



WORKING PAPER ON THE SAPARA NATION, ITS HISTORY AND A GENOCIDE IN THE MAKING¹

(Original: Spanish)

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1. The Sapara Nation at the Limit of Survival

The Sapara Nationality, which inhabits the province of Pastaza in the Amazon region of Ecuador, is facing one of the most critical moments in its history. The physical and cultural survival of this ancient hunter-gatherer people is being threatened by escalating violence in an ever more aggressive offensive by transnational companies and the State to extract oil. Various means are being employed to gain control of the territory, including militarization, as is explained in this document.

The purpose of this document is to show how, during the last decades of the 19th century, during all of the 20th century and now in the 21st century, the Sapara Nation has been constantly threatened by resource extraction policies promoted by the State, as well by the State's omission and lack of responsibility to protect, which includes permitting the occupation and expropriation of land. There have never been reparations for these aggressions, nor has there been restitution of the expropriated territory. On the contrary, this People have been reduced to a minority on the brink of disappearing.

In this document, we show how the process of the State's systematic aggressions coupled with the new round of oil concessions threatens to cause genocide and extermination. We also warn and denounce this spiral of violence that puts at risk the existence of an entire indigenous Nation.

It should be recalled that on December 21, 1949, Ecuador ratified the Convention on the Prevention and Punishment of the Crime of Genocide.² Articles II and III are relevant to evaluate the current situation of the Sapara Nation:

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group as such:

a) Killing members of the group;

² <http://www.ohchr.org/SP/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>

- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

- a) Genocide;
- b) Conspiring to commit genocide;
- c) Direct and public incitement to commit genocide;
- d) Attempt to commit genocide;
- e) Complicity in genocide.

The concessions [to drill for oil] granted by the government of Ecuador to the oil companies constitute a “serious bodily or mental harm to members of the group” as well as the “inflicting on the group conditions of life” that could “bring about [the] physical destruction in whole or in part” of the Sapara Nation. The current situation requires that national and international human rights bodies take urgent action to stop the consolidation of this process of genocide and extermination. It is urgent to eliminate the root causes of violence; halt the processes of dividing, blackmailing and coercing that destroy the social fabric of the communities; and to start processes led by the legitimate indigenous organization to determine the forms, modalities, means, budget and chronogram for integral reparations and restitution of their territory and culture in accordance with the corresponding national and international instruments.³

³ The American Declaration on the Rights of Indigenous Peoples was adopted on June 14, 2016

1.1 The 11th Round of Oil Concessions: The Total Occupation of Sapara Territory

On November 28, 2012 the 11th Round of Oil Concessions⁴ was launched in the City of Quito, which included the request for bids to explore and exploit 16 Blocks [of land in the Amazon].

In this region there are seven indigenous nationalities, whose ancestral territories are affected in the following percentages: Achura (100%), Ancoa (100%), Sapara (100%), and Shiwiar (100%,) as well as parts of the territories of Waorani (16,34%) Kichwa (96,53%) and Shuar (70,45%), in total these concessions represent 75.91% of the indigenous territories of the region.

From this date on, efforts were made to create the conditions for the imposition of oil extraction in the Sapara territory.

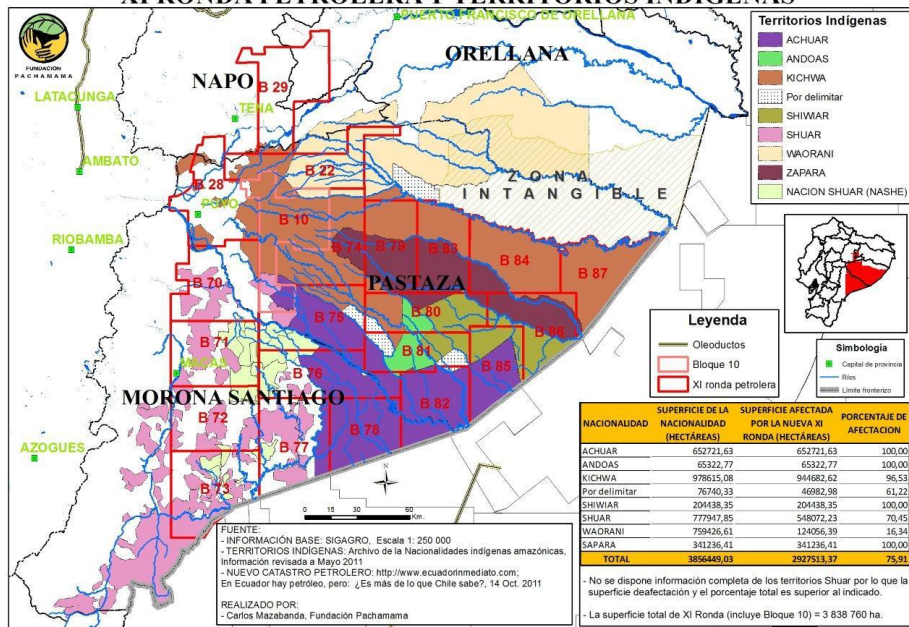
In January 2016, the State of Ecuador and the Chinese companies: National Corporation (CNPC) and China Petrochemical Corporation (SINOPEC), which are part of the consortium Andes Petroleum, signed two contracts for exploration and exploitation, in the form of contracts for services in the Oil Blocks numbers 79 and 83 located in the Province of Pastaza.

(AG/RES 2888 (XLVI-0/16) proposes a diversity of standards on territories, indigenous jurisdiction, free border crossing, environmental restoration and other issues that should be applied for integral reparations.

⁴ To explore and exploit oil, the Ecuadorian territory has been organized into squares of 200,000 hectares each, which are known as “oil blocks.” These are auctioned off to private and public oil companies in a process of open requests for bids. Up to now, there have been eleven rounds of requests for bids on the oil blocks.

THE 11TH ROUND OF OIL CONCESSIONS

XI RONDA PETROLERA Y TERRITORIOS INDÍGENAS



Map: Fundación Pachamama Foundation

The 11th round of oil concessions occupies the entirety, that is to say 100% of Sapara territory, which covers 400,000 hectares, in the parish of Montalvo in the Province of Patasza. (Interview with Kléver Ruíz, President of NASE, February 22, 2013). Most Sapara reject these oil concessions, and are angered by them and are concerned that they threaten their very survival as the following testimony indicates:

We only need our territory to live, but they are always trying to take away our way of life and land and our territory keeps getting reduced. We say clearly that we are not interested in oil. They say that oil will give us money. But why do we want money? if all that we need is in our rainforest: our food, our water. If the oil companies come, they will pollute everything that gives us life. (Interview with Gloria Ushigua, Sapara Nation, March 11, 2013)

1.2. Blackmail and Divide and Conquer instead of Consultation in Good Faith

From the moment the formal notice of the consultation was issued, there were protests about the irregularities of the prior consultation with the local indigenous communities, as well as fear about the environmental and cultural impacts that hydrocarbon exploitation has

already caused in the Northern Amazon of Ecuador.⁵ Furthermore, there are many denouncements of the lack of impartiality in the design of the prior consultation with the indigenous communities:

The arrival of the oil companies in indigenous communities is negotiated only with a few people, because they know that not all the Sapara agree with oil exploitation. The reason [for the opposition] is the fear of pollution, which is why we have stated that we will not allow the oil companies to enter in our territory. And that is why the prior consultation was done with just a few people. A public meeting was not convened and the presidents of the communities and the leaders were not invited. (Interview with Kléver Ruíz, President of NASE, February 22 2013)

The lack of impartiality of the process for obtaining the free, prior, informed consent prompted the Amazonian Nationalities, their local leaders and the CONAIE⁶ to hold an Assembly on September 5th to discuss this and to decide and inform that they would not participate in the consultation. The Sapara (NASE), Shiwiar (NASHIE), Shuar (NASHE, FICHS y FENASH), Kichwa (Sarayaku) and Achuar (NASE) Nationalities participated.⁷ In this assembly, Decree 1247 was analyzed whose purpose is to make operative and establish the procedure for the consultation to be held by the Secretary of Hydrocarbons.

