ISOLATED INDIGENOUS PEOPLES THREATENED BY ILLEGAL FELLING AND HUNTING IN INTANGIBLE ZONE OF YASUNI. ECUADOR

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INTRODUCTION

1. The Tagaeri and Taromenane indigenous peoples are the last indigenous Amazonian groups that, in a situation of voluntary isolation, live within Ecuadorian territory, and are kept apart from the national society. Both peoples inhabit the western and southeastern borders of the Yasuni National Park (PNY) maintaining cycles of mobility and nomadism in much of the territory of the NY. The Tagaeri / Taromenane are part of the great Waorani cultural trunk; in fact they share territory with the contacted Waorani natives who were forcibly incorporated into the national society less than fifty years ago.

2. Despite belonging to the same cultural and linguistic trunk with the Waorani, they maintain conflictive relations based on cycles of war and peace derived from the belligerent character of these cultures. At the same time, isolated indigenous groups have repeatedly attacked settler populations (mestizo peasants) who have entered their territories. Several episodes of attacks by outside actors and periods of traditional war with the Waorani have claimed the lives of at least 50 people in the last twenty years. The exact number of victims of the Tagaeri / Taromenane during these violent events is still unknown.

3. The purpose of this report is to denounce the existence of activities involving the extraction of timber, fishing and illegal hunting in the Tagaeri / Taromenane Intangible Territory, the territory of Isolated Indigenous Peoples, as well as in the buffer zones. The document is prepared in order to request from the competent authorities the urgent control and containment of the threats arising from these illegal activities that put the lives of isolated indigenous peoples at risk.

MEASURES ADOPTED BY THE ECUADORIAN STATE

4. The Ecuadorian state has taken some measures for the protection of Indigenous Peoples in Voluntary Isolation (PIAV), among which we have:

5. Declaration of the Intangible Conservation Area, which is permanently closed to all types of extractive activity, for the territory in which isolated villages have built their habitation and development space (1999). The main objective of this declaration was to protect the life of the Tagaeri Taromenane and other isolated groups

6. The demarcation of the Tagaeri Taromenane Intangible Zone (ZITT) covering an area of seven hundred, eighty-five thousand and fifty-one (785,051) hectares, defined as a ten-kilometer extension around the ZITT as a buffer zone, where extractive activities, forestry products for commercial purposes, concession of mining concessions, as well as infrastructure works such as roads, hydroelectric power stations, oil facilities centers, among other works incompatible with the purpose of the ZITT. (2007)

7. The presentation of the National Policy Plan of the Peoples in Situation of Voluntary Isolation, which established principles and strategic lines of action for the protection of PIAV (April 2007)

8. In 2008, article 57 of the Constitution of the Republic of Ecuador recognized the existence of Indigenous peoples in Voluntary Isolation, reaffirming the state's guarantee of the intangibility of their territories. Since 2014, the crimes of genocide and ethnocide covered by the Integral Criminal Code have already been penalized.
10. The approval of a Code of Conduct for public and private companies to ensure respect for PIAV (2008).
11. After several violent attacks between Taromenane and Waorani, the Presidency of Ecuador implemented the Waorani Taromenane Research Commission in 2013.
12. The issuance of the Protocol for Situations of Encounter with Indigenous Peoples in Isolation; 
14. In general, the State has carried out monitoring, geo-referencing of signs of PIAV presence, 
trainings, medical brigades in different indigenous communities close to the ZITT, coordinations, evaluations

15. In addition to the measures taken by the State, in 2006, the Inter-American Commission on 
Human Rights granted precautionary measures in favor of these populations due to the multiple 
violent events that occurred as a consequence of the intrusion of external actors into the territories 
of the indigenous people in isolation. The precautionary measures establish that the Ecuadorian State must adopt "... effective measures to protect the life and personal integrity of the members 
of the Tagaeiri and Taromenane Peoples, in particular, take the necessary measures to protect the territory 
in which they inhabit, Including actions required to prevent the entry of third parties. " 
(IACHR, fax No. 2024588215).

