



Land is Life submits an Amicus Curiae to the Constitutional Court of Ecuador to strengthen the guarantee of prior consultation for Indigenous Peoples in Initial Contact

Land is Life has submitted an *amicus curiae* to the Constitutional Court of Ecuador as part of the constitutional review process concerning prior consultation with Indigenous Peoples in a situation of Initial Contact, in the context of the bidding process for oil block 22, located in the province of Pastaza.

The case originated from a protective action filed by the Ombudsman's Office of Ecuador, the General Coordination of the Council of Coordination of the Waorani Nationality of Ecuador–Pastaza (CONCONAWEP), and four *pikenani* (traditional authorities) of the territory, who denounced that the consultation was carried out without respecting minimum intercultural standards, without ensuring understanding or effective participation, and before the start of the extractive project.

In previous proceedings, the courts acknowledged the violation of rights such as self-determination, prior consultation, and the rights of nature. Although there are no consolidated national guidelines for prior consultation applicable to Indigenous Peoples in Voluntary Isolation and Initial Contact (PIACI), Land is Life maintains that Ecuador possesses a robust and binding legal framework—both national and international—as well as relevant interpretative principles. Among them is the ruling of the Inter-American Court of Human Rights in the case *Tagaeri and Taromenane vs. Ecuador* (2024), which reinforced the principle of protective abstention and the requirement of consent when collective survival is at risk.

Land is Life reminds us that this ruling could serve as a reference guide for the pending law on prior consultation that the National Assembly has yet to issue. Through this intervention, the global commitment to defending the most invisible



Indigenous Peoples is reaffirmed, and a call is made to protect their life, territory, and culture through legitimate, culturally appropriate, and operational mechanisms.

In this context, Land is Life presents a technical systematization of the most relevant binding national and international standards that the Court can use to consolidate a strong, legitimate, and differentiated constitutional line. As part of a comparative approach, jurisprudence from the Colombian Constitutional Court is also included—especially regarding the notion of “expanded territory” and the distinction between prior consultation and free, prior and informed consent, in accordance with the principle of proportionality.

Land is Life calls on the Court to seize this historic opportunity to consolidate structured and progressive safeguards, consistent with Ecuador’s constitutional and international commitments on the rights of Indigenous Peoples.

Key contributions of the document include:

- **Heightened protection of PIACI:** Any contact must be mediated by culturally safe protocols, respecting the decision to remain in isolation and applying the precautionary principle.
- **Expanded territory:** It proposes interpreting Indigenous territory in a culturally situated way, recognizing ancestral possession, transit routes, and spiritual places beyond official boundaries.
- **Consultation vs. consent:** It urges the Court to distinguish between consultation processes and situations which, due to their gravity, require free, prior and informed consent as a prerequisite for any state or corporate action.

With this intervention, we call on the Constitutional Court of Ecuador to establish a precedent that reaffirms the binding, differentiated, and rights-guaranteeing nature of the right to prior consultation—especially when the physical and cultural survival of Indigenous Peoples in voluntary isolation and initial contact is at stake.