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REPORT No. 41/22
REQUEST 2139-13
ADMISSIBILITY REPORT

ABEL MARCELINO ARPI BERMEO AND
OTHERS ECUADOR

Electronically approved by the Commission on 9 March 2022.

Cite as: IACHR, Report No. 41/22. Petition 2139-13. Admissibility. Abel
Marclino Arpi Bermeo et al. Ecuador. 9 March 2022.



I. DETAILS OF THE REQUEST

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| Petitioner: | Abel Marcelino Arpi Bermeo et al. |
| Alleged victim: | Abel Marcelino Arpi Bermeo and others (see list at end of report) |
| Reported status: | Ecuador |
| Rights invoked: | Articles 4 (life), 8 (judicial guarantees), and 25 (judicial protection) of the American Convention on Human Rights ¹ |

II. PROCEDURE BEFORE THE IACHR2

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| Submission of the petition: | 23 December 2013 |
| Additional information received during the study phase: | 27 February 2014 and 18 December 2018 |
| Notification of the petition to the State: | 29 April 2019 |
| The state's first response: | 29 August 2019 |
| Additional comments from the petitioner: | 10 July 2020 |
| Additional comments from the State: | 29 November 2021 |

III. COMPETENCE

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| Jurisdiction <i>Ratione personae</i>: | Yes |
| Competition <i>Ratione loci</i>: | Yes |
| <i>Ratione temporis</i> jurisdiction: | Yes |
| Jurisdiction <i>Ratione materiae</i>: | Yes American Convention (deposit of the instrument of ratification made on 28 December 1977) |

IV. DUPLICATION OF PROCEEDINGS AND INTERNATIONAL LITIGATION, CHARACTERISATION, EXHAUSTION OF DOMESTIC REMEDIES AND TIME LIMIT FOR SUBMISSION

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| Duplication of proceedings and international res judicata: | No |
| Rights declared admissible: | Articles 4 (life), 8 (judicial guarantees), 25 (judicial protection) and 26 (economic, social and cultural rights) of the American Convention; in conjunction with Article 1(1) thereof. (obligation to respect rights) and 2 (duty to adopt domestic law provisions) |
| Exhaustion of internal resources or the grounds for a derogation: | Yes, under the terms of Section VI |
| Submission within the deadline: | Yes, under the terms of Section VI |

V. FACTS ALLEGED

1. The alleged victims, and some as petitioners, allege that the State is responsible for the violation of their rights due to the lack of protection and control of a mining project,

¹ Hereinafter referred to as "the American Convention" or "the Convention".

² The observations of each party were duly forwarded to the opposing party.

which would have caused the irreversible deterioration of the environment and affected the dignified life of eight populated centres and ten communities in the area³.

2. They point out that on 23 March 2005 the Ministry of the Environment, by Ministerial Agreement No. 137, declared the Cordillera del Cóndor as an "*area of protective forest and vegetation*", as they contribute to soil and wildlife conservation, being located in areas that allow the preservation of hydrographic basins to be controlled. Despite this, they indicate that on 11 March 2010, the State granted the substitution of the mining titles in favour of the Chinese company *EcuaCorriente S.A.*, for the area called Mirador 1, located in the aforementioned Cordillera del Cóndor⁴.

3. They argue that the company submitted the environmental impact study carried out by *Walsh Environmental Scientists and Engineers* to the Ministry of the Environment, which highlighted, among other things, that the area where the project would be carried out is made up of "*fragile ecosystems known to have a high biodiversity of fauna species*". In addition, the study pointed out that the Mirador mining project would use highly toxic heavy metals that affect water quality, eliminating plants, fish and animals; and that the study did not identify the uses of the Tundayme, Wawayme and Quimi rivers by the populations directly and indirectly affected; nor did it include a remediation plan for the health effects of the contamination.

4. Despite this, they report that on 26 August 2010 the Ministry of Environment, by resolution No. 346, approved the environmental audit and granted the environmental licence for the exploration phase of metallic minerals in Mirador 1; and on 24 February 2012, by resolution No. 259, approved the environmental impact study and granted the environmental licence to *EcuaCorriente S.A.*, for the exploitation phase of metallic minerals in said Mirador.

