



CONFEDERACION DE NACIONALIDADES INDIGENAS DE LA AMAZONIA ECUATORIANA

“CONFENIAE”

CODENPE, Decreto ejecutivo No. 1421, Registro Oficial 281 del 26 de febrero del 2007

ACIONALIDADES:	SHUAR	KICHWA	ACHUAR	WAORANI	SIONA	SECOYA	COFAN	ZAPARA	SHIWIAR	ANDOA
	FICSH	TANKIP	NAE	NAWE	ONISE	OISE	FEINCE	NASE	NASHIE	NAPE
	FIPSE	FONAKIN								
	FENASH-Z	FONAKISE								
	FENASH-P	FCUNAE								
	FEPCEH-S									
	FEPNASH-O									

Quito, 27 de agosto de 2018

Sr. Lenin Moreno
PRESIDENTE DE LA REPÚBLICA DEL ECUADOR

Sr. Carlos Pérez García
MINISTRO DE HIDROCARBUROS

Sra. Maria cristina cadena
SECRETARIA DE HIDROCARBUROS

Sra. Rosana Alvarado
MINISTRA DE JUSTICIA, DERECHOS HUMANOS Y CULTOS

Sra. Gina Benavides
DEFENSORA DEL PUEBLO DE ECUADOR

Considering

- That, the 21 blocks of the Tenth Oil Round or Ronda Suroriente, whose surface is 3.6 million hectares and overlap the ancestral territories of the indigenous nationalities: Achuar, Andoa, Kichwa, Sapara, Shiwiar, Shuar and Waorani. In addition, affecting territories of mobility of Indigenous Peoples in isolation Tagaeri and Taromenane.

- That, the Constitution of the Republic of Ecuador, in article 57, recognizes and guarantees collective rights in accordance with the pacts, agreements, declarations and other international instruments and the State of Ecuador is a signatory to the ILO Convention 169 on Peoples Indigenous and Tribal in Independent Countries and the United Nations Declaration on the Rights of Indigenous Peoples.

- That, in the month of July 2018, the Minister of Hydrocarbons, Carlos Pérez García, announced the realization of "new consultations" for the bidding of 16 blocks of the Ronda Suroriente that are expected to be tendered in the last quarter of the current year.

- That, on July 19, 2012, the President of the Republic issued Executive Decree 1247 "Regulation for the execution of free and informed prior consultation in bidding processes and allocation of hydrocarbon blocks and areas" which was prepared in breach fundamental rights of indigenous peoples such as:

- Article 57 paragraph 17 of the Constitution of Ecuador that establishes that the peoples and nationalities have the right to "be consulted before the

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adoption of a legislative measure that may affect any of their collective rights." Likewise, the issuance of Decree 1247 violates the principle of legal reserve, since it regulates and restricts a fundamental right, such as prior consultation, by means of a hierarchically inferior legal norm, such as an executive decree.

- That, in the same sense, the Inter-American Court of Human Rights on the "Case of the Kichwa Indigenous People of Sarayaku versus Ecuador 2012", sentences "to adopt, with the participation of the indigenous peoples, the necessary legislative or other measures to make effective the right to prior, free, informed and good faith consultation, in accordance with international human rights standards. " (Paragraph 301)

- That Decree 1247 reduces the right to prior, free and informed consent and consultation to simple socializations "as a mechanism for participation and social information that aims to consider the criteria and observations of indigenous communities, peoples and nationalities" (Article 3) what goes contrary to the real purpose of this right as set out in ILO Convention 169, in Article 6, paragraph 2, the consultations held with indigenous peoples must have the "purpose of reaching an agreement or obtain consent about the proposed measures ".

- That, Decree 1247, contemplates the "socializing of social benefits to which the indigenous communities, peoples and nationalities consulted may access" (Article 6). However, it is omitted to include key information regarding possible social harms and negative environmental impacts, contravening the "informed" nature of the consultation. Neither is respect for the organizational structures of indigenous peoples or the traditional decision-making mechanisms of peoples and nationalities, as contemplated in Article 32, Number 2, of the United Nations Declaration on the Rights of Peoples. Indigenous people: "through their own representative institutions in order to obtain their free and informed consent before approving any project (...)".

