



REPAM

PANAMAZON ECCLESIAL NETWORK

The fountain of life in the heart of the church

Regional report of violation of human rights in the amazonia:

Weaving networks of
resistance and struggle
in Colombia, Brazil,
Ecuador, Peru and
Bolivia¹





Location map of the thirteen territories that were part of the process of the School of Human Rights of the Panamazonian Ecclesial Network, 2016.

Introduction

This document is a summary of the Regional Report of Violation of Human Rights in the Amazonia. It collects 13 cases of systematic violation of the human rights of various indigenous peoples, rural and peasant communities in Colombia, Brazil, Ecuador, Peru, and Bolivia.² The struggle of these communities to reach a decent life and take care of the common house has been long, painful and frustrating. However, thanks to the support of organizations involved, allied and related to the Panamazonian Ecclesial Network (REPAM) it has been possible to gather up their demands and proposals, and take them to the top to claim respect for their rights and dignity as human beings.

The Amazonia is one of the territories most biodiverse in the world with an area of 5.5 million square kilometers; it is the home to 33 million people, 380 indigenous peoples, 140 peoples in voluntary isolation and in which 240 native languages are spoken. The Panamazonia crosses nine countries: Venezuela, Colombia, Ecuador, Peru, Brazil, Suriname, Guyana, French Guyana and Bolivia.³ The richness of this region led, at various moments in the history, military, commercial and industrial interests to compete for the control of natural resources, and thus moving, destroying or subduing huge ancestral populations. First were rubber, chestnut and gold, today oil and gas projects as well as mines that pollute the natural environment, alter the social peace of peoples and cause irreparable losses of Amazonian cultures.⁴

Nowadays many villages in remote areas continue their lives in a traditional way. However, the presence of armed actors, national armies or simply activities that are part of the policy of colonization, land occupation and extraction of natural resources, have turned the Amazon region in a war zone and its inhabitants in victims of political violence.⁵

1 Synthesis of the document prepared by Lina Cahuasquí, Advisor of MISEREOR in Ecuador.

2 This report is the result of an articulated work done by the Panamazonian Ecclesial Network (REPAM), whose authorship corresponds to social and church organizations, and are: Conselho Indigenista Misionario, CIMI (Indigenist Missionary Council), Justiça nos Trilhos of Brazil, Centro Amazónico de Antropología y Aplicación Práctica, CAAAP (Amazon Center of Anthropology and Practice Application), Pastoral de la Tierra Vicariato de Yurimaguas de Perú (Pastoral of the Land of the Vicariate of Yurimaguas, Peru), Bolivia Caritas, Caritas Ecuador, Comunidad Amazónica de Acción Social Condor Mirador, CASCOMI (Amazonian Community of Social Action Condor Mirador), Apostolic Vicariate of Aguarico in Ecuador, Regional Social Pastoral Southeast Colombian and Southern Vicariate, Diocese of Florence, Caquetá, Colombia.

3 REPAM (2018). "Regional Report of Violation of Human Rights in the Amazonia: weaving networks of resistance and struggle in Colombia, Brazil, Ecuador, Peru and Bolivia".

4 Idem, p. 3

5 Idem, p. 3



Extractive industries, illicit crops and many activities of exploitation of natural resources are causing devastating impacts on the environment, health and peace of peoples. However, the economic wealth that generates these activities does not return to the inhabitants, but are transferred to financial markets. In this scenario indigenous, rural, peasant communities and other local populations, face systematic violations to their human rights, resist daily, build their Amazonian identity and are advocates of human rights and of nature.⁶

Despite the breakthrough of the international framework of human rights in recent decades, the defenders of human rights and nature are challenged to make their voice be heard as well as their complaints about constant violations of their rights. They require that the world knows their lifestyles and undertakes to protect the common house, the land and natural resources.⁷

The REPAM report is a tool to visualize this reality so it doesn't remain in neglect, abuse, and arbitrariness, but turns into a mechanism for advocacy of human rights and nature rights. The methodology used in the report is the result of the experience developed by the Human Rights Division of REPAM in 2016 after the work of the first School for the Defense, Promotion and Demand of Human Rights and the committed accompaniment to indigenous peoples, rural and peasant communities in their fight for dignity, privileging the prominence of the people.⁸ Therefore, the report represents the teamwork of agents with territorial base and participants of the community, both of them identified as the main source. The document contains an account of reality, the correlation of human rights as well as a legal analysis and concrete proposals for public policy.⁹ In the cases described below, the right to self-determination, to identity, to non-criminalization of rights defenders, the right to water and the habitat, are discussed.



