⁵. The official text amended Article 37 of the Mining Law to allow for an initial exploration phase of up to four years, an advanced exploration phase of up to four years, and an economic evaluation phase of up to two years, with the possibility of further extensions. It also established that if the competent authority fails to issue a decision on an application for advanced exploration within 60 days, the principle of positive administrative silence applies—that is, the application is deemed to have been approved in favor of the applicant. The same law also strengthened the grounds for terminating concessions where committed investment obligations had not been fulfilled in concessions awarded through auction or public bidding. It further required the Mining Regulation and Control Agency (ARCOM) to verify compliance with those obligations within 90 days. From an investment-oriented perspective, the reform provides greater regulatory certainty and streamlines the transition between project phases. From a rights-based perspective, however, it accelerates administrative processes in a sector where consent and socio-environmental oversight have historically been inadequate.

The third—and even more explicit—change came with the Organic Law for the Strengthening of the Strategic Mining and Energy Sectors, published on March 2, 2026. Its stated purpose is to generate fiscal revenue and foreign exchange earnings while contributing to macroeconomic stability. In the mining sector, the law introduced a new chapter on the promotion of domestic and foreign productive investment; created integrated mining clusters supported by electricity, logistics,

³⁴ Available at: <https://acortar.link/0mbKB2>

³⁵ Available at: <https://acortar.link/terONm>

and fuel infrastructure; established Strategic Security Protected Mining Areas with the support of the Armed Forces; extended the exploration phase to up to fifteen years; and, in practice, replaced the previous requirement for an environmental license with an environmental authorization issued for each project phase. Although the Government has insisted that the reform does not entail a lowering of environmental standards, its observable regulatory effect has been to consolidate a facilitative and streamlined regime that is highly attractive to extractive investors. As a result, the law weakens environmental safeguards and reduces the State's capacity to oversee activities with significant territorial impacts. By easing requirements for exploration activities, streamlining administrative procedures, and placing investment attraction at the center of the regulatory framework, the reform establishes a model of extractive governance that prioritizes legal certainty for investors over collective rights, community participation, and ecosystem protection. From a political perspective, the law reflects the consolidation of an extractive facilitation agenda aligned with the interests of major international mining and energy companies seeking to expand their operations in the Amazon and other strategically important regions of the country.

These changes were further reinforced by the institutional merger of the environmental and energy portfolios. Executive Decree No. 94, issued in August 2025, formalized the absorption of the Ministry of Environment, Water and Ecological Transition into the Ministry of Energy and Mines. *AP* reported that the measure alarmed Indigenous leaders and environmental organizations, which warned that it would accelerate mining activities while weakening environmental oversight and undermining the country's "green" reputation. This represents one of the most controversial institutional restructurings of environmental governance in Ecuador in recent years. Although the Government portrayed the measure as an effort to improve administrative efficiency and strengthen intersectoral coordination, Indigenous organizations, environmental groups, and experts said it undermines the independence of the environmental authority and creates a structural conflict of interest by placing extractive promotion and environmental oversight under the same institutional framework. In practice, the reform reinforces a model in which environmental policy is subordinated to the State's oil and mining priorities, weakening the institutions' capacity to oversee, permit, and monitor activities with significant socio-ecological impacts. For critics, the decree symbolizes a shift away from environmental protection toward governance centered on accelerating extractive development and attracting investment in strategically important regions, particularly the Ecuadorian Amazon.

Finally, the regulatory landscape also became more restrictive for civil society. *AP* reported that the Social Transparency Law requires more than

71,000 organizations to register, disclose financial information, and report on foreign funding sources. Meanwhile, organizations such as Alianza DDHH have described the law as “anti-NGO” and warned that it could shrink the space for dissent. The law marks a turning point in the relationship between the Ecuadorian State and organized civil society.

Although the Government presents the law as a mechanism to promote accountability and financial oversight, many national and international organizations have warned that it introduces administrative burdens and supervisory powers that could become tools for exerting political control over social, environmental, and Indigenous organizations. Because the law requires the mass re-registration of organizations, monitors foreign funding, and grants the State broad powers to suspend or revoke legal status create a restrictive environment for the exercise of freedom of association and the defense of collective rights. In a context shaped by the oil and mining expansion promoted by Daniel Noboa's government, the law is part of an institutional architecture designed to reduce the scope for social opposition and weaken the advocacy capacity of organizations that challenge the extractive model. For Indigenous peoples and territorial organizations, this matters because the struggle over extractive development is fought not only through concessions and environmental permitting, but also through the ability to sustain legal advocacy, independent expert assessments, and international support free from State interference or intimidation.

