



# Wiñarishun

Manifiesto of the Kichwa Youth of the Santa Clara canton, Ecuador: In defense of the Piatúa River

*Produced and launched on November 20th, 2021*

*by PONAKICSC, Piatúa Reiste y Earth Advocacy Youth*



## THE CONTEXT

### 1. The Piatúa Case – Legal Precedent

The canton Santa Clara is located in the west of Ecuador, one of the four cantons in the province of Pastaza. It is home to the Amazonian Kichwa People of Santa Clara, with 22 communities and 2 parishes. Within the territory of Santa Clara lies the Llanganates National Park, which holds some of the most crystalline rivers of the Ecuadorian Amazon, including the Piatúa River, which this Manifesto aims to address and protect.

In this region, a hydroelectric power plant project run by the state-owned Genefran S.A., located between the provinces of Napo and Pastaza in Ecuador, is being pushed for approval.

The concession occurred without the adoption of specific measures to prevent environmental impacts on the integrity, sanctity and health of the river, the endangered species that inhabit the riparian ecosystem and the communities that coexist with the river.

This goes against the Ecuadorian Constitution. Indeed, in 2008, Ecuador became the first country in the world to recognize the rights of Nature in its fundamental law. This represented a revolutionary step in the protection of Earth's living systems. In practice, this decision comes with defined implications for any development project proposed and approved within the national territory. Two of these requirements are to:

- 1) Prepare a thorough environmental impact assessment; and
- 2) Complete a process of free, prior, and informed consent before a permit is granted.

Unfortunately, these requirements are neither met nor respected in the case of the Piatúa River.

In September 2019, in the face of strong and persistent resistance of the Kichwas for the lack of prior consultation, the Provincial Court of Pastaza decided to suspend the operations of the hydroelectric power plant. The Court determined that Genefran S.A. had not complied with the legal responsibility of free, prior, and informed consent and that the company is obliged to carry out further technical studies related to the construction of the hydroelectric power plant before it can continue to operate in the area.

The local Kichwa organization *PONAKICSC* (Pueblo Originario Kichwa de Santa Clara) argues that the project threatens non-human living systems in the area, as well as the livelihoods and cultural identity of the Indigenous Kichwa People of Santa Clara.



For us, Piatúa is a living and conscious being who represents an integral part of our identity as an Indigenous People, as well as our collective ability to continue to thrive and protect all living beings, spirits, and healing sources that exist within the river and our territory. The undeniable consequences of this project will imply the destruction of the Piatúa River, including local livelihoods in nearby communities. Equally important, the project will result in a traumatic spiritual, cultural, and existential disconnection for the Kichwa People of Santa Clara. Furthermore, the hydroelectric project violates the fundamental rights of our people, especially since the construction of the hydroelectric power plant began without free, prior, and informed consent. This project will also critically affect the flora and fauna. It will endanger a species of catfish endemic to Piatúa, as well as nine species of frogs that are already considered critically endangered and at risk of extinction. Lastly, the hydroelectric power plant will also cut off a critical ecological corridor between the Andes Mountains and the lower Amazon basin. In short, the project will bring ecocide, biodiversity loss, and cultural extinction.

## 2. The Kawsak Sacha Declaration

To promote resilient protection of our territory as well as the continuity of the cultural practices and life of our communities, the Kichwa Indigenous People of Sarayaku presented a proposal for environmental and cultural preservation in 2018, called *Kawsak Sacha* (Living Forest).<sup>1</sup> In this proposal, the interests of all the Kichwa People of the Ecuadorian Amazon are represented. The intention of this proposal is to achieve the recognition of the Living Forest through the enactment of a law that catalogs a new category of preservation of the ancestral territories of Indigenous Peoples, where the spiritual dimension of a sacred territory is also recognized.