16. The facts that gave rise to the need to grant precautionary measures in favor of the PIAV were the 
attack and murder of about 20 Taromenane people perpetrated in 2003 by a group of Waorani 
indigenous people motivated by illegal loggers. Faced with this situation, the State confined itself 
to carrying out a verification of the place and collecting testimony from some witnesses. It should 
be noted that in that year, the death of a logger was recorded as due to an attack by indigenous 
people in Taromenane voluntary isolation. The other fact was the news of the death of a 
Taromenane person in the river Shiriupuno that did not get officially verified.

17. In 2008, two years after the issuance of precautionary measures, the Plan of Precautionary 
Measures was prepared by the Ministry of Environment MAE, whose activities focused on the 
control of illegal logging, implementation of PIAV monitoring methodologies, control of entrance 
of people to the Intangible Zone, creation of a monitoring station on Shiripuno river, besides 
carrying out processes of training and socialization to the neighboring populations on the situation 
of indigenous peoples in voluntary isolation.

SITUATIONS OF VIOLENCE CONTINUE

18. Despite the implementation of these measures, violent events continued to occur in the area.

19. On March 1, 2008, indigenous Taromenane attacked an illegal logging camp and killed Mr. 
Mariano Castellanos, because of the proximity of the loggers to an area inhabited by these 
populations.

20. On August 10, 2009, another attack of isolated indigenous Taromenane took place, this time 
directed at the peasant population, where they were killed by lances. Sandra Zabala and her two 
children, 17 and 11 years old. On this occasion the Taromenane also kidnapped a 7-month-old
boy who was found two days after, next to a tree several hundred meters from the scene of the attack but in good health.

21. In 2010, through Executive Decree, the competencies of the Plan of Precautionary Measures are transferred from the Ministry of Environment to the Ministry of Justice, Human Rights and Worship. That year there were several warnings of a possible retaliation towards the indigenous in isolation by the relatives of the people killed in 2009. However, the information was never confirmed or denied.

22. It should be clarified that all competences related to forest and wildlife control were entrusted to the Ministry of the Environment, an institution responsible for monitoring in coordination with the Ministry of Justice, Human Rights and Worship staff.

23. The year 2012 was relevant because the Guidelines for the Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay were prepared by the Office of the High Commissioner for Human Rights at The United Nations.

24. In 2013, an international technical mission of the Amazon Cooperation Treaty Organization was carried out in the framework of the "Regional Agenda for the Protection of the Isolated and Initial Contact Indigenous Peoples". Tagaeri Taromenane Intangible Zone was visited, and evidence of illegal logging activities in the border area with Peru, at the mouth of the Cononaco and Curry rivers was noted.

25. On March 5, 2013, a couple of indigenous Waorani elders were attacked and victimized by a group of Taromenane natives in the Yarentaro community within Yasuní National Park.

26. On March 30, 2013, twenty-five days after the events occurred and without the State having taken adequate measures to prevent it, a Waorani expedition comprising relatives of the aged victims attacked a Taromenane house killing a number, until now indeterminate, persons who lived in isolation. It is presumed there were at least 6 Taromenane victims, among adults and children. In this new incursion, the attacking group kidnapped 2 girls of 3 and 6 years of age, who would later be transferred to the Waorani communities.

27. The two Taromenane girls are sisters, according to witness statements. After some doubts and serious violations of the protocol of populations without contact, the girls were separated and adopted in two different Waorani communities.

28. As a result of these new clashes, the Government created the "Commission for the Investigation of Conflicts between the Taromenane and Waorani Indigenous Peoples" in order to investigate the causes of the attacks and make recommendations to the State to prevent further violence. One of the tasks of the commission was to clarify officially the reasons for the situation of violence between the Taromenane and Waorari groups, despite this mandate, the report has not yet been published nor given to the IACHR by the State.

29. From the official socialization documents presented by the Commission, it is known that the most important recommendations made by the Commission are found in a proposal to update the National Public Policy on Isolated Peoples presented in 2007. These are the establishment of a process of implementation of a culture of peace in the Warrant population, the articulation of
different institutions for effective territorial protection, and the recognition of new territorial scope for isolated indigenous peoples.