5.

Extractivism by the Numbers



Extractivism by the Numbers

Official oil production figures reveal a central paradox: the Government intensified its expansion agenda even when domestic production was weakening. The BCE reported that national oil production reached 173.95 million barrels in 2024, with an average daily output of 475,280 barrels³⁶. In 2025, production fell to 160.83 million barrels, averaging 440,640 barrels per day—a year-on-year decline of 7.5%³⁷. Crude oil exports also declined, from 126 million barrels worth US\$8.647 billion in 2024³⁸ to 119 million barrels worth US\$6.986 billion in 2025, reflecting both lower export volumes and a drop in the average price from US\$68 to US\$59 per barrel³⁹. From a political economy perspective, the key takeaway is that the urgency behind the extractive shift stems not from abundance, but from the fiscal and external deterioration of the oil sector.

For 2026, the macroeconomic projections of the BCE and the Ministry of Economy and Finance forecast a partial recovery in the oil sector, with audited production expected to reach 165.5 million barrels, representing a 5.4% increase over 2025. Crude oil exports are also projected to reach 110.8 million barrels, at an average price of US\$53.5 per barrel.⁴⁰ The document itself acknowledges that this projection rests on several critical assumptions: the gradual phase-out of Block 43-ITT in accordance with the Yasuní referendum, increased production from other oil assets, and the absence of further ruptures in the SOTE and OCP pipelines. This confirms that the budget depends on new “replacement” barrels at precisely the moment when the popular mandate calls for the closure of the ITT, while the country's oil infrastructure remains fragile.⁴¹

By contrast, the mining sector shows a much more pronounced upward trend. The BCE estimated that large-scale ore production increased from 21.6 million tonnes in 2024 to 29.7 million tonnes in 2025, with production at Mirador rising from 19.9 million to 27.9 million tonnes and at Fruta del Norte from 1.7 million to 1.8 million tonnes. Primary mineral exports increased from US\$3.075 billion in 2024 to US\$4.163 billion in 2025, representing a 35.4% increase. Of that total, US\$3.295 billion came from large-scale mining and US\$869 million from small-scale mining. The BCE also reported total investment in industrial mining of US\$446 million and 47,632 jobs generated by mines and mining projects during the fourth quarter of 2025. Against the backdrop of the slowdown in the oil sector,

³⁶ Available at: <https://acortar.link/UndksT>

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Available at: <https://acortar.link/Pjtx2F>

⁴¹ Available at: <https://acortar.link/Pjtx2F>

mining consolidated its position as a growing source of foreign exchange earnings and one of the principal economic pillars underpinning the Government's extractive agenda⁴².

The project-level analysis, however, shows that the promised economic benefits are far from uniform. San Carlos Panantza is expected to attract a total investment of US\$3.032 billion, yet by 2024 only US\$35 million had been invested. Projections for 2025–2026 remain limited to less than US\$1 million precisely because its concessions remain suspended. Warintza, by contrast, secured US\$200 million in financing in 2025 and continues to advance through corporate agreements in Shuar territory. Construction of the Curipamba–El Domo project began in Bolívar in 2024, following 17 years of development. The Cascabel project also moved closer to early production in 2025, while strengthening its ties to Chinese capital⁴³. The pattern is clear: although the mining sector's aggregate figures appear robust, project implementation on the ground still depends on resolving conflicts, securing permits, and obtaining social acceptance in highly sensitive areas.

The underlying economic conclusion is twofold. First, oil remains fiscally indispensable, but it enters 2026 with lower production, lower projected prices, and greater transportation risks. This explains why the State has accelerated contract renegotiations, launched new bidding rounds for Amazonian oil blocks, and pursued arrangements such as the proposed delegation of the Sacha field. Second, mining offers a more expansive trajectory for exports and foreign exchange earnings, helping to explain the reopening of the National Mining Cadastre, the reform of the exploration phases, and the creation of mining clusters and strategically protected mining areas.