Right to self-determination as a basic principle for the exercise of collective rights

The International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, point out that ***all peoples have the right of self-determination. By virtue of this right they freely establish their political status and also provide for their economic, social and cultural development.*** Article 7 of the ILO¹⁰ Convention 169 on Indigenous and Tribal Peoples in Independent Countries recognizes the prior consultation, noting the right of peoples to decide their own development priorities, in so far as it affects their lives, beliefs, institutions and spiritual well-being in the land which

6 Idem, p. 4

7 Idem, p. 4

8 Idem, p. 4

9 Idem, p. 5

10 International Labour Organization



they occupy and, as far as possible, control their own economic, social and cultural development.¹¹

Violation of the right to the territory

Different instruments and international mechanisms such as the United Nations Declaration on the Rights of Indigenous Peoples (Arts. 20 and 32), the American Convention on Human Rights (1969), and the Inter-American Court of Human Rights (IACHR), protect the right to the territory and property in the widest sense. That is, not only the right to the physical space but to the close relationship of indigenous peoples with their lands, as well as with natural resources of ancestral territories and incorporeal elements that come from them.¹² The IACHR values significantly the land rights as mentioned in its report: *Rights of indigenous and tribal peoples on their ancestral lands and natural resources*.

Nevertheless, governments continue to make concessions for the exploration or exploitation of natural resources in indigenous territories, without the free, prior, and informed consultation without even obtaining informed consent. Therefore, persists the unfulfillment of their obligations to guarantee and respect the right to the territory, as the Inter-American Commission stipulates.¹³

11 REPAM (2018) p. 7

12 Inter-American Court of Human Rights, IACHR. Case of the indigenous Kichwa people of Sarayaku vs. Ecuador, 2012, p. 40

13 REPAM 2018, p. 9.





CASE 1:

Awajun Wampi Peoples (Peru)

They are located in the Department of Amazonas. The Awajun are 55.366 inhabitants and the Wampis are 10.613 inhabitants.¹⁴ They are known for their warrior tradition because they resisted the attempts of the Inca and colonial conquests. They educate the children in the warrior spirit to defend their territory, central element of their cultural identity, since it is inhabited by spirits of the forest and the river which give them visions. They live in an area extremely biodiverse and ecologically vulnerable, considered to be one of the 25 hotspots of biodiversity in the world, with 75% of animals, birds and most endangered amphibians on the planet. However, its territory has been given in concessions to extractive companies of gold and copper without prior consultation or the free, prior and informed consent of indigenous communities.¹⁵

Infringement of human rights (Peru)

The report includes four cases of violation to human rights which the Amazon Center of Anthropology and Practical Application (CAAAP) has raised in the territory.

Mining project Afrodita in Cenepa (Peru)

In 2005, the Peruvian government, ignoring the agreements made with the community, allowed the installation of mining companies on the territory of indigenous peoples as the mining company Afrodita. This company took over a part of the territory, without having the environmental impact study and even less have conducted prior consultation to the community. Despite the fact that in 2016 the Departmental government declared inadmissible the mining company's presence in that area, it set up platforms and built tunnels in the indigenous territories. In this case, there is evidence of a clear infringement of the right to self-determination of indigenous peoples and the right to free, prior and informed consultation referred to in the Peruvian Constitution in order to choose its own model of development as it is established in international instruments.¹⁶

¹⁴ According to the census carried out by the Nacional Institute of Statistics and Computing, NISC, 2008.

¹⁵ REPAM 2018, p. 12

¹⁶ Idem, p. 12-17



Oil spill in communities of Chiriaco (Peru)

The state-owned company Petroperu, in January 2016 spilled 3,000 barrels of oil in the Bagua province, Amazonas region. The spill spread to 3.5 km. in the Gorge of Inayo.¹⁷ This affected more than 45 Awajun communities. Far from implementing corrective measures, according to established protocols, Petroperu hired children and adults of the Awajun people for activities of cleaning without an adequate protection, exposing them to pollution and ignoring its responsibility to repair the environmental liabilities caused by spill. Medical samples showed high levels of concentration of heavy metals in the blood of children and persons who consumed contaminated food and water.¹⁸ Communities put a lawsuit against the government for the violations to the right to health. But other rights were also violated, such as their right to life, to enjoy the environment, to a balanced development of their life and the right to a special protection for children. The demand was supported by the Civil Court of Bagua in November 2017 and a ruling is still pending.¹⁹

Hydroelectric Lorena (Peru)

The company Amazonas Energy S.A.C is a branch of the Brazilian firm Andrade Gutierrez, which was involved in the scandal of corruption of Odebrecht. It obtained a temporary concession of two years in the province of Bagua, Amazonas region in 2015. However, its tenure has been extended beyond the time allowed and will seek to obtain the final concession of the project for the construction of a hydroelectric plant that will involve the displacement of Awajun communities and about 1,107 inhabitants might be affected in the area of direct influence.²⁰