Decree 1247 turns the consultation into a mere bureaucratic rubber stamp. Among the faultiest aspects of the consultation is that the communities and peoples who are opposed will not be taken into account; and that the decree defines who shall be consulted, not the indigenous communities or their leaders. [These two factors] make the consultation arbitrary [and flawed.]

According to the decree, the consultation process lasts 30 days, however it is impossible to discuss and reach agreement on issues as delicate as territorial intervention and its environmental and cultural implications in just a month.⁸

⁵ See: Carlos Martín Beristain, Darío Páez Rovira, Itziar Fernández, *Las palabras de la selva: Estudio psicosocial del impacto de las explotaciones petroleras de Texaco en las comunidades amazónicas de Ecuador*, EGOA, 2010.

⁶ Confederación de Nacionalidades Indígenas del Ecuador. National organization of the indigenous Nationalities of Ecuador.

⁷ ASAMBLEA DE LAS NACIONALIDADES AMAZÓNICAS SOBRE LA CONSULTA PREVIA Y LA ONCEAVA RONDA PETROLERA. (Assembly of the Amazonian Nationalities on Prior Consultation and the 11th Oil Round) Resolutions

⁸ Decree 1247.

In addition, there are problems with the representation. In the Sapara territory, there are several Nationalities that coexist: Ashuar, Shuar, Kichuas and Saporas. However, Mr. Basilio Mucushigua has signed a contract with the Secretary of Hydrocarbons on behalf of the Sapara Nationality even though he himself is not part of the Sapara Nation, a fact that undermines the legitimacy of the contract in question.:

A contract was signed between Basilio Mucushigua who is from the Andoa Nationality but purports to be the legal representative of the Sapara Nationality, and the Secretary of Hydrocarbons on behalf of the Sapara People, without having consulted the communities. [Mr. Mucushigua] was reelected with support from the Shiwiar and Achuar who live in our territory. (Interview with Kléver Ruíz, President of NASE, February 22, 2013)

On November 21, 2012, a sole man, Mr. Basilio Mucushigua, who neither belongs to nor represents the Sapara Nationality signed six contracts for a total of \$9,075,000, covering the totality of the Sapara territory. The State pretends that the signing of these six contracts by one man in one day constitutes a “community consultation.”

According to the Secretary of Hydrocarbons, Mr. Basilio Mucushigua has signed up to now six [oil contracts called] “Social Investment Agreements for Sapara territory” with all the aforementioned irregularities.

SOCIAL INVESTMENT AGREEMENTS- SOUTH EASTERN ECUADOR ROUND

ACUERDOS DE INVERSION SOCIAL-RONDA SURORIENTE ECUADOR					
Nº	BLOK	BENEFICIARY	LEGAL REPRESENTATIVE	DATE	AMOUNT
1	79	Sapara Nationality	Basilio Mucushigua	21/11/2012	\$ 2´400.000
2	80	Sapara Nationality	Basilio Mucushigua	21/11/2012	\$500.000
	83	Sapara Nationality	Basilio Mucushigua	21/11/2012	\$ 2 400.000
	84	Sapara Nationality	Basilio Mucushigua	21/11/2012	\$ 1´300.000
	87	Sapara Nationality	Basilio Mucushigua	21/11/2012	\$75.000
	86	Sapara Nationality	Basilio Mucushigua	21/11/212	\$2´400.000

Chart prepared by: Natalia Bonilla; **Source:** National Secretary of Hydrocarbons of Ecuador

Among the provisions of the signed Acta de Compromiso,⁹ paragraph e) states (*Unofficial Translation*):

“The representation of the communities of the Sapara Nation of Ecuador, commits to allowing the development of the necessary activities for the exploration of hydrocarbon Block 79 and its surrounding area

- a) Not to block nor allow any form of blocking by the communities that he represents.
- b) Facilitate the operation, including the entry and exit of staff that prepare the planning previous to the operation.¹⁰”

This clause empowers the “representation of the communities of the Sapara Nation of Ecuador” in a potentially illegal, unconstitutional and paramilitary act to permanently exercise control of the population to ensure that those opposed to exploitation do not “block” the [oil] operations in all the oil Blocks and in all the communities that live in the area stipulated by the signed contracts. The nature and degree of this commitment assumed by the signatory may be contributing to the escalating conflict [and militarization] of the region.

In light of this, it is worth noting that the Confederación de Nacionalidades Indígenas Amazónicas del Ecuador (CONFENIAE) [Confederation of Indigenous Amazonian Nationalities of Ecuador] has publically denounced the illegitimacy, illegality and unconstitutional character of this “consultation.”¹¹

The signing of the contract for services in January 2016 between the State of Ecuador and the consortium of Chinese companies (Andes Petroleum) in Blocks 79 and 83, were denounced by the Kichwas of Sarayaku and the Sapara Nation who denounced “the

⁹ Acta de Compromiso. Acuerdo de Inversión Social entre la Secretaria de Hidrocarburos del Ecuador y la Representación de las Comunidades del Área de Influencia del Bloque Hidrocarburífero 79. (Agreement of Social Investment between the Secretary of Hydrocarbons of Ecuador and the Representation of the Communities in the Area of Influence of the Hydrocarbon Block 79.) 21 November 2012

¹⁰ ídem.

¹¹ El Comercio, 28 November 2012.

incompliance by the State of Ecuador of the right to free, prior, informed consent.” “...They just held a few [meetings] with a few handpicked persons close to the government And they did not explain the impacts of oil operations, but instead threatened the Sapara communities that the Ecuadorian government is going to militarize the territory if they do not accept oil exploitation.”¹² In this communiqué, it also states that “the Sapara Nation including the women, youth and elders of the Sapara territory will not allow Andes Petroleum to enter Blocks 79 and 83.”

The denouncements of the Sapara Nationality and the Kichwa People of Sarayaku were supported by the Confederation of Indigenous Peoples and Nationalities of Ecuador (CONAIE) and by the Confederation of Indigenous Amazonian Nationalities of Ecuador in an open letter¹³ to the Minister of Strategic Sectors, the Minister of Hydrocarbons and the president of Andes Petroleum. The letter states that the indigenous nationalities affected by the project:: Kichwa, Sapara, Shuar, Achuar, Shiwiar and Waorani, were not duly consulted before the request for bids for these Blocks, in accordance with the stipulations of the Constitution of the Republic of Ecuador and the International Instruments of Human Rights. The document notes in the past that the imposition of oil projects in indigenous territories by the State of Ecuador without the prior consultation for obtaining the consent of the communities has resulted in a sentence of the Inter-American Court of Human Rights which condemns the violation of the right to prior consultation of the People of Sarayaku.