5. The petitioners allege that according to the aforementioned environmental licence from the Ministry of Environment, *EcuaCorriente S.A.* was required to submit: (i) final report on the activities of the exploitation phase; (ii) studies to determine the extent of the effect on the flora and fauna of the sector through agreements with universities or research institutes; (iii) include endemic species of birds and mammals in the flora and fauna rescue plan; and (iv) use a large number of cameras and traps to monitor meso and macro mammals in the area. They allege that despite the importance of preventing adverse impacts on flora and fauna, the environmental licence did not set a deadline for the submission of the reports, despite the potential environmental impacts on the flora and fauna of the area.

6. Subsequently, on 5 March 2012, the Ministry of Non-Renewable Natural Resources granted a mining exploitation contract in favour of *EcuaCorriente S.A.*, to carry out the Mirador project for a period of thirty years, subject to renewal, without the licence or the environmental study determining the environmental and social impacts; and granted it the right to explore, exploit, benefit, smelt, refine, market and sell all mineral substances that may exist and be obtained in the concession area, despite the fact that it only had the environmental licence for the exploitation phase. They also detail that *EcuaCorriente S.A.* could build and install beneficiation, smelting and refining plants, waste accumulation deposits, pipelines, pumping and motive power plants, pipelines, electricity transmission lines, hydroelectric generation plants, self-management electricity systems, communication systems, roads, railways or other local transport systems, docks, sea and river ports, and activities necessary for the development of its operations and facilities.

7. They explain that, according to the mining concession contract, the activities of the Mirador project would be carried out under the open-pit technique in order to extract minerals, particularly copper and gold; and

³In this regard, they state that the violations denounced in the present petition have a direct social impact on the following eight population centres: (i) Quimi, (ii) Machinaza Alto, (iii) San Marcos; (iv) Las Maravillas; (v) Tundayme; (vi) Etsa (Shuar); (vii) Churuvia (Shuar); and (viii) Valle del Quimi in the parishes of Pangui and Bomboiza. They also identify ten villages in the areas of indirect impact: (i) El Pangul parish; (ii) Certero, Chuchumbletza; (iii) La Palmira; (iv) Paquintza; (v) Pangul; (vi) San Andrés; (vii) Santa Cruz; (viii) Santiago Pati; (ix) Remolino 1; and (x) Remolino 2. In this regard, they emphasise that the project will have a direct environmental and social impact on 390 households and an indirect impact on 170 households.

⁴Specifically, they state that Mirador 1 is located in the parish of Tundayme, in the canton of El Pangui, in the province of Zamora Chinchipe.

that such a procedure implies eliminating the vegetation and topsoil, without the waste materials originating from the extraction and processing normally being returned to the recovery of the site where this activity was carried out. They allege that neither the study nor the environmental licence determined the environmental and social impacts of these activities and that the project is incompatible with the *sumak kawsay* or good living of the communities previously identified, recognised in article 14 of the Constitution in relation to the right of the population to live in a healthy environment⁵.

8. According to the information provided by the petitioner in this petition, according to the environmental impact study conducted by *Walsh Environmental Scientists and Engineers* in 2010, the Cordillera del Cóndor has one of the highest concentrations of vascular plant species, estimating that the flora exceeds four thousand plant species, six endemic plant species, and the forest is in a good state of conservation; and that, in addition, the fauna is home to a high biological diversity that constitutes the habitat of endemic and endangered species in Ecuador and Peru. Likewise, in 2000 the Ministry of the Environment determined that the Cordillera del Cóndor has significant endemism indexes of amphibians and reptiles in danger of extinction. The Mirador project, being an open-pit industrial mining project, could eliminate all vegetation and topsoil, exterminate four thousand species of vascular plants and the total removal of the habitats of endemic amphibian and reptile species in an area of 6,220 hectares of the protective forest of this mountain range.

