

THE BLACK SNAKE OF PERU'S AMAZON: THE NORTH PERUVIAN PIPELINE



Inside The Recent Oil Spills From The North Peruvian Pipeline
A Report & Maps By The Chaikuni Institute & ORPIO

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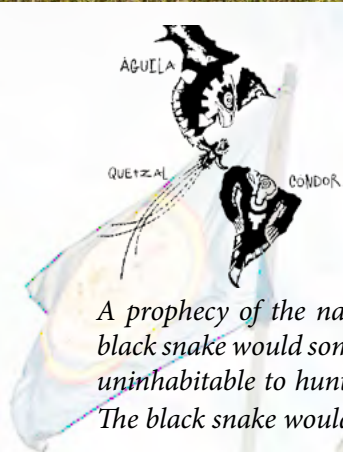
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Cover Image: Oil spill at Monterrico, Loreto, 2016. Photo by Alex Kornhuber
Bellow: The North Peruvian pipeline at San Jose de Saramuro, Loreto.
Photo by Sophie Pinchetti / Instituto Chaikuni





PREFACE: THE BLACK SNAKE AND INDIGENOUS RESISTANCE AGAINST PIPELINES IN THE AMERICAS

A prophecy of the native American Lakota people foretells that “a great and evil black snake would someday descend and reap destruction, rendering their homeland uninhabitable to hunt and fish and their waters unsuitable for religious ceremony. The black snake would disrupt the Lakota’s sacred connection to their land.”¹

In late 2016, a massive, several month-lasting protest erupted near the Standing Rock Sioux Reservation in North Dakota, U.S.A, due to the planned oil pipeline project, the Dakota Access Pipeline, which was to be built underneath Lake Oahe. This lake is fundamentally vital to the Standing Rock Sioux Tribe as the main source of water and for its spiritual value, among others. For the people of the Sioux tribe, the oil pipeline represented the manifestation of the prophecy of the black snake.²

Despite the large opposition, the project went ahead and the pipeline was built as planned underneath Lake Oahe, connecting the final section of the Dakota Access Pipeline (DAPL), which crosses the United States from North to South. Within half a year of its inception, five oil spills - albeit minor - occurred.³ Moreover, in November 2017, about 5000 barrels of oil spilled from a leak in the South Dakota Keystone pipeline, to which the DAPL is an extension.⁴

The Standing Rock Sioux Tribe just recently saw their dire prophecy materializing. Indigenous peoples of the Peruvian Amazon living along the North Peruvian pipeline have been living with the black snake for almost half a century.

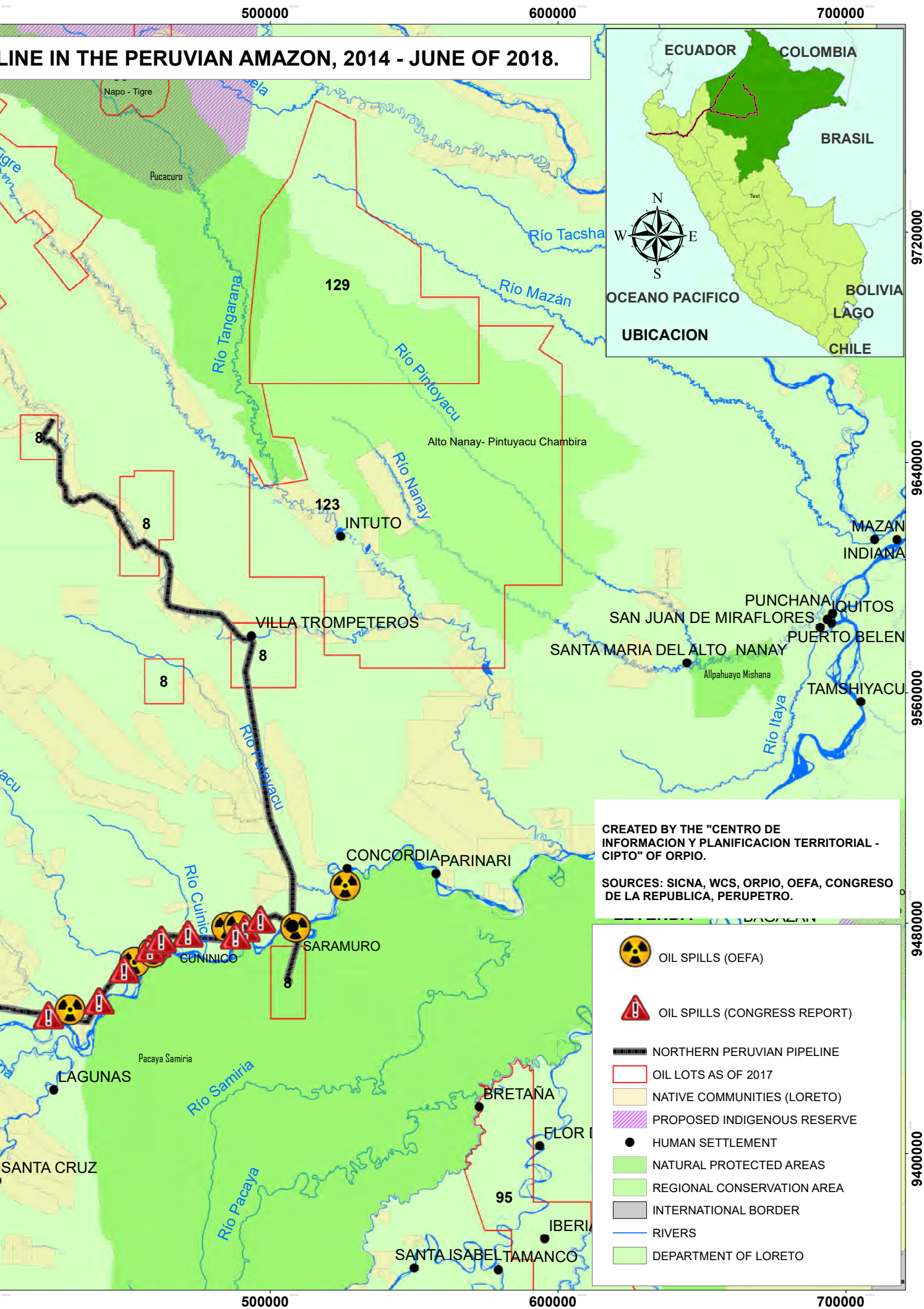


¹ North Dakota Law Review. Vol. 93 Issue 1, page 58. Rome, Andrew. 2018. “Black Snake on the Periphery: The Dakota Access Pipeline and tribal jurisdictional sovereignty” https://law.und.edu/_files/docs/ndlr/pdf/issues/93/1/93ndlr57.pdf (accessed 17 September 2018)

² See e.g. interview with Frontline Water Protector and indigenous activist, Dallas Goldtooth. <https://www.youtube.com/watch?v=rKKlx33B99I> (accessed 17 September 2018)

³ The Intercept. Brown, Alleen. 2018. “Five spills, six months in operation. Dakota Access track record highlights unavoidable reality – Pipelines leak”.