This suggests that, in the short term, the defense of Indigenous rights in Ecuador will confront a State with strong fiscal incentives to deepen extractive development in both the Amazon and the Highlands. Some gaps in the publicly available documentation nevertheless remain. The full breakdown of the 49-project hydrocarbons portfolio is not readily verifiable through official, publicly accessible sources; several announcements of corporate investment interest have yet to appear in publicly available contracts; and the final timetable for the tendering of the Subandina and Suroriente blocks, as well as for further reopenings of the National Mining Cadastre, remains unevenly documented and only partially transparent across the available public sources.

⁴² Ibid.

⁴³ Available at: <https://acortar.link/xsbRaY>

6.

Human and Collective Rights at Risk



Human and Collective Rights at Risk

The imposition and implementation of extractive activities in the territories of Indigenous peoples and nationalities violate six categories of human and collective rights and place them at risk.

The first major category of rights at stake is the right to free, prior, and informed consent. In Judgment No. 20-12-IN/20, the Constitutional Court held that Ecuador's legal framework provides for “two forms of consultation” and that both “must be conducted in good faith and with the aim of reaching an agreement or obtaining consent regarding the proposed measures, so that the consultation is not limited to, or exhausted by, a mere procedural formality.” In the same judgment, the Court clarified that Article 57.7 covers consultation regarding the prospecting, extraction, and commercialization of non-renewable resources, while Article 57.17 protects the right to prior consultation on legislative or administrative measures affecting collective rights. It further held that both forms of consultation must be conducted in good faith, with the aim of reaching agreement or obtaining consent, and may not be reduced to a “mere procedural formality.”

Judgment No. 22-18-IN/21 is also significant because it reaffirms the distinction between Indigenous prior consultation and environmental consultation, while recalling that international legal instruments recognize the State's obligation to consult Indigenous peoples on legislative or administrative measures that may directly affect them, “with the aim of obtaining their free, prior, and informed consent.” That judgment expressly incorporates the doctrine developed by the I/A Court H.R. in *Kichwa Indigenous People of Sarayaku*⁴⁴ v. Ecuador regarding the essential elements of consultation: its prior character, good faith, the objective of reaching agreement, cultural appropriateness, impact assessment, and informed consultation. In paragraph 167 of its judgment, the I/A Court H.R. held that the Ecuadorian State must guarantee consultation and participation “at all stages of the planning and implementation of a project” that may affect Indigenous territory or rights essential to the peoples' survival. In paragraphs 177 to 180, the Court further clarified that consultation must be active and informed, conducted from the earliest stages of the project, and carried out with full knowledge of its risks and potential benefits. In paragraphs 217 and 220, it held that cultural identity is a fundamental collective right and found that the failure to conduct consultation had violated the Sarayaku people's cultural identity.

⁴⁴ I/A Court H.R. *Kichwa Indigenous People of Sarayaku v. Ecuador*. Merits and Reparations. Judgment of June 27, 2012. Series C No. 245: <https://acortar.link/0onO2H>

Likewise, in the Sinangoe case, Judgment No. 273-19-JP/22 of the Constitutional Court of Ecuador translates these standards into an unequivocal directive for disputes involving extractive activities: prior consultation is “a non-delegable obligation of the State”; extractive projects “must always be subject to consultation”; and participation requires that all members of the community be “fully and accurately informed.”

This is complemented by the right to free, prior, and informed consent in situations involving greater impacts—a right that has been extensively developed in the jurisprudence of the Inter-American Court of Human Rights. Accordingly, in the *Saramaka* case⁴⁵, the Court made it clear that, “regarding large-scale development or investment projects that would have a major impact” on Indigenous territory, the State must not only conduct consultations, but also obtain “the free, prior, and informed consent” of the people concerned. The Sinangoe case embraces and reinforces this line of jurisprudence, while also referring to the standard articulated by the UN Special Rapporteur, James Anaya, according to which a “direct and substantial” impact on the lives or territories of Indigenous peoples gives rise to a strong presumption that the measure should not be adopted without their free, prior, and informed consent.