30. Despite the efforts made by the Ecuadorian State to incorporate policies to protect these peoples and to set up institutional teams dedicated to this problem, the fact is that there are clear signs that illegal logging has reactivated intensely, this time on the southern-eastern border of the PNY and the Tagaeiri / Taromenane Intangible Zone (ZITT)

31. In the last two years, through monitoring and investigations carried out in the territory, the presence of illegal activities in the territory of isolated indigenous people has again been detected. This time they have been located east of the Yasuni National Park and the Tagaeiri-Taromenane Intangible Zone, along the border with Peru. Wood and various other resources extracted from the forest are being transported and marketed to Peru.

ILLEGAL FELLING IN THE INTANGIBLE ZONE TAGAEIRI TAROMENANE ON THE BORDER WITH PERU, IDENTIFIED SINCE 2015

32. In 2015, a consultant team from the Ministry of Justice and Human Rights carried out several tours and overflights around the border area between Ecuador and Peru. It manages to identify logging camps in different places, with special intensity in the Quebrada Lobo and river banks of the Nashiño river, within the Yasuni National Park and the Intangible Zone.

33. Following this initial information, leaders of the communities of Lorocachi reported that in October of the same year, personnel from the Ministries of Environment, Justice, Human Rights and Worship, accompanied by personnel from the armed forces of Ecuador, identified in a ground search the facilities of an abandoned logging camp and approximately 6 felled areas of cedar (Cedrela odorata) and chuncho (Cedrelinga cateniformis). There were also three roads of 6 meters wide, through which the wood was transported to the estuaries and from where they were transported by river to Peru, using the river Lobo, and later the Curaray.

34. Because of the scarce presence of military personnel, it was not possible to verify where the trees were presumably sawed. On this occasion, in addition to the felling of trees, there were also signs of presence of indigenous people in isolation, such as bent branches and footprints.

35. The testimony of the participating personnel indicated that between October and November, the Ministry of the Environment, in conjunction with the Armed Forces, the National Police and the Prosecutor's Office, carried out a confiscation operation on illegal logging on the banks of the Nashiño River, 18 km from the international border with Peru, managing to arrest 3 citizens of Peruvian nationality. However, the wood seized and retained in the Ecuadorian military detachment of the Nashiño River would have been recovered by the Peruvian loggers in a possible violent attack against the military detachment.

36. After identifying these sites at the end of 2015, government monitoring activities are suspended until August 2016. This month, a new on-site verification is being carried out in conjunction with some Kichwa indigenous leaders of Curaray together with technicians from the Ministries of Environment, Justice-Human Rights and Worship, and the Armed Forces. On this occasion, they are entering from the Peruvian side of the border in a canoe to the point known as Quebrada Lobo. There are new camps and several clearings of illegal logging along the banks of the Lobo River both in Peru and Ecuador. Despite all this information collected by the ministries, there is no
evidence that the authorities have implemented measures to control and confiscate timber.

MONITORING PERFORMED BY CIVIL SOCIETY ORGANIZATIONS AND INDIGENOUS PEOPLE OF THE AREA IN THE RIBERAS DEL CONONACO - CURARAY.

37. Since the beginning of 2016, persistent rumors and testimonies from local communities regarding the logging and indiscriminate hunting by agents outside the national territory, motivated the concerns of civil society organizations involved in issues of protection of indigenous peoples in isolation, as well as in strengthening the collective rights of indigenous peoples and nationalities.

38. The stories of local villagers pointed to possible logging clearings in the Tacaeri / Taromenané Intangible Zone, as well as in the indigenous territories of Cononaco and Curaray. In order to confirm the allegations and to support the exchange of experiences and territorial problems between the Waorani and Kichwa communities in the Cononaco-Curaray area, the Alejandro Labaka Foundation, along with Acción Ecológica and Land is Life, organized a trip for the exchange of experiences and monitoring of the territorial situation in the mentioned area.

39. The tour was organized between May 20 and 29, 2017 and had as one of its objectives the verification of the situation of illegal logging in the area of isolated indigenous peoples, as well as in their areas of influence.

40. Four transects on the route were verified: the first, from Shiripuno Station to the mouth of Cononaco Chico, the second transect from Cononaco Chico to the Waorani community of Baameno, the third transect from the Cononaco River to its mouth at Curaray, and the last transect from Bocana del Curaray to the town of Lorocachi.

