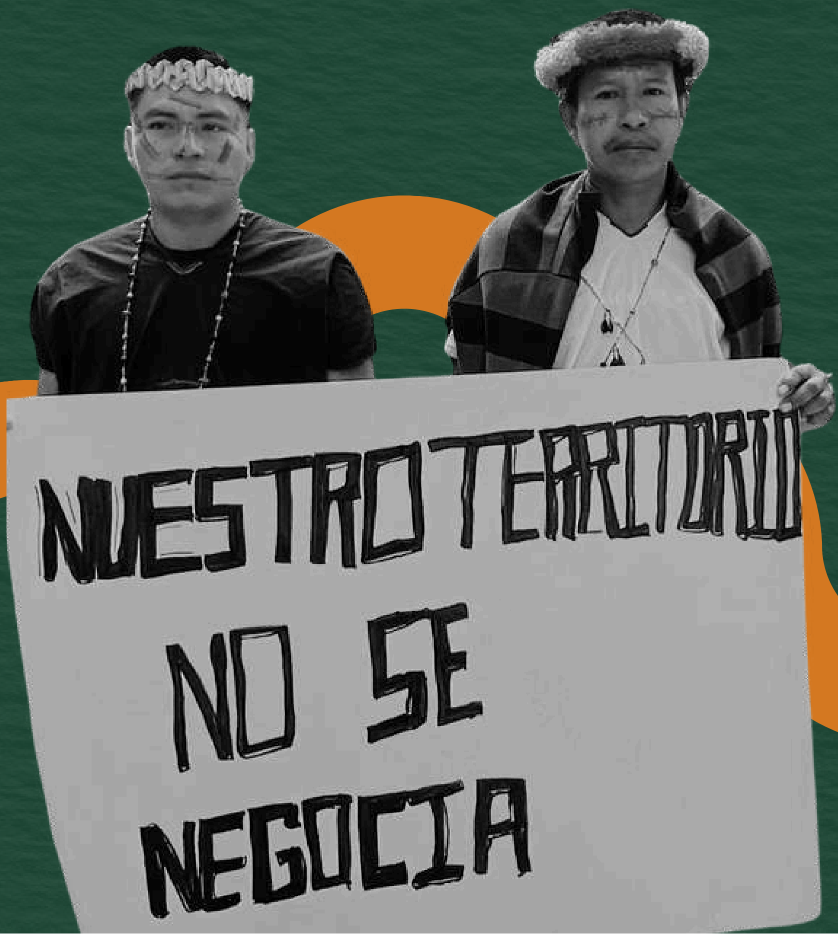
INDIGENOUS PEOPLES AND TERRITORIES UNDER SIEGE:

THE EXPANSION OF EXTRACTIVE INDUSTRIES UNDER DANIEL NOBOA'S GOVERNMENT

Executive Summary

Photo: Antonella Calle Avilés



Alianza por los DERECHOS HUMANOS ECUADOR

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Executive Summary

August 2026

Between 2024 and 2026, Noboa's government restructured Ecuador's extractive policy to promote transnational investment in the mining and oil sectors. Through a series of institutional and regulatory reforms adopted without the free, prior, and informed consent or effective participation of the affected communities, environmental and social safeguards have been weakened, opening Indigenous territories and strategically important ecosystems to extractive expansion.

Through these reforms, the Ecuadorian State has further subordinated Indigenous territorial rights and environmental protection to the interests of global extractive capital. Under the banner of competitiveness and investment attraction, strategically important ecosystems and ancestral territories are being incorporated into a model of accumulation geared toward supplying international markets with copper, gold, and oil. This restructure not only weakens mechanisms for democratic oversight and effective participation, but also reinforces long-standing patterns of extractivism and dispossession, whose social, cultural, and ecological costs are borne by local communities. Meanwhile, the benefits are concentrated in the hands of State and corporate actors linked to global commodity supply chains.

Recent institutional reforms are intensifying socio-environmental conflict in Ecuador by weakening democratic safeguards, environmental oversight, and the constitutional and international obligations. This process is unfolding in a context of institutional weakening, shrinking civic space, heightened risks for human rights defenders, and increasing State control over social and Indigenous organizations. This regression is particularly serious because it reveals a lack of commitment to fulfilling the State's environmental and human rights obligations, including the right to consultation and to free, prior, and informed consent; Indigenous peoples' self-determination and territorial rights; and the rights of nature.

