

Table 1: Ecuador's Rights of Nature Cases

RoN Case	Legal Tool	Pathway	Years	RoN Applied?	Claimants	Defendants	Case Description	Sentence
Mining Law Challenge	Lawsuit challenging constitutionality of law	Civil Society	2009	No	CONAIE (Indigenous Movement) & Community water councils	2009 Mining Law	The lawsuit challenged the constitutionality of the 2009 Mining Law, which set conditions for expanding mining in Ecuador. The lawsuit argued the Mining Law violated "articles of the Constitution granting rights to nature and explicitly to water," as well as several indigenous and community rights (e.g., right to prior consultation). The lawsuit asked the Constitutional Court to invalidate the Mining Law and at a minimum prohibit mining in fragile areas, including protected areas, water sources, wetlands, and páramos (high Andean grasslands).	In 2009, the Constitutional Court upheld the Mining Law's constitutionality, noting that the law requires procedures designed to avoid environmental damages (e.g., environmental impact assessments, water treatment, reforestation, etc.). The Court also ruled that Article 407 of the constitution grants the State the authority to make exceptions to constitutional restrictions on mining in environmentally sensitive areas when the government declares this to be in the national interest.
Tangabana Paramos	Constitutional lawsuit for protective action	Civil Society	2014 - Present	No	Environmental activists (Yasunidos Chimborazo, Acción Ecológica) & indigenous pastorate of Chimborazo	ERVIC S.A. (private company owned by retired military captain, Carlos Rhor Romeno)	The lawsuit was filed to remove a pine tree plantation placed in the Paramo of Tangabana and to restore the paramo ecosystem. The plantation was created by ERVIC through a reforestation program administered by the Ministry of Agriculture (MAGAP). However, an accord between MAGAP and the Ministry of Environment (MAE) prohibits pine plantations in paramo ecosystems. The lawsuit claims the pine plantations violate the rights of the paramo to maintain its vital cycles and to be restored when degraded (Art. 71-72). It also alleges violations of the rights of defenders of nature (Art. 71) resulting from intimidation by ERVIC against community members. ERVIC said the plantation was legal since it was authorized by MAGAP.	In first instance, the judge denied the protective action on procedural grounds, saying (1) the claimants did not prove their ownership over the land, and (2) the claimants' evidence was invalid because it was not presented with its respective testimony. The claimants appealed, saying (1) ownership of land is irrelevant since the constitution allows anyone to bring a suit on behalf of Nature; and (2) the judge's evidentiary procedure was applicable only to criminal lawsuits and not required in constitutional lawsuits. When appealed, the Provincial court upheld the local court's ruling. In 2015, the claimants appealed to the Constitutional Court, alleging previous court decisions were not rooted in constitutional law. The case is under review.
Vilcabamba River	Constitutional lawsuit for protective action	Civil Society	2010 - 2011	Yes	Nori Huddle and Richard Fredrick Wheeler (local landowners)	Provincial government of Loja	Loja provincial government dumped debris from road construction (without an environmental impact study) into the Vilcabamba River, causing the river's flow to increase and change its path. This produced flooding, especially during heavy rains, and other damage to local ecosystems and landowners' property. Landowners sued on behalf of the Vilcabamba River to have the river and surrounding ecosystems restored.	In 2010, the first-instance judge denied the protective action, saying it lacked legal standing. The case was appealed to the Loja Provincial Court of Justice in 2011. This Court ruled the suit did have legal standing due to the constitution's RoN provisions. Importantly, the judge ruled the claimants did not have to prove damage to themselves, but only damage to Nature. The judge ruled in favor of the Vilcabamba River and ordered the Provincial Government to restore the ecosystem through measures specified by the Ministry of Environment.
Condor-Mirador Mining Project	Constitutional lawsuit for protective action	Civil Society	2013	No	A collection of indigenous movements, environmental and human rights NGOs, and community organizations	Ecuacorriete (mining company); Ministry of Non-renewable Natural Resources; Ministry of Environment (government)	The lawsuit seeks protective action on behalf of Nature against the Condor-Mirador Mining Project, Ecuador's first, large-scale, open-pit mining project, located in a biodiversity hotspot. The suit presented scientific studies (including those by the mining company) showing the open-pit mine would cause the total removal of various ecosystems, including the habitats on which endangered endemic species rely, likely causing the extinction of one or more species (thus violating RoN). Other violations relate to contamination of watershed ecosystems with heavy metals and toxins. The suit requests suspension of the project and a more thorough environmental impact assessment.	In first instance, the judge ruled the Condor-Mirador project did not violate RoN because (1) the mining project would not affect a protected area (although a Ministry of Environment assessment showed it would), and (2) that civil society's efforts to protect Nature constituted a private goal, while Ecuacorriete (a private company) was acting in favor of a public interest, namely development. Ruling that the public interest takes precedent over a private interest, the judge denied the protective action. The claimants appealed to the Provincial Court of Pichincha but lost. No further legal action was taken.
