



Análisis sobre el cumplimiento a la Consulta Previa, Libre e Informada, en procesos extractivistas en el Ecuador [

2020

text (article)

Analítica

This review article sets out the application of the Constitution in relation to jurisprudence and doctrine for the applicability of due process and legal security in prior consultation for the exploitation of natural resources in the Ecuadorian State; In the validity of the Constitution of Ecuador that was approved October 20, 2008, it provides that strict compliance must be given by the Institutions in charge of granting permits for the exploitation of natural resources, which in practice is not fulfilled since prior consultation must be free and informed within a reasonable time, on plans and programs for the exploration, exploitation and commercialization of non-renewable resources, which are on their lands and which may affect them environmentally or culturally; participate in the benefits that these projects report and receive compensation for the social, cultural and environmental damages that they cause, as recognized by national and international legislation and that there are several legal norms that allow living in a healthy environment that protects the ecosystem and biodiversity for the benefit of all Ecuadorians, but in practice it is not reflected because there is no compliance and good applicability before granting a mining or extractive concession within indigenous territories and peoples, where only administrative requirements and After this, several conflicts are generated between the State and its people, and to date there is no good applicability where the violation of rights is put to an end, the research was of a mixed type with emphasis on the qualitative, methods were applied as the inductive-deductive, logical historical, synthetic analytic and comparative law

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