The Peruvian Ministry of Energy said the company should not be compelled a consultation because the award is temporary, thus infringing the rights referred to in the Convention 169 of the ILO which declares the obligation to carry out prior consultation before any a measure that may affect indigenous peoples. The company only carried out workshops with the population, but it has not consulted them.²¹

Lot 116 (Peru)

In the province of Condorcanqui and Bagua of Amazonas region, and in the province of Datem of Marañon of Loreto region, whose total extension is 658.879.677 hectares, is located hydrocarbon activities of Lot 116, These cover the territory of 73 Awajun and Wampis indigenous communities. In 2006 the Ministry of Energy and Mines of Peru approved the contract of license for the exploration and exploitation of hydrocarbons

17 *Idem*, p. 19

18 *Idem*, p. 18.

19 *Idem*, p. 19-20.

20 *Idem*, p. 21-22.

21 *Idem*, p. 21-22.



for this lot, in favor of the company HOCOL Peru S.A.C. The Government approved the environmental impact studies for the exploration of oil Wells. However, the company has only done 3 workshops in 73 communities that could be affected by hydrocarbon activities, while the Ministry of Energy has consistently refused the request for prior consultation with communities arguing that it is not possible to refer to measures approved before the entry into force of the Law of Prior Consultation in 2011. REPAM requested an audience with the IACHR at Washington, USA in March 2017 and the words of the indigenous leader Zebelio Kayak,²² allowed evidencing the constant violation of the right to territory, to dignified life, to education and health among other rights. REPAM also requested and undertook to write a thematic report with the Commission about the right to territory.²³



CASE 2:

Tagaeri Taromenani Peoples (Ecuador)

The Tagaeri Taromenani are indigenous peoples in isolation (PIA) and several oil blocks are within its territory. They are located in the Yasuní National Park of the Ecuadorian Amazonia. Since the 1950s, they were forced to be contacted by American evangelical missionaries.²⁴ In view of the fact that Ecuador ignored his presence²⁵ for many years, the IACHR granted in 2006 a Plan of precautionary measures for the recognition of their territory and respect to their ancestral life, trying to avoid a mass extinction.²⁶

In 2007 the Ecuadorian Government designed a policy of protection of peoples in isolation, known as the Yasuni ITT Initiative to protect their life and the biodiversity of Yasuni National Park. However, Government efforts were insufficient and in 2013 the Government declared oil exploitation in the area with the argument that the presence of the Tagaeri-Taromenane was simple rumors.²⁷

These people do not know the concept of borders or intangible areas. They move in search of food, hunting and fishing for their survival. Therefore, the oil exploitation for economic reasons at the expense of the violation of the rights of a minority group is not justified.²⁸ The current Ecuadorian Government held a referendum on February 4, 2018 to expand the Intangible Zone of the Yasuni National Park to 50,000 hectares. The increase would serve to protect people in isolation and the environment, reducing to the third part the petroleum exploitation area. Some people consider that the inquiry did not

22 *Idem*, p. 26.

23 *Idem*, p. 26

24 *Summer Institute of Linguistics, religious group which arrived in Ecuador in 1952.*

25 *In order to protect the lives of the peoples in isolation, Ecuador, through a presidential decree in 1999, declared Tagaeri Taromenane Intangible Zone to an area that is within the Yasuni National Park, in Ecuador's Amazon region. Therefore, all extractive activities such as oil, timber, mining, etc., were prohibited. In that area the Tagaeri and Taromenane people move.*

26 *REPAM 2018*, p. 30.

27 *Idem*, p. 31.

28 *Idem*, p. 36.



change reality very much. It corresponds, therefore, to continue defending the Yasuní to prevent the forced disappearance of the Tagaeri-Taromenane.²⁹



CASE 3:

Yaminawa People (Brazil)

In the South of the State of Amazonas and in the State of Acre in the Brazilian Amazonia, lives the Yaminawa people and several peoples in isolation (PIA) as the Chandless, Tapada, Breu and Jordão whose lands have not been recognized and delimited. The territorial demarcation is a right that guarantees the political, social, and cultural survival of indigenous peoples and the protection of nature. The Brazilian Federal Constitution, in its Article 231 guarantees indigenous peoples the right to territory and requires its demarcation until 1994 (Art. 231). The Federal Government is responsible for the demarcation and protection of indigenous lands. However, not only it has not fulfilled its obligation to respect, protect and guarantee the right to the territory, but also has encouraged and implemented the so-called green economy initiatives such as projects REDD+³⁰, private and oriented to the carbon market.

Indigenous peoples and their lands have been subject to invasions, looting, appropriation of the natural resources such as water, forests and mineral resources; the implementation of agribusiness, the financialization of the nature, the presence of oil companies and the construction of large infrastructure projects for the generation of energy and transportation. The situation of helplessness of PIAs is greater because they are unaware of the Constitution, the laws and are only subject to expropriation and stripping in their territories.