⁴ National Geographic. Gibbens, S. and Welch, C. 2017. “Keystone Pipeline spills 200,000 gallons of oil” <https://news.nationalgeographic.com/2017/11/keystone-oil-spill-south-dakota-spd/> (accessed 17 September 2018)



INTRODUCTION

Since 2014, the Peruvian Amazon has been struck by an alarming increase of oil spills from the North Peruvian pipeline, affecting Amazonian rivers and ecosystems in one of the most biodiverse places on earth, and the ancestral territories of diverse indigenous peoples.

In the context of nearly half a century of irresponsible oil exploitation in the regions of Loreto and Amazonas in Peru's northern Amazon, the contamination caused by repeated oil spills from the pipeline have aggravated existing social conflicts and intensified indigenous organizing for justice.

This publication aims to put the spotlight on this situation with maps and testimonies, and highlights the alarming yet very little acknowledged report completed by an investigative commission from the Peruvian Congress in 2017⁵, which seeks to identify the responsible parties behind the oil spills from the North Peruvian pipeline. The report highlights the negligence and possible corruption of state-owned oil company Petroperu in relation to the spills.

Completed in 1977, the North Peruvian pipeline stretches a massive 1,106 km from the Amazon to the coast and is operated and owned by state company Petroperu. A key infrastructure for the transportation of hydrocarbons or “black gold” as part of the country's once booming oil industry, decades in the acid waters of the Amazon and progressive wear and tear have led to the pipeline's corrosion; increasing ruptures warranted the pipeline's operations to be paralyzed in 2016⁶, a year when oil spills peaked at over dozen.

To date, no adequate nor sufficient measures have been implemented by authorities to address the deteriorated state of the pipeline. Petroperu is allowed to continue operations while maintenance and safety standards are not met and oil spills continue.

The indigenous agenda is clear: an independent study of the pipeline, cleaning up previous spills and preventing new ones⁷ are key priorities manifested during recent protests and processes⁸ uniting Achuar, Kichwa, Urarinas and Kukama peoples from different river basins affected by oil activity. On an international level, the community of Cuninico is escalating its case to the Inter-American Commission on Human Rights (IACHR).

5 Peru. Informe Final de la Comisión Investigadora Multipartidaria para determinar las responsabilidades de los funcionarios y personas naturales e instituciones públicas y privadas que resulten responsables por los derrames de petróleo ocurrido en el oleoducto norperuano”. Congress of The Republic, November 2017. (Only available in Spanish.) From here onwards cited in this report as “Commission Report, 2017”.

6 The pipeline was shut down from February 2016 and remained so for over a year, following a security mandate issued by the Supervisory Body for Investment in Energy and Mining (OSINERGMIN) ordering the suspension of the operations of section I of the pipeline until Petroperu completes repairs to the pipeline.

7 Agreements of Saramurillo reached on 14th December 2016 during debate between indigenous organizations and the state <http://www.pdfsr.com/pdf/acuerdos-suscritos-en-saramurillo-signed-accords-of-saramurillo-1> (accessed 17 September 2018)

8 The 117-day protest of Saramurillo on the Marañon river in 2016 was one of the largest in the past decade and instigated a process uniting indigenous peoples from the Pastaza, Marañon, Chambira, Corrientes and Tigre rivers in their demands for justice.



Data records of oil spills from the North Peruvian pipeline in Loreto and Amazonas regions

SEGMENT	LOCATION	DATE
I	KM 041+833	30/06/2014
I	KM 020+190	16/11/2014
I	KM 213+977	24/06/2016
I	KM 054+200	21/08/2016
I	KM 055+500	21/08/2016
I	KM 067+375	25/09/2016
I	KM 082+460	14/10/2016
I	KM 053+310	22/10/2016
I	KM 103+442	2/11/2016
I	KM 024+880	11/11/2016
I	KM 015+300	12/11/2016
II	KM 570+200	27/01/2014
II	KM 547+475	25/05/2014
II	KM 609+031	18/09/2014
II	KM 622+500	18/11/2014
II	KM 835+200	10/12/2014
II	KM 814+500	27/12/2014
II	KM 504+086	19/02/2015
II	KM 796+869	21/09/2015
II	KM 569+713	2/11/2015
II	KM 516+408	6/11/2015
II	KM 440+781	25/01/2016
II	KM 611+980	17/02/2016
II	KM 810+962	7/03/2016
II	KM 364+990	10/08/2016
Ramal Norte	KM 206+035	3/02/2016

Source: Congress Report, 2017. (2014 -2016) - Includes Data from OEFA

SEGMENT	LOCATION	DATE
Zona industrial	ESTACION 1	26/06/2014
Zona industrial	EST. ANDOAS	16/04/2016
Zona industrial	ESTACION 5	24/03/2017
Ramal Norte	KM 144+800	5/04/2017
Zona industrial	ESTACION 9	14/04/2017
II	KM 397+905	30/04/2017
Zona industrial	EST. ANDOAS	20/05/2017
II	KM 569+825	23/05/2017
II	KM 810+978	18/06/2017
I	KM 59+127	11/07/2017
I	KM 51+570	15/09/2017
I	KM 51+767	15/09/2017
I	KM 24+367	25/10/2017
Zona industrial	TERM. BAYOVAR	13/08/2017
Ramal Norte	KM 221+046	8/11/2017
I	KM 20+204	27/02/2018
I	KM 87+887	11/03/2018
Ramal Norte	KM 11+839	25/05/2018
Ramal Norte	KM 12+514	25/05/2018
Zona industrial	ESTACION 1	9/06/2018

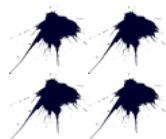
Source: OEFA (2014 - June 2018)

Table does not show oil spills already included in the Congress Report

ON THE RISE SINCE 2014:

OIL SPILLS FROM THE NORTH PERUVIAN PIPELINE

June 9th
May 25th
March 11th
February 27th



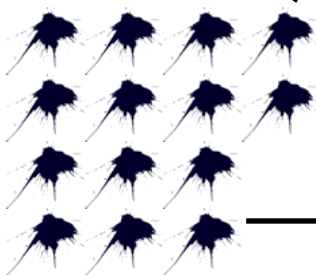
2018

November 8th
September 15th
July 11th
May 20th
April 30th
April 5th
March 24th



2017

November 12th
November 11th
November 2nd
October 22nd
October 14th
September 25th
August 21st
August 10th
June 24th
April 16th
March 28th
February 3rd
January 25th