The second major category of rights at stake is the right to collective property and the ancestral possession of territory, understood in both its material and immaterial dimensions, rather than as a matter of legal title alone. In *Saramaka People v. Suriname*, the Inter-American Court warned that restrictions on Indigenous lands and natural resources are permissible only if they do not amount to a “denial of their survival as a tribal people.” The Court further held that States may be required to review concessions already granted to safeguard the survival of the people concerned. In paragraph 129 of the judgment, the Court explained that, to ensure that concessions do not result in the denial of a people's survival, the State must guarantee effective participation in accordance with the people's customs and traditions, ensure that they receive a reasonable share of the benefits, and require prior social and environmental impact assessments carried out by independent entities under State supervision. In paragraph 134, the Court further held that, in the case of large-scale development or investment projects with major impacts, the State must obtain the “free, prior, and informed consent” of the affected people. In operative paragraph 194, the Court ordered the State to refrain from carrying out acts that could affect the territory until such consent had been obtained, and to review previously granted concessions in order to safeguard the survival of the people.

⁴⁵ I/A Court H.R. *Saramaka People v. Suriname*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 28, 2007. Series C No. 172: <https://acortar.link/vCXIfy>

In the Kaliña and Lokono case⁴⁶, the I/A Court H.R. extended this reasoning to contexts involving protected natural areas and mining activities, finding violations of the rights to collective property, cultural identity, and political participation where Indigenous peoples had been denied effective participation and access to their traditional territories and natural resources. This means that the mere overlap of oil blocks, mining concessions, easements, road infrastructure, seismic operations, camps, or exclusion zones with Indigenous territories—without delimitation, formal recognition of land rights, safeguards, and effective participation—constitutes an infringement of the right to collective property.

The third category of rights at stake encompasses cultural identity, spirituality, worldview, and collective continuity. In the Sarayaku case, the I/A Court H.R. held that “the right to cultural identity is a fundamental and collective right of Indigenous communities” and further stated that States must ensure that Indigenous peoples are “properly consulted on matters that affect or may affect their cultural and social life.” The same judgment documented the destruction of sacred sites, trees, and places of spiritual significance, and expressly concluded that “the failure to consult the Sarayaku People affected their cultural identity.” Drawing on European comparative law, the Inter-American Court itself cited *Chapman v. the United Kingdom* to note that Article 8 of the European Convention protects the identity of minority groups, and *Gorzelik and Others v. Poland* to reinforce that the protection of cultural identity is essential to the functioning of a democratic society. Accordingly, where extractive activities affect areas of particular cultural or identity-related significance, the resulting harm should be legally understood as an infringement of cultural identity, rather than merely a “social impact.”

The fourth category of rights at stake is the right to a healthy environment, including in the Ecuadorian context, the rights of nature. Advisory Opinion OC-23/17 established that “the right to a healthy environment” has both collective and individual dimensions, and that “a healthy environment is a fundamental right for the existence of humankind.” The I/A Court H.R. gave concrete effect to that principle in the Lhaka Honhat case, holding the State responsible for violating the rights to cultural life, a healthy environment, adequate food, and water. In the La Oroya case, the Court confirmed that environmental pollution may simultaneously give rise to violations of the rights to health, life, personal integrity, access to information, and participation. At the domestic level, in the Los Cedros case, the Constitutional Court reaffirmed that the rights of nature are fully enforceable legal

⁴⁶ I/A Court H.R. Kaliña and Lokono Peoples v. Suriname. Merits, Reparations, and Costs. Judgment of November 25, 2015. Series C No. 309: <https://acortar.link/fCndak>

mandates with binding normative force, and applied the precautionary principle in the face of unresolved ecological risks. This means that actual or potential harm to rivers, aquifers, forests, wildlife, ecological corridors, air, and soil constitutes a direct source of constitutional and international responsibility. In the same case, the Court held that the obligation to conduct environmental consultation is a “non-delegable” responsibility of the State and that, to ensure objectivity and impartiality, not even State-owned enterprises may carry it out. It follows that neither may a private concessionaire. The Court further held that the consultation process must be accompanied and overseen by the Office of the Ombudsperson.

The fifth category of rights at stake encompasses the rights to water, food, health, personal integrity, and a dignified life. In the Lhaka Honhat case, the I/A Court H.R. clarified the content of the right to water and, drawing on the Committee on Economic, Social and Cultural Rights (CESCR), reaffirmed the requirements of availability, quality, and accessibility. The Court also emphasized that the rights to water, food, and cultural life are “particularly vulnerable to environmental harm.” In the La Oroya case, it found the State responsible for violations of the rights to a healthy environment, health, personal integrity, life, access to information, and political participation, while also recognizing the disproportionate impacts on women, elders, and children.

