

September 9, 2021

PUBLIC COMPLAINT

We demand that Shuar Arutam People's decisions, in the exercise of their right to self-determination, are respected, and we denounce that the beginning of infrastructure works are facilitating the entrance of mining projects in Maikiuants.

The **Alliance of Organizations for Human Rights and the Caminantes anti-mining Collective**, we are deeply concerned about recent events **reported by the Governing Council of the Shuar Arutam People (PSHA) and the "Collective of Organized Women of the Shuar Center of Maikiuants"** (organization linked to the PSHA), associated with the start of infrastructure works and mining facilities at the Warintza Project. There is an escalation of territorial conflict between the community centers and the associations that make up PSHA against the concessionary mining companies operating illegally and illegally in their territory. **Since the early hours of September 8, due to the insistence of the mining companies to occupy their territory, there has been an escalation of tension and violence that puts the physical integrity of the communities at risk, particularly the Maikiuants community.** At the moment, there is a well-founded fear in the residents of possible, arbitrary and unnecessary police and/or military intervention that, as in previous opportunities, could generate serious violations of human and collective rights of the population displaying a biased action by the Public Force and Armed Forces in favour of the particular interest of the company, transferring its obligation to protect the civilian population and to be guarantors of constitutional rights, including their right to resistance.

This situation is not new. PSHA has been resisting for 16 years mining activities in its ancestral territory and the intervention of transnational companies that have implemented strategies such as dividing their organizational structures by co-opting leaders who have yielded to pressure and manipulation and disregarding Shuar communities who have already decided to oppose extractive activities in their territory.

60% of the territory of the Shuar Arutam People has been concessioned to transnational mining companies without respecting their right to free, prior, and informed consent and in a context of systematic human rights violations. Some of these companies include Solaris Resources (Canada), SolGold (Australia), ExplorCobres S.A., EXSA (a subsidiary of Chinese-owned, Canada-based Corriente Resources). The Ecuadorian State, through various institutions and

officials, has attempted to pressure, subdue and/or impose extractive activities in the Collective territory of the Shuar Arutam People. All this has created an escalation of conflict.

It should be noted that the Shuar Arutam People, in exercise of their right to self-determination and in defense of their collective rights, has repeatedly resolved since 2019 that it does not authorize mining activities in their territories and has **insistently communicated** these decisions to state authorities. The following are some of the most current demands:

1. On August 17, 2021, an Extraordinary Assembly of the PSHA Governing Council was held in the Maikiuants community, in which the Governor of the Morona Santiago province, Freddy Villamagua, participated. During the Assembly, PSHA concluded: i) **to reject the development of mining works or facilities** such as the construction of the Warintza-Yawi highway, which purpose is to blackmail the population and militarized their ancestral territory for the benefit of the interests of the mining companies; ii) ratify the Governing Council of the Shuar Arutam People, as the highest authority which is composed of 47 communities (12,000 inhabitants), and their decision to reject large-scale mining projects in their territory given the lack of compliance and violations to their territorial rights and the collective right, including their right to free, prior and informed consent. At the same meeting, PSHA informed the Governor of the Province of Morona Santiago that according to their collective rights, they had established an **Indigenous Guard** to monitor incursions of illegal loggers, assist communities during health emergencies and environmental monitoring in our territory.
2. On August 20, 2021, the PSHA made public three official letters addressed to Federico Velásquez, manager of Solaris Resources Inc; Fernando Kayuk, Trustee of the Shuar de Warints Center; and, Nazareno Antun, Trustee of the Yawi Shuar Center, in which, given the disregard of the Governing Council of the PSHA's resolutions - the legitimate organization that governs its ancestral territory - regarding the agreements between the company Solaris Resources SA, its subsidiary in Ecuador, and leaders of the Warints and Yawi community centers, who are victims of the company's community division strategies and manipulation. Likewise, PSHA announced its public opposition to the Warints-Yawi road project and in order to carry out adequate territorial control, they requested copies of the project's Environmental Study Plan and the Environmental Management Plan, which should be duly approved by the Ministry of the Environment, Water and Ecological Transition.
3. On August 29, 2021, and based on the resolutions adopted by the PSHA, the Maikiuants community made a public statement in which it informed that in defence of their territorial rights and self-determination, they will deny the entry of machinery for the construction of the Warintz-Yawi highway project. Likewise, the Maikiuants community requested the presidency of the PSHA Governing Council to inform the Provincial,

National and International levels about their decision to establish territorial control, in exercise of their collective rights enshrined in ILO Convention 169.

4. On September 5, 2021, the PSHA Governing Council issued a statement informing about an Ordinary Assembly of women from the Maikiaunts community held that day. They took this opportunity to denounce the entry of machinery as an act that disregards their decision to keep their territory free from mining. It also informs that the company will be held responsible if there's an incident or conflict in their territory by asserting Maikiaunts's "right to self-determination and self-government...we request that our issues are raised at the Provincial, National and International levels".