2. A Territory of Extreme Vulnerability: The Southern Border of the Territory of Indigenous Peoples in Voluntary Isolation

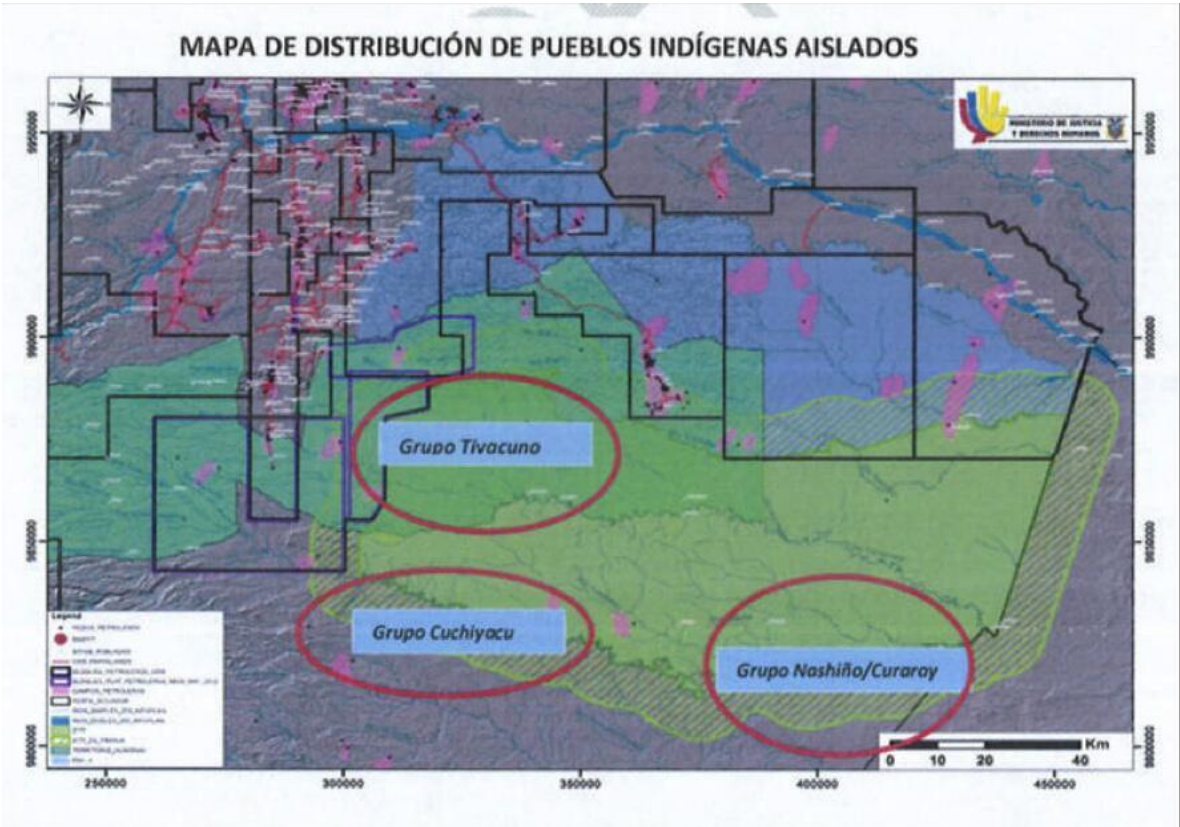
The Sapara Territory is the Southern limit of the Yasuní biosphere. It is an area that not only may be the most biodiverse place on Earth, but it is also the natural border of the territories of the Peoples in Voluntary Isolation.

¹² Sapara Kiraniata Ecuador. 2016. Statement of the Sapara Nation on the Signing of the Contract of Exploration and Exploitation of Blocks 79 and 83 with Andes Petroleum of China and the Ecuadorian State.

¹³ CONAIE, CONFENIAE, Kichwa People of Sarayaku, Sapara Nation of Ecuador, Achuar Nationality of Ecuador, Associations of the Shiwiar Nationality, Sapara Women’s Association-Ashifwaka, 2016, Open Letter to the Minister of Strategic Sectors, Minister of Hydrocarbons and the Executive President of Andes Petroleum Ecuador LTD.

“According to the information provided by the Ministry of Justice of Ecuador to the National Assembly, as part of the request for the authorization of the oil exploitation of the ITT Block in 2013, there is the “map of the distribution of the isolated indigenous peoples,” which shows where the Indigenous Peoples in Voluntary Isolation of the denominated “Cuchiyacu Group” are located in the territory included in Block 83. According to the Constitution of Ecuador, the territories of the Indigenous Peoples in Voluntary Isolation are Intangible, that is to say, that extractive operations cannot be done there, therefore, the signing of the contract for oil operations in Block 83 is unconstitutional.”¹⁴

MAP OF THE DISTRIBUTION OF INDIGENOUS PEOPLES



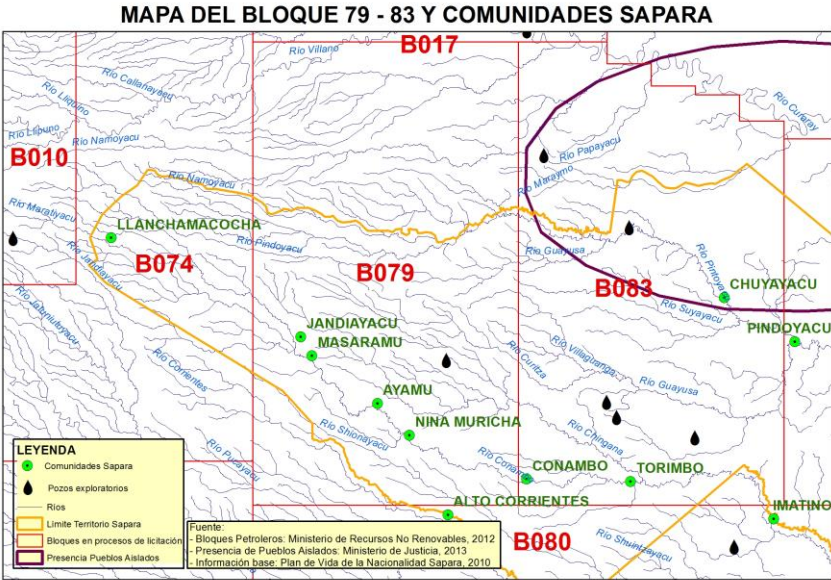
Map: Ministry of Justice of Ecuador

This map shows where the Ministry of Justice locates the Indigenous Peoples in Voluntary Isolation. According to the State of Ecuador, the Cuchiyacu Group is situated just South East of the “Intangible Zone.”

¹⁴ Idem.

The next map, MAP OF BLOCK 79 AND 83 AND SAPARA COMMUNITIES, superimposes the distribution of the oil blocks on Sapara territory and communities, and shows that this group is located mostly in Block 83,.

MAP OF BLOCK 79 AND 83 AND SAPARA COMMUNITIES



Source: Carlos Mazabanda (Terra Mater Foundation)

One of the most serious irregularities of the South Eastern round of oil concessions, especially of Block 83, is the lack of implementation of Ecuadorian laws. The Constitution of Ecuador states the following (*unofficial translation*):

Article 407: Extractive activity of non-renewable resources including forest exploitation are prohibited in the protected areas and in the zones declared intangible. [In] exceptional [cases,] said resources may be exploited if so petitioned [and] substantiated by the presidency of the republic and if [they have been] declared in national interest by the National Assembly, which, if it deems it convenient, can convene a popular consultation.

Article 57, number 21: The territories of the Peoples in Voluntary Isolation are ancestral, unreduceable and intangible possessions and in them all kinds of extractive

activity is prohibited. The State will adopt measures to guarantee their lives, ensure that their self-determination and their decision to stay in isolation are respected, and [take] precautionary [action] to implement their rights. The violation of these rights will constitute the crime of ethnocide, which will be codified by law.

The Ministry of the Environment of Ecuador (MAE) on February 17th, 2012, issued a certificate concluding that “the project Block 83 **INTERSECTS** with the Yasuní National Park and that, furthermore, it is located **INSIDE** the Intangible Nucleus Zone of the Yasuní Park and the Tagaeri Taromenane Territory and the Buffer Zone.” (*Unofficial Translation*) (Emphasis added.)