2016

November 6th
March 9th
February 19th



2015

November 16th
June 30th
June 26th



2014

Location:

Ramal Norte, 206+035
Loreto, Datem del Marañón,
Morona

Crude Oil Spilled (Barrels)
8,572

Impacted Area (m2):
1,200,000

Communities Directly Affected:
38 Communities



Location:

Tramo II, 440+781
Amazonas, Bagua, Imaza

Crude Oil Spilled (Barrels)
4,660

Impacted Area (m2):
40,200

Communities Directly Affected:
Chiriaco, Pakun, Wachapea Nuevo
Progreso, Samaren, Chipe, Villa
Hermosa, Inayo y Wachins



Location:

Tramo I, 041+833KM
Loreto, Loreto, Urarinas

Crude Oil Spilled (Barrels)
2,500

Impacted Area (m2):
87,000

Communities Directly Affected:
Cuninco

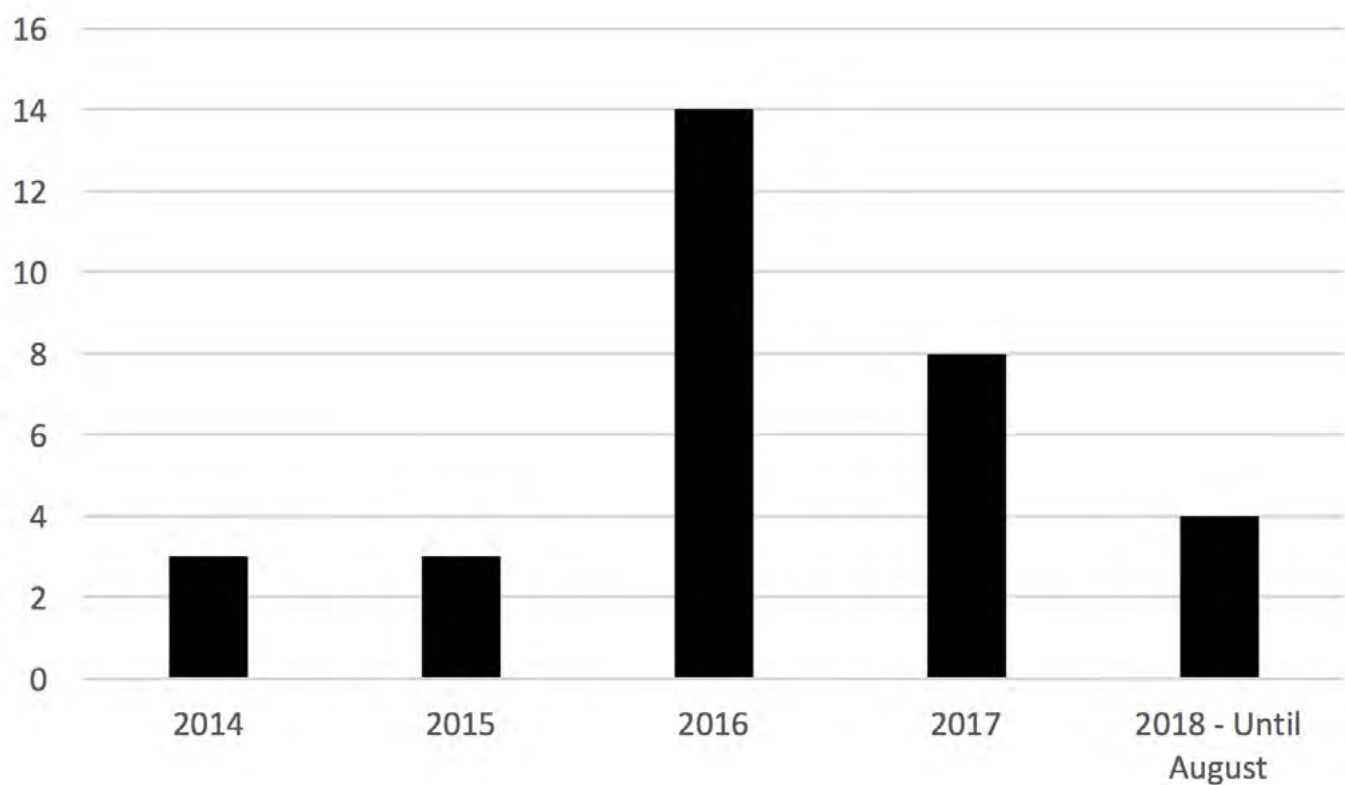


Data Source: Commission Report, 2017, and OEFA (Solicitud de acceso a la información N° 056192 and 070992)



Above: Oil spill at San Antonio, 2016. Photo by Sergi Rugrand / Krasnyi Collective

Number of oil spills from the North Peruvian pipeline in Loreto and Amazonas regions



Data Source: Commission Report, 2017, and OEFA (Solicitud de acceso a la información N° 056192 and 070992)

UNCOVERING THE TRUTH BEHIND THE CONSTANT OIL SPILLS



Until recently, the real causes of increasing oil spills from the North Peruvian pipeline remained largely hidden from public knowledge. The common discourse - championed by Petroperu, and spread across the Peruvian media, has popularised the idea that indigenous peoples are the perpetrators of spills, despite a lack of supporting evidence. But in 2017, an investigation⁹ led by a parliamentary commission from the Peruvian Congress headed by current Prime Minister César Villanueva brought to light disturbing findings on the recent oil spills from the North Peruvian pipeline (2008-2016).

⁹ Commission Report, 2017

Some of the most serious findings from the 388-page report reveal irregularities in Petroperu's contracting of companies for remediation, negligence towards the maintenance of the pipeline, and serious indications of possible corruption among Petroperu officials in relation to the oil spills. César Villanueva Arévalo, president of the investigative commission stated that the commission found:

“[...] evidence of possible crimes and acts of corruption or at least intolerable incapacity of Petroperu officials.”¹⁰

The report demonstrates that Petroperu hired companies without sufficient experience, financial capital and operation time to perform remediation services for millions of dollars. Between 2014 and 2016, six companies were contracted for emergencies, despite only having been in operation for a few months. The commission says:

“[...] There was too much discretion in Petroperu's procedures for direct contracting, the modality most frequently used in remediation work, based on the flexibility of the Contracting Regulations approved in 2008 and 2009 [...] Suppliers with simulated experience benefitted from contracts worth millions [...]. Officials who authorized Petroperu's direct contracts maintained permanent communication with some contractors before the conclusion of these

legal acts (case of the first remediation contract of the company Benítez Servicios Industriales EIRL) [...] Companies without experience invoiced millions of soles in less than a month from the start date of their activities, through direct hiring for clean-up, remediation, repair and recovery work of the oil spills [...] People close to companies without expert experience in pipeline repairs [...]

