

**CASE No. 1 632 -19-JP
LORDS OF JUDGES OF CONSTITUTIONAL COURT**

The Center for Democratic and Environmental Rights, (hereinafter CDER), appears before the Constitutional Court of Ecuador to present *amicus curiae* brief in case No. 1 632 -19-JP, selected for the development of binding jurisprudence on rights of Nature.

SELECTED JUDGMENT

The selected judgment involves mining concessions in the upper basin of the Nangaritza River territorial unit^[1] which is located in the Parque Nacional Podocarpus and the Biological Reserve Cerro Plateado. These natural areas make up the National System of Protected Areas (SNAP)^[2]; and constitute the core area of the **Biosphere Reserve Podocarpus – Condor**.^[3]

According to information from the United Nations Educational, Scientific and Cultural Organization (UNESCO), this Biosphere Reserve “is one of the most biologically diverse areas of the Neotropics.”^[4]

Reserve Biosphere Podocarpus - Condor contains 4,000 species of vascular plants, of which more than 20% are endemic; and, it is the habitat of almost 800 species of birds^[5] and threatened wildlife species such as the Andean bear. According to UNESCO, the Reserve constitutes “the largest block of habitat available for this species in its entire range, within the Ecoregional Complex of the Northern Andes.”^[6] This Reserve also houses páramo and cloud forest ecosystems, determined by the Constitution of the Republic of Ecuador as fragile and threatened ecosystems.^[7]

In this area there is also located the Protected Forest Cuenca Alta del río Nangaritza (Upper Basin of the Nangaritza River Protected Forest). This Protected Forest is located within the the *Biological Reserve Cerro Plateado*; a protected area that was established “for the *preservation* of wildlife,” in accordance to the law in force at that time.^[8]

The selected case, therefore, refers to the guarantee of the rights of nature in the framework of mining activities carried out near areas protected by Ecuadorian law and by international law (Biosphere Reserves).

CONSTITUTIONAL ASPECTS

From this background, this *amicus curiae* brief will refer to these juridical aspects:

- The State duty to protect the natural heritage and the rights of nature.
- Biosphere Reserves and the rights of nature.
- The legal effect of the rights of nature to incorporate “higher standards of environmental protection”[\[9\]](#) in areas adjacent to protected areas and river basins, which are fragile ecosystems or habitat for threatened species.
- The State duty to protect the rights of nature, which constitutional jurisprudence places upon constitutional judges.

THE STATE DUTY TO PROTECT THE NATURAL HERITAGE AND THE RIGHTS OF NATURE

Constitution

The Constitution of the Republic of Ecuador includes the protection of natural heritage among the *primary duties* of the State.[\[10\]](#) The Constitution conceptualizes the natural heritage as unique and invaluable. Natural heritage comprises “...physical, biological and geological formations whose value from the environmental, scientific, cultural or landscape point of view requires their protection, conservation, recovery and promotion...”[\[11\]](#) At the constitutional level, the State duty of protection includes not only the natural heritage, but also protected natural areas[\[12\]](#), fragile ecosystems[\[13\]](#) and water[\[14\]](#).

The Constitution also indicates that the State has the duty to guarantee the rights of nature.[\[15\]](#) Hence, constitutional jurisprudence has framed these new rights within the State duty of protection.

Jurisprudence

The duty of protection of the natural heritage is articulated with the rights of nature from a perspective of guarantee. This is what the Constitutional Court has said:

“For this reason, we cannot ignore the content of the protection of Nature's own rights, which are established in articles 71 and 72 of the Constitution of the State, which establish that Nature has the right to have her existence and the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes, as well as restoration when its natural systems are affected. Even more so when in accordance with the same fundamental Charter provided for in articles 3 and 277, it is enshrined as the duty of the State to protect the natural heritage and guarantee the rights of people, communities and Nature.”[\[16\]](#)