Nonetheless, the [oil exploitation] project is moving forward, violating Articles 57 and 407 of the Constitution of Ecuador, without even taking into account any of the prerequisites for the exceptional cases of resource exploitation.

3. Violent Conflicts in the Territories of the Sapara People

It is important to highlight that the South Eastern Round has had the immediate impact of provoking a wave of violence in the communities between those who oppose oil extraction in the territory and who are in favor of this activity. The [round of oil concessions] has generated very violent incidents, one of the most grave occurred in February 2013 when a thirteen- year-old Sapara child named Emerson Ushigua was murdered. His father Alcides Ushigua states the facts:

On February 3, 2013, we went fishing with my son Emerson who was 13 years old. Emerson wandered off away from the rest of our group about 30 meters upstream of the Tigre River. We called to him but when he did not answer, I went to look for him. I found him on the shore of the river with his neck and chest broken and he had bruises from a hand on his face. He was no longer alive. This happened three days after the assembly in the Pindoyaku community, at which we said we did not want oil [exploitation] in our territory. Mr. Basilio Fabían Mucushigua, president of NASE and Bolívar Santi, vice president of the Parochial Board of Río Tigre publically threatened [us]. (Interview with Alcides Ushigua, President of the Toribio community, February 22, 2013.)

It is not a question of intra-community or inter-community problems but rather what is behind [the violence] are the economic interests linked to oil. The Sapara themselves are the first to note that before the arrival of oil, the [indigenous] nationalities lived in peace. (Interview, Alcides Ushigua , President of the Toribio community, February 22, 2013)

In view of this situation, all the presidents of the Sapara communities along with the leadership of the indigenous nationalities of the Amazon began a process of organizing themselves to defend their territories. For this purpose, an Assembly was held on August 28, 29 and 30, 2013 with the participation of the NASE (Sapara Nation of Ecuador) with the presence of Llanhamacocha, Jandiayacu, Conambo, Torimbo, Suraka, Siona, Alto Corrientes, Espejo, Balsaura, Nina Muricha and Santa Rosa communities (73 official delegates), with the special presence of the Achura Nationality of Ecuador (NAE) and CONFENIAE. At the congress of the Sapara Nation, the following agreements were reached:

- By general consensus, it was decided to change the Counsel of Government of the Sapara Nation based on article 20 of the bylaws, for having allowed the illegal entrance of the Subsecretary of Hydrocarbons of Ecuador.
- “That the president Basilio Mucushigua, along with his vice president and secretary have not respected the decision of the Amazonian Nationalities, when they allowed [the Subsecretary of] Hydrocarbons to visit, without consulting the grassroots of the Sapara Nationality on February 7th. 2012 and other similar agreements that reject oil activity as part of the 11th Round implemented by the national government in the territory of the Sapara Nation.”

Among the key resolutions of the Assembly are the following:

“Reject the entrance of oil companies with the 11th Round of Oil Concessions and the intervention of the Secretary of Hydrocarbons for supposed information sharing,

which just serve to trick our communities. [We will] issue a letter to the government to ratify our decision.”¹⁵

Despite having the necessary support to change the presidency of NASE, there have been bureaucratic obstacles to allowing the Sapara leadership to make the decisions in their territory.

The confrontation between the Sapara Nationality with members of the Ashuar Nationality could escalate if there continues to be pressure on the indigenous territories, [fueled by] promises of money and the different positions on oil exploitation.

Recently, there has been militarization or paramilitarization of the Sapara territory. The Sapara Women’s Association of Ecuador “Ashiñwaka” has sent an open letter to public opinion in which it denounces that “on 07/28/2016 halfway between the Conambo River and the Pindo Yacu River, where the River Ulla Guaga and the Amaron River join, we found a military camp with men in civilian clothes, with tents, yellow boots, who lit a fire to cook and then put it out. There are more than fifty men in this place...at night they search the communities to kill, we have grave problems. We need these killers immediately removed from our midst, how can [such men] be sent to our humble community where the Sapara live?¹⁶” The Sapara women leaders monitored and surveyed their territory and found shell casings and military ammunitions. The aforementioned letter includes photographs of the findings and a map of the area.¹⁷

The militarization of an indigenous territory and the introduction of fire arms to the territory is a grave issue, which violates the rights of Indigenous Peoples enshrined in international instruments which have been ratified by Ecuador as the annexed chart shows. It is noteworthy that both the UN Declaration on the Rights of Indigenous Peoples as well as the American Declaration on the Rights of Indigenous Peoples expressly prohibits the militarization of indigenous lands and territories. Both Article 30 of the UN Declaration and Article XXX of the American Declaration clearly state that “military activities shall not

¹⁵ Minutes of NASE Assembly

¹⁶ Letter of Sapara Women’s Association to the World signed by leaders Gloria Ushigua, Manuela Dahua, and Soraya Ushigua and sent by email on 30 August 2016.

¹⁷ Letter of Sapara Women’s Association to the World signed by leaders Gloria Ushigua, Manuela Dahua, and Soraya Ushigua and sent by email on 23 August 2016.

take place in the lands or territories of indigenous peoples.” In addition, the American Declaration stipulates that “indigenous peoples have the right to peace and security.” Both peace and security are absent from the Sapara territory.

Furthermore, given the small number of Saporas, any armed incident could profoundly undermine the possibilities of survival of the Sapara as a people. An armed incident could cause “killing members of the group” or “serious bodily or mental harm to members of the group” or constitute “acts committed with intent to destroy, in whole or in part, a[n]... ethnic...group.” In short, the encampment and the militarization of Sapara territory fulfill the key criteria of genocide codified in the Convention on the Prevention and Punishment of the Crime of Genocide.¹⁸ In fact, the paramilitary/ military camp may be part of an effort of the government of Ecuador or the oil companies to “deliberately inflict on the group conditions of life calculated to bring about its physical destruction in whole or in part.” Immediate action is required to avoid this denouement.

3.1 Criminal Charges against Sapara Leaders

After the auctioning of the Blocks of the Sur Oriental Concessions, in November 2013, legitimate, peaceful protests to defend the territory were organized by the indigenous nationalities in the city of Quito to denounce lack of legal prior consultation for the oil exploitation. The State responded by:

1. Criminal charges against 9 indigenous leaders of the Central Southern Amazon who defended their territories, including the Sapara leaders Manari and Gloria Ushigua, accusing them of aggressions, which were unfounded, but which constitute the criminalization and harassment of the leaders and, therefore, the demobilization of the communities and the heightening of their vulnerability and the violation of their rights.
2. Launching a smear campaign [against these Sapara leaders] in which the State used all its media apparatus including radios, national television, press and social media

¹⁸ <http://www.ohchr.org/SP/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>

for two weeks, broadcasting national several times a day. In these television and radio programs, the indigenous struggle was taken out of context and, in a particularly racist comment, television hosts described the traditional Sapara dress of Gloria Ushigua as a clown costume. The [smear campaign and mocking of Sapara traditional dress] caused grave damage to the culture, intangible and tangible heritage, the moral, the public image of the indigenous leaders, in particular the Sapara leaders, but above all it increased the racism in [Ecuadorian] society against the Indigenous. The situation was denounced before the Inter-American Commission on Human Rights.¹⁹

Among other events that form part of the persecution of Gloria Ushigua, Front Line Defenders, denounced that “On 19 August 2015, three policemen broke into Gloria Ushigua's house in the city of Puyo. They shocked the human rights defender with tasers and beat her badly. The police also used tear gas inside the house causing Gloria, and those present including children, to almost suffocate. The human rights defender's office and property, including her fax and desk computer, was destroyed in the raid.”²⁰

3.2 Deaths and Persecution in Sapara Territory

One of the events that has most impacted the Sapara Nationality happened on 2 May 2016 in the Sapara community of Naku, por la muerte de Anacleta Dahua Cují, hermana en Ley de Gloria Ushigua. “Anacleta Dahua Cují was brutally murdered as she was working on the land in her community of Llachama Cocha, where Gloria Ushigua also lives. Due to the signs of struggle and the injuries Anacleta Dahua Cují's body sustained, her relatives strongly believe that she was raped before she was killed.²¹” The incident was denounced by Anacleta's daughter Soraya Cindy Ushigua Dahua, before the Office of the Attorney General of the province of Pastaza, however, initially the officials refused to receive her denouncement and evidence such as photographs, which violates due process. Only with

¹⁹ Letter signed by Gloria Ushigua, president of the Sapara Women's Association of Ecuador 25 August 2016.