9. On the other hand, the petitioner argues that under Articles 12 and 318 of the Constitution of the Republic, water is a fundamental human right, inalienable, imprescriptible, unseizable and essential for life, constituting a strategic national heritage for public use, vital for the existence of nature and for the existence of human beings. However, the mining contract was signed in violation of this right, since the effects of the Mirador project's activities would have adverse impacts on the water due to contamination from acid mine drainage.

10. The petitioners allege that in order to carry out mining operations at Mirador 1, the contract granted an area of 2,895 hectares, as well as 2815 hectares for mining activities, and an additional 510 hectares in a protection area. Furthermore, the contract and the environmental licence authorised *Ecuacorriente S.A.* to mine a pit 1.25 kilometres deep in diameter, so that the mine would generate 144 million tonnes of waste rock over seventeen years.

11. In view of these facts, on 15 January 2013, the persons named as alleged victims in the petition filed an action for protection before the 25th Civil Court of Pichincha against the Ministry of Natural Resources, the Ministry of the Environment, the Attorney General and *Ecuacorriente S.A.*, alleging violation of their rights to life with dignity, water and nature; and requesting that *Ecuacorriente S.A.* be ordered to suspend the mining project, conduct an alternative environmental impact study to provide more information on the impacts of acid mine drainage on the ecosystem of the Condor mountain range and on the people regarding the use of the Condor mountain range, the suspension of the mining project, the carrying out of an alternative environmental impact study to expand the information on the impacts of acid mine drainage on the ecosystem of the Cordillera del Cóndor and on the people regarding the use of the Tundayme, Wawayme and Quimi rivers; and that such analysis be carried out by impartial and highly recognised experts.

12. However, they argue that on 18 March 2013 the 25th Civil Court of Pichincha rejected the claim, arguing that: (i) the concession, the mining exploitation contract and the authorisation of the environmental licence, are not in violation of the rights of nature, since the Ministry of the Environment carried out the corresponding studies in order to be able to grant said licence; for example, the environmental conservation feasibility reports to ensure that the ecosystem is not affected by the exploitation, in accordance with the principles of environmental sustainability, precaution, prevention and effectiveness, elements that are stipulated both in the concession contract and in the environmental licence; (ii) the good living or *sumak kawsay* of those who live in the Pangui canton of the Zamora Chinchipe Province was safeguarded, exclusively for the declared operational area within the coordinates

⁵Constitution of the Republic of Ecuador of 2008. Article. 14.- The right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and good living, *sumak kawsay*, is recognised. The preservation of the environment, the conservation of ecosystems, biodiversity and the integrity of the country's genetic heritage, the prevention of environmental damage and the recovery of degraded natural spaces are declared to be in the public interest.

(iii) restoration was also being provided for in the event of environmental damage caused by the mining activity, given that it was verified that *EcuaCorriente* S.A. had carried out the relevant studies for environmental conversation, taking responsibility for their repair in the event that the ecosystem was affected, carried out the relevant studies for the conversation of the environment, taking responsibility for its repair in the event that the ecosystem is affected; and (iv) it was determined that, according to the certificate of intersection of the Mirador project of the Directorate for the Prevention of Environmental Pollution ratified by the Ministry of Environment on 26 July 2016, the operational area of the Mirador project does not intersect with the National System of Protected Areas, Protected Forests and State Forest Heritage, nor the protective forest of the Cordillera del Cóndor mountain range.

13. The alleged victims allege that this decision lacked motivation, as the judge did not take into account that the project's activities were contrary to articles 12, 66, 73, 396 and 406 of the Constitution, which regulate the State's obligation to apply precautionary and restrictive measures in situations that could lead to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles, as well as to protect the conservation of biodiversity.