Years later, the Constitutional Court ratified such reasoning, stating:

“Such position [duty to protect the natural heritage] that the Court is obliged to maintain becomes more relevant if we consider that the 2008 Constitution of the Republic establishes an inherent chapter of the “rights of nature” that the State is obliged to promote and guarantee...”[17]

Hence, the Constitution commits the State to: “Ensure the intangibility of protected natural areas, in such a way as to guarantee the conservation of biodiversity and the maintenance of the ecological functions of ecosystems.”[18]

For Ecuadorian constitutional law, the Constitution assigns to the State the primordial duty to protect natural areas, fragile ecosystems and the natural heritage. Therefore, the Constitution permits the adoption of regulatory measures, protective and even restrictive for the achievement of this State duty.

Legislation

In this same conceptual line in 2018, the legislature determined that the National System of Protected Areas not only guarantees the conservation of biodiversity, but also the rights of nature.[19] Specifically on environmental management, the legislature established that the activities that cause environmental impact “must ensure the protection and conservation of ecosystems and their biotic and abiotic components, in such a way that these impacts do not affect the dynamics of populations and the regeneration of their life cycles, structure, functions and evolutionary processes, or that prevents their restoration.”[20]

The State duty of protection, therefore, extends - by legislative provision - to the field of the rights of nature. This legal duty of protection includes protected areas, fragile ecosystems and special areas for the conservation of biodiversity.

BIOSPHERE RESERVES AND THE RIGHTS OF NATURE

UNESCO. 28 C / Resolution 2.4

The Biosphere Reserves are part of the intergovernmental scientific program called *Man and the Biosphere*, established by UNESCO in 1971. Resolution 28 C / 2.4 of the General Conference of UNESCO, adopted in 1995, defines Biosphere Reserves as “areas of terrestrial or coastal/marine ecosystems, or a combination of these, internationally recognized as such within the framework of the Program on Man and the Biosphere.”[21] These zones must fulfill *conservation, sustainable development, and education and research functions*. They are made up of a core zone, a buffer or buffer zone, and a transition zone. On the zoning of Biosphere Reserves, the Resolution states:

“One or more core areas that benefit from long-term protection and allow the conservation of biological diversity, monitor less disturbed ecosystems and carry out research and other non-disruptive activities (for example, educational); a well-defined buffer zone that generally surrounds or adjoins the core zones, which is used for cooperative activities compatible with rational ecological practices, such as environmental education, recreation, ecotourism, and applied and basic research;

and, a flexible transition zone (or area of cooperation) that can include various agricultural activities, human settlements and other uses..."[22]

Official recognition of the Ecuadorian State

In 2008, the Ecuadorian State agreed to "the official recognition of the existing Biosphere Reserves in the national territory." [23] This recognition expressly included the Podocarpus - El Cónдор Biosphere Reserve. [24]

In 2017, the Ecuadorian State established the National Biodiversity Strategy, which highlighted "the need to consolidate the policy of sustainable management of natural landscapes...that promotes the conservation of biological diversity at appropriate territorial scales under the principles of ecosystem representativeness, connectivity and integrity of terrestrial and coastal-marine landscapes." [25] Within this framework, the Strategy included the Biosphere Reserves.

In line with the National Biodiversity Strategy, the Organic Code of the Environment of 2018 established *special areas for biodiversity conservation* as a mechanism [26], complementary to the National System of Protected Areas [27], including areas or sites recognized by international instruments. [28]

Convention on Biological Diversity and Biosphere Reserves

The *special areas for the conservation of biodiversity* are based on the State commitments derived from the ratification of the Convention on Biological Diversity, which states: "Each Contracting Party, to the extent possible and as appropriate: a) Shall establish a system of protected areas or *areas where special measures must be taken to conserve biological diversity*." [29]