The sixth category of rights at stake encompasses the rights to information, public participation, access to justice, and effective judicial protection. Meaningful consultation presupposes the timely provision of culturally appropriate information, but the State's obligations extend beyond the consultation process itself. In OC-23/17, the Inter-American Court held that States must guarantee access to environmental information “in an accessible, effective, and timely manner,” without requiring individuals to demonstrate a specific interest. The Court further emphasized that States have an obligation to proactively disseminate such information. With respect to participation, the same Advisory Opinion indicates that the State must ensure opportunities for participation “from the earliest stages of the decision-making process.” In the Kaliña and Lokono case, the Inter-American Court linked this guarantee to Article 23 of the American Convention. In the La Oroya case, it was found that the absence of complete and comprehensible information regarding pollution and its associated risks, together with the lack of meaningful opportunities for effective participation, violated Articles 13 and 23 of the Convention. Such violations may include opaque administrative records, incomplete maps, inaccessible environmental impact assessments (EIAs), unreasonable deadlines, merely symbolic public hearings, the denial of access to information, and delayed judicial review, among other practices.

OC-23/17⁴⁷ reinforces this approach even further. In it, the Inter-American Court emphasized that States must act in accordance with the principle of prevention, recognized as part of customary international law, as well as the precautionary principle, which applies “where there are plausible indications that an activity could cause serious and irreversible harm to the environment, even in the absence of scientific certainty.” The Court also established specific standards for environmental impact assessments, requiring that they be conducted prior to project implementation, by independent entities under State supervision, and that they encompass not only direct environmental impacts but also social and cumulative impacts. In addition, the Advisory Opinion provides that States are required to guarantee access to environmental information in an accessible, effective, and timely manner, as well as mechanisms for public participation from the earliest stages of the decision-making process. These standards are fully applicable to oil and mining projects in Ecuador and provide a robust legal framework for challenging environmental impact assessments conducted too late, are biased or fragmented, failing to assess cumulative impacts, or relying on technical assumptions incompatible with human rights.

Finally, a seventh category of rights at stake concerns equality and non-discrimination, the rights of children, Indigenous women, human rights defenders, and the principle of non-regression. In the La Oroya case, the Inter-American Court found that environmental exposure had a disproportionate impact on women, elders, and children, and specifically held that the rights of children had been violated. In both the Sarayaku and Lhaka Honhat cases, the Court reaffirmed that Indigenous cultural identity and ways of life require a differentiated approach. To these standards must be added the principle of environmental non-regression. In the La Oroya case, the Court characterized the relaxation of environmental standards as a “deliberately regressive measure.”

States are also required to observe CESCR General Comments relating to the rights to water, food, and cultural life. In this regard, General Comment No. 15 elaborates on the elements of availability, quality, and accessibility that comprise the human right to water; General Comment No. 12 emphasizes the broad and non-restrictive nature of the right to food, as well as its particular vulnerability to environmental harm; and General Comment No. 21 affirms that the collective dimension of Indigenous peoples' right to cultural life encompasses their lands,

⁴⁷ I/A Court H.R. *Environment and Human Rights (State Obligations in Relation to the Environment in the Context of the Protection and Guarantee of the Rights to Life and to Personal Integrity – Interpretation and Scope of Articles 4.1 and 5.1, in Relation to Articles 1.1 and 2 of the American Convention on Human Rights)*. Advisory Opinion OC-23/17. November 15, 2017, paras. 127, 129, 161, 180, and 210. <https://acortar.link/CDLgR0>

territories, natural resources, and the spiritual, material, and cultural relationship they maintain with nature.

Extractive companies are fully bound by the international human rights framework. The *La Oroya Community v. Peru* case is particularly significant because the Inter-American Court, drawing on the United Nations Guiding Principles on Business and Human Rights, confirmed that States have an obligation to protect individuals from human rights abuses committed by third parties, “including business enterprises,” and to “take appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.”