(Commission Report, 2017: 348-349)

“[...] the aforementioned companies may have had sufficient economic incentives to participate directly or indirectly in the cuts to the Pipeline made between 2014 and 2016, since as their frequency increased, so did the possibilities of exponentially increasing profits [...]

(Commission Report, 2017: 367)



Above: Oil spill at Nueva Alianza, 2016. Photo by Alex Kornhuber. Below: Petroperu station at San Jose de Saramuro. Photo by Sophie Pinchetti / Instituto Chaikuni. Opposite page: Oil spill at Nueva Alianza. Photo by Alex Kornhuber.

10 La República. 14/12/2007. “Petroperu: irregularidades en contratación de empresas que limpiaron derrames de petróleo” <https://larepublica.pe/economia/1157887-petroperu-irregularidades-en-contratacion-de-empresas-que-limpiaron-derrames-de-petroleo> (accessed 17 September 2018)



The report's serious accusations presume a crime of collusion, which remains to be thoroughly investigated by the Prosecutor's Office. However, the report first needs to be debated and approved in the Peruvian Congress, and despite having been published in November 2017, it has still not been put on the agenda.

DISMANTLING THE INDIGENOUS SABOTAGE THEORY

The report states that 36 oil spills occurred between 2008 and 2016, spilling an approximate minimum of 32,455 barrels of oil into the environment. While the report confirms that many of the recent oil spills were provoked by third parties, the evidence it presents helps to dismantle Petroperu's argument behind each spill: that indigenous peoples are sabotaging the pipeline. In local and national press, indigenous peoples have often been singled out and accused of cutting the pipeline as a means of collecting compensation money, getting paid work in remediation activities and even stealing the oil.

In 2016, a record-breaking year for oil spills, a defamation campaign in local and national media was orchestrated as part of a seemingly conscious and directed strategy to discredit the indigenous movement's demands for justice at a time of major protest. Yet the report states:

“No reasonable indications have been found to establish links and responsibilities of the native communities in the face of the spills that occurred in the pipeline due to the actions of third parties.”

(Commission Report, 2017: 367)

The commission's report then demonstrates that there is little satisfactory evidence to uphold the popular “indigenous sabotage” argument regarding the involvement of indigenous communities in the spills, and points us instead towards other responsible “third parties”.

The commission finds a set of responsibilities in the Petroperu officials. The report detects serious failures and negligence of Petroperu with regards





» **Experto sostiene que pago de S/150 por limpiar derrame es un incentivo para atentar contra ducto**

CORREO | REDACCIÓN

La Federación de Comunidades Indígenas Achuar y Urarinas del Río Corrientes negó que la fuga de crudo, denunciada por Petroperú el miércoles, haya sido obra de terceras personas. El hecho ocurrió a la altura del km 103 del tramo 1 del Oleoducto Norperuano. Ello ocasionó que la compañía se declarara en emergencia.

“(Petroperú) habla de sabotaje. Rechazamos tajantemente eso. Acá nunca se ha hecho el mantenimiento adecuado (al oleoducto). Debe hacerse cada cinco años, pero por esta zona no se hace nunca. Es fácil echarle la culpa a terceros, pero el indígena nunca va a querer contaminar la fuente de su alimento. Un derrame ocasiona demasiada destrucción”, manifestó Daniel Saboya, presidente de la Federación, en diálogo con RPP.

FACTOR DINERO. Para Carlos Gonzales, especialista en

hidrocarburos y gerente general de Enerconsult, la causa de las constantes fugas de petróleo es el pago de 150 soles diarios que se hace a los comuneros por limpiar los derrames. “El pago es el principal incentivo al sabotaje”, comentó Gonzales a Correo. Además, el experto señala que “lo más grave es la forma como se ha administrado el fondo con que se han pagado los jornales” de 150 soles por persona y los materiales. “El monto gastado por esos conceptos suma varias decenas de millones de soles”, comenta Gonzales.

Cabe señalar que Petroperú anunció que lanzará el programa Guardianes del Oleoducto, con la participación de las comunidades residentes en las zonas aledañas, para proteger la instalación. También habrá patrullaje y supervisión de las instalaciones del oleoducto por parte de las fuerzas del orden.

NUEVO DERRAME EN OLEODUCTO NORPERUANO

Indígenas de Loreto rechazan sabotaje en fuga de crudo



CRISIS Petroperú se declaró en emergencia por derrame. / Mongabay

Terceros sabotean por décima vez en el año el Oleoducto de Petroperú

Petroperú informó que el 15 de noviembre se detectó un punto de fuga de crudo en el kilómetro 24+880 del Tramo 1 del Oleoducto Nor Peruano (ONP), ubicado en el distrito de Urarinas, región Loreto, como consecuencia de una nueva acción de terceros contra esta infraestructura. Con esta acción son diez los atentados en contra del patrimonio de los peruanos.

La empresa precisa que su personal y el de las compañías especializadas INMAC y LAMOR aplicaron el plan de contingencia, lo que permitió reparar de inmediato el ducto. Se colocó una grapa para impedir el flujo de petróleo en el

canal de flotación del ONP. Asimismo, instalaron las barreras de contención para evitar que el crudo se expanda.

El premier Fernando Zavala aseveró que la declaratoria de emergencia de Petroperú es una preocupación constante del gabinete. “Es un tema extremo”, comentó el titular de la PCM. Zavala dijo que se coordina con los ministerios de Defensa y del Interior para hallar la forma de dar seguridad al oleoducto. “Además hemos aprobado un decreto legislativo que establece las sanciones correspondientes a los que afecten el funcionamiento del ONP”, anotó.



INFRAESTRUCTURA. Sabotaje en el oleoducto de Petroperú.

EMPRESA DENUNCIÓ QUE DESCONOCIDOS REALIZARON UN CORTE DE 15 CENTÍMETROS

Nuevo atentado contra el oleoducto

♦ Lugareños impidieron trabajos de contención exigiendo que los contraten.

OLEODUCTO. Atentado contra la ecología. Un nuevo derrame de crudo provocado por terceros ocurrió en el canal de contención cerca del kilómetro 58+070, Tramo 1 del Oleoducto Norperuano, distrito de Urarinas, región Loreto.

Tras la alarma, se activó el Plan de Contingencias, movilizándose personal técnico de Petroperú, Lamer e Inmac a la zona, donde se colocaron barreras para confinar la mancha de crudo y evitar que se expanda.

Se colocó una grapa en la tubería, lográndose contener la fuga, la cual fue generada por un corte de 15 centímetros a la tubería realizado por terceros.