14. Faced with this first adverse decision, the alleged victims filed an appeal on 18 March 2013, which was resolved by the First Civil, Commercial, Tenancy and Residual Court of the Provincial Court of Pichincha, through a judgment of 20 June 2013, which confirmed the first instance judicial decision, stating *inter alia* that "*while the contract complies with the legal requirements [and in the constitutional framework: Good Living, Rights of Nature], it is not just possible (sic) in an externalised way to accuse it [the contract] as being in breach of the Rights of Nature and thus to brand a Judge as being against the rights of Nature*". The petitioners report that they were notified of this decision on 23 July 2013, and thus consider domestic remedies to have been exhausted.

15. They report that the Mirador mining project is already causing damage, such as the disappearance of endemic species and the contamination of rivers in the area. They indicate that the situation of the population of Tundayme is detailed in the 2015 International Federation for Human Rights Investigation Report on Criminalisation in Ecuador. And they argue that the inhabitants of Tundayme, especially members of the Amazonian community CASCOMI, located in the Cordillera del Cóndor, have been affected by the radical change in their way of life, as they have been victims due to evictions - however, no further details are provided about this situation-6.

16. Finally, the petitioners allege that the facts denounced are part of a context in which regulations are adopted in favour of mining companies, without taking into consideration the impacts of their activities. In this regard, they explain that large-scale mining in Ecuador gained momentum in the 1990s with regulatory and institutional changes, such as the 1991 Mining Law; the elimination of deadlines for the granting of concessions; and the elimination of royalties by companies in order to attract private investment. Furthermore, since 2005 there have been nationwide protests against large-scale mining by indigenous and peasant communities, urban and rural populations, including authorities, among them representatives of parish councils, municipalities and provinces. According to the petitioners, this situation has led to cases of repression, prosecution and criminalisation of social leaders.

17. The Ecuadorian State, for its part, alleges that the Inter-American Commission lacks competence *ratione materiae and personae*, since it has not provided sufficient information to identify each of the alleged victims, making it impossible to prove a cause and effect relationship between the rights allegedly violated and the persons affected.

18. With regard to the alleged violation of the right to life by the granting of the concession and environmental licence for the Mirador project, Ecuador argues that no concrete information has been provided on how the alleged impact on the environment would violate the right to life with dignity of certain persons, considering that all procedures were respected to guarantee a mining model with

⁶See: <https://www.dpe.gob.ec/juez-protecte-a-comunidad-amazonica-cascomi/>

minimum environmental impact, according to articles 313 and 317 of the Constitution⁷. The petitioner argues that Ecuador does not prohibit the extraction of natural resources, but rather that it promotes their exploitation under certain conditions, in accordance with domestic environmental law and Inter-American standards. It alleges that contrary to what the petitioner claims, the Mirador mining project is not located in protected areas, since the Ministry of the Environment ratified the content of official letter No. 4925-DPCCMA of 26 November 2006. 4925-DPCCMA of July 26, 2006, issued by the National Directorate for the Prevention of Environmental Contamination, which reported that the project's intersection certificate does not intersect with the national system of protected areas, and therefore there is no violation of Article 407 of the Constitution, which prohibits the extraction of non-renewable resources in protected areas or areas declared intangible, including logging.

19. In addition, it argues that the petition is inadmissible for failure to exhaust domestic remedies. It argues that, given the alleged failure of the judicial authorities to state reasons for their decisions, the alleged victims omitted to file an extraordinary action for protection, regulated in Article 94 of the Constitution, which is applicable against final judgments or orders. On the other hand, he argues that a public action of unconstitutionality could also have been filed to question the norms applied, by virtue of Article 436 of the Constitution of the Republic, which provides that the Constitutional Court can declare the unconstitutionality of the omissions presented by the authorities to the mandates contained in constitutional norms and Article 98 of the Organic Law of Jurisdictional Guarantees and Constitutional Control. In summary, he alleges that despite the fact that these avenues were adequate and effective to analyse the alleged irregularities committed internally, these mechanisms were not exhausted.