According to the Declaration, "Kawsak Sacha is a territorial and vital space, elevating the emotional, psychological, physical and spiritual elements transcendental to the energy, health, and life of Indigenous Peoples".<sup>2</sup> For Amazonian communities, the forest is life. Each space has its keepers and owners. All the mountains and big trees are interconnected by networks through which the superior beings of the jungle, *Supay*, move and communicate. The waterfalls are the gateways that connect with the lagoons and rivers, through which the *Yakuruna* (water beings) and the *Yakumama* (anaconda) travel to the Amazon River. In the rivers and lakes, the *Yakuruna* are the ones who preserve the abundance of ichthyofauna. So, when a water being is forced to abandon its river because of destruction or disrespect, the river becomes sterile and lifeless.

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<sup>1</sup> See *Kawsak Sacha Declaration*.

<sup>2</sup> *Ibidem*.



### 3. Legal Framework: International, Regional, and National Levels

**The rights of Nature** are in many ways connected with the rights of Indigenous Peoples. The Kawsak Sacha proposal solidifies this connection by not only proposing a legal recognition of the right to land and Nature for Indigenous Peoples worldwide, but it also includes a spiritual dimension to these rights. It includes the recognition of an area intrinsically protected from extractivism. In other words, it affirms that the development of industrial projects is *not* compatible with sacred territories. This is fundamental in the case of the Piatúa River, where the communities are fighting against a hydroelectric company that belongs to the Ecuadorian State.

**The Universal Declaration on the Rights of Rivers** states that all rivers are living entities and subjects of rights.<sup>3</sup> The declaration recognizes fundamental rights, such as the right to flow freely, to regenerate and restore themselves, to maintain essential functions within their ecosystems, and to be free from pollution. It also includes the right to legal guardianship, meaning that all rivers hold legal personality in a human court of law. Through the declaration, all states are called upon to implement these rights and provide the necessary resources to ensure that they are enforced and respected, for all current and future generations on Earth. This is one of many reasons for why the voices of young Indigenous leaders are essential in the protection of the world's rivers, Piatúa included.

Another important reason to amplify youth leadership in the protection of Earth's living systems, is the loss of wild kind. In the last fifty years alone, freshwater vertebrate populations have declined by 84%, which is more than double the decline observed for terrestrial or marine species. Since 1970, migratory fish species have declined by 75%, and large flagship fish such as sturgeon and catfish by 91%. Today, freshwater species are more threatened than life on land or in the sea, with almost a third of freshwater fish species threatened with extinction.

Indigenous Peoples represent less than five percent of the total human population, yet they manage or hold tenure over 25% of the Earth's land surface and guard about 80% of the world's biodiversity. We know our living and thriving habitats so intimately that we have a very subtle perception of any ecological disturbances and are key actors in identifying early warnings. Meanwhile, much of this knowledge and traditions have been lost through systematic economic development and habitat destruction, a development that has promoted the indiscriminate use of raw natural elements and has resulted, on many

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<sup>3</sup> See *Universal Declaration on The Rights of Rivers*.



occasions, in depriving us and countless other Indigenous Peoples of our right to our ancestral lands.

Regarding the concept of Kawsak Sacha, it is important to emphasize that the rights of Indigenous Peoples and the territories they inhabit must be understood as a whole, in turn strongly linked to the preservation of Earth's web of life. For us, the meaning of territory is not based on a situation of dominion over a place, but rather implies and requires the possibility to make decisions about ourselves, the world around us and our natural longing; we consider ourselves to be one with the universe.

Many international instruments exist to safeguard the land rights of Indigenous Peoples. In 1989, the **ILO Convention 169** was published and ratified by 22 countries.<sup>4</sup> Its strength lies in the respect for ethnic and cultural diversity, and the recognition of both individual and collective rights. The 2007<sup>7</sup> Declaration ratifies Indigenous Peoples' rights to identity, culture, language, employment, health, education and other issues, but, above all, it provides a framework through which to resolve situations where there is a clash between state policies and Indigenous Peoples' rights.

Regional jurisprudence has shown support for international instruments and has built the right of Indigenous Peoples to make decisions about our territory. Several cases in the Inter-American Court of Human Rights, such as the case of the Saramaka People v. Suriname (2007)<sup>5</sup>, or Case of the Garífuna Community of Punta Piedra and its Members v.