During this period, reports from the Alliance of Human Rights in Ecuador (Alianza DDHH), along with findings from international bodies such as the United Nations Organization (UNO) and the Office of the United Nations High

Commissioner for Human Rights (OHCHR), raised concerns about the excessive use of force and the shrinking of civic space in Ecuador. These developments pose a threat to democratic governance amid ongoing socio-environmental conflict. International organizations, including Amnesty International, CIVICUS, and Human Rights Watch have documented a troubling pattern of persecution, surveillance, intimidation, and criminalization by the State against human rights defenders and indigenous and environmental groups. This situation is exacerbated in provinces with significant indigenous populations, such as Imbabura, Pichincha, and Cotopaxi.

The Ecuadorian State is obligated to adhere to the International Labour Organization (ILO) Convention No. 169, the United Nations Declaration on the Rights of Indigenous Peoples, and the jurisprudence of the Inter-American Court of Human Rights. These frameworks mandate processes of free, prior, and informed consultation and, in certain cases involving significant impacts, the requirement for the free, prior, and informed consent of Indigenous peoples. The cases of *Sarayaku*, *Saramaka*, and *Rama and Kriol* reinforce these standards.

Likewise, the Escazú Agreement and Advisory Opinion OC-23/17 of the Inter-American Court of Human Rights (*Environment and Human Rights*, November 15, 2017) recognizes the close relationship between human rights and environmental protection, requiring governments to uphold obligations relating to prevention, public participation, access to information, and the effective protection of the right to a healthy environment.

Ecuador's Extractive Policy

The government's strategy to expand oil extraction is embodied in the 2025–2029 Investment Plan, which includes 49 projects valued at more than US$47 billion and promotes greater openness to private and multinational investment. Its implementation affects the ancestral territories of at least seven Indigenous nations, particularly in the south-central and southeastern Amazon, without ensuring effective processes of consultation and consent. As a result, the government's energy policy prioritizes hydrocarbon extraction and investment attraction over collective rights, the territorial integrity of Indigenous peoples, and the protection of strategically important ecosystems. The strategy is built around four pillars: increasing production in mature fields, renegotiating contracts to increase private sector participation, launching new bidding rounds, and expanding oil infrastructure.

The territorial expansion associated with this oil development strategy is concentrated in the south-central and southeastern Amazon, where 18 blocks covering 29,663 km² are planned, approximately 89% of which consists of primary forest. This expansion affects h the ancestral territories of seven Indigenous nations—Andwa, Shuar, Achuar, Kichwa, Sapara, Shiwiar, and Waorani—raising the chances of damage to their territory, environment, and culture in some of the country's richest biodiversity areas.

The strategy also includes the relaunch of the Intracampos III bidding round in the province of Sucumbíos, which took place in November 2025. The government expects to add between 9,000 and 12,000 barrels per day to production. Altogether, these initiatives illustrate a strategy to further expand the oil frontier in the Amazon, prioritizing increased hydrocarbon extraction over safeguards designed to protect Indigenous territories and strategically important ecosystems.

In the mining sector, the government has prioritized attracting investment and expanding extractive activities by gradually reopening the National Mining Cadastre in June 2025, and streamlining administrative procedures for granting mining concessions. These measures have been widely criticized for representing a step backwards in environmental protection and for weakening independent oversight and enforcement mechanisms, particularly following the institutional merger of the Ministry of the Environment with the Ministry of Energy and Mines.

Although the State has justified this policy as necessary to attract investment, generate foreign exchange earnings, and strengthen public finances, Indigenous communities and human rights, social, and environmental organizations warn that this strategy deepens existing conflicts and heightens the risk of human rights violations. The main concerns include:

- **Territorial Integrity:** Overlap between extractive concessions and ancestral territories.
- **Governance:** Conflicts arising from the lack of prior consultation and unconstitutional licensing processes.
- **Socioecological Impact:** The externalization of social and ecological costs, including pollution, deforestation, social fragmentation, and institutional weakening.