Galapagos Shark Fin	Criminal lawsuit	Civil Society	2011 - 2015	Yes	The Conservation Sector of the Galapagos Marine Reserve; Sea Shepherd (environmental NGO); Prosecuted by Galapagos National Park	Captain of the fishing boat Fer Mary and 11 crew members	On July 19, 2011, the Ecuadorian Coast Guard Isla San Cristobol boarded the fishing boat Fer Mary and her 6 smaller crafts inside the Galapagos Marine Reserve. They found 357 sharks (94% of total catch) and 1335 hooks forming a long line (palangre) that extended 30 miles. Shark fishing is prohibited in the Galapagos Marine Reserve. The Marine Reserve's Conservation Sector, led by then Sea Shepherd attorney, Hugo Echeverria, filed a criminal lawsuit against the captain and crew, invoking RoN to defend the rights of the sharks in the Galapagos Marine Reserve. While the Conservation Sector was not permitted to speak for the sharks in court, they submitted an amicus brief. In addition to its successful application of RoN, this case raises the procedural question of who can represent nature in the court system. Ecuador's constitution (Art. 71) states anyone can, but this judge only permitted Galapagos Park prosecutor to try the case.	In December 2011, the judge in the Galapagos declared himself noncompetent and in April 2014 the case was moved to the 9th Tribunal Criminal Court in Guayaquil. In July 2015, the tribunal ruled in favor of the sharks, a first for upholding the rights of sharks. The judges found the captain and crew of the fishing vessel guilty of poaching sharks in Galapagos, a protected area and a UNESCO World Heritage Site. They sentenced the captain of the Fer Mary to two years in prison, and each crewmember to one year. The verdict also ordered the confiscation of the six accompanying motor launches, as well as the destruction of the Fer Mary.

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Secoya Palm Plantation	Administrative action	Government	2010 - 2011	Yes	Ministry of Environment	Secoya Indigenous Community	In 2010, the Secoya community in canton Shushufindi negotiated with the company Palmeras del Ecuador to create an African palm plantation. With financing from the National Financing Corporation (CFN), the community cut 180 hectares of native forest to establish the plantation. The community was unaware they needed permission from the Ministry of Environment to cut native forest and failed to obtain it beforehand.	In 2011, the Ministry of Environment fined the Secoya community \$375,000 to pay for restoring the logged area. It justified the action by citing violations of the RoN (Articles 10, 71-73) and Article 78 of the Forest Law.
Cayapas Shrimper	Administrative action and constitutional lawsuit for protective action	Government	2011	Yes	Santiago García Llore, Provincial Director of the Ministry of Environment in Esmeraldas	Manuel de los Santos Meza Macias, owner of Marmeza shrimp company	In 2010, the Ministry of Environment (MAE) began removing shrimp companies illegally operating in three ecological reserves created to protect mangrove ecosystems. In 2011, Manuel de los Santos Meza Macias issued a lawsuit against MAE for a Protective Action to prevent the removal of his shrimp company, Marmeza, from the Cayapas ecological reserve (Canton Eloy Alfaro). In first instance, the judge ruled that MAE's effort to remove Marmeza constituted an infringement on Mr Meza's constitutional rights to property and to work, and ruled Marmeza could remain in the reserve. MAE appealed, but the provincial court upheld the decision on September 9, 2011. MAE then appealed to the Constitutional Court, arguing that the Provincial Court's ruling violated the constitution by not considering the rights of nature and by placing the economic interest of an individual above that of nature. MAE sued for Protective Action to prevent implementation of the Provincial Court decision. The specific question before the Constitutional Court was whether the Provincial Court's ruling violated the right of due process guaranteed by Art. 76, no. 7 of the Constitution.	The Constitutional Court acknowledged that the rights of nature are transversal in Ecuador's constitution, affecting all other rights. It ruled that by not examining whether there was a violation of the rights of nature, the Provincial Court ruling violated constitutional due process and was invalid. The Constitutional Court granted MAE the protective action, annulled the Provincial Court sentence, and ordered the Provincial Court to re-try the case, but this time including the rights of nature in its decision.