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<sup>4</sup> ILO (International Labour Organization) Convention C169 - *Indigenous and Tribal Peoples Convention, 1989*, Article 6: "(1) In applying the provisions of this Convention, governments shall: (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly; (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them; (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose".

2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

<sup>5</sup> IACtHR (Inter-American Court of Human Rights), *Case of the Saramaka People v. Suriname, Judgment of November 28, 2007, Preliminary Objections, Merits, Reparations, and Costs*: "members of tribal and indigenous communities have the right to own the natural resources they have traditionally used within their territory for the same reasons that they have a right to own the land they have traditionally used and occupied for centuries. Without them, the very physical and cultural survival of such peoples is at stake. Hence the need to protect the lands and resources they have traditionally used to prevent their extinction as a people".



Honduras (2015).<sup>6</sup> These cases have demonstrated the value of consultation, which should not only be prior in all cases but should continue through to the initial phases of the project so that the affected community can truly influence the process.

The Indigenous population in Latin America is made up of approximately 50 million people belonging to +500 different ethnic groups, and the region is also home to some of the most pristine habitats in the world. This makes the dialogue between the necessity to reconcile the demands of economic growth with intrinsic care and the respect for the Earth one of the key policy issues in the region. Latin America has several legal instruments that are at the forefront of biodiversity protection. Some regional agreements stand out, for example, the **Escazú Agreement (2018)** on access to ecological information and the Leticia Pact, through which the Amazonian countries agreed to better monitor the state of the climate, water resources, and the rich biodiversity of the Amazon. The seven countries also committed to "strengthen the capacities and participation of Indigenous and tribal peoples and local communities in the sustainable development of the Amazon recognizing their fundamental role in the conservation of the region".

However, despite these commitments, current ecological governance in the region is insufficient to ensure resilience and regeneration in so-called development. Implementation of the legal provisions and guidelines defined at regional and national levels is often weak. It is a highly unequal continent with fragmented governmental institutions, a situation that leaves many of its people in a situation of vulnerability.

In addition to regional instruments, at the international level, there are several binding legal instruments, which Ecuador has ratified, that safeguard biodiversity and consider Indigenous Peoples as key actors. **The Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)** stipulates that it is the responsibility of the state to protect, conserve, rehabilitate and transmit to future generations the natural heritage located on its territory;<sup>7</sup> the **Convention on Biological Diversity (1992)**, and further, the

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<sup>6</sup> IACtHR, *Case of Garífuna Punta Piedra Community and its Members v. Honduras*, Judgement of October 8, 2015, Preliminary Objections, Merits, Reparations, and Costs: "Prior consultations, as processes of dialogue and the search for agreements, should be carried out from the early stages of the elaboration or planning of the proposed measure, so that indigenous or tribal peoples can truly participate and influence the decision-making process, in accordance with relevant international standards" (our own translation).

<sup>7</sup> UNESCO (United Nations Educational, Scientific and Cultural Organization), *Convention concerning the Protection of World Cultural and Natural Heritage*, 1972, Art. 4: "Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2



**Nagoya Protocol (2010)**<sup>8</sup> state that states shall, subject to their national legislation, respect, preserve and maintain knowledge, innovations, and practices of Indigenous communities embodying traditional lifestyles relevant for the conservation and regenerative use of biological diversity and promote their wider application, with the approval and involvement of the holders of such knowledge, innovations, and practices.<sup>9</sup> The **Paris Agreement (2015)** recognizes that work on adaptation should be carried out through an approach that is participatory and fully transparent, taking into consideration vulnerable groups, communities, and ecosystems and that such work should be based on and informed by the best available scientific information and, where appropriate, traditional knowledge, Indigenous Peoples' knowledge, and local knowledge systems, to integrate adaptation into relevant socioeconomic and environmental policies and measures, where appropriate.<sup>10</sup>

In the case of Ecuador, despite recognizing the rights of Nature in its Constitution, there seem to be contradictions regarding the Rights of Nature, Indigenous Rights, and the power of the State. For example, in **Art. 408 of the Constitution**: "[...] inalienable property of the State [...]", it seems to give power to the State for mining activities and override the Rights of Nature.

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and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain."

