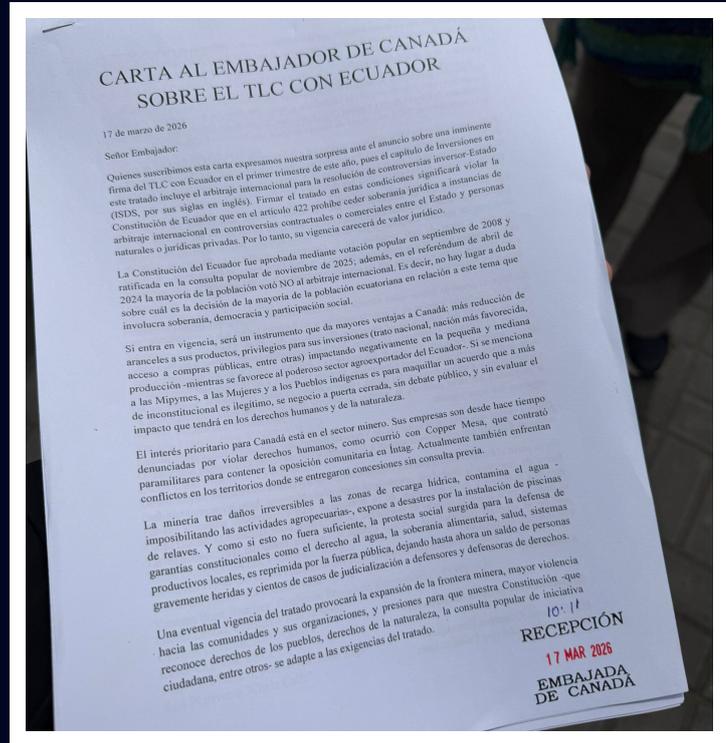


NO

TO THE SIGNING OF THE

ECUADOR - CANADA

FREE TRADE AGREEMENT





LETTER TO THE AMBASSADOR OF CANADA REGARDING THE FTA WITH ECUADOR

March 17, 2026

Mr. Ambassador,

We, the undersigned, express our surprise at the announcement of an imminent signing of the Free Trade Agreement (FTA) with Ecuador in the first quarter of this year, given that the Investment chapter of this treaty includes international arbitration for the settlement of investor-state disputes (ISDS, for its acronym in English). Signing the treaty under these conditions would constitute a violation of the Constitution of Ecuador, which in Article 422 prohibits the ceding of legal sovereignty to international arbitration bodies in contractual or commercial disputes between the State and private natural or legal persons. Therefore, its enforcement would lack legal validity.

The Constitution of Ecuador was approved by popular vote in September 2008 and ratified in the popular consultation of November 2025; furthermore, in the referendum of April 2024, the majority of the population voted NO to international arbitration. In other words, there is no doubt as to the decision of the majority of the Ecuadorian population on this issue, which involves sovereignty, democracy, and social participation.

If it comes into force, the treaty will grant greater advantages to Canada: further tariff reductions for its products, privileges for its investments (national treatment, most-favored-nation treatment, access to public procurement, among others), negatively impacting small and medium-scale production—while favoring Ecuador's powerful agro-export sector. References to micro small and medium enterprises (MSMEs), women, and Indigenous Peoples serve only to whitewash an agreement that is not only unconstitutional but also illegitimate; it was negotiated behind closed doors, without public debate, and without assessing its impact on human rights and the rights of nature.

Canada's primary interest lies in the mining sector. Its companies have long been denounced for violating human rights, as occurred with Copper Mesa, which hired paramilitaries to suppress community opposition in Íntag. They are currently also facing conflicts in territories where concessions were granted without prior consultation.

Mining causes irreversible damage to water recharge areas, contaminates water—making agricultural activities impossible—and exposes communities to disasters through the installation of tailings ponds. As if this were not enough, social protest arising in defense of constitutional guarantees such as the right to water, food sovereignty, health, and local productive systems is repressed by public forces, leaving to date a toll of seriously injured individuals and hundreds of cases of criminalization of human rights defenders.

The possible enforcement of the treaty will lead to the expansion of the mining frontier, increased violence against communities and their organizations, and pressure for our Constitution—which recognizes the rights of peoples, the rights of nature, citizen-initiated referendums, among others—to be adapted to the treaty's demands.

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Official efforts to relax environmental oversight in the mining sector and to increase protection for mining projects through the use of public force are evident, seeking to suppress social protest. At the same time, territories where mining is advancing under the control of criminal groups are left unprotected.

We are also concerned about the insistence on exploiting the Loma Larga mining project, disregarding the majority decision of citizens in favor of water in the binding popular consultations of Girón (2019) and Cuenca (2021), as well as the Fifth River march in Cuenca on September 16, 2025, which unanimously demanded that Kimsacocha Not Be Touched.

Concerns such as these were already raised with the Embassy of Canada in Ecuador in March 2024 and, months later, were presented in Canada by women leaders from CONAIE, the Shuar nationality, and communities from Kimsacocha, before parliamentarians, government officials, journalists, and NGOs that defend human rights.

What is happening in Ecuador with Canadian mining projects is being observed internationally: Canadian trade unions have expressed concern about impacts on Indigenous territories and about the inclusion of international arbitration in the FTA with Ecuador, despite it being prohibited by the Ecuadorian Constitution; likewise, various social organizations and individuals from Ecuador, Canada, and other countries have spoken out regarding irregularities committed by mining companies and the criminalization of defenders of water and territories.

In 2014, the Working Group on Mining and Human Rights in Latin America presented to the Inter-American Commission on Human Rights (IACHR) the report *The Impact of Canadian Mining in Latin America and Canada's Responsibility*, based on the study of 22 mining projects in Argentina, Chile, Peru, Colombia, Panama, El Salvador, Guatemala, Honduras, and Mexico. The report reveals environmental impacts, forced displacement, division of communities and the breakdown of the social fabric, criminalization of social protest, economic impacts, violent deaths and serious injuries to project opponents and mine workers, violations of health, and fraudulent acquisition of property. In other words, Canadian mining follows a pattern of violence and impacts that persists.

Canada has guidelines such as *Voices at Risk*, which are tools for Canadian diplomatic missions to support human rights defenders.

For its part, Ecuador has a Constitution that contributes to building a new form of social coexistence oriented toward *buen vivir* (*sumak kawsay*), respecting human rights and the rights of nature—not their destruction. This Constitution, ratified by citizens in the popular consultation of November 2025, includes Article 422, which prohibits international arbitration. Is Canada considering signing an FTA in violation of Ecuador's Constitution?

Sincerely,



Ecuadorian social organizations

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NO A LA FIRMA DEL TLC CON CANADÁ



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Individual endorsements

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Viviana Herrera, Miningwatch
Caren Weisbart, Common Frontiers
Americas Policy Group / Grupo de Orientación de Políticas para las Américas -GOPA
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Stuart Trew, Director of Trade and Investment Research Project
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