En la zona se tuvo la visita del teniente gobernador y juez de paz, así como de aproximadamente 25 pobla-



dores de la comunidad Nueva Alianza, quienes en primera instancia impidieron que se realicen los trabajos de contención, exigiendo la contratación de la empresa comu-

nal a la que pertenecen. Petroperú detalló que 10 de los 13 incidentes ocurridos en 2016 fueron causados por ductos de terceros, siendo el último el ocurrido a media-

dos de noviembre pasado. Transacciones han empleado a cerca de 5.000 trabajadores de las poblaciones aledañas para el Oleoducto Norperuano. ▲

LA VERDAD
Diario

DESMIENTEN SABOTAJE DE INDÍGENAS

CONTRALORIA ENCONTRÓ MAS ILÍCITOS EN LOS CRÉDITOS AGRARIOS

PRIMER CAMPEONATO NACIONAL DE FÚTBOL INFANTIL

INCORPORARÁN 200 MILLONES PARA LICITACIÓN DEL PUENTE NARANJA

Images, from top, clockwise: North Peruvian Pipeline at Saramuro. Photo by Sergi Rugrand / Krasnyi Collective ; Diario Correo, 04/11/2016 ; La Republica Economía, 17/11/2016 ; El Popular 13/07/2017 ; La Verdad Diario 11/11/2016 ; La Region Iquitos 01/03/2018. Opposite page: Morning at Saramuro. Photo by Sergi Rugrand / Krasnyi Collective

Petroperú denuncia nuevo atentado contra el Oleoducto Norperuano

• El afloramiento de crudo obedece a un corte en la infraestructura realizado por terceros

El pasado martes 27 de febrero, durante el patrullaje por el Tramo 1 del Oleoducto Norperuano (ONP), personal de esta empresa se identificó un afloramiento de crudo en el km 20+100, ubicado cerca a la comunidad de San Pedro, distrito de Urarinas, región Loreto.

De inmediato, iniciaron la ejecución del Plan de Contingencia, enviando un equipo especializado para evaluar el incidente e iniciar la reparación de la parte dañada del ducto.

Cabe señalar que el Tramo 1 no se encuentra operando. Según el comunicado que emitió Petroperú, como primer resultado de dichas acciones, se confirmó que el afloramiento de crudo obedeció a un corte en la infraestructura realizado por terceros, motivo por el que informaron a los organismos supervisor, a la Policía Nacional y al Ministerio Público para las acciones que correspondan.

Cabe señalar que en el Tramo 1 se viene desarrollando el Plan de Desarrollo y Aterrizaje, para que pueda ser operado por las comunidades vecinas al Oleoducto y que contemple además acciones de responsabilidad social en beneficio de las mismas.

PETROPERÚ está trabajando para resolver esta contingencia en el menor tiempo posible con la finalidad de proteger el ambiente y a las comunidades de la zona.



(C. Ampuero)

to the maintenance of the North Peruvian pipeline. Commitments stipulated in the company's Program for Adaptation and Environmental Management (PAMA) were not executed in a timely manner, in particular for inspections of corrosion and the loss of thickness of the pipeline. Certain parts of the pipeline were found to have been without maintenance for 12, 16 and even 19 years. Moreover, the commission found Petroperu did not have updated contingency plans for spills and emergency situations. For these reasons, OEFA (Agency for Environmental Assessment and Enforcement) imposed a fine of US\$3 million on Petroperu and sanctioned several of its officials (Commission Report, 2017: 29).

Furthermore, the company was found to have failed to comply with the transport regulations for hydrocarbons through pipelines, which obliged OSINERGMIN to impose sanctions exceeding US\$6 million (Commission Report, 2017: 364-365).

The report acknowledges that many of the spills could have been avoided, and demonstrates Petroperu's negligence and systematic breaches of its obligations with regards to the pipeline. Meanwhile,

the Peruvian State's inefficacy in resolving the crisis has been denounced nationally by the Ombudsman¹¹ and internationally by the likes of the United Nations.¹²

MORE SPILLS AND NO SOLUTIONS TO DATE

The Commission concludes that the spills have gravely affected the environment, biodiversity, ecosystems, the health of communities and their basic access to water and food fit for human consumption. The report recommends Peru's Ministry of Health to elaborate an in-depth study on the health impacts of the communities affected by the spills, and recognizes that the impacts of oil spills have not been analysed, measured or valued by the government and that little information exists with regards to the health of populations.

The report also recommends the need for Petroperu to conduct a Strategic Environmental Evaluation of the Pipeline, as well as the urgency to remedy and

11 Peru. Office of the Ombudsman. Más de cien derrames de petróleo han ocurrido en el Oleoducto Nor Peruano <https://www.defensoria.gob.pe/mas-de-cien-derrames-de-petroleo-han-ocurrido-en-el-oleoducto-nor-peruano/> (accessed 17 September 2018)

12 UN OHCHR. Peru must halt oil talks until indigenous rights and contamination are taken into account – UN experts <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21871&LangID=E> (accessed 17 September 2018). This news release denounces the Peruvian state's "grossly inadequate efforts" to remediate previous widespread oil spills in the region. Although specific reference is made to oil block 192, it also applies to the North Peruvian pipeline.



recover 100% of the affected areas, which should be verified by means of an environmental audit from an independent specialized institution.

Many indigenous communities from affected river basins assert that adequate remediation of the spills has not taken place.¹³ Meanwhile, in the first half of 2018, another four spills occurred from the North Peruvian pipeline in the Loreto region, along the Marañon and Pastaza rivers.

13 Peru. OEFA. Resolución Directoral No 016-2016-OEFA. Petroperu is fined \$US3 million for failure to perform adequate remediation in Cuninico. This is just one example amongst many of inadequate remediation for oil spills in Peru's Amazon.



Opposite: Oil spill at Santa Rosa. Photo by Sophie Pinchetti / Instituto Chaikuni. This page: Achuar men from the Pastaza river at the 2016 Saramurillo protest. Photo by Sophie Pinchetti / Instituto Chaikuni ; The North Peruvian pipeline. Photo by Tom Askew/ Instituto Chaikuni.



SPILLS FROM THE NORTH PERUVIAN PIPELINE: IN NUMBERS¹⁴

US\$301 million: Economic losses caused by the oil spills, though the Commission estimates the figure to be much higher due to difficulties in evaluating the economic value of environmental damage

US\$83 million: Estimated losses caused by the damage to the environment and biodiversity between 2008 and 2016

US\$134 million: Budget allocated by Petroperu for clean up, recuperation and remediation operations for the over 25,000 barrels of crude oil spilled between 2014-2016

US\$85 million: Economic losses due to the 2016 paralysis of operations of the North Peruvian pipeline

36: Number of oil spills from the North Peruvian pipeline between 2008 and 2016

450: Percentage by which spills increased in 2016 in comparison to 2014, for Section I of the pipeline

32,455: The minimum approximate amount of barrels spilled from the pipeline into the environment due to incidents between 2008 and 2016

14 Commission Report, 2017. Numbers in the report appear in Peruvian Soles (PEN); the conversion rate used for this report is 1 USD = 3.25 PEN, rounded to the next million.