Esmeraldas Illegal Mining	Administrative action and constitutional lawsuit for protective action	Government	2011	Yes	Ministry of Interior (lawsuit for protective action); Administrative action by multiple agencies	Artisanal miners lacking government concessions	Following the 2009 Mining Law, the government announced plans to crack down on unauthorized artisanal mining. In May 2011, the Ministry of Interior petitioned the 22nd Criminal Court of Pichincha to authorize the Ministry to take extraordinary "precautionary measures" to combat unauthorized mining in the cantons of Eloy Alfaro and San Lorenzo, Esmeralda province. Citing reports by various universities and government agencies showing extreme environmental degradation, particularly the contamination of water with heavy metals and toxins, the Ministry of Interior argued these mining activities violated the RoN, particularly the rights of water. Citing Articles 71-74 of the constitution, the Ministry asked the court to order preventive action, including the destruction of equipment found in illegal mining sites.	On May 20, 2011, the court approved the request and ordered the Armed Forces and other government agencies to conduct operations to control illegal mining to uphold RoN. President Correa immediately issued Executive Decree 783, declaring a state of exception in San Lorenzo and Eloy Alfaro and ordering a military operation, carried out on May 21. Nearly 600 soldiers seized and destroyed more than 200 pieces of heavy mining equipment, including those that local miners had rented from third parties. In subsequent years, similar operations were repeated in Esmeraldas and replicated in other provinces, including Zamora-Chinchipe, Morona Santiago, and Napo.
Macuma-Taisha Road	Administrative action, and criminal lawsuit	Government	2014 - Present	Yes	Ministry of Environment (administrative action); Attorney General (criminal lawsuit)	Provincial Government of Morona-Santiago (administrative action); Marcelino Chumpi, Prefect of Morona-Santiago Province (criminal lawsuit)	In 2001, the Ministry of Environment (MAE) issued an environmental license to construct a road to canton Taisha, province Morona-Santiago, to enable oil extraction. The Ministry of Transport and Public Works began construction, which later stalled. In 2009, indigenous protests against the 2009 Mining Law erupted in Morona-Santiago (an indigenous leader was killed in the conflict). In 2010-2011, Taisha canton and the provincial government passed ordinances citing the RoN to prohibit extractive industries, exacerbating conflict with the national government. In 2011 the provincial government took over construction of the road to Taisha to reduce the community's isolation (it is the country's only canton without road access). In 2014, following another indigenous uprising against the government's extractivist policies, MAE initiated administrative action against the provincial government, alleging non-compliance with an environmental license in building the road. MAE accused the government of violating of the rights of soil and water due to indiscriminate logging and discarding waste in rivers. Also, the Attorney General filed a criminal lawsuit against Prefect Marcelino Chumpi alleging "crimes against the soil" (Art. 252 of Criminal Code). Chumpi denies the charges and alleges political persecution.	Regarding administrative actions, MAE revoked the provincial government's environmental license, fined Prefect Marcelino Chumpi \$70,000, and sent the military to decommission equipment used in road construction, prompting violent clashes with community members seeking to protect the equipment. Evidence for the criminal lawsuit was submitted to the District Attorney in late 2015 and as of early 2016 was considering whether to prosecute.

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Dead Condor	Criminal lawsuit	Government	2014	Yes	Provincial Director of Environment Ministry in Napo Province	Manuel Damián (hunter)	In June 2013, the Ministry of Environment (MAE) rescued an injured Andean Condor (knicknamed "Felipe"). After rehabilitating it, in July MAE released it into the wild, but monitored its activities. In April 2014, MAE discovered the Condor dead with bullet wounds in Napo province. The hunter was arrested in November 2014 at his home in Azuay province after posting pictures with the dead Condor on social media. MAE submitted the evidence to the District Attorney in Azuay, who charged Damián with violating RoN. Citing Articles 14, 83, 73, and 395 in the constitution (relating to RoN), the suit argued that since Andean condors are in danger of extinction, killing one threatens Condors' right to exist. The First Court of Criminal Guarantees of Azuay heard the case.	The court convicted Damián. Because he was a senior (61 years old), the court reduced the 1 year mandatory minimum sentence to six months in prison.
