

Presidente Rafael Correa
Palacio de Carondelet
García Moreno N10-43 entre Chile y Espejo
CP170401, Quito
Ecuador

Dear President Correa,

We, the undersigned representatives of Latin American and international civil society organisations, are writing to express our concerns regarding increasing restrictions on the fundamental freedoms of association, peaceful assembly and expression in Ecuador, including the declaration of a state of emergency in the Morona Santiago province and the attempt to dissolve the environmental organisation *Acción Ecológica*.

Over the past few years, we have observed a series of assaults on Ecuadorian civil society for expressing democratic dissent. The 2014 Organic Integral Criminal Code, which defines crimes against the internal security of the state including sabotage and the interruption of public services, has been regularly wielded against human rights defenders. Additionally, executive decrees No. 16 (2013) and No. 739 (2015) have already been used to summarily dissolve two civil society organisations - the environmental NGO *Pachamama* and the National Teachers' Union (UNE) - and to threaten with closure a third one, the media freedom NGO *Fundamedios*. These actions, as well as the dissolution request recently issued against *Acción Ecológica*, are in violation of international human rights standards concerning the freedom of association.

The move against *Acción Ecológica*, a well-respected domestic organisation which has advocated for the rights of nature and the collective rights of peoples facing the advances of extractive industries for over 30 years, closely followed the organisation's call for a Peace and Truth Commission to investigate attacks on indigenous and environmental rights activists and the criminalisation of community members in the context of the ongoing conflict between indigenous Shuar communities and mining companies in Ecuador's Southern Amazon region. Going back at least a decade, the conflict with the Shuar indigenous communities has continued to escalate as they legitimately demand the implementation of consultation mechanisms before mining operations are established in their territories. Your government has so far consistently avoided provisions for free, prior and informed consent, in violation of ILO Convention No. 169, Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples, Article 57 of the Ecuadorian Constitution, Article 90 of Ecuador's Mining Law, and Article 81 of the Organic Law of Citizen Participation.

As conflict in the affected communities has mounted, your government has responded with increasingly repressive measures, the latest being the state of emergency declared by Executive Decree No. 1276 on 14 December 2016 in the community of Nankints, located in the province of Morona Santiago.

Last August, the Shuar community of Nankints was evicted to make way for a large copper mine operated by a Chinese company, and the area was militarised. In November, a group of Shuar people attempted to reclaim their territory, and ensuing clashes with police and military personnel guarding the mining camp resulted in several injuries. Calls for dialogue voiced by the Confederation of Indigenous Nationalities of Ecuador (CONAIE) and the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) went unheard. After another confrontation erupted in the mining camp on 14 December 2016, leaving a police officer dead and several wounded, a 30-day state of emergency was declared, effectively depriving residents of their fundamental freedoms. More than 700 police and military officers were deployed along with military tanks and aircraft to reinforce military presence in the San Juan Bosco county, sowing terror among the local population. Under the provisions of the emergency decree, several Shuar leaders - including Agustín Wachapá, head of the Inter-provincial Federation of Shuar Centres (FICSH) - were reportedly arrested and sentenced to 90-day preventive incarceration, while many others had to go into hiding to avoid arbitrary arrest.

In this context, the initiation of dissolution procedures against *Acción Ecológica* was clearly an act of retaliation for the organisation's work to raise awareness about the environmental impacts of mining projects, as highlighted in a recent press statement jointly signed by five UN Special Rapporteurs. According to the official accusation, *Acción Ecológica* has "perpetrated violent acts, deviated from the aims and objectives for which it was formed, and interfered with public policy, threatening the internal security of the State and challenging the public peace." The accusation also stated that "through publications on the social networks, [*Acción Ecológica*] has shown support for violent actions by the Shuar community". However, evidence points to *Acción Ecológica's* claims that it is a non-violent, law-abiding organisation pursuing an objective consistent with the 2013-2017 National Plan for Good Living, notably that of ensuring the preservation of a healthy environment.

Mr. President, we are concerned by your government's response to the indigenous communities' legitimate demands for consultation. We urge you to listen to the voices of affected communities and end the cycle of state response through violence.

As Latin American and global civil society organisations, we call on your government to:

1. Establish mechanisms for meaningful consultation with indigenous communities in line with Ecuador's commitments under ILO Convention No. 169.
2. Refrain from criminalising indigenous community leaders and organisations

challenging extractive industry projects and protesting against lack of consultation.

3. Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal provisions and reverting policy measures unwarrantedly limiting the right to association. Specifically, Executive Decrees No. 16 and No. 739 should be repealed and replaced by a comprehensive Associations Law removing all undue restrictions on the freedom of association in line with article 22 of the International Covenant on Civil and Political Rights.

Endorsed by:

1. ACCESA, *Costa Rica*
2. Acción Colectiva, *Argentina*
3. Acción Ecológica, *Ecuador*
4. Acción Solidaria en VIH-SIDA, *Venezuela*
5. Alianza Pachamama-Terra Mater, *Ecuador*
6. Asociación Civil Fuerza, Unión, Justicia, Solidaridad y Paz (FUNPAZ A.C.), *Venezuela*
7. Asociación Civil por la Igualdad y la Justicia (ACIJ), *Argentina*
8. Asociación de Centros de Investigación (ANC), *Peru*
9. Asociación de Instituciones de Promoción y Educación (AIPE), *Bolivia*
10. Aula Abierta, *Venezuela*
11. Centro de Acción y Defensa por los Derechos Humanos (CADEF), *Venezuela*
12. Centro de Derechos Humanos de la Universidad Católica Andrés Bello, *Venezuela*
13. Centro de Derechos Humanos de la Universidad Metropolitana (CDH-UNIMET), *Venezuela*
14. Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM), *Ecuador*
15. Centro de Incidencia Ambiental de Panamá
16. CIVICUS: World Alliance for Citizen Participation
17. CIVILIS Derechos Humanos, *Venezuela*
18. Comisión para los Derechos Humanos y la Ciudadanía (CODEHCIU), *Venezuela*
19. Conectas Direitos Humanos, *Brazil*
20. Confederación de Nacionalidades Indígenas del Ecuador (CONAIE), *Ecuador*
21. Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana (CONFENIAE), *Ecuador*
22. Confederación Ecuatoriana de Organizaciones de la Sociedad Civil, *Ecuador*
23. Congreso Transparente, *Guatemala*
24. Consumo Ético, *Panama*
25. Coordinadora Civil, *Nicaragua*
26. Directorio Legislativo, *Argentina*
27. Front Line Defenders
28. Fundación Ciudadanía y Desarrollo, *Ecuador*

29. Fundación Construir, *Bolivia*
30. Fundación Democracia, Transparencia, Justicia, *El Salvador*
31. Fundación Juvenil ADN, *Colombia*
32. Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS), *Argentina*
33. Fundamedios, *Ecuador*
34. Fundar, Centro de Análisis e Investigación, *Mexico*
35. Fundisfuturo, *Colombia*
36. Global Witness
37. Greenpeace
38. Instituto de Comunicación y Desarrollo, *Uruguay*
39. Instituto Venezolano de Estudios Sociales y Políticos (INVESP), *Venezuela*
40. JASS Mesoamérica
41. Laboratorio de Paz, *Venezuela*
42. La Fundación Azul, *Colombia*
43. Nivelá
44. Observatorio de Derechos Humanos de la Universidad de Los Andes, *Venezuela*
45. Oficina Jurídica para la Mujer, *Bolivia*
46. Paz y Esperanza, *Peru*
47. Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD)
48. Plataforma Internacional contra la Impunidad
49. Poder Ciudadano, *Argentina*
50. PROMEDEHUM, *Venezuela*
51. Provea, *Venezuela*
52. R3D, *Mexico*
53. Red de Educación Popular entre Mujeres de América Latina y el Caribe (REPEM)
54. Red de ONGs de Infancia y Juventud (ROIJ), *Chile*
55. Red Latinoamericana por la Transparencia Legislativa
56. Red Latinoamericana sobre las Industrias Extractivas (RLIE)
57. International Service for Human Rights (ISHR)
58. Sinergia, *Venezuela*
59. Sociedad Hominis Iura (SOHI), *Venezuela*
60. Sustenta Ciudadanía, *Mexico*
61. The Hunger Project Mexico
62. Una Ventana a la Libertad, *Venezuela*
63. Unión Nacional de Instituciones para el Trabajo de Acción Social (UNITAS), *Bolivia*
64. Un Mundo Sin Mordaza
65. Venezuela Diversa Asociación Civil
66. Visión Legislativa, *Mexico*
67. Wingu, *Argentina/Mexico/Colombia*
68. Plataforma por la defensa de la Democracia y los Derechos Humanos, *Ecuador*