The relationship between the Convention on Biological Diversity and Biosphere Reserves has been recognized by UNESCO itself as a "great contribution" [30] for the application of the treaty. In this context, the Ministry of the Environment of Ecuador has recognized the relevance of Biosphere Reserves to comply with the Convention on Biological Diversity to:

"Ratify compliance with the commitments assumed by the Ecuadorian State within the International Agreements and Treaties that it has signed, and in particular those that are related to the fulfillment of the objectives of the Convention on Biological Diversity (CBD) that are articulated in the framework for the management of Biosphere Reserves." [31]

Biosphere Reserves and Rights of Nature

The first objective of the Strategy of the Man and the Biosphere Program for the period 2015-2025 is: "Conserving biodiversity, restore and improve ecosystem services and promote

sustainable use of natural resources.”[32] The third objective proposes the construction of prosperous societies and settlements “in harmony with the biosphere.”[33]

It is evident that the UNESCO Strategy for Biosphere Reserves is consistent with the constitutional rights of nature in Ecuador. To a certain extent, their objectives are inspired by Ecuadorian constitutional law, which recognizes the right of nature to restoration[34] and, promotes a development regime based on harmonious coexistence with nature[35], prioritizing the “conservation of nature”[36] in the management of non-renewable natural resources, including mining.

MINING NEAR A PROTECTED AREA

The Constitutional Court has stated that the legal problem in this case refers to “the rights of nature in situations of extraction activities near protected areas,”[37] particularly with mining activities in a Protected Forest located near protected areas. This problem is similar to that raised in Case No. 1149-1119-JP (Bosque Protector Los Cedros case). However, this case raises two additional elements:

- Mining activities in a river basin that crosses by protected areas.
- Mining activities in areas near protected areas that are also the core area of a biosphere reserve.

Mining activities in a Protected Forest

On this aspect, CDER submitted legal arguments in case No. 1149-19-JP, which are pertinent to this case, and, which are summarized below:

- The legal problem is not limited to the legal difference between a protected forest and a protected area, but refers to a protected forest covered by a fragile ecosystem[38] which is also the *habitat of species threatened with extinction*. To address this problem, the focus should be on the constitutional protection of a fragile ecosystem, not on the legal definition of protected forest or protected area. This is because the application of the rights of nature is not limited to protected forests or protected areas.
- The Organic Code of the Environment defines fragile ecosystems as “areas with unique characteristics or resources *highly susceptible to any human intervention* producing alteration in their structure and composition.”[39] To protect these ecosystems “additional protection measures”[40] apply that prevent impacts on their life cycles and processes. Article 406 of the Constitution classifies humid tropical forests as *fragile and threatened ecosystems*. The Protected Forest of the upper basin of the Nangaritza River is a **humid tropical rainforest**.

The Protected Forest of the upper basin of the Nangaritza River is made up of dense high foothill forest, dense high montane low forest, dense high montane forest and dense high riparian foothill forest.[\[41\]](#)

In the appeal decision no reference is made to additional protective measures that have been adopted by the environmental authority or by trial judges to protect fragile ecosystems that house the Protected Forest of the upper basin of the Nangaritza River. This fails to comply with the standard set in Article 406 of the Constitution.

- The Protected Forest of the Upper Nangaritza River Basin not only harbors fragile ecosystems, but is also the habitat of threatened species, including the Andean bear. The Red Book of Mammals of Ecuador categorizes it as an endangered species.[\[42\]](#) This species is also listed in the appendices of CITES, as threatened with extinction. CITES was ratified by Ecuador in 1975.[\[43\]](#)
- Article 73 of the Constitution requires the State to apply *precautionary measures and restrictions on activities that may lead to the extinction of species*. This constitutional perspective is adopted by the Organic Code of the Environment[\[44\]](#) and its regulations, which expressly establish: “All species are protected by the State. Native, endemic, threatened or migratory species will have a higher degree of protection.”[\[45\]](#)

In the appeal decision, there is no reference to restrictive measures that have been taken by the licensing authority or trial judges to protect the habitat of the Andean bear. This fails to comply with the standard set in Article 73 of the Constitution.