- That, all these violations to our right to consultation and consent, prior, free and informed was reported before the competent national authorities without having done anything to restore and repair the violation of our rights. Likewise, international human rights bodies such as the United Nations recommended to Ecuador in the framework of the second and third cycles of the Universal Periodic Review (UPR) the obligation to protect this right for indigenous peoples with the repeal of Decree 1247 and establish clear procedures in legislation secondary in order to implement the right to consultation and prior, free and informed consent. In addition, in 2012, the Committee on Economic, Social and Cultural Rights recommended the suspension of the application of Decree 1247 of 2012, and instead, be designed in a participatory manner with indigenous peoples legislative measures to regulate the right to consultation.

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- That, the Constitution of Ecuador, in Article 98, recognizes the right to resist against actions or omissions of the public power or natural or legal non-state that violate or may violate their constitutional rights, and demand the recognition of new rights.

Due to the exposed we **demand**:

1. In exercise of the right to resistance, we reject the new tender for oil blocks of the Ronda Suroriente, which has systematically violated our rights, especially the right to consultation and free and informed prior consent. And we demand that the Ecuadorian government, in compliance with our right to self-determination, refrain from offering our territories to oil companies.
2. We call for the governmental discourse on the protection of the Amazon and indigenous peoples to be carried out by declaring a moratorium on extractive activities in indigenous territories.
3. The repeal of Decree 1247 and so that the Ecuadorian State welcomes the recommendations made by the Universal Periodic Review, the UN Committee on Economic and Social Rights and the ruling of the Inter-American Court of Human Rights as established in the international instruments on the rights of indigenous peoples.
4. To refrain from any attempt to enter our territories to carry out "further consultations" or "socialization" of the Suroriente Ronda or any other extractive project, since Ecuador has demonstrated its inability to adequately meet the standards of the right to consent previous free and informed. In addition, the "consultations" are inadmissible since the organizations and indigenous communities have decided NOT to give way to any extractive project in our territories.
5. To reverse the concessions of blocks 28, 74, 75, 89 and 83 that affect the territories of the nationalities Sapara, Kichwa, Shiwiar, Shuar, Achuar and Kichwa of Sarayaku since an adequate consultation process was not complied with. prior, free and informed, and it would be in clear violation of the judgment of the Inter-American Court to have granted these oil blocks.
6. To declare unconstitutional to sign the oil exploitation contract with the company Andes Petroleum, since according to the Ministry of Justice of Ecuador in the "Map of Distribution of Isolated Indigenous Peoples", within the territory affected by block 83, they would be located indigenous peoples in isolation from the so-called "Cuchiyaku Group", and according to the Constitution of Ecuador

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the territories of peoples in isolation are intangible and any extractive activity is prohibited.

7. Exigimos a las empresas petroleras estatales y privadas abstenerse de participar en la licitación de los bloques petroleros de la Ronda Suroriente, ya que afecta nuestros territorios ancestrales y vulneran nuestros derechos colectivos.

Finalmente, solicitamos a los organismos nacionales e internacionales encargados de exigir el cumplimiento de derechos humanos que vigilen el cumplimiento de nuestras demandas que han sido elaborados fundamentadas en los derechos que nos asisten.

Cc. Comisión Interamericana de Derechos Humanos
Cc. Corte Interamericana de Derechos Humanos
Cc. Relator Espacial de Pueblos Indígenas de Naciones Unidas
Cc. Delegado de ONU en Ecuador

For record of these resolutions, sign:

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Anibal Dahua
PRESIDENTE DE FONAKISE

Carlos Piruch
PRESIDENTE FEPCEHS-S

Nivaldo Yiyoguaje
PRESIDENTE DE NOAIKE

Jose Quenama
PRESIDENTE DE CONASE

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Mirian Cisneros
PRESIDENTA DEL PUEBLO KICHWA DE SARAYACU

PRI

Federico Katam
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Francisco Timias
DIRIGENTE DE LA NACIONALIDAD SHIWIAR

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