²⁰ Front Line Defenders. 2016. Case: Gloria Ushigua. Escalating Intimidation and Harassment against Indigenous Human Rights Defender Gloria Ushigua of the Sapara People and her family

²¹ Ídem.

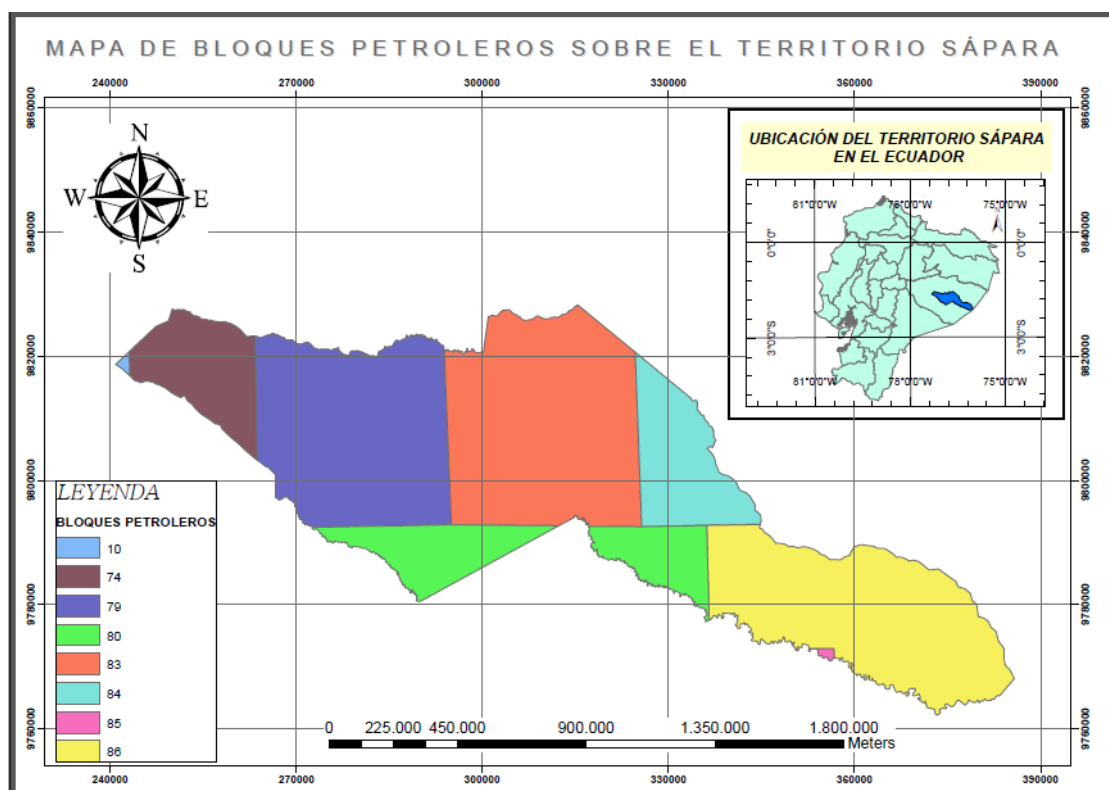
the presence of an attorney did the Office of the Attorney General receive the denouncement and the proof that was delivered. The incident is currently under investigation.

For a group as small as the Sapara, who number about 180 persons, such events like the killings and persecutions are a serious threat to their survival as a people and their culture.

Furthermore, these events have resulted in [Saparos] abandoning their territory and migrating to the large cities of the Amazon because of the insecurity and dangers to their lives. This immigration because of the Ecuadorian state has not provided protection forms part of the disintegration of the Sapara People because it divorces the people from the biocultural ecosystem where they practice their language, culture, spirituality and traditional knowledge systems.

Those responsible for the aforementioned situation are the oil companies and the State. It is urgent that the individual, collective and territorial rights of the Sapara Nation are respected, protected and implemented to avoid the genocide of the Sapara Nation and the Indigenous Peoples in Voluntary Isolation, the Tagaeri and Taromenane. Given the lack of political will as well as the ineffectiveness of national remedies, it is urgent that the United Nations and the international community act.

MAP OF OIL BLOCKS IN SAPARA TERRITORY



Map: Estefanía Mantilla

4. Socio Bosque causes Divisions in the Communities

Indigenous territories are spaces that have been conserved thanks to the special interaction between their ecosystems and the peoples that inhabit them, and currently they are also the spaces disputed by the State, transnational corporations and Indigenous Nationalities. The State is causing an increasingly serious confrontation for the control of these spaces, and cynically the State's own environmental devastation is being used as the supposed ethical justification for taking over the control of the territories. One of the facets of this phenomenon is the Socio Bosque program.

The Socio Bosque and Socio Páramo programs are mechanisms of supposed conservation that are part of environmental services. Environmental services are basically all the biological processes performed by Nature and which form part of the metabolism of Nature and human beings. However, because of the current global environmental crisis and global

warming, the cycles of Nature are being commodified and have been conceptually converted into services that are bought and sold like any other commodity.

The sale of these environmental services could be used as a form of taking control of indigenous territories, and hence, these would no longer be spaces for cultural reproduction of indigenous peoples, but rather the reproduction of capital. The Socio Bosque program sets out its objectives thusly:

“Socio Bosque arises as a mechanism of positive incentives for forest conservation. This model focuses on the sustainable management of forest resources of the country, since one of the objectives is to reduce the rate of deforestation in Ecuador, and thereby accomplish one of the objectives of the National Plan.”²² (*Unofficial Translation*)