Mining activities in a watershed that runs through protected areas

- Ecuadorian law defines a hydrographic basin as “the territorial unit delimited by the dividing line of its waters that drain superficially towards a common channel. Populations, infrastructure, conservation areas, protection and productive areas are included.”[\[46\]](#)
- Taking a river basin ecosystem approach is part of the constitutional standard of integrated water management.[\[47\]](#) Hence, the law incorporates “the protection of hydrographic basins”[\[48\]](#) in the field of the rights of nature.

In the appeal decision, there is no reference to measures that have been taken by the licensing authority or by trial judges to guarantee the rights of nature from the perspective of the integrated management of the watershed. This fails to comply with the standard set in Article 411 of the Constitution.

Mining activities in areas near protected areas that also constitute the core area of a Biosphere Reserve

- The Upper Nangaritza River Basin Forest was declared a Protected Forest in 2002.[\[49\]](#)
- The Cerro Plateado Biological Reserve was declared a protected area in 2010.[\[50\]](#) This protected area, belonging to the National System of Protected Areas, is located within the Protected Forest and covers 26,114 hectares. In other words, the Protected Forest adjoins the protected area, which makes it a buffer zone. The Organic Code of the Environment defines these zones as “areas adjacent to the areas of the National System of Protected Areas.”[\[51\]](#)
- The Biosphere Reserve Podocarpus - El Condor was designated by UNESCO in 2007. Cerro Plateado and Podocarpus are its core area, which means that the Protected Forest in the Upper Basin of the Nangaritza River is in the buffer zone or buffer the Biosphere Reserve.
- The Protected Forest of the Upper Basin of the Nangaritza River is also a buffer zone of the Biological Reserve Cerro Plateado. Buffer zones contribute to the conservation of protected areas[\[52\]](#) and, since 2018, they have been legally defined as special areas for the conservation of biodiversity[\[53\]](#), so the projects carried out in them must be governed by specific technical standards, which the national environmental authority has not issued.

In summary: Nangaritza is not only a Protected Forest, but is the habitat of critically endangered species threatened with extinction; it is a buffer zone for a Biological Reserve and a Biosphere Reserve; and, it houses forests constitutionally classified as fragile ecosystems.

This case, therefore, does not refer only to mining in Protected Forest, but to mining in fragile ecosystems that are the habitat of endangered species threatened with extinction; and that are adjacent to Protected Areas. In this framework, the State duty to guarantee the rights of nature must be exercised from a constitutional perspective.

GUARANTEE THE RIGHTS OF NATURE: GENERAL DUTY OF THE STATE

At the same time as it recognizes rights of nature, the Constitution of the Republic of Ecuador also establishes duties. Thus, it corresponds to the State’s *promotion*[\[54\]](#) and *guarantee*[\[55\]](#) of the rights of nature. In this regard, constitutional judges have dictated these conceptual lines:

- a. In 2009, the First Chamber of the Constitutional Court for the transition period, in a resolution regarding the environmental management of agro-industrial swine activity by the Blanco River (Santo Domingo de los Tsáchilas), made the first reference to the duty of the State to **guarantee the rights of Nature** “as part of a philosophy guaranteeing rights...”[\[56\]](#)

b. In 2012, the Constitutional Court for the transition period, in a ruling issued in a public action of the Organic Law of the Special Regime for the Conservation and Sustainable Development of the Province of Galapagos, stated:

“Such position that the Court is obliged to maintain becomes more relevant if we consider that the Constitution of the Republic of 2008 establishes a chapter inherent to the 'rights of nature' that **the State is obliged to promote and guarantee.**”[\[57\]](#)

c. In 2018, the Constitutional Court issued a ruling in an extraordinary protective action on the involvement of the Alpayacu River (Pastaza) for agro-industrial activities, which ratified the “fundamental duty of the State [of] **respect and enforce the rights guaranteed and established in the constitutional norm.**”[\[58\]](#)