41. In the first and second transects, no evidence of timber presence was found in the area that was a sacrifice zone for illegal activities from the beginning of the decade of 2000 until the end of the same.

42. On the third and fourth transect, on the contrary, dozens of evidences were found that refer to the presence of illegal hunting camps in the Cononaco River and logging activities on the banks of the Curaray.

43. The suggested work hypothesis tried to establish the proximity of loggers and isolated indigenous peoples, and to estimate the impact that these activities could have on them, serious and irreversible impacts on the isolated indigenous peoples dynamics, while encouraging local communities to control – together with the corresponding state authorities – illegal logging, as well as indiscriminate hunting and fishing in the region.

44. The main findings of the tracking group for the Cononaco - Curaray route are described below:

45. a.- Cononaco River: Massive hunting in the PIAV territory in the middle of ZITT and PNY. In their descent through the Cononaco River (from Baameno point forward), the verification mission came across camps and infrastructures used for massive animal hunting and their subsequent commercialization, presumably on Peruvian territory.

46. On the verification trail, the Cononaco Detachment, border control point of the Ecuadorian Army, arrived. There it was verified the lack of fluvial or migratory controls in the zone. The team was
able to note the limited amount of operatives in the detachment, the lacking of optimal control resources, the shortage of tableware and provisions for the personnel, as well as the assurance that the Military is not monitoring the illegal logging issue. Soldiers asked about this matter said that patrols have to be authorized by the chain of command, together with the responsible Ministries.

47. Another important information is the fact that the same source told about a possible sighting of Isolated Indigenous Peoples, who would have arrived to take axes, pots and machetes belonging to the Detachment.

48. b.- Hunting and cedar logging in the low Curaray within the ZITT and PNY area, with abandoned monitoring posts. Throughout the low Curaray course 7 illegal logging sites were verified, 3 of which are inside the ZITT and PNY area, between Ceilán and the Victoria community, as well as 4 illegal massive hunting camps.

49. c.- Abandonment of border surveillance by the Ministry of the Environment and the Armed Forces. In the verification carried out by observers from civil society and local populations, the virtual abandonment state of several monitoring and control posts of the Ecuadorian State in the area was verified. Port facilities seem to have possibly been deserted at least for a couple of months.

RISKS FOR ISOLATED INDIGENOUS PEOPLES DERIVED FROM ILLEGAL LOGGING IN THE INTANGIBLE ZONE OF YASUNÍ NATIONAL PARK.

50. There are various risks derived from the presence of "third parties" in the isolated peoples territory, and of varying intensity. Less than a decade ago the presence of illegal loggers in the Yasuní Park led to a series of violent acts against the Tagaeri Taromenane and, at the same time, it also led to several spear attacks towards the logging camps.

51. The presence of loggers in the border area and the expansion of the oil border on the north side of this same area, surely imposes a threat for the survival of this peoples. Over 2015 and 2016 authorities identified, thanks to the above described, several forest clearings within the Intangible Zone.

52. The survival of isolated indigenous people depends entirely on a culturally appropriate management of their territory. The logging, fishing and intensive hunting activities definitively impose a dynamic of greater pressure on the forest resources and the use of the territory, which on previous occasions has motivated attacks with spears by the Tagaeri Taromenane.

53. Such an intense and close activity would definitely be imposing a pressure relationship on the vital resources for these groups. The challenge of territorial control creates discontent among Yasuní indigenous groups, including isolated groups, as they have shown on previous occasions.

54. It is highly probable that there will, once again, be attacks from the isolated groups and revenges from the loggers, if the illegal logging increases in this area. Moreover, a series of forced contact with the indigenous could have irreversible and undesirable consequences for their well-being and survival.
55. During the last tour it was observed that the loggers are armed and this creates risks of violence in the area. The amount of discovered camps and the boat types, allow us to see that this is not an occasional activity, but a permanent occupation of several areas, and with the risk that they get progressively amplified.

56. In the area bordering Peru, it can be seen that it is not just illegal logging but a more sustained and permanent presence of foreigners who are illegally settled in the Intangible Zone. Isolated indigenous peoples consider these dynamics of occupation and exploitation to be serious threats to their lives and to the sovereignty of their territory.