The Indigenist Missionary Council has accompanied the fight of these peoples, who are denouncing the false discourse of sustainability posed by large industries, criminalization, penalty and violent attacks communities. They demand the respect to their territories, the prior, free and informed consultation and the final demarcation of their lands.



²⁹ *Idem*, p. 39.

³⁰ *Reduced Emissions from Deforestation and Forest Degradation*





CASE 4:

Indigenous peoples of TIPNIS (Bolivia)

In the Bolivian Amazonia live 29 indigenous peoples, many of them in danger of extinction. The indigenous territory and Isiboro Sécure National Park known as TIPNIS is located in the departments of Beni and Cochabamba in Bolivia. It is considered collective property³¹ and has a total área of 1.236.296 hectares. It is inhabited by 64 indigenous communities of the Tsimane Yuracaré, Moxeño-Trinitario peoples, who are the ancestral owners of this territory. It is also inhabited by peasant communities and settlers.³²

The population is exposed to the loss of territory by the constant advance of new settlements. The Bolivian Government has tried to build a road that would bind to the departments of Cochabamba (center) and Beni (northeast) with the argument of the benefits that would bring this mega-project. However, this mega-project has produced conflicts in organizations because the road would split in two in the Bolivian Amazonia, destroying forest and polluting the rivers.³³ The inclusion of this project has violated the collective right to free, prior and informed consultation, the right to self-determination and territoriality, the protection of sacred sites, the right to live in a healthy environment, protected and balanced, among others.³⁴ Despite the enactment of the Short Law 180 in 2011 that forbids the construction of the road and upholds the rights of indigenous peoples, generated by actions of resistance and social demonstrations,³⁵ the true interests of the Government have not ceased. So, in 2017, the Law 969 was enacted to declare the inviolability of the Tipnis but violates the principle of no regressiveness of human rights, which have generated new and constant confrontations of the Bolivian indigenous movement against the Government.³⁶

31 Title deed TCO-NAL-000229.

32 REPAM 2018, p. 61.

33 Idem, p. 65.

34 Idem, p. 73-75.

35 Idem, p. 68.

36 REPAM (2018). "Regional Report of Violation of Human Rights in the Amazonia: Weaving Networks of Resistance and Struggle in Colombia, Brazil, Ecuador, Peru and Bolivia".



CASE 5:

Munduruku People (Brazil)

It is a warrior people; its name means Red Ant. It is one of the 12 indigenous groups living in the basin of the Tapajós River in the States of Mato Grosso and Pará in Brazil. According to their worldview, all beings that inhabit the river underwent a transformation and in their world they are people like us. The Munduruku consider their duty to care for and protect the forest, rivers, trees, fish and particularly the territory.

For the Munduruku delimitation of their territories is pointless because they go beyond the physical space. However, the demarcation of the land and their recognition in the Brazilian Federal Constitution is the only tool of legal defense that exists against the enormous pressures they have by palm-growers, loggers, Government projects as the development of ports, roads, hydropower, infrastructure projects that facilitate the flow of commodities to the world market. Therefore they are subject to threats of expulsion from their territories, invasions, violence, and destruction of sacred sites inhabited by spirits.

Victoria Tauli-Corpuz, Special Rapporteur for Indigenous Rights of the UN, in her visit to Brazil in 2016 expressed concern about the lack of prior, free and informed consultation as they are established in international instruments. Therefore the Munduruku, in order to save its existence as peoples, have designed their own protocols of prior, free and informed consultation to teach the Government and companies how these consultations must be made so that their rights and their way of life are respected as well as their social organization.



Human right to identity

The Inter-American Court of Human Rights has recognized that the traditions, customs, languages, arts, rituals, knowledge, are aspects of the cultural identity of indigenous peoples and that, depending on their environment, history, and integration with the nature, it is recreated and transmitted from generation to generation.³⁷ The Committee on Economic, Social and Cultural Rights (ESCR) of the UN in its General Comment No. 21 conceives culture as *forms of life, language, written and oral literature, music and songs, non-verbal communication, systems of religion and beliefs, rites and*

³⁷ Inter-American Court of Human Rights, ICHR. Case of the indigenous Kichwa people of Sarayaku vs. Ecuador, 2012, p. 66, in REPAM (2018). "Regional Report of Violation of Human Rights in the Amazonia: weaving networks of resistance and struggle in Colombia, Brazil, Ecuador, Peru and Bolivia", p. 76.



ceremonies, sports and games, production methods or technology, among others.³⁸ Similarly, the Committee has established a framework of obligations which required the countries to respect, promote and guarantee the right to the culture of the indigenous peoples.³⁹ However, the Amazonian extractive activities are causing a serious loss of cultural identity, and serious environmental and social impacts such as cases of indigenous Yanomami and Yekwana in Brazil and Mosestén in Bolivia.⁴⁰