While the government portrays these reforms as modernization and efficiency, Indigenous, environmental, and human rights organizations denounce them as deliberate institutional dismantling aimed at removing regulatory barriers to extractive expansion. The concentration of environmental and energy responsibilities, along with the weakening of oversight mechanisms, not only undermines democratic and environmental protections but also reinforces a pattern of institutional capture that favors extractive interests at the expense of collective rights, the protection of nature, and the public interest.

Andean Highlands and Subtropical Region

In the Andean Highlands and subtropical region, the expansion of mining has intensified tensions with Indigenous communities and community-held territories, particularly due to the potential impacts on paramos and the water sources that sustain cities, irrigation systems, and local economies. Recent evidence from the Alao River basin shows that mining not only causes environmental impacts but also disrupts the social reproduction of communities and reshapes territories where people's livelihoods depend directly on natural resources.

The Loma Larga project in Azuay illustrates the State's strategy of advancing highly contested projects through *ex-post* regularization of consultation processes, after the fact, to confer formal legitimacy on initiatives that had previously faced opposition and legal challenges. This strategy appears in projects such as Curipamba–El Domo, which has been under construction since 2024 with strong State involvement, while others, such as Río Blanco, remain stalled by litigation. These projects represent a mining policy that prioritizes quickness, the generation of foreign exchange earnings, and legal certainty for businesses over the protection of water resources, community rights, and guarantees of effective participation.

Corporate and Financial Landscape

The corporate and financial landscape of Ecuador's extractive sector is characterized by a strong commitment to transnational investment and a restructuring of the country's strategic partnerships.

In the hydrocarbons sector, the government has developed a diversified investment platform that brings together Ecuadorian State-owned capital and companies from Chile, Colombia, Singapore, and China. Key operators include ENAP, Andes Petroleum, and PetroOriental, along with new inter-State logistical arrangements, such as Peru's role in enabling crude oil to be transported through the Northern Peruvian Pipeline.

In the mining sector, Canada continues to play a structural role, with at least seven companies actively operating in the country. In addition, new capital inflows have been recorded, including from Solaris Resources, alongside reports of interest from major global corporations such as Barrick Gold, Glencore, and Río Tinto. This supports the government's narrative that the reopening of the National Mining Cadastre has attracted investment.

China's presence has expanded significantly, extending from the hydrocarbons sector into mining. Key projects such as Cascabel and San Carlos Panantza demonstrate strong ties to—or control by—Chinese companies, including Jiangxi Copper and CRCC–Tongguan Investment.

Regulatory and Institutional Restructuring

The regulatory and institutional restructuring promoted by the Ecuadorian State has taken shape through key legislative reforms, the concentration of environmental and energy responsibilities within a single State institution, and the strengthening of oversight and intervention mechanisms targeting social organizations and Indigenous peoples. As a result, these measures have created an environment increasingly favorable to extractive investment while offering fewer safeguards for collective rights, environmental protection, and democratic participation.

- **Reopening of the National Mining Cadastre (June 2025):**The 2018 closure was lifted to allow the gradual registration and granting of new mining concessions, initially prioritizing small-scale non-metallic mining and the rights of the State-owned mining company ENAMI.
- **Institutional Merger (August 2025):** Executive Decree No. 94 merged the Ministry of the Environment, Water and Ecological Transition into the Ministry of Energy and Mines, creating a conflict of interest identified by social organizations as subordinating environmental protection to extractive objectives while weakening the State's oversight capacity.
- **Reform of the Organic Law on Social Transparency (August 2025):** The Mining Law was amended to accelerate the exploration timeline, with a maximum of 10 years (including the advanced exploration, and evaluation phases). The reform also introduced the principle of "positive administrative silence" (automatic approval if the competent authority fails to respond within 60 days) and strengthened mechanisms for verifying compliance with investment commitments.
- **Oversight of Civil Society:** The Organic Law on Social Transparency imposes stringent financial reporting and registration requirements on more than 71,000 civil society organizations. Critics warn that these measures are intended to politically constrain environmental and Indigenous organizations, making it more difficult to defend collective rights in affected territories.

- **Law on Strengthening the Strategic Mining and Energy Sectors (March 2026):** The law established a pro-investment framework that includes mining clusters, strategically protected mining areas with military support, and the extension of exploration phases to up to 15 years. It also replaced environmental licenses with phase-specific environmental authorizations, a change that critics argue weakens environmental safeguards.