20. Finally, it argues that the alleged facts do not characterise human rights violations attributable to it. It asserts that the Commission is being asked to act outside its competencies established in the Convention by reviewing a matter that was resolved in the domestic jurisdiction, acting as a court of appeal in the face of the alleged victims' disagreement with the decisions issued by the domestic courts. It alleges that it is possible to recognise a general reproach regarding the actions and omissions of the authorities in relation to the Mirador mining project, which have caused environmental damage and harm to life with dignity and good living. He adds that the right to a dignified life is not subordinate to the rights of nature, as these are independent and one cannot limit the other, but rather a harmonious balance must be found. Furthermore, it argues that the judicial decisions were duly motivated, since the domestic courts analysed the alleged victims' claims in accordance with due process and conventional guarantees. For these reasons, it requests that the petition be declared inadmissible under Article 47.

(b) of the Convention, since it considers that the petitioner's claim is that the Commission should act as a court of appeal, in contradiction to its complementary nature.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND DEADLINE FOR SUBMISSION

21. The petitioner alleges that with the action for protection and the notification of July 23, 2013 issued by the First Civil, Commercial, Tenancy and Residuals Chamber of the Provincial Court of Pichincha, which rejected the appeal, it exhausted the remedies under domestic jurisdiction. For its part, the State argues that the domestic remedies were not exhausted, since the alleged victims failed to file the extraordinary action for protection and the public action of unconstitutionality, which were the appropriate and effective avenues for analyzing the alleged irregularities committed in the domestic venue.

22. In the instant case, the Commission observes that the judicial bodies that heard the alleged victims' complaint confirmed their competence to hear the matter and rejected the action on the merits. Consequently, it is corroborated that the alleged victims used an appropriate avenue to present their claims to the Mirador mining project. In this regard, the IACHR has

⁷ Article 313 of the Constitution of the Republic of Ecuador. The State reserves the right to administer, regulate, control and manage strategic sectors, in accordance with the principles of environmental sustainability, precaution, prevention and efficiency. Article 317 of the Constitution of the Republic of Ecuador. Non-renewable natural resources belong to the inalienable and imprescriptible patrimony of the State. In its management, the State shall prioritise intergenerational responsibility, the conservation of nature, the collection of royalties or other non-tax contributions and business participation, and shall minimise negative environmental, cultural, social and economic impacts.

established that the requirement of exhaustion of domestic remedies does not mean that alleged victims are necessarily required to exhaust all available remedies. Along these lines, the Commission recalls that, while in some cases extraordinary remedies may be adequate to address human rights violations, as a general rule, only ordinary remedies are required to comply with the requirement established in Article 46(1)(a) of the Convention. Consequently, if the alleged victim raised the issue through one of the valid and appropriate alternatives under the domestic legal system and the State had the opportunity to remedy the matter in its jurisdiction, the purpose of the international standard is fulfilled:

23. Consequently, taking into account that on June 20, 2013, the First Civil, Commercial, Tenancy and Residual Chamber of the Provincial Court of Pichincha ultimately rejected the alleged victims' appeal, the IACHR concludes that the instant petition meets the requirement of exhaustion of domestic remedies set forth in Article 46(1)(a) of the American Convention. Moreover, taking into account that the aforementioned decision was notified on July 23, 2013, and that the petition was lodged on December 23, 2013, the Commission also concludes that the requirement of Article 46(1)(b) of the Convention is met.

VII. ANALYSIS OF THE CHARACTERISATION OF THE ALLEGED FACTS

24. With respect to the State's request regarding the delimitation of the alleged victims, the Commission recalls that the criterion for identifying the victims must be flexible, and that their individualization must be determined by the evidence provided by the parties at the merits stage.⁹ In this regard, at the admissibility stage, the purpose of this criterion is to enable the Commission to verify, *prima facie*, what is the universe of possible persons who may have been affected by the events denounced. In this regard, at the admissibility stage, the purpose of this criterion is to enable the Commission to verify, *prima facie*, the universe of possible persons who may be affected by the events denounced. In this regard, Article 44 of the American Convention requires, in order for a petition to be admissible, that there be concrete and individualized victims, or that they be a group that can be delimited in time and space in accordance with the nature of the facts denounced in the petition. Therefore, petitions presented as *actio popularis* in which there is no concrete delimitation of the group of victims who are at least individualisable¹⁰ are not admissible. In the instant case, the Commission considers that, in addition to the existence of persons identified by the petitioner, there is an identifiable group, since the alleged acts affected specific communities in a specific territory. Consequently, the Commission considers that the instant petition is in compliance with Article 44 of the American Convention.