Not only are the indigenous communities being affected but also the peasants from rural areas who are being stripped of their lands and violated their rights to food, health and education. Monoculture, agribusiness and extractive activities are among others the causes of the loss of food sovereignty and the increase of poverty.⁴¹



CASE 6:

Peasant identity, sovereignty and food autonomy in the Colombian Southeast "Vereda Chaparrito" (Colombia)

In 2016, the Organization of the United Nations for Food (FAO for its acronym in English)⁴² said that Colombia is one of the five most important countries for its geographical location and availability of land. Therefore, it could become the world food pantry.⁴³ Unfortunately, government policies have prioritized mining, hydrocarbons and agro-fuel production, leaving aside the needs of rural populations.⁴⁴ The first point of the peace agreement between the Colombian Government and FARC (2016),⁴⁵ concerning the comprehensive rural reform is seen as a hope for rural communities for access to and use of the land, rural national plans and development programs with a territorial approach.⁴⁶

38 Committee on Economic, Social and Cultural Rights, CESCR. General Comment No. 21, 2012.

39 Idem.

40 REPAM 2018, p. 105.

41 Idem, p. 105.

42 Food and Agriculture Organization of the United Nations

43 See more at: <http://www.expreso.ec/economia/colombia-camino-a-ser-la-despensa-mundial-FH485896>

44 REPAM 2018, p.107.

45 Fuerzas Armadas Revolucionarias de Colombia

46 REPAM 2018, p.107



Land and territory are very important for peasants, who have built their identity from their close relationship to the land and the production of food.⁴⁷ Peasants in the Colombian Southeast struggle daily for self-determination of their systems of food and agriculture through the care of seeds, a clean production, privileging local marketing and exchange of knowledge. While the Colombian Constitution recognized some rights to the agricultural workers, in practice laws that give privileges to large companies have been issued, forcing farmers to use seed produced by foreign companies. In addition, mining, energy and hydrocarbon projects have been executed. In 2013, 180 titles for mining, equivalent to 107,900,000 hectares in the Colombian Amazonia were granted.⁴⁸

Vereda Chaparrito in Colombia has 1,100 hectares and, since 1996, farmers have had to face an ongoing struggle for the possession of their lands, awarded to large landowners in the area. They also strive to maintain a healthy agriculture against the illicit cultivation of coca leaves driven by irregular groups.⁴⁹ Farmers do not lose the hope of achieving territorial peace. Meanwhile, they continue to develop alternative strategies of integral human development to have the good life in harmony between people and the creation.⁵⁰



CASE 7:

Violation of human rights in other Amazon: the littoral peoples (Peru)

Yurimaguas district is located in the Department of Loreto, one of the largest in the country, where they live more than one million inhabitants of different groups indigenous and peasant called “ribereños”. The name of Yurimaguas is a fusion of the Yuris with the extinct Omaguas.⁵¹ Coastal communities differ from indigenous lands in that they are not collective, they are individual lands. However, as well as indigenous, they live from the forest and maintain a community life.⁵²

The Peruvian Government on the grounds of the deterioration of the Peruvian economy has eased environmental laws to promote investment with high environmental costs. Consequently, Loreto has become a constantly affected region by oil spills and

47 *Idem*, p. 110-111.

48 *Idem*, p. 114-116.

49 *Idem*, p. 116-118

50 *Idem*, p. 121.

51 *Idem*, p. 123.

52 *Idem*, p. 129.



degradation of forests in benefit for the expansion of crops of oil palm, rice and timber trafficking.⁵³

As a result of these policies, coastal communities are in a greater vulnerability and face the expropriation of their land invasions, water scarcity, pollution of rivers and evictions. There is no legislation that protects their rights and the Peruvian Government is not interested in giving them the titling of their lands because in that way the government can have more easily areas free for sale, allocate or lease these lands to powerful domestic and transnational interests.⁵⁴ The Government also argues that it does not have the obligation to make prior consultations as laid down in Convention 169 ILO because they are not indigenous communities.⁵⁵

This legal loophole violates their right to identity because they have no legal existence. However, a ruling of the Constitutional Court of the Peru has instituted the principle of coherence which means considering law as a system and as a set of interrelated parts. Therefore it stresses that the supreme goal of society and the country is the human person and respect for his dignity.⁵⁶ Coastal communities will continue fighting for recognition and legal status.

Situation of coastal communities in the Alto Amazonas province

These communities are more vulnerable due to the loophole legislation to recognize the property on the areas where they live communally.⁵⁷ A regulation points out that when the land falls within the forest category and protection cannot be entitled, and under this figure the lands of the coastal communities have been categorized. Consequently, communities are never going to be definitive owners and will continue facing evictions, expropriation of their lands, encroachment, pollution of rivers and water scarcity.⁵⁸



53 *Idem*, p. 124.