The decisions adopted by PSHA to address the systematic violation of their rights have not been respected by transnational companies such as Solaris Resources Inc and SolGold nor by the Ecuadorian State. Thus, on September 5, the Warints and Yawi communities announced through their social networks that within the framework of the Strategic Alliance they have with Solaris Resources, the Ministry of Government was promoting self-defense courses and training of Private Security Guards to confront the population. Faced with this situation, **we denounce the Ecuadorian State, through the Ministry of Government, for committing very serious acts aimed at dividing the Shuar Arutam People, promoting violence between the communities and increasing the risks against the integrity and even the lives of the communities.**

Likewise, despite the decisions of the Shuar Arutam People, they were officially warned several times in the early hours of September 8 (at about 5:15 am) that **loading platform carrying a backhoe** arrived in the territory of the Shuar Tserem community, a territory of the Shuar Arutam People, heading to the "Maka Naink" mountain range where Solaris Resources Inc. operates and passing by the community of Warints and Yawi: **an attempt that the women of Maikiuants rejected in accordance to their resolutions.**

In this regard, and due to the events described, the use of public and private force to benefit corporate interests would have three main objectives: i) guaranteeing access to territories by companies so that they can carry out their activities; ii) build territorial control by co-opting local communities, fomenting community division, surveillance, repression and criminalization to guarantee business activity; and iii) silencing, control, and elimination of criticism and resistance to extractive activity, voiced by residents and defenders of human and territorial rights.

Additionally, it should be noted that these acts occur in the context of the expansion and deepening of the mining policy by the National Government. In effect, Decree 151 establishes the conditions for companies to establish this type of practice with impunity in indigenous territories. In addition, the powers of the ministerial authorities are reduced to facilitating entry into the territories without any type of control, ignoring their obligations to guarantee rights without discrimination and protecting vulnerable populations.

Previous complaints regarding Solaris Resources Inc's violations in Shuar territory

As noted, the collective rights of the Shuar Arutam People have been systematically violated, especially by the mining company Solaris Resources Inc., which has created community division and created dangerous environments for human rights defenders. Complaints that remain without being investigated.

The Canadian company Solaris Resources Inc. arrived in PSHA's territory in 2019, after acquiring the Warintza project through its subsidiary in Ecuador Lowell Mineral Exploration, in order to exploit the copper and molybdenum deposits. In light of the reactivation of the project, which was suspended for 16 years, PSHA [demonstrated against mining in their territory](#), reiterating their right to self-determination. As a result of this, PSHA, together with its national and international allies, declared itself as “a territory of life” (TICCA)” and launched an international campaign: [“PSHA Have Decided: No to Mining. We Do Not Want to Be Consulted.”](#)

Due to all the violations to our tangible and intangible rights, on January 29, 2021, PSHA's Governing Council, together with the Public Services International (PSI), [filed a complaint with the ILO against the Ecuadorian State](#) for violation of ILO Convention 169 and for violating our collective rights and not consulting us on projects being carried out on our territory.

Likewise, as the Alliance of Human Rights Organizations in Ecuador, we recently publish a report on the [Situation of collective, land and human rights defenders in Ecuador](#) to highlight the severity of the situation faced by the PSHA, noting that it does not exist currently institutional guarantees to exercise the right to defend human, collective and nature rights, and that **we are especially concerned about the physical and psychological integrity of colleagues who are being intimidated, persecuted, harassed and even targeted with death threats, such is the case of Josefina Tunki, president of the Shuar Arutam People.**

The push for extractive projects in the area is leading to a violent rupture of the local social fabric, migration of foreigners and greater availability of certain resources, including the aforementioned security training “offers”, which generate a logic of conflict and violence in the territory, penetrating all social relations, and exacerbating internal conflicts and contributing to a social fabric marked by conflict and mistrust. All of the above is the direct responsibility of the State, given that the operation of these mining companies should be understood as ILLEGAL since licenses, agreements and contracts have been carried out without guaranteeing, among other rights, PSHA's right to prior, free and informed consultation.

In light of these events, the Alliance of Organizations for Human Rights and the Caminantes Anti-mining Collective remind the State that:

- **Its main duty is to guarantee human, collective and natural rights** over any economic actor that commits any of the reported violations. In addition, it must generate processes that lead to the investigation of those responsible for these acts and punish companies for non-compliance with the Constitution and international treaties.
- We demand that the **Minister of Government and Vice Minister of the Interior investigate and make a statement about the creation of a “private guard”**, which, according to the posts by the Warints and Yawi residents, would have the Government Ministry’s endorsement and would be funded by Solaris Resources Inc. This, without a doubt, contravenes the provisions of article 30, numeral 1 of the ILO Declaration, which states: "*Military activities shall not take place in the lands or territories of Indigenous Peoples.*"
- We demand that the Office of the Ombudsman of Ecuador prepare a **report on the situation of the Shuar Arutam People** regarding the events reported and urgently activate the protection mechanisms for the Shuar leaders.
- We alert the State Attorney General's Office about the **current risk of the right of Indigenous Peoples and nationalities to defend their territory**, resistance. We recall that these rights should not be criminalized -as it is currently happening- leaving the Prosecutor's Office as an instrument of criminalization, used by companies and the State against peoples and nationalities.
- Finally, we **remind the Canadian Embassy in Ecuador that in compliance with its extraterritorial obligations as a State party to the universal human rights system of the United Nations** and in accordance with Canada's guidelines on supporting human rights defenders abroad (Voices at Risk), responds to PSHA’s [request](#) to take action to prevent threats and incidents of intimidation against land defenders perpetrated by companies based in Canada, and demands corporate responsibility to respect human rights.
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As human rights organizations, **we will remain vigilant to ensure that PSHA’s collective rights are respected**, including their right to self-determination and to prevent the militarization of territories and communities of Indigenous Peoples.

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