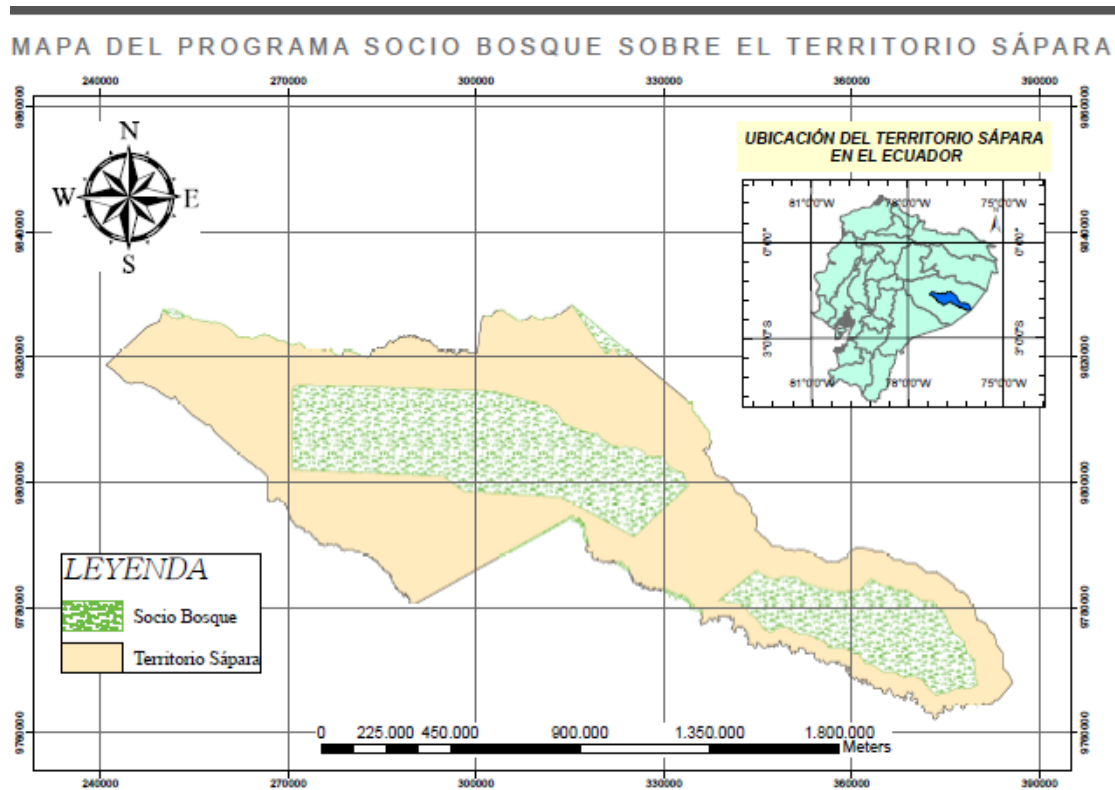
The duration of the program is twenty years and the program consists of providing a yearly monetary incentive for each hectare conserved. The incentive can be up to USD 30 for hectare and varies depending on the area that the property owner voluntarily wishes to include in the program.

The totality of the Sapara territory is among the priority areas of this program. There are three fundamental criteria for defining an area as priority are: 1. The level of risk of deforestation, 2. The ecosystemic services provided, and 3. The degree of poverty of the inhabitants.²³ The following map shows the area that the Socio Bosque program covers of the Sapara territory.

²² www.ambiente.gob.ec

²³ Ministry of the Environment,, UNEP, WCMC, *Carbono, biodiversidad y beneficios múltiples*, Ministerio del Ambiente, UNEP, WCMC, 2011. <http://www.unepwcmc.org/climate> www.carbon-biodiversity.net

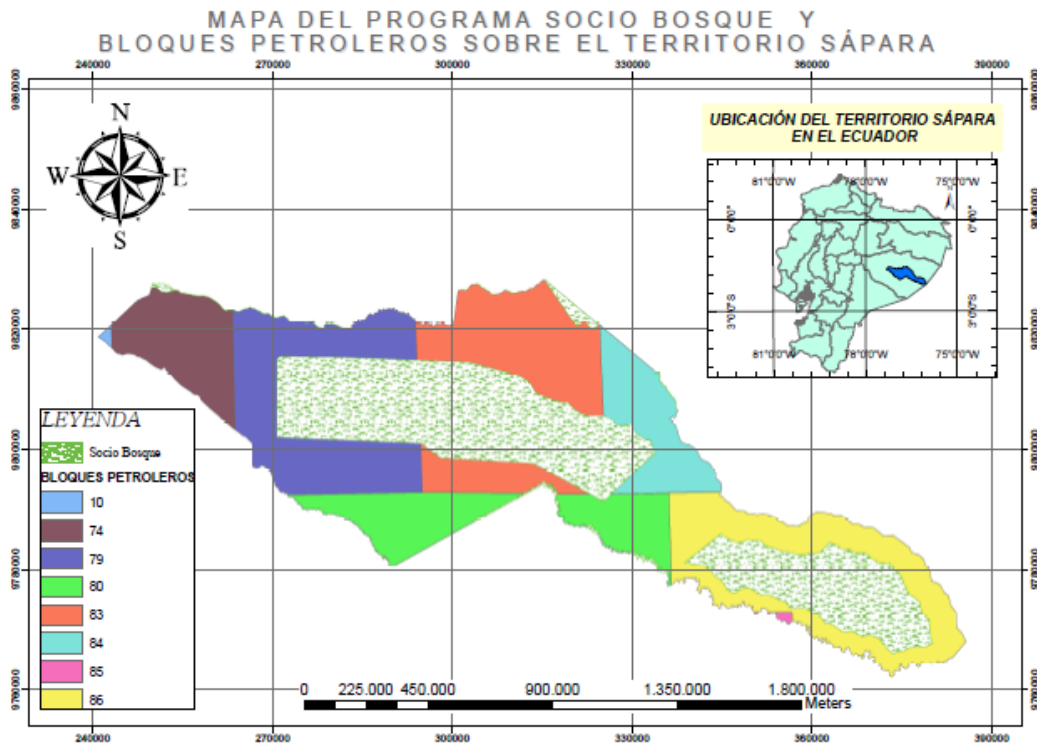
MAP OF SOCIO BOSQUE PROGRAM IN SAPARA TERRITORY



Map: Estefanía Mantilla

4.1 Opening the Door to the Oil Companies

Regardless of the objectives explicitly cited by the Ministry of the Environment, the conservation programs obviously contradict the state policies to further the expansion of the oil frontier in Sapara territory. As the following map shows, the oil Blocks (10, 74, 79, 80, 83, 84, 85 y 86) overlap the areas that are part of Socio Bosque project.



Map: Estefanía Mantilla

This contradiction has not gone unnoticed by the Sapara:

I think that the Socio Bosque program came to our territory four years ago. They told us that they were going to give us money for what we have always done - care for and conserve the rainforest – up to there all good. But the problem is that we began to see that this program goes hand in hand with the oil [extraction] so some people started to say “no” to Socio Bosque because when we say that we don’t want oil [exploitation], they are going to say that they already bought the territory and how are we going to give the money back? (Interview Gloria Ushigua, Sapara Nation, 11 March 2013)

This contradiction has prompted the Sapara to ask themselves what the real objective of this program is in their territory. The Sapara have described the way in which the governmental Socio Bosque program has ripped asunder the social fabric of the community and constitutes a contradiction with their worldview since it puts them in a mercantilist logic, which contends that by paying for conservation the commons becomes individualized and privatized. This is why Socio Bosque has already caused confrontations and opposition amongst the members of the same community.

From the start, Socio Bosque divided the communities with money. Since there is not a whole lot of information about it and folks don't have money, some people said "ok, we want to participate in Socio Bosque. The problem is that our territory belongs to all of us, and members of other Nationalities have intervened in these decisions. There are already problems of corruption, and a lack of delivery of the money to the peoples and this all has been denounced. (Interview Gloria Ushigua, Sapara Nation, 11 March 2013)

The Socio Bosque program presents itself as a mechanism for conserving Nature but it has caused conflicts, corruption and violence, which are precisely the conditions that facilitate the penetration of the oil industry.

If the Socio Bosque program at least recommended that oil not be exploited in the project area it would be less misleading, but as it has been implemented so far, it seems that Socio Bosque is just opening the door for intensifying the extractive industries' activities. The former Director of Socio Bosque has explicitly recognized that oil exploitation and mining can occur in the forests in the program.²⁴

5. Nación Sapara: A History of Extermination

In addition to documenting and denouncing the current violence and threats to the survival of the Sapara Nation, it is necessary to review the history of the Sapara Nationality to appreciate how the current threats are part of an offensive that has been going on for centuries. The Sapara Nationality has been a victim of the historic projects of the construction of the nation state, which only saw the Sapara as well as all the indigenous nations in the best cases as persons that needed to be integrated into Western civilization, and in the worst cases as obstacles to development, who needed to be eliminated. Currently both of these two forms of racism are still in vogue.

