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Ecuador: One year after decisive ruling, Sarayaku people struggle goes on

The government of Ecuador must do more to protect the human rights of the indigenous people of Sarayaku if it is to fully comply with an international court ruling said Amnesty International. A year ago today the Inter-American Court of Human Rights (IACHR) ruled that Ecuador must apologize, consult with and recompense the Sarayaku people over an oil project which damaged their ancestral lands and put their lives at risk in the Amazon region in eastern Ecuador.

“Although there has been some progress towards implementation, Ecuador’s government has yet to apologize to the people of Sarayaku or properly regulate the right to consultation. They must be given the right to free, prior and informed consent before projects in their territory go ahead,” said Guadalupe Marengo, Americas Programme director at Amnesty International.

“The government also needs to accelerate the safe removal of the 1.4 tons of high grade explosives that the oil company left in their land, in line with community wishes”.

The IACHR ruling in July 2012 was hailed as a major step forward in the protection of the human rights for indigenous people in the country and across the region.

“The ruling gave Ecuador the opportunity to give an example to the whole region about how to avoid new human rights violations like those experienced by the Sarayaku people,” said Guadalupe Marengo. “It must fully comply and introduce progressive legislation, in line with international standards, on the right to free prior and informed consent.”

The IACHR ruled that the people of Sarayaku had not been properly consulted over an oil project carried out by the Argentine Compañía General de Combustibles in their territory, in the eastern Ecuadorian Amazon Region. It said that the state had infringed on the community’s right to property, cultural identity and put the survival of the community at risk.

In 2012 the Government approved an executive decree providing a regulatory framework for consultation in areas affected by oil and gas projects. However Amnesty International does not believe it is in line with international standards.

“This decree was not consulted and agreed with indigenous peoples in line with international standards and many of them have expressed serious concerns about the consultation process that has taken place so far,” said Marengo.

At the end of November 2012 Ecuador started a public tendering process in order to open up large areas of the Amazon region of south east Ecuador to oil development. Oil companies across the globe have been invited to bid in order to conduct oil exploration and exploitation. The contract bidding process is still open.

Additional information

The Sarayaku are a Kichwa Indigenous People numbering some 1,200 whose ancestral territories lie in a remote area of eastern Ecuador's Amazon region.

In the early 2000s an oil company occupied part of the ancestral territory of the Sarayaku indigenous community in the Ecuadorian Amazon. The Ecuadorian state had given the company permission to search for oil without consulting with the Sarayaku beforehand.

For several months company staff, accompanied by soldiers and private security guards, carried out detonations, cut down trees, dug more than 400 wells, buried more than 1.4 tons of high grade explosives and polluted the environment with the noise of helicopters moving people and explosives around, among other activities. Sarayaku People responded by raising complaints nationally and internationally and eventually managed to get the company to drop the project. But the authorities failed to apologize, provide any reparation for the impact that the exploration project had on the life of the community, or make any commitments about preventing similar abuses

After exhausting all domestic legal avenues for redress and a guarantee of non-repetition, Sarayaku decided to take their case to the Inter-American Court of Human Rights. In July 2012 the judges ruled in favour of the Sarayaku.

The Sarayaku and Amnesty International co-produced the documentary Children of the Jaguar about the community's fight to defend their rights. The film won the "Best Documentary" Award at the 2012 National Geographic All Roads Film Festival held in Washington in September 2012, among other distinctions.

Sarayaku people and Amnesty International have organized a screening of the film, in partnership with other national and international NGOs, to commemorate the first anniversary of the IACHR ruling, 25 of July at 5 pm in Hotel Quito, Quito, Ecuador.