57. The risks of disease transmission, whether through direct or indirect contact, are very common and very alarming. Objects left by loggers (such as clothing, blankets, plastic, metal and glass objects) are often recovered by isolated indigenous people and this could lead to epidemics and cause diseases and even death.

58. The possible attacks and abductions, which are a part of the Tagaeri Taromenane culture, could have serious consequences for non-indigenous or culturally distinct populations. Mass attack scenarios against them, similar to those occurred in 2003 and 2009, should not be ruled out.

59. Illegal loggers establish relationships with the local indigenous population, Waorani and Kichwa, and on many occasions they impose new ways of dependence to this populations. Previously, these relationships have triggered attacks against isolated indigenous people creating cycles of violence.

60. According to what some experts have said in previous forums, it has been possible to identify several crop areas belonging to some of the isolated indigenous groups, located between the Cononaco and Curaray rivers, very close to the current areas of illegal logging on the border with Peru.
CONCLUSIONS

62. 1.- Regarding the observed facts and illegal logging in the ZITT.

63. The tours made by local communities accompanied by technicians from the Ministry of Justice, Human Rights and Worship, and from the Ministry of the Environment and Armed Forces; as well as the tour organized by civil society organizations, have gathered extensive and sufficient information that proves the presence of illegal logging groups in the Tagaeri / Taromenane Intangible Zone, as well as in the territories of the Yasuni National Park and the indigenous territories of the Waorani People and Kichwa.

64. It is important to note that State Authorities are aware of the illegal activities that are taking place in the border area and within the Tagaeri / Taromenane Intangible Zone.

65. Civil society organizations' tours in 2017 confirm that the State presence in the area is discontinuous, when not completely absent, and lacks effective capacity to control the progress of the illegal logging groups. Two abandoned State control posts have been detected (Ceilán Ministry of the Environment and Ceilán Armed Forces) when trying to confirm the absence of personnel with the appropriate resources to control the situation.

66. According to the evidence, the institutions in charge of the custody of the ZITT lack effective means to guarantee an adequate control and surveillance of the area. According to civilian and military personnel, the appropriate institutions do not have the necessary personnel and resources to deal with this new threat, what reveals the fragility of the protection structure of indigenous peoples in voluntary isolation, as well as the control of protected natural areas.

67. The institutions in charge of controlling and guarantying the intangibility of the area suffer a chronic lack of resources to optimize the control of third parties intrusions into the ZITT territory. There is a need to provide enough personnel, fuel, water vehicles, lubricants, engine maintenance, logistical supply of personnel, etc., as well as redirecting investment priorities in Government programs and intergovernmental cooperation in the case of Yasuni National Park.

68. Inter-ministerial coordination problems to establish definitive controls to the illegal logging in the ZITT have been observed and witnessed. It is necessary to reinforce the combined efforts from the State and the local communities to resume successful strategies of control and to prevent violent deaths.

69. There are factors that aggravate the State abandonment of the area. The lack of appropriate personnel to guard Ceilán has led to plundering and vandalism by suspected loggers that are part of the guard started in this period.

70. The lack of enough security personnel assigned by the Armed Forces and the
71. National Police prevents from performing a continuous control that manages to ensure the intangible nature of this area and the compliance with the precautionary measures pronounced by the IACHR.

72. There is evidence that in the border zone of the rivers Nashiño, Cononaco and Curaray there are two military detachments from Ecuador and Peru that do not perform control activities and allow the navigation of illegal merchants and loggers through the area.
73. 2.- Regarding the Infringement of Rights and possible commission of crimes against the life of the Indigenous Peoples in Voluntary Isolation.

74. Based on the Precautionary Measures pronounced by the IACHR on 2006 and the partial implementation of a National Politics proposal for the protection of Indigenous Peoples in Voluntary Isolation in Ecuador submitted on 2008, it is undeniable that, 10 years later, there is an intention of protecting this populations in the State. The main actions in this framework are the delimitation of the Intangible Zone, the creation of a Protected Management for Isolated Indigenous Peoples, the implementation of controls and monitoring between the rivers Tiputini, to the north, and Curaray, to the south, as well as the ratification of several international agreements concerning the human rights of these peoples.

75. The Ecuadorian State recognizes the Tageiri Taromenane Intangible Zone within the Yasuní National Park as territory for Indigenous Peoples in Voluntary Isolation, through the creation declaration.