25. In addition, the Commission notes that the instant petition includes allegations of actions and omissions by the State authorities that would have caused environmental contamination in the area of the Cordillera del Cóndor mountain range, and the violation of the rights of the alleged victims, in that no exhaustive analysis of the environmental and social impact of the mining project carried out by *Ecuacorriente* S. A. was conducted. A. For its part, the State replies that the authorities verified that the aforementioned mining project complied with all the procedures to ensure a mining model with minimal environmental impact, and adds that the petitioner does not provide specific information that demonstrates how the alleged victims' right to life with dignity has been affected.

26. In this regard, both the IACHR and the Inter-American Court of Human Rights have pointed out that article 26 contemplates the right to a healthy environment, which protects the components of the environment, such as forests, rivers, seas and others, as juridical interests in themselves, even in the absence of certainty or evidence of risk to individual persons.¹¹ In this regard, the Inter-American Court of Human Rights has pointed out that this right is justiciable in contentious cases directly and autonomously before the Inter-American Court of Human Rights. In this line, the Inter-American Court of Human Rights has pointed out that such a right is justiciable in contentious cases directly and autonomously before the courts.

⁸ IACHR, Report No. 56/08, Petition 11.602. Admissibility. Workers dismissed from Petr6leos Del Per6 (Petroper6) Zona Noroeste - Talara. Peru. July 24, 2008, para. 58.

⁹ IACHR, Report No. 61/16, Petition 1256/07, Admissibility, Peace Community of San Jos6 de Apartad6, Colombia, 6 December 2016, para. 62.

¹⁰ IACHR, Report No. 40/05 (Inadmissibility), Petition 12.139, Jos6 Luis Forzanni Ballardo, Peru, 9 March 2005, para. 35. y 40.

¹¹ IACHR, Report No. 330/20, Case 12.718, Merits. Community of La Oroya. Peru. November 19, 2020, para. 131; and IACHR Report No. 330/20, Case 12.718, Merits.

No. 189/20, Case 12.569, Merits. Quilombola Communities of Alcantara. Brazil. 14 June 2020, para. 264.

institutions of the Inter-American System under Article 26 of the American Convention, even when there is no violation of other rights recognised in that treaty¹².

27. For his part, the UN Special Rapporteur on human rights and the environment has indicated that while the obligation to protect human rights from environmental harm does not require States to prohibit all activities that may degrade the environment, authorities may choose to strike a balance between environmental protection and other legitimate social interests. However, this balance must be reasonable and not lead to foreseeable and unjustified violations of human rights. In determining whether a balance is reasonable, national and international health standards may be relevant, and retrogressive measures are also strongly discouraged.¹³ In addition, the Special Rapporteur on the right to health has noted that the right to health is a fundamental human right. Similarly, the UN Special Rapporteur on the human right to safe drinking water and sanitation has stated that, when States plan projects that may have an impact on water quality, they will need to conduct impact assessments "in line with human rights standards and principles".¹⁴

28. In the present case, the IACHR observes that while the domestic courts considered that there was no violation of the right to the environment and, on that basis, rejected the complaint filed by the alleged victims, such analysis did not take into consideration the damages and impacts produced in the areas surrounding the Mirador 1 project, which would have caused a series of consequences on the livelihoods of the alleged victims. On the contrary, although the alleged victims have attached to their complaint some twenty-six annexes demonstrating the aforementioned consequences, the judicial bodies have not substantiated why the evidence gathered does not demonstrate a violation of the right to the environment and water. Finally, the Commission notes that despite the fact that damage to the environment is already occurring, the State has not provided information that demonstrates mitigation of this damage.