Duty of constitutional judges

In this context, constitutional jurisprudence has emphasized the duty of judges in the effective protection of the rights of nature:

a. In 2009, the First Chamber of the Constitutional Court for the transition period, in the case of the Blanco River, made the first general reference to the duty of judges in this matter: “The principle of integrity or completeness dictates that **to exercise a true justice, which is the objective of this Court**, it is necessary to look at all the elements of the case and the parties involved, one of them being Nature.”[\[59\]](#)

b. In 2015, the Constitutional Court issued a judgment in an extraordinary protection action relative to the occupation of the Cayapas-Mataje Ecological Reserve, in which it stated: “... the constitutional nature recognized to the rights of nature implicitly entails the obligation of the State to ensure its effective enjoyment, **falling specifically within the courts the task of ensuring the protection and protection these rights**, in cases submitted to it and where they can be violated.”[\[60\]](#)

LEGAL EFFECT OF THE RIGHTS OF NATURE: HIGHER STANDARDS

In Los Cedros case, CDER stated in its *amicus curiae* brief that Ecuadorian jurisprudence has identified the first guidelines for implementation, highlighting the “importance of the rights of nature,”[\[61\]](#) whose recognition reflects a “new form of relationship between human beings and nature.”[\[62\]](#) Hence, in an extraordinary protection action relative to the unauthorized conduct of mining activities, the Constitutional Court noted:

“...It is evident that the rights of nature radiate both to social relations and to each of the elements of the country's economic system, resulting in **production and consumption**

not becoming predatory processes, but on the contrary, tend to respect its existence, maintenance and regeneration of its elements.”[63]

This *harmonious and balanced relationship* involves the establishment, by the public authority, of *limitations on the exploitation* of natural resources; and, even, *limitations on the constitutional rights* of individuals. Thus, the Constitution refers to the biophysical limits of nature[64], the natural regeneration of ecosystems[65], and the protection of fragile ecosystems.[66]

From a Comparative Law approach, the Constitutional Court noted that recognition of the rights of nature meant the incorporation of higher standards of environmental protection[67] The Constitutional Court has also specified that the absence of analysis of the rights of nature, in actions relating to the subject “denatures the constitutional principles that proclaim full respect for the existence and maintenance of natural areas.”[68] In this context, the following jurisprudence stands out:

- a. Natural resources can be used for the benefit of society, “as long as their life cycles are respected without threatening their existence...”[69]
- b. Comprehensive and effective respect for its existence [nature] must be fulfilled “by safeguarding each and every one of its systems, processes and natural elements...it is imperative to safeguard the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes.”[70]
- c. The guarantee of protection of nature implies respect for “their own behavior, otherwise the validity of their rights and their effective protection would be omitted.”[71]

In summary: the rights of nature have the legal effect of raising environmental standards: in a country, whose Constitution recognizes rights of nature, State power must be exercised from a perspective that includes these rights.

This case, therefore, must be resolved as one about fragile ecosystems that are habitat for species in danger of extinction; and, therefore, must consider restrictive measures consisting of not carrying out mining activities, in any of their phases, within fragile ecosystems or in the habitat of threatened species. Furthermore, such measures, consisting of not carrying out mining activities, in any of their phases, should apply in an area adjacent to a protected area and in a hydrographic basin.

These measures could also provide a standard and content to the constitutional right of nature to maintain her cycles, structure and functions, for which current legislative environmental standards have not yet been set.

CONTENT OF THE RIGHTS OF NATURE

The recognition of rights of nature shows a substantial legal difference with environmental human rights: not only is *something to be protected*, an object, good or resource; but resource; but *someone* to be *respected*, as a holder of constitutional rights. [72] It is a material difference, whose antecedent is the Resolution of the United Nations General Assembly, entitled World Charter for Nature: “Nature will be respected and its essential processes will not be disturbed.”[73] In this context, the standards to guarantee the rights of nature should be based, among other things, measures to ensure respect for nature.