76. There is a certified presence of houses and crops of indigenous people in voluntary isolation located between the Cononaco and Curaray rivers, near the border between Ecuador and Peru, where the activities denounced in this report are located.

77. The cedar wood extracted from the Yasuní National Park and the ZITT is carried in Peruvian boats downstream towards undetermined Peruvian populations. The collaboration of both governments is desirable for the control of these activities.

78. The indigenous Waorani and Kichwa from the Curaray have repeatedly pointed out and denounced that illegal loggers are operating in the Lobo, Nashiño, Cononaco and Curaray river basins.

79. The Ecuadorian State has extensive knowledge about the data submitted in this report. However, the control and confiscation actions are not effective to stop these activities with the required urgency to guarantee the intangibility of the territories.

80. The presence of loggers and illegal hunting and fishing activities in the territory defined as the Tageiri Taromenane Intangible Zone constitutes a clear violation of their human rights and violates the right to life that should be a priority in order to avoid the extinction of these groups.

81. Article 57 of the Republic of Ecuador's Constitution, prohibits the extraction of resources in the territories of Indigenous Peoples in Voluntary Isolation.

82. The Inter-American Commission on Human Rights requests that the entry of third parties to the Tageiri Taromenane indigenous territory be prevented.

83. Failure to comply with the Precautionary Measures and non-compliance with Article 57 of the Constitution suggest that an ethnocide crime may have been committed, as stated in Article 57 of the Constitution and the Organic Integral Criminal Code of Ecuador.

84. 3.- Rights affected by illegal logging in the Tageiri Taromenane Intangible Zone.
85. Illegal logging within the ZITT of Yasuní National Park violates the rights of Nature, as mentioned in Articles 71 and 73 of the Republic of Ecuador's Constitution.

86. Violation of the human rights of the PIAV living in the ZITT of Yasuní National Park.

87. Article 57 of the Constitution, violation of the intangibility of the PIAV territories, described in the article.

88. Ethnocide crime for violating the rights of PIAV as mentioned in Art. 57: Violation of these rights will constitute an ethnocide crime, that will be categorized by law.

89. Infringement of Article 407 of the Constitution of Ecuador, due to the illegal timber extraction in the ZITT.

90. Infringement of precautionary measures pronounced by the IACHR in 2016, by allowing third parties to enter the territories of the Tagaeiri Taromenane PIAV.
PETITIONS

92. Based on the conclusions of this Report, it is necessary to demand the State:

93. To guarantee and respect the Human Rights of Indigenous Peoples in Voluntary Isolation, especially the right to live which is under threat by not guaranteeing the intangibility of their territories.

94. To fully comply with and guarantee Article 57 of the Republic of Ecuador's Constitution.

95. To observe and comply with the Precautionary Measures pronounced by the IACHR in favor of the indigenous Tagaeri Taromenane, which is not observed in regard to the permissiveness against the illegal loggers in the ZITT.

96. Immediate and effective intervention of the competent authorities for the dismantling of illegal camps and control of hunting, logging and migratory movements, to help stop the extraction of timber and other illegal activities in the Intangible Zone of the Yasuni National Park.

97. As well as the State assigning the necessary resources so that the control activities are constant, uninterrupted and effective.

98. Due to the severity of the threat on the lives of isolated peoples, such operations should be carried out immediately, within a period of no more than 20 days.

99. We strongly recommend the coordination and involvement of the local populations in the control and territorial management strategies that will help to end the forementioned problem.

100. We highlight the suggestions made by local populations to be an active part on the defense of the territorial heritage through an adequate and active coordination with the ministries. To conduct an environmental audit in order to assess the social and environmental impacts of illegal logging in the Tagaeri Taromenane Intangible Zone.

101. To require accountability to the Ministry of the Environment and the responsible authorities regarding investment policies and programs to improve the control and monitoring of the Yasuni National Park, as well as the institutions charged with ensuring the rights of the PIAV.

102. We also ask for protection of the Kichwa, of the Curaray river, and Waorani, of the Cononaco river, communities due to the presence of irregular activities in their territories, which undermine their territorial legacy and become grounds for distress and territorial insecurity.