The practical consequence for the Ecuadorian State is clear: even where immediate material harm is caused by a concessionaire, contractor, operator, or affiliated private company, the State incurs international responsibility if it fails to fulfill its obligations to regulate, supervise, prevent, investigate, and ensure access to effective remedies. At the same time, under the framework of corporate human rights due diligence, extractive companies cannot rely on State authorizations where those authorizations stem from flawed licensing processes, consultation or “consent” mechanisms that lack representativeness, the concealment of environmental or social risks, or practices aimed at fragmenting and weakening the affected communities and organizations.

7.

Concluding Remarks



Concluding Remarks

The 2024–2026 period reflects a structural transformation in Ecuador's extractive policy. During this period, oil and mining extractivism in Ecuador has emerged as a pattern of cumulative harm affecting Indigenous collective rights, the rights of nature, participatory guarantees, and the protection of human rights defenders. The documentation and cases reviewed reveal a convergence between the expansion—or continued operation—of extractive activities, the failure to comply with judicial decisions, and the deterioration of civic space. Noboa's government not only advanced new oil and mining projects, but also actively reconfigured the regulatory, institutional, and administrative framework to accelerate extractive expansion and attract foreign investment. The reopening of the National Mining Cadastre, the reform of the exploratory phases, the relaxation of environmental regulations, the creation of strategic mining clusters, and the absorption of the Ministry of the Environment into the Ministry of Energy and Mines form coherent components of a policy aimed at enhancing the competitiveness of the extractive sector and reducing regulatory barriers.

This expansion is taking place in Indigenous territories and highly sensitive ecosystems, against a backdrop of persistent socio-environmental conflict and weakened institutional safeguards. The pattern identified extends beyond isolated disputes over individual projects; rather, it reflects a deeper transformation in the country's system of territorial and environmental governance. The growing overlap between oil blocks, mining concessions, and Indigenous territories, together with the increasing use of administrative facilitation mechanisms, heightens the risk of violations of collective rights, community fragmentation, and ecological degradation.

The expansion of oil and mining extractivism in Ecuador is a structural, systematic, and ongoing violation of the human rights of Indigenous peoples whenever projects are imposed, authorized, or expanded without strict compliance with the guarantees established under the Ecuadorian Constitution and international human rights law. The absence of adequate prior consultation processes, the failure to obtain the free, prior, and informed consent of Indigenous peoples for large-scale projects with profound impacts on their collective survival, the inadequacy or manipulation of environmental information, and the lack of effective participation mechanisms constitute independent and fully justiciable violations under the applicable constitutional, Inter-American, and international legal standards.

The harm resulting from these extractive policies extends beyond the proprietary or formal legal dimensions of land. It affects Indigenous territories in their entirety as the material, spiritual, cultural, and political spaces essential to the continuity of Indigenous peoples, encompassing their natural resources, means of subsistence, knowledge systems, cultural practices, spiritual relationship with nature, and the conditions necessary for their collective continuity. Accordingly, extractive activities undertaken in Indigenous territories without prior consultation constitute a direct infringement of the cultural identity, self-determination, and very existence of Indigenous peoples as collective rights holders.

The State has the obligation to prevent human rights violations, regulate business activities, oversee their impacts, guarantee adequate consultation and participation processes, ensure access to sufficient environmental information, and establish effective mechanisms for redress. Accordingly, the international responsibility of the State arises not only from its direct actions, but also from its tolerance, facilitation, regulatory omissions, or failure to effectively regulate and oversee extractive activities carried out by private actors.

Likewise, any regulatory, institutional, or administrative measures aimed at lowering environmental protection standards, weakening participation mechanisms, or facilitating the expansion of extractive activities at the expense of collective rights constitute regressive measures incompatible with the principles of prevention, precaution, progressivity, and non-regression governing international human rights and environmental law.

From this perspective, Ecuador's situation is not a series of isolated socio-environmental conflicts or sector-specific disputes. Rather, it reflects a State-led architecture for extractive expansion, underpinned by regulatory, administrative, financial, and coercive mechanisms that prioritize investment facilitation over the effective protection of human rights and the rights of nature.

The central challenge facing Ecuador lies not merely in extractive expansion itself, but in the institutional and democratic conditions under which it is implemented. The compatibility of Ecuador's extractive policy with prior consultation, territorial protection, and its international human rights obligations will remain one of the country's principal legal and political challenges in the years ahead.

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