One of the common threads of the history of the Sapara Nationality is its resistance to external attacks on its territory and culture, including physical extermination, which is why on various occasions this people has been declared extinct. These attacks also include cultural devastation and the destruction of its environment, and hence, its culture. The Sapara, according to Claudio Trujillo, are a result of a lengthy process of ethnic

²⁴Max Lascano on Socio Bosque <https://www.youtube.com/watch?v=Dxf6je5G8wE>

disintegration. The first accounts of the Sapara are from the mid-19th century. Their linguistic origins are Zaparoanos that were located around the Napo River in the basin between the Tiputini and Curaray Rivers. Their language is part of the linguistic root called proto Sapara whose point of dissemination was Iquitos.²⁵ From Iquitos, Sapara groups traveled up the Tigre River to its headwaters, where the Arabela- andoa linguistics branch was found and from which Sapara is an offshoot.²⁶

The anthropologist Alba Moya speaks of the difficulty of studying this people because among other challenges the Sapara were contacted in 1654 but the descriptions of them were very superficial since the Sapara rejected contact with the colonialists.²⁷

In the colonial period, the Sapara were located in the most Western part of the Amazon region. After the 17th and 18th centuries, they were pushed towards Curaray. At beginnings of the 19th century up to recently, they have been gradually displaced to their current territory.²⁸

Displacement has been a constant trend at least since the 19th century, the epoch in which some historians situate the first accounts and oral testimonies which have been preserved in the collective historic memory of the nationality. The Ecuadorian Amazon in the 19th century was inhabited by some white people and native indigenous populations (saparo, shuar, canelos). Since then there have been a diversity of extractive processes such as panning for gold and harvesting pita (fiber from palm trees), laurel wax, tagua nuts, vanilla and rubber.²⁹

²⁵ Payne y Starrk, 1985, *Apud*, Moya, Alba, *Op. Cit.* P. 26

²⁶ Ídem.

²⁷ Moya, Alba, *Los aritiakus, hijas e hijos del mono colorado*, UNESCO, Quito, 2007, p. 3

²⁸ *Ibidem*, p. 14

²⁹ Esvértit Cobes, Natalia, *La incipiente provincia, Amazonía y Estado Ecuatoriano en el siglo XIX*, Quito, Universidad Andina Simón Bolívar- Ecuador. 2008 P. 25

5.1 Rubber and the Colonization of the Territory

With the colonization of the rainforest came illnesses that were previously unknown by the indigenous such as measles that decimated 65% of the population in the area.³⁰ Then, beginning in the 1890s, the Ecuadorian state promoted a massive colonization of the Amazonian rainforest to protect its borders with Peru.

In addition, in this epoch one of the most fundamental transformations of the way of life of the Sapara occurred: They stopped being a 100% nomadic people and they were forced to settle and form sedentary communities. Sedentarization had three principal impacts.

The first was the considerable reduction of their territory because they stopped being in constant movement, which had allowed them to cover greater area. The second impact was that sedentarization broke up the families that were dispersed and it also undermined the traditional subsistence of the Sapara. The third impact was that sedentarization gave rise to contact with external actors such as other ethnic groups and religious missions. Sedentarization was also one of the causes of the loss of the Sapara language. According to Ms. Gloria Ushigua:

My grandfather told me that when he was young his grandfather told him about what happened with the rubber barons. The rubber barons took men from the community to carry the rubber and they were not paid at all. At the time, the Sapara Nation was huge and covered all of the Napo River, all the way to Peru. For the Sapara, there was no border because we did not live in one place but moved around through the rainforest, traveling by river in canoes or walking. We do not stay in one place for long; never more than three months. When the rubber barons came, the Sapara had to flee. (Interview Gloria Ushigua, Sapara Nation, 11 March 2013)

Forced displacement was one of the most common forms of expropriating Sapara territory. The war between Ecuador and Peru over the demarcation of the borders also caused forced displacement in the first half of the twentieth century.

³⁰ Bilhaut, Anne, *El sueño de los Záparas, patrimonio onírico de un pueblo de la alta Amazonia*, FLACSO-Abya Yala, Quito, 2011, p. 39

5.2 The División of the Sapara Nation by the War with Peru

The demarcation of the border with Peru was an issue that generated multiple conflicts. According to the historian Tatiana Svertit, the only thought that the Ecuadorian state gave to the Amazonian region was to defend the territory from the constant risk of Peruvian invasions.³¹

Peru constantly invaded Ecuador to find labor for rubber extraction, which caused binational conflicts and a war for the demarcation of the border. The Sapara Nation was caught in the cross fire of the conflict. Even though there is no documentation of the impact of the war on the Sapara, their territory was part of the contested land. Obviously, the Sapara Nation pre-exists the national states of Ecuador and Peru and has its own form of demarcating its territory which did not concur with the geopolitical border invented by the national states. Ultimately, the Protocol of Rio de Janeiro determined the borders between Ecuador and Peru, and the Sapara Nation was divided by the imposition of a frontier which fragmented the Sapara Nation.

My grandfather told me that during the war with Peru, the great Sapara Nation was divided and many families were separated and many of our relatives ended up on the other side of the border. (Interview with Gloria Ushigua, Sapara Nation, 11 March 2013)

According to Alba Moya, during the war between Ecuador and Peru, the Sapara were attacked, harassed, robbed, their homes destroyed and the women were raped and kidnapped. The war ended in 1942 with the signing of the Protocol of Rio de Janeiro in which stipulated that Ecuador cede 20000 km² to Peru. The new border had long term impacts for many indigenous peoples including the Sapara and the separation of families eroded their cultural identity.

Another important cultural trait worth noting is that the constant mobility of the Sapara caused this people to be structured as clans. Some of the clans interfaced and had conflicts with other ethnic groups like the Waorani, whereas other clans were assimilated by

³¹ Svertit, *Op. Cit*, p.45

Amazonian Kichua culture. This dispersion of the clans is one of the reasons why in the 1990s, some people maintained that the Sapara as an ethnic-linguistic group were extinct. However, thanks to cultural revitalization that was a component of the indigenous movement of Ecuador in the 1990s, the Sapara began to come out of the shadows and to teach their language once again and to vindicate themselves as a people.

The Sapara have experienced a process of internal indigenous colonization by the Kichua, which is why they speak Kichua. Nonetheless, many distinctive Sapara cultural traits continue to be practiced and in the last two decades of the 20th century the Sapara have been striving to revitalize their culture. In 1998, the Sapara Nationality Association was founded.

Many Sapara were scattered throughout the territory and so they stopped speaking the language, but we are a people with our own particular traits. For example, we eat food that other peoples of the Amazon do not eat, our culture is alive and we are different from other nations. (Interview Gloria Ushigua, Sapara Nation, 11 March 2013)

As in other places in the Americas, indigenous territories were often colonized by evangelization, that is, through missionaries. The missionaries pushed the use of just one indigenous language so that they could communicate with indigenous peoples of different cultures and different indigenous peoples could communicate amongst themselves. And the Sapara were included in this [monolingualization].

Alba Moya suggests that it is very possible that the Sapara fled from contact with the religious missions because they were afraid that the Spanish would enslave them. From the very beginning of foreign explorations of the Amazon, slavery threatened indigenous survival. Indigenous persons were used as porters, interpreters, guides, etc. without any concern whatsoever that this bondage would destroy the enslaved as a people. In addition to slavery, indigenous peoples were decimated by epidemics of the illnesses the invaders brought.

The wiping out of the indigenous peoples suited the interests of the national state which was eager to colonize the rainforest and extract resources like rubber. In 1850, the demand

for rubber increased as did the intervention in and colonization of the territories with the arrival of people from other regions of Ecuador.³² At this time, the existence of the Sapara People and their language was still recognized.

