

17 July, 2006

Doctor Alfredo Palacio  
Constitutional President  
Republic of Ecuador  
Plaza de la Independencia,  
Quito, Ecuador

Re: Junín Mining Project (Ascendant Copper Corporation): Concern over Human Rights Situation

Dear Mr. President,

We, the undersigned international organizations are very concerned with the human rights situation in the Intag area of Imbabura province, in relation to the presence of the Canadian mining company, Ascendant Copper Corporation. We are especially concerned with threats posed by the Junín mining project to the human rights to food, water, housing and health, as well as the safety of those defending these rights. Furthermore, we are concerned that decisions by democratically elected local and regional bodies are undermined by the actions of the company.

Mr. President, Ecuador has ratified the International Covenant on Economic, Social and Cultural Rights (CESCR) as well as other human rights documents which oblige the state of Ecuador to protect the above mentioned rights. We therefore urge you to ensure that the activities of Ascendant Copper Corporation comply with international human rights and environmental standards. We ask that your government investigate the denunciations coming from the Intag area, its residents, and some of the Quito-based human rights groups regarding the behaviour of the company and its contractors, including Daimi Services. We also ask you, given the opposition of the democratically elected local and regional bodies to the mining project, to consider the revocation of any licences awarded to the company. In any case we urge you to take preventive measures to avoid violations of the human rights to food, water, housing and health.

The Japanese International Cooperation Agency's (JICA) 1996 Environmental Impact Study predicted that four communities and over one hundred families would have to be relocated in order to make room for the open-pit copper mine, originally proposed by Mitsubishi Metals. The area currently under discussion for mining is substantially larger, leading to concerns that the impact on the population will be even greater than predicted in 1996. Forced relocation constitutes a major interference with the right to housing and poses severe threats to the right to food of those families who lose access to productive resources. As such, we are deeply concerned about any actions that might result in the relocation of these families against their expressed wishes.

The JICA study predicted contamination of rivers and streams with lead, arsenic and other heavy metals, as well as "massive deforestation", which would be enough to start drying out the Intag climate, and impact dozens of mammal and bird species that are already threatened by extinction. The study also mentioned impacts to the biodiverse Cotacachi-Cayapas Ecological Reserve. In addition, the Intag area is extremely rich in water resources which are also threatened by the mining project. As a State party to the International Covenant on Economic, Social and Cultural Rights, the government of Ecuador has to act according to the following principles:

"Before any action that interferes with an individual's right to water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and that comprises:

- (a) opportunity for genuine consultation with those affected;

- (b) timely and full disclosure of information on the proposed measures;
- (c) reasonable notice of proposed actions;
- (d) legal recourse and remedies for those affected; and
- (e) legal assistance for obtaining legal remedies”<sup>\*</sup>

We urge you to ensure that these principles, which so far have been ignored, will be implemented in the Junin project by the relevant supervising State authorities.

We have received information that ten local community residents face criminal charges for measures taken to protect the rights of the project-affected communities. Although we do not condone criminal activity of any kind, we understand these to be actions the communities felt were necessary to defend their way of life and their lands, and that these actions never would have taken place had the communities’ rights to be previously consulted and to be involved in democratic decision-making, been recognized. We are very concerned that those working to defend their communities’ rights be treated fairly before the law and that their personal safety be ensured.

Representatives of some of our organizations have visited the Intag area and witnessed first hand the social conflicts generated by the presence of the mining company, and have received information about methods of intimidation used by the company to try and implement a mining project that is clearly opposed by the majority of Intag’s residents. We are aware that in May of 2006, all of Intag’s local governments publicly asked the company to leave the Intag, however it is clear that since that time the company has opted to ignore the wishes of these locally elected officials. It is also worth noting that for years the government of Cotacachi County has adopted, and publicly manifested the same position regarding the mining project. Given the opposition of the democratically elected local and regional bodies to the mining project, the intimidation of local residents, the far reaching impacts on the local population, the health of the human and natural environment and on the development of the whole region, we ask you to revoke any and all licences already awarded to the company.

In closing, we would like to thank you in advance for taking action to protect all human rights (civil, cultural, economic, political, social) as well as environmental rights in the Intag area. Please inform us about any action you have taken in this regard.

Sincerely,

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<sup>\*</sup> Committee on Economic, Social and Cultural Rights “General Comment No. 15. The Right to Water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), 2002

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UN Special Rapporteur on the Right to Housing, Miloon Kothari  
Ecuadorian Minister of Energy and Mines, Iván Rodríguez  
Ecuadorian Minister of the Environment, Anita Albán Mora  
Canadian Minister of Trade, Hon. David Emerson  
Canadian Minister of Foreign Affairs, Hon. Peter MacKay