54 *Idem*, p. 130.

55 *Idem*, p. 124.

56 *Idem*, p. 138.

57 *Idem*, p. 129.

58 *Idem*, p. 130-131.



CASE 8:

Yanomami people (Brazil)

The mining invasion in Brazil as in Venezuela represents huge damages to the indigenous population and environmental destruction, especially in the region of the rivers Orinoco, Mucajaí, Parima, and Catrimani. During the gold mining boom, about 20% of the Yanomami population died from disease, hunger, violence and other impacts generated by illegal mining.

At the end of the 80s and beginning of the 90s, the number of miners in territories Yanomami and Ye'kwana increased approximately to 40,000 people. Also 82 clandestine landing strips were identified to be used as support of illegal mining.

Shortly afterwards, this originated national and international claims and campaigns for the demarcation of the Yanomami lands, which was announced in 1992, during the Earth Summit Eco 92, held in Rio de Janeiro. As a result of that, illegal mining was harshly repressed, bringing the miners to the border where it has stoked constant conflicts and massacres of Yanomami indigenous of Venezuela, mostly children and women.

Since 2002 reports indicating a new invasion of illegal mining in both countries began to appear. For several years they have tried to initiate programs to counteract environmental degradation of Amazonian ecosystems.

Infringement of rights: impacts of illegal mining in Yanomami and Ye'kwana peoples

Because of the lack of control of illegal mining, indigenous territories face serious dangers of destruction, water pollution, accumulation of solid non-biodegradable waste, affecting not only nature and habitats of various animals but to the way of life of indigenous communities.

During permanent violence suffered by the peoples Yanomami and Ye'kwana, not only environmental impacts that threaten its existence have been identified but also these peoples have lived constantly under social pressures, dealing with problems such as alcoholism or prostitution, which have destabilized their cultural life and little by little have led to the risk of the loss of their culture.





CASE 9:

Indigenous peoples in the Maridi National Park, Reserva Pilón (Bolivia)

Bolivia is a country with 10.027.254 inhabitants,⁵⁹ 36 indigenous peoples, peasants and afrobolivian.⁶⁰ One of 29 indigenous peoples living in the Bolivian Amazonia is the Mosestén, located between the departments of La Paz and Cochabamba, with a titled area of 100.831 hectares.⁶¹ The Mosestenes are engaged in agricultural work, have limited access to education, health and basic services such as water, which is increasingly more contaminated. The main threats to the lives and human rights faced are road construction, mining and oil exploration, logging and hydroelectric mega-projects.⁶²

Since 2009, Bolivia has a new Constitution with many advances in the field of human rights and especially of collective rights. However, with the construction of dams Bala and Chepete in the Bolivian Amazonia the Government would be failing with their obligations to protect and to guarantee the right to collective ownership of the territory and to free, prior, and informed consultation referred to in the instruments of international law, more even when the territory inhabited by the Mosestén people enjoys protection as a National Park and Forest Reserve.⁶³

Commonwealth of communities is a space for articulation of various organizations that defend their territories affected by dams since 2002 and have made action as vigils and roadblocks. However, the Empresa Nacional de Electricidad (ENDE) has tried to divide this joint. People are very concerned by the environmental, social and economic impacts affecting the Pilón Lajas National Park and Maridi as well as Amazonian populations of the countryside and the city.⁶⁴ Communities require that the Bolivian Government keep to the free, prior and informed consultation regarding territorial organizations and to suspend the construction of dams because of environmental, social, cultural and economic impacts.⁶⁵

59 According to the census of 2012.

60 *REPAM 2018*, p. 163

61 *Idem*, p. 165.

62 *Idem*, p. 166.

63 *Idem*, p. 174-175.

64 *Idem*, p. 171.

65 *Idem*, p. 175-176.





Human right to the non-criminalization of rights defense

The Special Rapporteur on the situation of human rights defenders, said in his 2016 report that the murder of environmental and human rights defenders and the numerous threats and violations they face, are just a part of the widespread violence. Many of these attacks are committed by State and non-State actors, and occur in a context of criminalization and de-legitimization of environmental advocates' work.⁶⁶ Its recommendations were that Governments recognize the key role of the defenders of human rights, guaranteeing the right to free, prior, and informed consultation to communities; and that all regulations and government policies incorporate the human rights approach.⁶⁷

CASE 10:



Violation and violation of human rights in socio-environmental conflict, municipalities of Morelia and Valparaiso, Caqueta (Colombia)

The struggle for water and the territory of several families and communities of the municipalities of Morelia and Valparaiso in the South of Colombia inspired the formation of the defense of water and territory citizen movement in Amazonian Caquetá. The implementation since 2006 of the oil project of the British company Emerald Energy⁶⁸ and its contractors is planned for 30 years, but communities claim the control of the government in compliance with international treaties for the protection of the Amazonia as a world heritage site.⁶⁹ The Department of Caquetá has already had faced before socio-environmental conflicts by oil exploration since the 1960s by the companies

⁶⁶ *Idem*, p. 177.