In the middle of the 20th century, several dozen Sapara were acknowledged and at the end of the 20th century, the language was considered on the verge of extinction because there were only five fluent speakers in Ecuador, all of whom were over 70.³³ [The language is still spoken in Peru.] However, the distinctive cultural traits of the Sapara culture endured and are hailed as part of the successful resistance of centuries.

5.3 The First Oil Exploration

The so-called oil boom in Ecuador took place in the Amazon, which reinforced the stereotype about the Amazon: a place of vast natural wealth on one hand, and, on the other, an inhospitable place of savages. Oil exploitation was justified on this two-pronged stereotype, and, therefore, its consequences were an unprecedented environmental and social devastation.

For the Sapara, oil exploitation meant more fragmentation and reduction of their territory. The oil infrastructure in Sapara territory included an airstrip, which turned the territory into an extractive industry project instead of a rainforest for the cultural and physical survival of the Sapara. Also during this time, there was violence against the Sapara and pressures that undermined their traditional forms of life. Gloria Ushigua recounts that:

When the oil company came, they divided the territory in two pieces, There were families that that were stuck upriver and other families that were stuck downriver. Exactly in the middle of the territory, a North American company linked to Shell Oil built an airstrip that divided the Sapara Nation. (Interview with Gloria Ushigua, Sapara Nation, 11 March 2013)

The Summer Institute of Linguistics [religious missionaries funded by Nelson Rockefeller] also began to intensely pressure Amazonians to give up their traditional lifestyles.

³² Deler, Jean Paul, *El manejo del espacio en el Ecuador*, Centro de Investigación Geográfica, Quito, 1983, p. 54

³³ Moya, Alba, *Op. Cit.* P. 29

They took my father away because he would not kneel, that's what they said...so they took him to the airstrip and tried to convert him into a Christian... (Interview with Gloria Ushigua, Sapara Nation, 11 March 2013)

This era is important in the Sapara history because it is also when other indigenous Nationalities entered Sapara territory. One of the historic patterns of this people is dispersion and constant demographic reduction caused by violence. Furthermore, since their territory is very large, other indigenous nationalities like the Shuar have settled on their land.

[The Shuar] came with the [oil] company because the Sapara are good people and not warlike. But when the Shuar came they blocked the communication by river amongst the Sapara Nation and they settled in our territory. We were afraid because we did not know them and we did not know what they wanted. The night they came we wept out of fear and after that my mother did not let us wander freely like we use to in the rainforest. We had to stay still and wait. By and by, an elder told us that we should not go to war, that there was room for everyone and that we could live in peace. This happened when I was 14-years-old. (Interview with Gloria Ushigua, Sapara Nation, 11 March 2013)

The arrival of oil exploitation in Sapara territory resulted in the loss of territorial autonomy as well as the introduction of outside culture, clothes, religions and money. It also caused documented pollution of the environment including the air, the water and the land of the indigenous peoples.

Because of this precedent, most Saporas reject oil activity in their territory.

6. Cultural Relevance and Significance of the Contemporary Sapara Nation

The Sapara Nation has endured as a people with distinct cultural traits and its own historic and cultural memory despite having been the target on several occasions of processes of extermination of their environment and culture. UNESCO has declared the Sapara People tangible heritage of humanity for their language, their knowledge and culture.

With this recognition came the provision of 250,000 hectares so that the Sapara could defend their cultural survival. However, humanity's heritage is being threatened by planned oil extraction. Furthermore, Gloria Ushigua explains that even though this part of the territory has been deeded, the territory still has not been united:

We have deeds to part of the territory, but is still just on paper because we still cannot unify the pieces because of conflicting interests and that is why the Sapara nation is still divided. (Interview with Gloria Ushigua, Sapara Nation, 11 March 2013)

It is important to highlight that today the Sapara culture includes complex structures and practices for daily life that include a code of ethics that governs their relationship with the rainforest as well as scientific knowledge systems, [sustainability] strategies developed to not destroy their means of life, and rules and regulations that regulate hunting, fishing and garbage management among others.

For example, the code for hunting stipulates that the hunters should not cause unnecessary pain to their prey. There are also quantities specified for [hunting and foraging] to maintain the balance and to respect the rainforest's own cycles of recuperation.³⁴

Similarly, there are rules and regulations for fishing, an activity mostly done by women, which are based on a consciousness of the importance of fish in the life of the Sapara Nation. Foraging is also done by women, as is gathering medicinal plants, worms for food, fruits, feathers and materials for decorations. This activity requires intimate knowledge of the rainforest, which is much more profound than mere botany and it certainly does not systematically destroy the Amazon the way drilling for oil does. Furthermore, oil exploitation can destroy important plant life and aspects of Nature that the industrialized world does not even know of before they have even been identified.

The Sapara possess priceless traditional knowledge systems on plants, animals, the climate, etc. however the preservation of this knowledge is only possible insofar as their traditional knowledge systems stay alive and are transmitted from one generation to another and they can enrich themselves and permanently renew and renovate. This is impossible if the culture's source of life and wisdom, the Amazon, is destroyed.

Much of the history of the indigenous peoples of the Americas and, in particular, of the Amazon has been hidden by the colonists and church to legitimize and perpetuate their hegemony through violence and extermination of the physical and cultural memory of the

³⁴ Alba Moya, *Op. Cit.* P. 119

peoples. In this regard, Guillermo Bonfil Batalla affirms that indigenous history is not a thing of the past and has yet to be fully born. In the first place, because this history has yet to be written by its protagonists and, secondly, because this history has not concluded and these peoples and cultures are still alive.

To this we add a third point. We live in a country where colonization is a process that continues along with its corollaries of extermination, pillaging and exploitation. The discrimination of the hegemonic culture, which dominates and devours other cultures, is still very much practiced in both violent and subtle ways. Nonetheless, the ancestral resistance of the Sapara Nation continues to be applied to resist globalization, extractive industries and the privatization of Nature.

CONCLUSION

Given the escalating threats to their survival, the Sapara Nation requires an integral strategy to resist the combined offensive of territorial expropriation from oil extraction, Socio Bosque and militarization. Such a strategy necessarily includes a work plan for various scenarios and national and international levels and needs the support of a diversity of allies and entities committed to human rights, the Amazon and the wellbeing of the planet.

Required Action

In light of the escalation of the threats, the militarization and the lack of effective remedies, it is urgent that the UN and the international community not fail to act to safeguard the survival of the Sapara People and the Indigenous Peoples in Voluntary Isolation. In this regard, all the mechanisms to prevent genocide as well as the Special Advisers on Genocide and the Responsibility to Protect and the Human Rights Upfront Initiative must be immediately engaged.

In addition, the government of Ecuador must:

1. Immediately and permanently cancel all oil concessions in Sapara territory and the territory of the Indigenous Peoples in Voluntary Isolation;

2. Ensure the military/paramilitary encampment is removed and that there is no further military/paramilitary activity or militarization in Sapara territory nor in the territories of the Indigenous Peoples in Voluntary Isolation;
3. Stop all formal and illicit natural resource exploration, exploitation and extraction and colonization in Sapara territory and the territory of the Indigenous Peoples in Voluntary Isolation;
4. Immediately and permanently cancel the Socio Project project in Sapara territory and not use the territories of Indigenous Peoples in Voluntary Isolation for carbon credits.
5. Fully implement the collective and individual rights of the Sapara People and Indigenous Peoples in Voluntary Isolation enshrined in national and international law including allocating the necessary budget for their implementation, as indicated by the Sapara People themselves through their legitimate organizations such as the Sapara Women's Association Ashiñwaka.

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Alcides Ushigua

Gloria Ushigua

Klever Ruíz

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