INDIGENOUS VOICES



OIL SPILLS LINGER ON IN MORE THAN JUST MEMORY

The indigenous community of Cuninico, located along the Marañon river, remembers living a largely peaceful and tranquil life before 2014. In June of that same year, community members became alarmed when they saw dead fish coming down the river. These were the first victims of this devastating spill from the North Peruvian pipeline, which poured over 2,500 barrels of crude oil into the environment. A 2016 study by Peru's Health Ministry¹⁵ revealed that more than half of people in the community had toxic levels of heavy metals in their blood, one of the many impacts of oil contamination. Cuninico's crisis, representative of the situation faced by many affected indigenous communities, remains to date unresolved.

Flor de María Paran  V squez, an indigenous mother from Cuninico, has been one of the most vocal community members testifying in court hearings both nationally and internationally at the Inter-American Commission on Human Rights (IACHR), where Cuninico is presenting its case on the violation of fundamental rights, such as the right to clean water, as a result of oil activity.

¹⁵ Peru. Informe Determinaci n de Metales Pesados en las Comunidades de Cuninico y San Pedro – Cuenca del Mara n del Departamento de Loreto, (Report Determining Heavy Metals in the Communities of Cuninico and San Pedro - Mara n Basin of the department of Loreto), January 2016. (Only available in Spanish.)



“Water is life. The river is like a mother we have and water is a mother of life for human beings. Now we are demanding our rights in the face of the pollution which Petroperu has caused with crude oil, ruining our mother, natural water, which is for the consumption of all human beings.



We use water every day – we cook, wash, drink with it, that is why water is the most important thing for the life of human beings. When we had clean water to drink, healthy fish to eat, we did not bother the State because we had enough food and clean water to drink. We have streams and lakes in our communities which used to be like our market but now they are contaminated. They no longer provide us with enough food. The fish are too thin. The

State must immediately provide us with water and food. We, native communities, are in a state of great necessity.

“THE STATE HAS TO SOLVE THE SPILLS AND TAKE CARE OF THE PIPELINE.”

When we drink the water, we get allergies, diarrhoea, rashes and lesions on our skin. The crude oil is still in the water. It affects our bodies directly. We feel pain and discomforts, dizziness and headaches. The animals are also contaminated just like us, they drink the same water and some also eat fish. Now the animals are going further and further away.

The State has to solve the spills and take care of the pipeline so that these kinds of things do not happen, and so that native communities do not continue to be harmed. We are putting on the pressure because the pipeline is still not secured. That is down to the irresponsibility of the State and the Petroperu company.”

Opposite Page: Flor de Maria Parana Vasquez at a meeting with the State. Photo by Sophie Pinchetti / Instituto Chaikuni. *Left:* Oil spill at Cuninico. Photo by Silviu Dimiutrache / Instituto Chaikuni. *Below:* The North Peruvian pipeline near Cuninico. Photo by Sophie Pinchetti / Instituto Chaikuni.





PERCY CASTERNOQUE

Environmental Monitor of Cuninico

“As environmental monitor, I want the Peruvian State and world to know the great necessity we are in. We have heavy metals like lead and mercury in our blood. As human beings, we need health, life, and tranquillity.

Petroperu has damaged our food, our water, our rivers, our forests, our chacras [food forests]. We don’t have food to eat. We are worried about what we will give to our children to eat.

“WE HAVE HEAVY METALS LIKE LEAD AND MERCURY IN OUR BLOOD. AS HUMAN BEINGS, WE NEED HEALTH, LIFE, AND TRANQUILLITY.”

Fifteen minutes from here, we would go to fish at a great lake. Before, we had an abundance of fish, there were all kinds of fish there. We could get fifty or a hundred kilos in less than two hours in just one catch. We’d sell it and we’d make some money like



From the top: Percy at Cuninico. Photo by Sophie Pinchetti / Instituto Chaikuni ; Dead fish sighted in October 2018 at the Capirona lake in Cuninico after the river rising. Photographed by Percy Casternoque and Segundo Murrieta. Photo reprinted with the permission of Community of Cuninico.

that to buy things like soap. We had something for our sustenance. But now we don’t have fish to sell. Now if we go fishing, we have to go far and we bring back five or ten kilos. So there isn’t enough to sell, let alone enough to eat. In the market, they don’t buy our fish because they know the fish is contaminated. The oil spill has affected every part of our life, from our culture and land to our economy and future. The damage is irreparable.”



GALO VÁSQUEZ SILVA **Indigenous leader from Cuninco and** **President of the Federation FEDEPCUM**

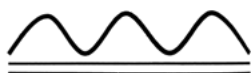
“When there is an oil spill incident, Petroperú directly blames indigenous peoples of cutting the pipeline. For us, it is absurd, because why would I damage my own life? Why am I going to affect myself by doing that, when I am clear about how it impacts life?

Those responsible for the oil spills must be sanctioned. Impunity should no longer be allowed for these companies. The companies contracted by Petroperu are the ones that do this remediation work, it's a business. Supposedly it is remediation but it is not remediation. Clearly they do not remediate. In Cuninico, four years have passed since this spill... they washed and gathered the crude, but the area is still impacted. That's why it's not remediation yet. They are killing life. We have a lack of protection and total abandonment from the State. Since 2014, we have been constantly insisting that they at least install a water system for us to consume water - but there isn't even that.”

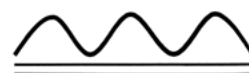


**“THOSE RESPONSIBLE FOR THE
 OIL SPILLS MUST BE SANCTIONED.
 IMPUNITY SHOULD NO LONGER BE
 ALLOWED FOR THESE COMPANIES.”**

From the top: Galo Vasquez Silva at Cuninico. Photo by Sophie Pinchetti / Instituto Chaikuni ; Community members contracted by Petroperú to clean up the spill. Photo reprinted with the permission of Community of Cuninico.



WATER IS LIFE



In the past ten years, 50% of social conflicts in Peru have been related to water.¹⁶ In the Peruvian Amazon, the unresolved issue of oil spills from the North Peruvian pipeline, the violation of indigenous people's fundamental right to water and social conflicts are closely interlinked.

16 Peru 21. El 50% de los conflictos de los últimos 10 años en Perú fueron por el agua. <https://peru21.pe/lima/50-conflictos-ultimos-10-anos-peru-agua-85039> (accessed 17 September 2018)

Above: Oil spill at Saramuro, 2018. Photo by Saramuro Community Members. Below: Cuninico. Photo by Sophie Pinchetti / Instituto Chaikuni Next page: Portraits by Sophie Pinchetti / Instituto Chaikuni.