⁶⁷ *Idem*, p. 177.

⁶⁸ Currently Chinese capital.

⁶⁹ *REPAM 2018*, p. 182.



Shell and Texas.⁷⁰ Emerald Energy arrived in 2014 and its presence has caused socio-environmental conflicts because of its authoritarianism, the use of public force, poor environmental practices, militarization of the territories, and permanent violations of human rights and fundamental freedom. Communities have conducted peaceful protests, community meetings and have protested against this kind of projects in the territory.⁷¹ They claim free, prior and informed consent which take into account their voice and representation as a political subject of rights, the non-criminalization of civil and peaceful protest; besides, they require water as a fundamental right to life and the preservation of the great Amazon basin.⁷²



Human right to water

Pope Francis points out that *access to safe and potable water is a basic, fundamental and universal human right because it determines the survival of the people, and is thus a condition for the exercise of other human rights* (Laudato Si', 30).⁷³ The privatization of water is a trend, and increasingly the market establishes the rules. Water is constantly damaged by the construction of oil megaprojects and waterways, violating the human right to water, to life of entire peoples as in the case of the Kukama people in the Peruvian Amazonia.⁷⁴



CASO 11:

Kukama people (Perú)

The Kukama Kukamiria indigenous people is located inside of the Pacaya Samiria national reserve, in the Department of Loreto, in the Peruvian Amazonia. It keeps a cultural relationship with water and for them the river represents everything, while for the Peruvian Government, the rivers and the Amazonia mean a source of resources to fund public spending at the expense of the wealth of the Amazonia and neglect to indigenous peoples and their cultural wealth.⁷⁵

70 *Idem*, p. 185.

71 *Idem*, p. 187.

72 *Idem*, p. 188.

73 *Laudato Si'*, 30 in REPAM 2018, p. 205.

74 *REPAM 2018*, p. 205.

75 *Idem*, p. 213-214.

For more than 40 years the life of the people has been altered, its territory threatened by the oil boom and environmental liabilities. Its waters have been contaminated with heavy metals and timber activities, monoculture and the construction of a Amazonian waterway. This work would stir the environmental liabilities that are in sediments of the river and pollute more the water, destroying the ecosystem of fish. However, the biggest problem facing the Kukama people is the non-recognition of the integrity of its territory, which leads to the violation of their right to food, health, identity and life;⁷⁶ putting at risk the lives of future generations. It requires the government to guarantee their rights and meet their demands because they are human beings with equal rights and deserve to live in dignity.⁷⁷



Human right to habitat

The United Nations Human Rights Council has pointed out that one of the main causes of discrimination and violation to the rights of the peasants are the expropriation of their land, forced evictions and displacement.⁷⁸ Therefore, it would be producing a “double eviction” by depriving them of adequate housing and land for their subsistence.⁷⁹



CASO 12:

Tundayme (Ecuador)

It is a rural parish located in the Cordillera del Condor, an area of high biodiversity and, environmental, cultural and spiritual wealth. Tundayme has a population of 854 inhabitants, of which 56.7% are under 19 years of age. In the short term, this population will face a policy of large-scale extractive mining of gold and copper.⁸⁰ A mining mega-project of copper and gold called Mirador is being implemented in the territory. It aims to extract 60,000 tonnes



76 *Idem*, p. 218.

77 *Idem*, p. 230.

78 *A/HRC/19/75.24*.

79 *REPAM 2018*, p. 232.

80 *Idem*, p. 250.



of rock a day in an open-pit mine 1,000 meters deep, 1.5 km in diameter. This would imply consumption of 250 liters of fresh water per second and the production of at least 326 tons of waste. Although the presence of mining companies is back to past decades, from the 1990s these operations have intensified due to the neoliberal model. In 2010 the Ecuadorian government signed a large scale mining contract with the Chinese company Tongling-CRCC whose desire is to obtain more land for mining through awards of the government's Agency of Regulation and Control of Mining. It has started an eviction process of 32 indigenous families and peasants living in the territory of the indigenous shuar nation.⁸¹



CASO 13:

Buriticupú Communities (Brazil)

