

A year after Ecuador oil spill, Indigenous victims await justice, reparations

by Vincent Ricci on 29 April 2021

- *Following an oil spill in the Ecuadoran Amazon that contaminated the Coca River last year, local Indigenous groups reliant on the river are still struggling to adapt to alternative livelihoods.*
- *At the same time, the land around the Coca River has become increasingly unstable due to an accelerated rate of soil erosion, raising concerns about the integrity of nearby infrastructure, including a hydropower dam.*
- *Indigenous groups led a march in the city of Puerto Francisco de Orellana on April 7, the anniversary of the spill, to protest a ruling rejecting their bid for reparations.*

It started as an ordinary morning in Ecuador's eastern Orellana province. Abel Jipa's sons, Byron and Johnny, and his son-in-law, Gibson, set out on the Coca River to go fishing in their canoe before sunrise. The morning of April 8, 2020, was different, however, after an estimated 15,800 barrels of oil spilled into the river overnight.

Due to the stench of oil lingering above the water's surface, the boys turned back in the pre-dawn darkness, unable to see and unaware a spill had happened upstream. Instead, they decided to grab their catch closer to the banks of the river. But as the sun rose, Byron, Johnny and Gibson returned home covered in oil, according to Abel.

Following COVID-19 lockdown orders, many communities here had gone into quarantine with plans to fish and grow their own crops to limit their contact with the outside world as the pandemic raged on.

Weeks later, the oil slick, which some described as looking like chocolate, arrived on their doorsteps after a regressive land erosion event damaged two oil pipelines operated by state-owned Petroecuador and privately owned OCP Ecuador on the evening of April 7, 2020. Environmental groups have since labeled the spill as the worst environmental catastrophe Ecuador has seen in more than a decade.

The black smudges of oil from a year ago now appear as chemical burns on the skin. Abel, not knowing who to turn to for medical attention, has still not been able to find treatment for his children's condition. The impact of last year's oil spill has drastically altered the livelihoods of 27,000 mostly Indigenous Kichwa who, like Abel, rely on the river for their day-to-day necessities.

"The river is part of our way of life," Abel told Mongabay at the office of the local Indigenous federation, FCUNAE, in the Amazonian city of Puerto Francisco de Orellana, also known as El Coca. "Fishing on the Coca River is an important aspect of our culture; it is also our livelihood and provides us with food."



A motor canoe parks next to an eroded bank of the Coca River. Many of the canoes act as water taxis bringing people from the communities to the nearby city Coca. Photo by Vincent Ricci.

Fewer alternatives

Despite a cleanup and the food and water kits OCP Ecuador provided (<https://ocpecuador.com/es/sala-de-prensa/documentacion/boletines/ocp-ecuador-mantiene-la-operacion-pesar-del-continuo-avance>) between April and July 2020, Indigenous people continue living with the burden of the aftermath, which impedes any return to the river.

There's uncertainty over whether the river can be revived to even a shadow of its former self. As Abel noted, recurring oil spills in 2009, 2013 and 2020 — the worst of the three — have tarnished the quality of the water, thus complicating efforts to live off the river.

Last September, the environmental group Acción Ecológica requested an inspection (<https://ddhhecuador.org/2020/10/14/documento/informe-de-la-inspeccion-realizada-las-comunidades-afectadas-por-el-derrame-de>) to determine the effectiveness of the companies' cleanup efforts. In the six communities inspected on the banks of the Napo and Coca rivers in Sucumbíos and Orellana provinces, the organization concluded there were levels of hydrocarbons alongside heavy metals like lead, nickel and vanadium from the samples examined.

In spite of those findings, some people have returned to the river to bathe, drink, and wash their clothes, according to Rafael Yumbo, a coordinator for natural resources for territories at FCUNAE. He told Mongabay that the lack of support from national and local authorities has left communities with few options. Puerto Francisco de Orellana is where the Coca River flows into the Napo, which then extends east up to the border with Peru, a boat ride of a few hours. Those with canoes have sought new fishing spots deeper in the Napo and adjacent rivers, where Indigenous peoples believe the water is cleaner than in the murky Coca. Families without transport resort to growing local crops such as *yuca* (cassava).

Alternatives such as buying canned tuna or sardines may be possible for a few, but the low income of an independent smallholder selling yuca and other crops in local markets is insufficient over the long term. Gabina Coquinche, coordinator for women and family affairs at FCUNAE, said communities have turned to using rainwater, But this becomes scarce during the dry season.