Extractivism by the Numbers

Official oil production figures reveal a central paradox: the government intensified its expansion agenda even as domestic production was weakening.

- **Oil Sector Crisis and Fragility:** Oil production declined by 7.5% year over year between 2024 and 2025 and export revenues fell from US$8.647 billion to US$6.986 billion over the same period, driven by declines in both volumes and the average price per barrel (from US$68 to US$59). These losses increased the urgency to expand extraction because fiscal deterioration deepened, even though the 2026 projections rest on fragile assumptions, including the closure of Block 43-ITT and the continued stability of the infrastructure.
- **Strengthening of the Mining Sector:** Against the backdrop of the oil slowdown , mining has become an increasingly important economic pillar, with exports rising by 35.4% to reach US$4.163 billion in 2025.
- **Uneven Performance Across Mining Projects:** The sector's success has not been uniform across territories. While projects such as Warintza and Cascabel have continued to move forward, others, such as San Carlos Panantza, remain suspended. Future development depends heavily on resolving social conflicts, securing the necessary licenses, and gaining acceptance in sensitive territories.

Human and Collective Rights at Risk

The human and collective rights implicated in the implementation of extractive activities can be grouped into the following core legal categories, in accordance with the standards established by the Constitutional Court of Ecuador and the Inter-American Court of Human Rights:

- **Consultation and Consent:** Free, prior, and informed consultation is a non-delegable State that must seek consent, not be reduced to a mere formality. In high-impact projects, the State must obtain the free, prior, and informed consent from Indigenous peoples, not merely conduct consultation.

- **Collective Property and Ancestral Land Rights:** Territory has both material and immaterial dimensions that extend beyond legal title. Extractive restrictions are impermissible if they threaten the survival of the people, and the overlap of infrastructure or concessions with Indigenous territories, without effective participation, constitutes a violation of collective property rights.
- **Cultural Identity:** This is a fundamental collective right. Damage to sacred sites, places of spiritual significance, or other natural features of cultural importance constitutes a direct violation of cultural identity and should not be reduced to a mere "social impact."
- **Environment and the Rights of Nature:** The rights of nature are protected by an enforceable legal framework. Where there is a risk of serious or irreversible harm, the precautionary principle must be applied. Environmental pollution violates other rights, including the rights to health, life, and personal integrity.
- **Interdependent Rights (Water, Food, and Health):** These rights are particularly vulnerable to environmental harm. The State must ensure their availability, quality, and accessibility, taking into account their differentiated impacts on vulnerable groups, including women, children, and elders.
- **Participation and Access to Information:** The State must ensure timely, proactive, and accessible environmental information from the earliest stages of a project, without requiring interested parties to demonstrate a specific interest.
- **Principle of Non-Regression:** The regulatory weakening of environmental standards constitutes a deliberate violation, as it represents a regressive measure in the protection of rights.
- **Corporate Responsibility:** Extractive companies have their own obligations under the UN Guiding Principles and cannot rely on defective State authorizations, flawed licensing processes, or consultation mechanisms that lack representativeness.