MARIA SHUNIA PIRCO
Kukama-Kukamiria woman from Roca Fuerte,
Marañon River



INES VAZQUEZ RAMIREZ
Kukama-Kukamiria woman from San Roque,
Marañon River



MARILUZ CANAQUIRI MURAYARI
Kukama-Kukamiria leader from Shapagilla,
Marañon River

**“THE RIVER IS THE HEART OF LIFE.
THAT IS WHY WE CONSIDER IT
SACRED.”**

“Water is our life, we have to protect the water. We, Indigenous Peoples, are drinking contaminated water, we get sick, we die. So many children are dying because the water is contaminated. And the fish. Everything is contaminated. That is why we are here asking for a solution. I would like everything to move forward, for the state to give us good water. We do not have water to live well.”

“Water is very important because we live from it. Our waters are contaminated by the company, we are very sad. Our children are dying. We no longer have fish, neither in the river nor in our lakes. There are oil spills constantly. No matter how much we try to purify and treat the water, it is not fit for human consumption. We are ingesting heavy metals, such as lead. If there is no health, there is no life. I ask the state to give us treated water and food for our children who are malnourished in our communities. The state does not pay attention to us. That is why we have protested again, and if they don't respond then we will protest again with even more strength. There will be an indefinite protest.”

“Health is a fundamental right. Life is a fundamental right. We must defend and demand these fundamental rights which we have. I feel a lot of sadness when I think about what will become of my generation. And what will happen to the next generations if the State doesn't take action? We already have so many signed agreements, but there are no actions. There are only words, papers, and dialogues, but in reality, our needs aren't being attended. There is no remediation, no compensation. We are being slowly killed.

The impact is very severe and it affects all aspects of our lives, our culture as well. The river is the heart of life, that is why we consider it sacred. There live all the living beings, the fish and the great animals that give life like the mothers of the river, such as the boas, the *rayamamas* (giant rayfish), the *purahuas* (giant boas that live in the depths of the river). We also have family who were taken to live at the bottom of the river by *carhuaras* (people of the river). There are also cities and people in the river, and everything that is in the Earth also exists at the bottom of the river. It is thanks to the spirits of the water that our *curanderos* (shamans) are able to heal us. All of this and more is being destroyed by the oil contamination.”



EXPERT OPINIONS

ON THE SPILLS FROM THE NORTH PERUVIAN PIPELINE

DR. PATRICIA URTEAGA CROVETTO
Researcher at Pontificia Catholic University
of Lima (PUCP)

**“THE INTERDEPENDENT NATURE
OF HUMAN RIGHTS IS ESPECIALLY
CLEAR IN THE HUMAN RIGHT TO
WATER.”**

Between 2016 and 2017, we carried out research work¹⁷ on the human right to water in the Kukama community of Cuninico and it has revealed an unobjectionable relationship between the spills of oil from the North Peruvian pipeline and the impact

on the water sources used by communities in the basin of the Marañón river. This has been recognized not only by the indigenous peoples themselves who suffer the consequences, but also by the State.

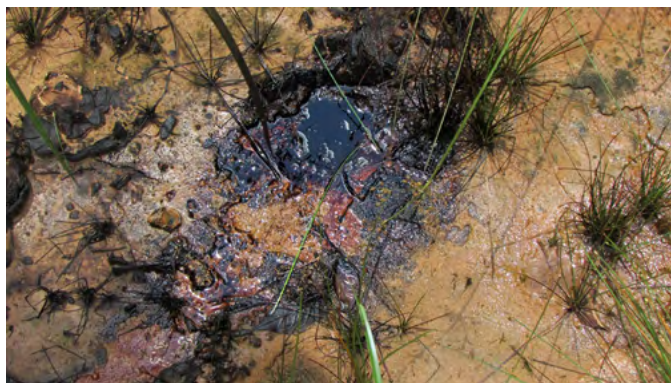
The interdependent nature of human rights is especially clear in the human right to water, not only in terms of the content of the right itself and its relation to life and dignity, but also in relation to rights to the environment, health, food, territory, and culture. The real, accumulated and continuous impacts and risks generated by oil activity tend to reinforce social inequality. It generates more obstacles for the often deficient exercise of the human rights of indigenous peoples. In summary, the impacts of oil activity add to the pre-existing conditions of structural violence for indigenous peoples, thus reinforcing social inequalities.

17 Peru. Proyecto de Investigación “El derecho humano al agua en el contexto de los conflictos socio-ambientales en las cuencas de los ríos Tigre y Marañón Loreto, Perú”. 2018. Only Available in Spanish

RICARDO SEGOVIA
Hydrogeologist, E-Tech International

“EVEN WHEN A SPILL THAT IS SEVERAL YEARS OLD HAS BECOME INVISIBLE, THE SEDIMENTS CAN CONTAIN THESE CARCINOGENIC CHEMICALS.”

“The contaminants that do not disappear over time include polycyclic aromatic hydrocarbons (PAHs) and are some of the most damaging to humans and other living things. Even when a spill that is several years old has become invisible, the sediments can contain these carcinogenic chemicals. In Loreto, we hear from locals that the diversity and quantity of fish from their traditional fishing spots has gone way down, and not knowing the true quality of their main food source has caused psychological trauma. The indigenous monitors in the Pastaza, Tigre, Corrientes, and Marañon rivers have begun using physical indicators in fish in order to track changes in river health. *E-Tech International* has helped to develop these indicators and to bring traditional ecological knowledge to the forefront of monitoring.”



Opposite page: The North Peruvian pipeline. Photo by Tom Askew / Instituto Chaikuni. *This page, from top, clockwise:* Contamination in the Pastaza river basin. Photo by Stefan Kistler / Instituto Chaikuni ; Indigenous man at Cuninico shows his fishing equipment. Photo by Sophie Pinchetti / Instituto Chaikuni ; Indigenous man at Saramuro. Photo by Sergi Rugrand / Krasnyi Collective





JUAN CARLOS RUIZ MOLLEDA
Lawyer for the Institute of Legal Defense (IDL)

“IT IS TIME FOR THE STATE TO COMPLY WITH ITS OBLIGATIONS, AND BEGIN BY COMPLYING WITH THE LEGAL SYSTEM AND THE RULE OF LAW.”¹⁸

Petroperú argues that it is a responsible and modern company that undertakes its responsibility with native communities. Such were the words of the President of the Petroperú Board of Directors during a 2016 hearing about the oil spills at the Inter-American Commission on Human Rights in Santiago in Chile. However, the final report of a commission from the Peruvian Congress (2017) investigating the responsibility of the spills shows us another reality. It shows evidence of an irresponsible company, which does not comply with its obligations to the communities, and which also generates losses to the State.