Coquinche is unconvinced rainfall is the solution, as she believes the entire water cycle is contaminated. "When it rains, the water looks dark," she said hinting the color of the rain is not like before. "It's not like it used to be."



Two motor canoes stationed on the bank of the Coca River. Photo by Vincent Ricci.

Continuous risk

New threats may yet arise in an area where a network of oil facilities and pipelines was constructed on fragile terrain that's continuously shifting and being eroding away. Along the banks of the Coca River, the soil is crumbling away into the water, carving cliffs out of the riverbanks and threatening local communities. A debate over the origin of the landslides (<https://news.mongabay.com/2020/08/ecuador-races-for-emergency-infrastructure-as-rivers-collapse-threatens-dam/>) has split Ecuadoran officials and experts. The government and some experts say the soil erosion is a natural environmental phenomenon, while others say the process may have been accelerated after the country's highest waterfall vanished on Feb. 2, 2020.

Large infrastructure projects nearby are also at risk from the shifting earth, including oil pipelines and the Chinese-built Coca Codo Sinclair (CCS) dam (<https://news.mongabay.com/2020/08/ecuador-races-for-emergency-infrastructure-as-rivers-collapse-threatens-dam/>). According to the state-owned power utility, , the erosion is about 10.5 kilometers (6.2 miles) from the hydropower dam, with mitigation efforts still underway.

Local media and Indigenous organizations sounded the alarm about another possible oil spill in the Coca River on April 14. In a press statement (<https://twitter.com/EPETROECUADOR/status/1382827416452804611>), Petroecuador said a landslide caused by bad weather had damaged the Shushufindi-Quito fuel pipeline, resulting in a suspension of activities. But the company said there was no fuel in the Coca River.

It said that in the event of a spill, 90% of the fuel would evaporate within hours due to the substance's volatility at normal temperatures. But Alexandra Almeida, a biochemist with Acción Ecológica, questioned Petroecuador's claim, saying the percentage of fuel that would evaporate is lower. In the water, Almeida told Mongabay, the fuel residue tends to thicken, making it less likely to evaporate, and later spreads through the currents of the Coca River and arrives at the Napo, before eventually settling on the riverbanks and affecting the communities.

A human rights coalition that Acción Ecológica is part of showed Mongabay a picture of contaminated water that local communities had taken. Petroecuador could not confirm the origin of the picture to Mongabay.

It told Mongabay that 566 barrels had spilled in an area near Piedra Fina River in Napo province. Of the 566 barrels, 212 were recovered during the cleanup; the rest would evaporate.

"The damage that's been done is very concerning for the environment and the people who depend on the water to live," Almeida said.



Rafael Yumbo speaks to reporters outside the National Judicial Council in Quito, Ecuador's capital, on March 5, 2021. Photo by Vincent Ricci.

Justice and reparation

Meanwhile, the communities' search for justice and reparation from the Ecuadoran state for last year's spill has been stalled for months. The lawsuit, which they filed in late April 2020, accuses the two oil companies, along with the environment and energy ministries, of infringing their constitutional rights to clean water, health, food, and nature, as well as the rights of Indigenous people.

The communities will have to bring their case before the Constitutional Court after the provincial Judicial Council declined an appeal request on March 24. Prior to the council's rejection, a lower court judge had acknowledged on Sept. 1, 2020, that it was undeniable the spill had affected the communities, but said his court was not the place to seek constitutional reparations.

"It's a ruling that rejects any violation of rights," Vivian Idrovo, one of the lawyers representing the Indigenous communities, told Mongabay of the council's ruling, adding that it lacks analysis of the rights infringements.

If they can't get justice through the Constitutional Court, the lawyers say, they will bring their case to international tribunals.

Following the council's decision, FCUNAE led a protest of a few hundred Indigenous Kichwa and human rights defenders in the sweltering Amazon heat in Puerto Francisco de Orellana on the one-year anniversary of the spill. They marched from the Judicial Council to the local prosecutor's office to express their outrage over what they see as silence from local authorities.

"For us, there is no justice," Abel said. "For those with money, there's justice, but for the poor, justice doesn't exist."

Banner image: One community showed Mongabay oil which has been stored for over a year in the community. Photo by Vincent Ricci.

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