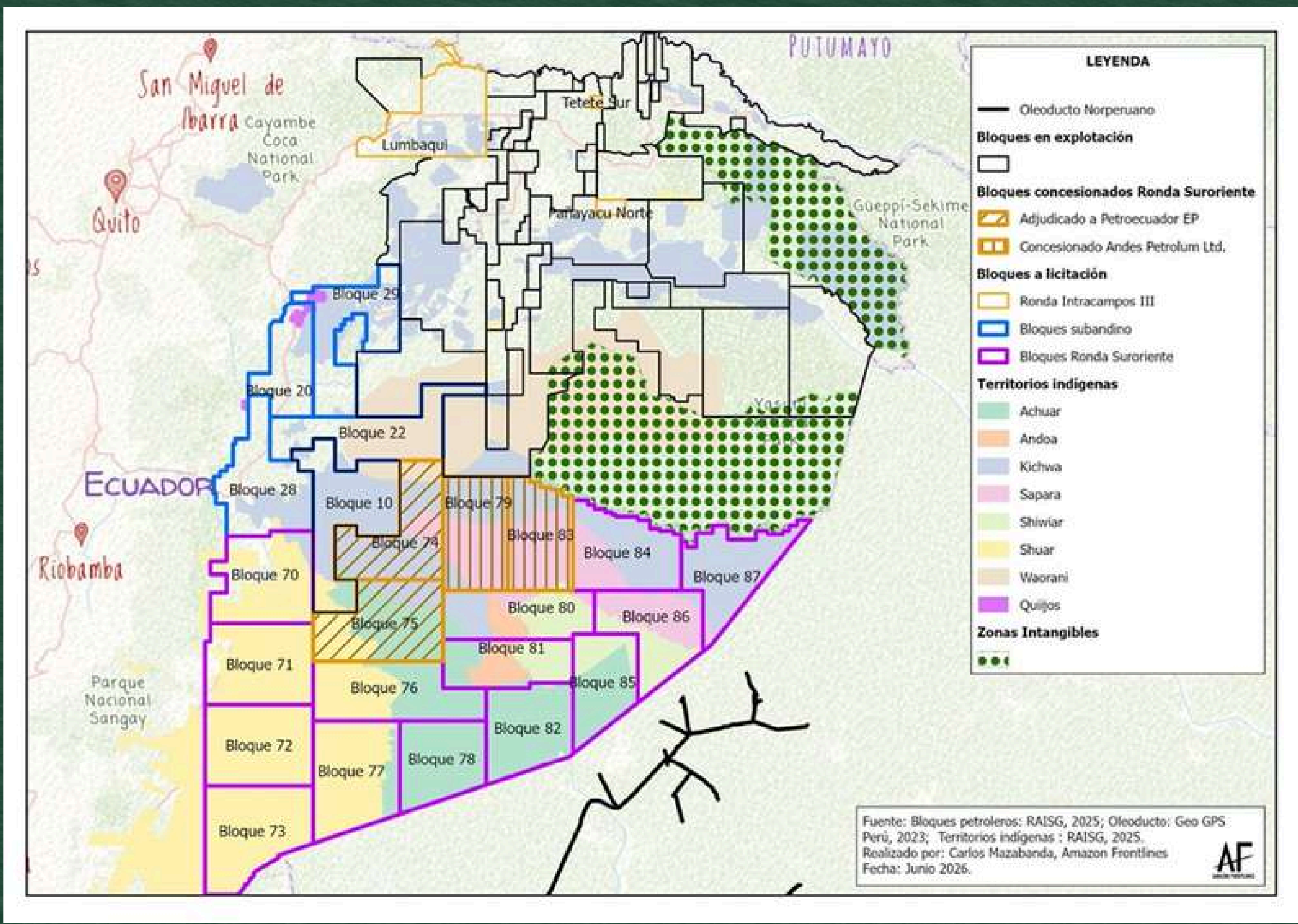
The document shows that Ecuador's extractive policy is being restructured to serve national and transnational corporations, at the expense of Indigenous peoples, local communities, and nature. Under the banner of investment, legal certainty, and competitiveness, the State has weakened environmental oversight, restricted participation, and concentrated institutional power to accelerate mining and oil projects in ancestral territories and strategic ecosystems.

This approach is not merely an economic policy; it is a profound democratic, environmental, and human rights regression, as well as a regression in the protection of collective rights and the rights of nature. The lack of prior consultation and consent, the pressure exerted on civil society organizations and human rights defenders, and the progressive dismantling of institutional safeguards reveal the State apparatus‘s use to advance the expansion of extractive industries, even where doing so entails disregarding constitutional rights and international obligations.