Measures that guarantee respect for nature: Article 73 of the Constitution

Article 73 of the Ecuadorian Constitution provides for the adoption of restrictive measures to prevent the extinction of species. It is a constitutional standard that is precisely aimed at guaranteeing the rights of nature.

Within the framework of environmental management; and, more specifically, in the case of activities that cause environmental risks or impacts, Article 190 of the Organic Code of the Environment provides for the legal obligation to ensure the protection of ecosystems in such a way that they do not affect the dynamics of populations, or regeneration of vital cycles.

This legal provision becomes more relevant in scenarios marked by environmental risks in fragile ecosystems and in habitats of species in danger of extinction, which are spaces that have specific constitutional protection.

The constitutional standard and the legal obligation noted are complemented by the State commitment, assumed by the ratification of the Convention on Biological Diversity, to promote “environmentally appropriate and sustainable development in areas adjacent to protected areas, **with a view to increasing the protection of those areas.**”[74]

The latter is important, since it has been developed by the Conference of the Parties, through Decision VII / 27 that contains the Work Program on Biological Diversity in Mountains, which includes among its goals: “To prevent or mitigate the negative impacts that economic development, infrastructure projects and other human-induced disturbances exert on mountain biological diversity at all levels, if appropriate, taking into consideration the results of the assessment of environmental and social impacts, paying particular attention in cumulative impacts.”[75]

CONCLUSIONS

1. The issue of mining in areas near protected areas, that are home to fragile ecosystems that are also habitat of species in danger of extinction, can be addressed by applying Articles 73 and 406 of the Constitution of the Republic of Ecuador.
2. Article 73 of the Constitution provides, in a mandatory way, the adoption of restrictive measures for activities that: a) may lead to the extinction of species; b) that may lead to the destruction of ecosystems; or, c) may lead to permanent alteration of natural cycles.

3. Protection of fragile ecosystems and species in danger of extinction are in accordance with the protection of the rights of nature and the need to ensure full respect of their existence.
4. The protection of fragile ecosystems and species in danger of extinction is also required to comply with the constitutional standard of integrated hydrographic basin management; and it is accentuated in areas of high global importance, such as Biosphere Reserves.
5. Articles 73 and 416 of the Constitution, consistent with Article 8 literal d) of the Convention on Biological Diversity, refers to ecosystem protection and maintenance of viable populations of species in natural environments.
6. The Constitutional Court of Ecuador must apply the highest standard and adopt a constitutional measure in the form of a *restriction of mining in the forests of the upper reaches of the Nangaritza River because they: a) host fragile and threatened ecosystems; b) are habitat for species in danger of extinction; c) are located in a hydrographic basin; and d) form part of a biosphere reserve.*

SPECIFIC APPROACH: RESTRICTIVE MEASURE

This case refers to mining activity, which is an activity provided for in the Constitution. However, mining - and other industrial activities - can significantly alter nature, which could mean a violation of the rights of nature.

Based on these antecedents, this *amicus curiae* brief proposes the following restrictive constitutional measure:

That mining activity be restricted in fragile and threatened ecosystems or in habitats of wild species threatened with extinction; even more so if they are located near areas protected by Ecuadorian law and international law.

This measure does not prevent mining activities in *all* protected forests of the country; rather, it would only restrict such activities in those protected forests that harbor fragile ecosystems or that constitute the habitat of wild species threatened with extinction.

The restriction would consist, specifically, of not carrying out mining activities - in any of their phases - within fragile ecosystems or in the habitat of threatened species; even more so if they are located near areas protected by Ecuadorian law and international law.