The State and oil companies shouldn't benefit from the liabilities while the native communities affected by these extractive activities and systematically hit

by the recurring spills only and exclusively bear the liabilities of this extractive activity. The State, companies and indigenous peoples must enjoy benefits and bear assets and liabilities equally. This is what the Colombian Constitutional Court calls “*distributive justice*”, basing itself on a doctrine from the Environmental Protection Agency of the United States, within the framework of the environmental justice approach.

It is time for the State to comply with its obligations, and begin by complying with the legal system and the rule of law. Article 118.1 of the Constitution is very clear: It corresponds to the President of the Republic and all public authorities to “*comply and enforce the Constitution and treaties, laws and other legal provisions.*” With what authority does the State question indigenous peoples if they are not capable of setting the example themselves? Indigenous peoples affected by extractive activity are tired of partial measures, staples in the oil pipeline and being accused of sabotaging the North Peruvian pipeline without the slightest investigation.

¹⁸ Most parts of Ruiz Molleda's statements for this publication are citations from his article published on Servindi [<https://www.servindi.org/actualidad-opinion/05/12/2017/que-les-debe-petroperu-y-diferentes-sectores-del-gobierno-las>] (Accessed on September 17 2018), Reprinted with permission from the author.

LEONARDO TELLO IMAINA
Director of indigenous media Radio Ucamarca

“REGARDING THE DAMAGES TO SPIRITUALITY, IT IS NOT SOMETHING THAT WE CAN EXPLAIN...IT IS THE WAY WE FEEL LIFE, THE RELATIONSHIP TO THE FOREST, THE RIVER AND THE AIR.”

One of the things we've noticed while documenting the spills is the state of the pipeline – it really needs to be completely replaced. But the most serious problems are the ones that we cannot see. The oil spills have affected community activities such as fishing, agriculture, people's health, people's relation to the forest and river, and their spirituality.

We are very worried about that, and that's why we are working on making the long-term problems visible. After several years of spills, agricultural production has been greatly reduced. Ten years ago, one hectare produced six to eight tons of rice. Now it only produces one and a half. This is happening with other products, such as peanuts and beans.

Regarding the damages to spirituality, it is not something that we can explain...it is the way we feel life, the relationship to the forest, the river and the air. The contamination has generated a sadness for families that still maintain relations with their relatives within the river. It's the same with the forest. For example, medicinal plants that have been contaminated by oil are no longer going to heal the same way. It damages the healing power of plants and the relationship of trust that people have with these plants. That is the most important part that can not be seen...it's a continuity that is broken after a total disaster. It is very important that this relationship of spirituality with the forest and river be maintained, as it relates to the way we care for nature.



Above: Protest at Saramurillo, 2016. *Below:* Family at Cuninico. *Opposite:* Protest at Saramurillo. All Photos by Sophie Pinchetti / Instituto Chaikuni.



CONCLUSION

With over one hundred spills occurring from the pipeline since 1979¹⁹ - the majority of these occurring after 2008 - the issue of the North Peruvian pipeline and its oil spills is undeniably urgent to address, as it is so closely linked to the ongoing violation of indigenous and nature rights in the Peruvian Amazon.

Despite the Commission Report having been published nearly a year ago, its debate in the Peruvian Congress has not been held to date, and little to no attention has been paid to its findings. At the same time, at least four more oil spills have occurred alone in the first half of 2018. How is this possible? Unfortunately, rather than being an exception, this indifference only epitomizes the State's systematic historical disregard and abandonment of Peru's first peoples and the Amazon region.

Moreover, although the Commission Report brings forward important and valuable findings, its recommendations to adopt measures to improve the pipeline are sadly based primarily upon economic concerns instead of environmental and social considerations. It argues that in order to make the North Peruvian pipeline's operations fully viable (and thus justify large investments to improve infrastructure), an intensification of oil exploitation in Peru's Amazon is necessary.

The recent changes proposed to the Organic Law on Hydrocarbons (Law 26221), approved by the Congress' Commission of Energy and Mines, expose the same worrying trend: the intent to weaken environmental institutions and indigenous people's rights, in order to promote investment and an expansion of the oil industry²⁰.

In these times of a largely human-driven changing climate²¹, and in view of the catastrophic losses and irreparable social and environmental damages generated by the pipeline's spills and the accumulated impacts of almost fifty years of oil exploitation, the question must be asked: "Is further investment in Peru's oil industry a reasonable, just and responsible proposal?" Moreover, how is the promotion of an intensification of the oil industry compatible with the recently passed Law on Climate Change (Law 30754)²², which, among others, aims at making use of Peru's low-carbon-emissions-growth-opportunities, and complying with the international CO₂-emission commitments pledged by the Peruvian State?

This publication doesn't pretend to be exhaustive, but instead invites and urges further investigation and discussion of the viability of Peru's fossil fuel industry in the 21st century, at a time when bold movements away from extractivism and transitions towards renewable energy are imperative. The Amazon's health is fundamental for our planet: protecting this vital and fragile region, managing its natural resources responsibly, and guaranteeing the rights of indigenous peoples, as well as the rights of all living beings who call the Amazon home are necessary in order to maintain global ecological integrity. A serious debate on Peru's overall energy policies and the viability of oil production in the Amazon should therefore be a priority for authorities; such was the demand also voiced by indigenous peoples in 2016 at the historic protest of Saramurillo.

19 Peru. Office of the Ombudsman. Press Release N°111/OCII/DP/2018. Only available in Spanish.

20 A large number of Peruvian indigenous, environmental and civil society organizations have heavily criticized these proposed changes to the law. See for example the public pronouncement "Propuesta de nueva Ley Orgánica de Hidrocarburos pone en riesgo la institucionalidad ambiental y derechos indígenas" - available at: http://dar.org.pe/archivos/pronunc_ley_hidroc_120918.pdf (Accessed on September 17 2018)

21 Intergovernmental Panel on Climate Change. See for example.: https://www.ipcc.ch/publications_and_data/ar4/wg1/en/ch9s9-7.html (Accessed on September 17 2018)

22 Peru. Law N° 30754: Framework Law on Climate Change. Article 1.





Acknowledgement:

All of the information contained in this report emanates, in the first place, from the ongoing struggle of affected indigenous communities to defend their territories, demand justice and a clean environment. ORPIO represents and works closely with several indigenous federations involved in these territorial defense processes. Instituto Chaikuni in particular works in a special alliance with FECONAT – the Federation of Native Communities from the upper Tigre River – who has played a key role in the struggle of communities affected by the oil industry for nearly half a century.

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Above: Peruvian pipeline, a grave and Petroperu's station at San Jose de Saramuro.
Photo by Sergi Rugrand / Krasnyi Collective

Opposite: The North Peruvian pipeline near Cuninico, Loreto. Photo by Alex Kornhuber

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