In the decades of 1970s and 1980s the Brazilian Government implemented the largest mineral exploitation project located in the North of the Brazilian Amazonia known as Programa Grande Carajás covering a total of 900,000 square kilometers.⁸² This way it begins the dispute by a conflict of interest, taking into account that farmers have maintained the use of the land for their survival. From this great project other mega-projects of infrastructure and transport have been shed in order to facilitate the results of Grand Carajás. Buriticupú is now crossed by a railway which divides the community into two.⁸³

The presence of peasantry in Buriticupú is due to the struggle for land in the 1980s and 1990s. Even though it is duly recognized, most of the settlers still do not have definitive title of their lands and the areas are State-owned as well as collective. The families of settlers only have rights of possession of their lands. The problem faced is the possession right granted by the Government to the company Vale S.A. which means the concession for the railway activity for a period of 30 years.⁸⁴

The constant risk of derailment of the train and displacement have affected the population, it has unable them to live in peace and with dignity. Their homes have constantly been demolished for the extension of the railway.⁸⁵ There are also environmental impacts in the Pindaré River, one of the main livelihoods of the communities. Thus, the conflicts in this territory are dormant in the life of farmers who conceive the land as a source of life, contrary to the Company, that does not dimension the value that the land has as well as natural resources for farmers.⁸⁶

⁸¹ *Idem*, p. 237.

⁸² *REPAM 2018*, p. 263

⁸³ *REPAM 2017* "Situation of the right to the territory of the indigenous and peasant communities in the Amazonian" Executive Summary for IACHR, p. 15.

⁸⁴ *REPAM 2018*, p. 267.

⁸⁵ *Idem*, p. 270.

⁸⁶ *Idem*, p. 271.





Conclusions and proposals

Demands to the Panamazonic countries

- **Respect and assumption of international treaties signed and ratified by the countries that form the Pan-Amazonia (169 ILO Convention, Convention on Biological Diversity, Covenant on Economic, Social and Cultural Rights, etc).**
- **Recognition and delimitation at national, regional and international levels of integral territories:** it comes from the strategy and response of the organizations and indigenous peoples who choose to manage and control their own territories according to their customs, traditions, beliefs and political decisions. In that way, the integral territories are based on indigenous autonomy that is the faculty that indigenous peoples have in order to organize and run their internal lives, according to their own values, institutions and mechanisms, within the framework of the country of which they are part. This proposal is based on legal, anthropological, historical and geographical bases seeking the recognition of all levels of the Government.
- **Access of land to peasant communities** through the formalization, restitution, and equitable distribution of it, along with promoting the proper use of the land in accordance with their vocation.
- Provision of goods and public services as education, health, recreation, infrastructure, technical assistance, food and nutrition, among others, which provide welfare and good living for the rural population.
- **Specific and priority protection of the IPVI** (indigenous peoples in voluntary isolation):
 - Extend their protection zones (intangibles zones) taking into account their territories of settlement, their hunting and mobility corridors.
 - Moratorium on extractive activities in the surroundings of these areas.
 - Establish processes of agreements of peace and dialogue between indigenous nations, Quilombos and adjacent peasants.
 - The intangible areas should consider the mobility patterns of indigenous peoples in voluntary isolation.
- **Rethinking the concept of national interest to be replaced by the “common” or “public” interest**, in reference to oil, extractive activities and trade in protected areas.
- **Taking care for the health of individual and collective populations affected by water pollution** as a result of extractive activities on their territories, strengthening the response capacity in the field of health.



- **Strengthen programs of safe water supply**, systems of access to universal health and geographic coverage to prevent cancer and other effects.
- **Governments of Panamazonian countries must fulfill the treaties of protection and preservation of the Amazonia, and of mitigation of climate change as well as respect for human rights**; in this manner conditions and guarantees for the construction and development of a differential public policy are generated in favor of the Amazonian region.
- **Commitment of Observation No. 7 of the International Covenant on Economic, Social and Cultural Rights** by Governments of the Panamazonia, which prohibits forced evictions without alternative housing supplied by the countries.
- **Restitution of lands and properties to those affected by evictions and reparation for the damage caused** to the families and the environment; freedom for movement and access to natural resources.

Claims to the countries of origin of the extractive companies, etc.

- Respect and assumption of international treaties signed and ratified by the countries that form the Panamazonia (169 ILO Convention, Convention on Biological Diversity, Covenant on ESCR, etc).
- **Ensure that international instruments are binding, such as the Declaration for the Rights of Peasants and other Persons Working in Rural Areas and Guiding Principles of the UN⁸⁷ on Business and Human Rights in Conflict-Affected Areas: The Governments' Obligations and Responsibilities of Companies**
- The countries of origin of extractive, hydraulic, and agricultural companies make sure, through the adoption of laws and policies and administrative companies -whose offices are under its jurisdiction- to respect the human rights when they operate outside their territories. Exploratory companies must also take responsibility for the damage their intervention has generated over the rights of local populations.





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