It should be noted that this measure would also apply outside of protected forests, provided that they are zones or areas that harbor such fragile ecosystems or are habitats for species threatened with extinction. This, then, the application of the rights of nature is not limited only to protected areas or protected forests, but applies throughout Ecuador, especially in ecosystems and habitats with specific constitutional protection. As stated in Article 73 of the Constitution, this measure would also apply in cases of permanent alteration of natural cycles.

INTEREST IN THE CAUSE

As it is a case related to the rights of nature, which is our institutional purpose, CDER expresses interest in this case.

REQUEST

Based upon these arguments; and, in accordance with the provisions of Article 12 of the Organic Law of Jurisdictional Guarantees and Constitutional Control, CDER requests of the Constitutional Court of Ecuador that this *amicus curiae* brief be admitted to the file of this case, to better resolve it.

ADDRESS AND NOTIFICATIONS

For notifications, you will receive them in the electronic box: echejur@yahoo.ca and judicial box No. 264, of Quito, belonging to Doctor Hugo Echeverría, Lawyer with professional registration No. 17-2001-108 of the Lawyers Forum, to whom is designated as our attorney, to whom I authorize to submit written and appear at hearing to present arguments concerning this *amicus curiae*.

I sign together with my attorney.

Mari Margil
Hugo Echeverría
CDER Registration No. 17-2001-
108

Lawyers Forum

[1] Article 34 of the Organic Law of Water Resources, Uses and Use of Water defines the term basin as “the territorial unit delimited by the dividing line of its waters that drain superficially towards a common channel. They include in this space, populations, infrastructure, conservation areas, protection and productive zones”.

[2] Constitution of the Republic of Ecuador. Article 405.

[3] UNESCO. Biosphere Reserves.
<https://en.unesco.org/biosphere/wnbr>

[4] UNESCO. World Network of Biosphere Reserves. Podocarpus - El Condor Biosphere Reserve, Ecuador.
<https://en.unesco.org/biosphere/lac/podocarpus-elcondor>

[5] Nature and International Culture. Podocarpus Biosphere Reserve -El Cónдор.
<http://www.naturalezaycultura.org/spanish/htm/ecuador/areas-andes-podocarpus.htm>

[6] Ibid. Ecological Characteristics .

[7] Constitution of the Republic of Ecuador. Article 406.

[8] Law on Forestry and Conservation of Natural Areas and Wildlife. Article 107.

[9] Constitutional Court for the Transition Period. Sentence No. 017-12-SIN-CC.

[10] Constitution of the Republic of Ecuador. Article 3 numeral 7.