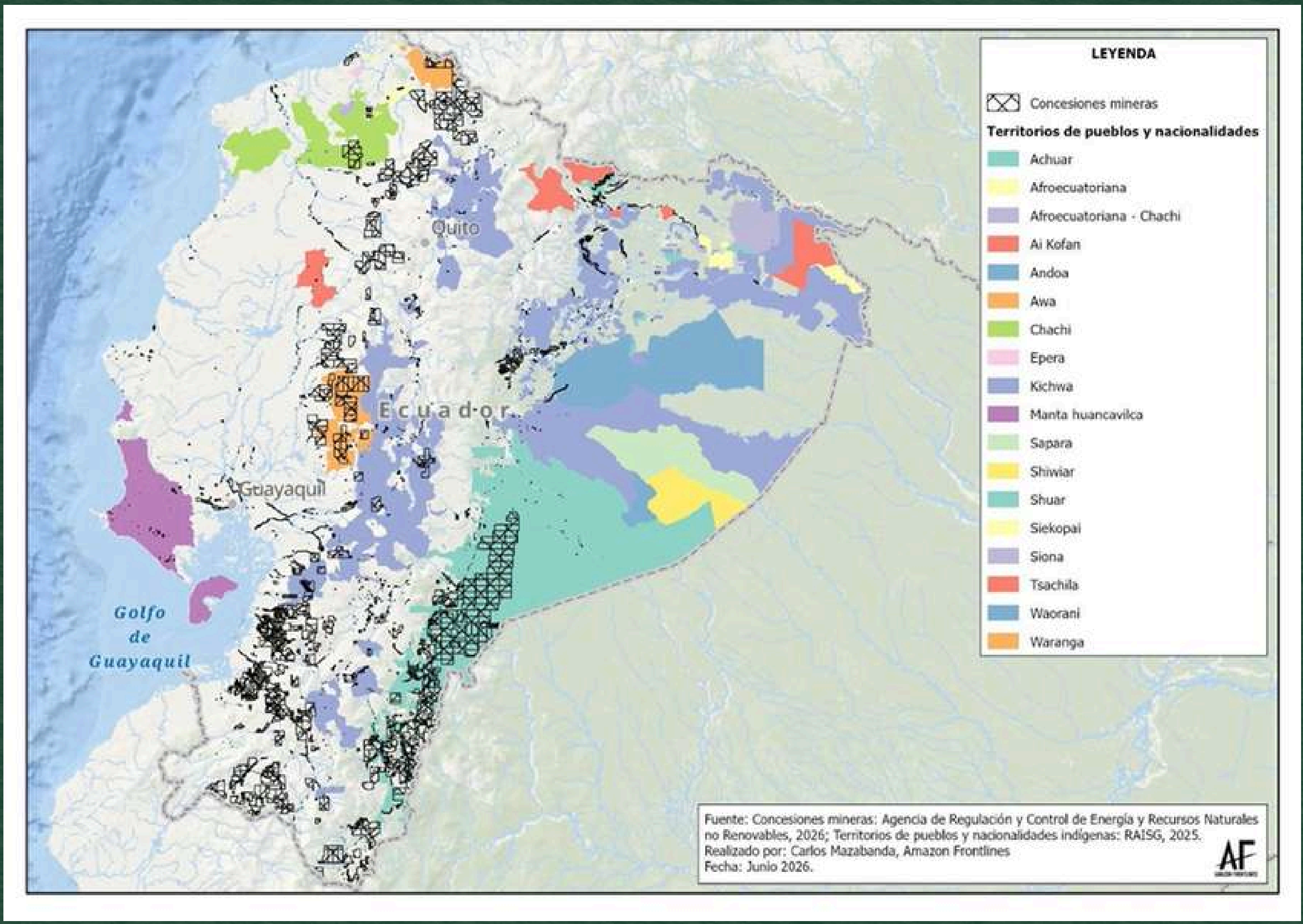
Ecuador's international responsibility is also called into question by the Government's inability and lack of political will to prevent, oversee, and sanction the impacts generated by major extractive actors. Regulatory flexibilization, the weakening of independent oversight, and the tolerance of activities that degrade ecosystems, affect water sources, fracture the social fabric, and foster the stigmatization, criminalization, and persecution of human rights defenders constitute a failure to fulfill the State's duty to provide protection. Rather than acting as a guarantor of rights, the State has assumed a role that is increasingly aligned with the interests of extractive capital.

Ultimately, the defining feature of extractive policy under Daniel Noboa's government is the subordination of collective rights, the self-determination of Indigenous peoples, and the rights of nature to a strategy of resource exploitation. For Ecuador, the central challenge is no longer solely an economic one, but ensuring that extractive expansion does not further erode the rule of law, democracy, and the protection of some of the most biodiverse and culturally rich territories on the planet, as well as the people who protect and defend them.

MAP OF THE HYDROCARBON SECTOR INVESTMENT PLAN 2025–2029: BLOCKS FROM THE SOUTHEASTERN ROUND, SUB-ANDEAN ROUND, AND INTERCAMPOS III ROUND



MINING CADASTRE MAP IN MAINLAND ECUADOR



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