29. In view of these considerations, and in view of the elements of fact and law put forward by the parties and the nature of the matter brought before it, the Commission considers that the allegations of the petitioner merit an examination on the merits in light of the rights established in Articles 8 (judicial guarantees), 25 (judicial protection) and 26 (economic, social and cultural rights) of the American Convention, in relation to its Article 1.1 (obligation to respect rights) and 2 (duty to adopt provisions of domestic law), to the detriment of the alleged victims indicated in this report and those that will be determined in the merits stage of this case.

30. Likewise, taking into consideration the possible impacts on the quality of life of the alleged victims due to the alleged contamination by toxic waste in the Tundayme and Wawayme rivers, the Commission recalls that, according to the jurisprudence of the Inter-American Court, Article 4 "*not only presupposes that no person shall be arbitrarily deprived of his life (negative obligation), but also requires States to adopt all appropriate measures to protect and preserve the right to life (positive obligation)*". Consequently, the IACHR will also analyse at the merits stage whether the environmental impacts referred to caused an impairment in the quality or conditions of life of the alleged victims, in order to determine whether there was a possible violation of Article 4 (right to life) of the American Convention¹⁵.

¹² IACHR Court. Environment and human rights (State obligations in relation to the environment in the framework of the protection and guarantee of the rights to life and 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 of 15 November 2017. Series A No. 23, para. 62.

¹³ Report of the independent expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, sect. V. Conclusions and recommendations.

¹⁴ Further statements by special rapporteurs on access to information and environmental impact assessment can be found in the report on special procedures, section III.A.1.

¹⁵ I/A Court H.R., Case of the Xákmok Kásek Indigenous Community v. Paraguay. Case of Xákmok Kásek Indigenous Community v. Paraguay. Merits, Reparations and Costs. Judgment of August 24, 2010. Series C No. 214, para. 187.

VIII. DECISION

1. Declare the present petition admissible with respect to Articles 4, 8, 25 and 26 of the American Convention, in relation to Article 1(1) and (2) thereof; and

2. To notify the parties of this decision; to continue with the analysis of the merits; and to publish this decision and include it in its Annual Report to the General Assembly of the Organisation of American States.

Adopted by the Inter-American Commission on Human Rights on this ninth day of March 2022. (Signed): Julissa Mantilla Falcón, Chair; Stuardo Ralón Orellana, First Vice-Chair; Esmeralda E. Arosemena Bernal de Troitiño and Joel Hernández, Members of the Commission.

The undersigned, Marisol Blanchard, in her capacity as Assistant Executive Secretary of the Inter-American Commission on Human Rights, in accordance with Article 49 of the Commission's Rules of Procedure, hereby certifies that this is a true copy of the original deposited in the files of the Secretariat of the IACHR.

A handwritten signature in black ink, appearing to read 'Marisol Blanchard', with a stylized flourish extending from the end.

Marisol Blanchard Deputy
Executive Secretary

List of alleged victims

1. Angel Sergio Itjiat Yuu
2. Pablo Mauricio Balarezo León
3. David Alberto Cordero Heredia;
4. Natalia Andrea Greene López
5. José Delfín Tenesaca Caguana

Corporación Acción Ecológica

6. Abel Marcelino Arpi Bermeo (alleged victim and petitioner)
7. José Isidro Tentdentza Antun (deceased)
8. José Efraín Arcentales Chamba (alleged victim and petitioner)
9. Luis Martín Kayap Sharup (alleged victim and petitioner)
10. Nelly Alexandra Almeida Albuja (alleged victim and petitioner)

Confederation of Indigenous Nationalities of Ecuador (CONAIE)

11. Manuel Humberto Cholango Tipanluisa

Ecumenical Commission for Human Rights (CEDHU)

12. Sister Elsie Monge Yoder

Government of the Native Nations of the Ecuadorian Amazon (GONOAIE)

13. Franco Tulio Viteri Gualinga

Regional Human Rights Advisory Foundation (INREDH)

14. Edward Wilfrido Acuña García

Kichwa Confederation of Ecuador (ECUARUNAR)

15. Carlos Pérez Guartambel