- [11] Constitution of the Republic of Ecuador. Article 404.
- [12] Ibid. Article 397 numeral 4.
- [13] Ibid. Article 406.
- [14] Ibid. Article 411.
- [15] Ibid. Article 277 numeral 1.
- [16] Constitutional Court for the transition period. First Room. Resolution No. 0567-08-RA . Official Register Special Edition No. 23: 12/08/2009.
- [17] Constitutional Court for the transition period. Judgment No. 017-12-SIN . Official Gazette Supplement No. 743: 07/11/2012.
- [18] Constitution of the Republic of Ecuador. Article 397 numeral 4.
- [19] Organic Code of the Environment. Article 37, first paragraph.
- [20] Ibid. Article 190.
- [21] UNESCO. General Conference. 28 C / Resolution 2.4. nineteen ninety five.
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- [22] Ibid.
- [23] Ministry of the Environment. Ministerial Agreement No. 168. 11/13/2008.
- [24] Ibid. Considering ourselves.
- [25] Ministry of the Environment. Ministerial Agreement No. 125. Official Register Special Edition 41 of July 19, 2017.
- [26] Organic Code of the Environment. Article 36 numeral 2.
- [27] Ibid. Article 55.
- [28] Ibid. Article 56 numeral 1.
- [29] Convention on Biological Diversity. Ratification. Official Registry No. 148: 03/16/1993. Article 8 literal a).
- [30] UNESCO. General Conference. 28 C / Resolution 2.4. 1995. Considering.
https://unesdoc.unesco.org/ark:/48223/pf0000103849_spa
- [31] Ministry of the Environment. Ministerial Agreement No. 168. Article 1 literal a).
- [32] UNESCO. Program on Man and the Biosphere. Strategy of the Program on Man and the Biosphere for the period 2015-2025. Paris, 2017, page 18
<https://unesdoc.unesco.org/ark:/48223/pf0000247564>
- [33] Ibid.
- [34] Constitution of the Republic of Ecuador. Article 72.
- [35] Ibid. Article 275.
- [36] Ibid. Article 317.
- [37] Constitutional Court of Ecuador. Selection Room. Providence of 03/05/2020.
- [38] Constitution of the Republic of Ecuador. Article 406.
- [39] Organic Code of the Environment. Glossary of terms.
- [40] Regulation to the Organic Code of the Environment. Article 258.
- [41] Rojas, Jorge. Design of a Management Plan for the Community Protected Forest from the Ancestral Practices in Alto Nangaritza . Private Technical University of Loja. End-of-degree work. Loja, 2014. Page 18.
- [42] Red Book of the Mammals of Ecuador. <https://librorojo.mamiferosdeecuador.com/home.html#>
- [43] Convention on International Trade in Endangered Species of Wild Fauna and Flora.
<https://cites.org/esp/disc/text.php#I>
- [44] Organic Code of the Environment. Article 35 paragraph 3.
- [45] Regulation to the Organic Code of the Environment. Article 87 first paragraph.

- [46] Organic Law on Water Resources, Uses and Use of Water. Article 34 second paragraph.
- [47] Constitution of the Republic of Ecuador. Article 411.
- [48] Organic Law on Water Resources, Uses and Use of Water. Article 6 4
- [49] Ministry of the Environment. Ministerial Agreement No. 8. Official Registry No. 508: 02/04/2002.
- [50] Ministry of the Environment. Ministerial Agreement No. 146. Official Registry No. 318: 11/11/2010.
- [51] Organic Code of the Environment. Article 59.
- [52] Ibid .
- [53] Ibid. Article 56 numeral 2.
- [54] Constitution of the Republic of Ecuador. Article 71, third paragraph.
- [55] Ibid. Article 277 numeral 1.
- [56] Constitutional Court for the Transition Period. First Room. Resolution No. 0567-08-RA.
- [57] Constitutional Court for the Transition Period. Sentence No. 017-12-SIN-CC.
- [58] Constitutional Court. Judgment No. 023-18-SIS-CC.
- [59] Constitutional Court for the Transition Period. First Room. Resolution No. 0567-08-RA.
- [60] Constitutional Court. Judgment No. 166-15-SEP-CC.
- [61] Constitutional Court. Judgment No. 166-15-SEP-CC.
- [62] Constitutional Court. Sentence No. 034-16-SIN-CC.
- [63] Constitutional Court. Judgment No. 218-15-SEP-CC .
- [64] Constitution of the Republic of Ecuador. Article 284 numeral 4.
- [65] Ibid. Article 395 numeral 1.
- [66] Ibid. Article 406.
- [67] Constitutional Court for the Transition Period. Sentence No. 017-12-SIN-CC.
- [68] Constitutional Court. Judgment No. 166-15-SEP-CC.
- [69] Constitutional Court. Judgment No. 065-15-SEP-CC .
- [70] Constitutional Court for the Transition Period. First Room. Resolution No. 0567-08-RA.
- [71] Ibid.
- [72] Echeverría, Hugo. "Rights of Nature: The Ecuadorian case". ESMAT (Palmas), 13 (2017). 81.
- [73] United Nations Organization. General Assembly. A / RES / 37/7. World Charter for Nature
- [74] Convention on Biological Diversity. Article 8 literal e).
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