Dead Jaguar	Criminal lawsuit	Government	2013 - 2014	Yes	Ministry of Environment	Luis Alfredo Obando Pomaquero (hunter)	In 2012, a photograph was posted on a Facebook page showing several people posing with a dead jaguar. An environmental activists reported the picture to the Ministry of Environment (MAE), which investigated and determined that Luis Alfredo Obando had killed the jaguar. In 2014, the Director of MAE in Napo Province filed criminal charges against Obando for a "crime against Nature." The lawsuit cites Art. 247 of the Criminal Code, which identifies crimes against wildlife, a category of crimes against Nature.	In first instance, the lawsuit was heard by the Criminal Court of Guarantees of Napo. On June 23, 2014, the court convicted Obando to ten days in prison and ordered him to pay damages to the Ministry of Environment. Obando appealed the ruling to the Provincial Court of Justice of Napo. The provincial court rejected Obando's appeal and, due to aggravating circumstances, increased the sentence to six months in prison. Obando appealed the ruling to the National Court of Justice, which rejected the appeal and upheld the six-month sentence.
Biodigestor	Constitutional lawsuit for protective action	Legal Epistemic Community	2009	Yes	Collection of 16 community members from canton Santo Domingo de los Colorados	Juan Rivadeneira, Director of the Company PRONACA	Beginning in 2003, citizens of the canton Santo Domingo de los Colorados complained to national government ministries about water, air, and soil contamination produced by a large-scale pork processing plant owned by the agroindustrial company PRONACA. After government administrative actions did not solve the problem, in 2009 claimants filed a lawsuit for protective action, requesting a stoppage of 6 new biodigestor machines that PRONACA was installing to process the release of methane gas caused by intensive pig farming. While the lawsuit noted the negative impacts on flora and fauna, as well as aquatic systems above and below ground, it did not invoke RoN. Rather, claimants argued that PRONACA's actions violated their constitutional rights to Health and a Safe and Clean Environment. It was the judge who applied RoN in the case.	The Constitutional Court heard the case in 2009. After stating that it is the role of the court to protect citizens and their rights, the judge ruled against the proposed protections and stoppage of the biodigestors. However, the judge ruled that the case involved potential violations of the rights of nature that needed to be protected. Invoking Articles 71-72 of the constitution, the judge ordered the creation of a commission to audit and monitor the biodigestors, water usage waste management to ensure that the rights of nature, citizens, and communities would be protected. The ruling is significant in that the court acknowledged its right to invoke constitutional articles regarding Rights of Nature even when claimants did not specifically indicate such rights.
Santa Cruz Road	Constitutional lawsuit for protective action	Legal Epistemic Community	2012	Yes	Collection of 18 citizens from canton Santa Cruz	Autonomous Municipality of Santa Cruz represented by Mayor Leopoldo Bucheli Mora and lawyer Olimpido Ismael Morales	The case involves efforts by the municipal government of Santa Cruz, Galapagos Islands, to expand Charles Darwin Ave. (the main boulevard adjacent to a marine reserve area). In 2012, a group of 18 citizens, mainly business owners, filed a lawsuit for protective action to prevent construction, fearing it would disrupt business during high tourist season. The 2nd Temporal Civil and Mercantile Court, Galapagos, heard the case. The claimants did not make an environmental argument, much less invoke RoN. Rather, they made a procedural argument, noting the municipal government lacked the necessary environmental license for construction. The Mayor argued that the decentralized rights of municipal governments allowed them to continue work to avoid tourism issues.	While the judge agreed the municipality lacked the proper license, he also noted that the case involved the RoN, and ruled these must be factored into any solution. The judge noted the construction area constituted a species habitat, and the road crossed a migratory path for marine iguanas and other species. Invoking RoN (Articles 71-73), and citing the Vilcabamba case as precedent, the judge ordered that construction be suspended until the municipality conducted an environmental impact assessment that would guarantee that construction was carried out in a way that would protect species habitat in Academy Bay and the Marine Reserve, particularly during migration season. The judge placed a voluntary agreement between the parties to a) submit the proper documents for completion of the environmental legal requirements, and b) begin work in September after the tourist season. The case establishes further precedent regarding the court's duty to protect nature, even above the autonomous rights of decentralized municipalities.