<sup>8</sup> CBD (Convention on Biological Diversity), *Nagoya Protocol*, 2010.

<sup>9</sup> *Convention on Biological Diversity*, 1992, Art 8, J.

<sup>10</sup> UNFCCC (United Nations Framework Convention on Climate Change), *Paris Agreement*, 2015.



## THE MANIFESTO

### 1. **Water is Life**

For us, *Allpamama* (Mother Earth) and the forest give us the energy and breath of life. It is an ancestral source of wisdom, vision, responsibility, and solidarity. All that is born and lives within the living Forest has energy and symbolizes the human spirit, where soul and life are one with *Allpamama*.

In the same way, the Piatúa River is life, hope, and our origin as Indigenous Kichwa People of Santa Clara. That is why it is fundamental that the health, integrity, and life of Piatúa are protected by us as Indigenous Peoples, as its main protectors and descendants.

As young guardians of our ancestral territory, we are walking together with our elders, learning from them and channeling the collective strength and wisdom of our people into our efforts to prevent extractive companies from taking away our sacred cultural heritage.

### 2. **Piatúa and Cultural Identity**

The Piatúa River represents a strong pillar of our cultural identity as Indigenous Kichwa People of Santa Clara. The energy of our people is born in Piatúa, and the sacred and healing character of Piatúa is part of our way of life. Therefore, if you take away the source of life and energy that fundamentally defines us, you take away our way of life, as well as our cultural identity as people and as Kichwa youth.

### 3. **The River of Sacred Stones**

Beyond how intrinsically essential water and vibrant habitats are for human health, Piatúa is a river considered especially sacred for its healing properties. Nicknamed the "River of Sacred Stones", it is an essential part of the local Kichwa culture, which has traditionally used its waters and stones to heal all kinds of ailments. We Kichwa youth have grown up listening to stories from our grandparents, and we have also witnessed how Piatúa has cured illnesses such as fever, stomach pains, bone pains, and more. According to our cosmology, Piatúa is considered to heal bad energy - A kind of spiritual healing that charges energies, brings serenity, and is a source of knowledge.

For us, the concept of health goes beyond the physical or psychological well-being of people. Health is not conceived by differentiating or separating the individual (physical, mental, emotional health) from the collective (ecological, political, economic, cultural, social, and spiritual health). This concept encompasses the well-being of the individual, the



community, and the Earth as a whole in conditions of equity. Well-being is the harmony of all the elements that make up health, for which the right to our understanding and control of our lives is essential along with the right to harmonious coexistence of human beings and the rest of Earth's web of life, of which we are part.<sup>11</sup>

Indigenous Peoples of our region have developed sets of practices and knowledge about the human body, coexistence with other human beings, with the rest of Nature, and with spiritual beings, complex and well-structured in its essence and internal logic. Much of the strength and survival capacity of Indigenous Peoples is due to the effectiveness of our traditional health systems, whose "conceptual axis" or *cosmovision* is based on balance, harmony, and wholeness.<sup>12</sup>

Losing this source of health and knowledge would mean a loss not only at the ancestral and spiritual level, but also closing the door to the possibility of enriching public health systems with the knowledge and capacity to adapt to the local context of traditional health systems.

#### **4. Livelihoods**

However, an essential part of this context must not be neglected: there is also a need to secure the livelihoods of the Indigenous population that lives along Piatúa and contribute to a resilient and regenerative development of the area.

In Ecuador, the poverty rate among the Indigenous population was 63% in 2007 and 54% in 2017, showing that there is still a significant gap with the rest of the Ecuadorian population.<sup>13</sup> Indigenous households are also the most affected by chronic malnutrition, with a prevalence twice as high as in other social groups.<sup>14</sup> The rejection of the construction of a hydroelectric dam in Piatúa is not a rejection of economic development per se, but a call for the need to understand that development must go hand in hand with the wellbeing of adjacent communities and must always respect all Nature, as a complex web of interconnected relationships.

We are aware of the need to improve sources of income and quality of life in our region. We live in healthy habitats with very rich biodiversity, and our way of life has been able to

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<sup>11</sup> Pan American Health Organization, *La Salud de los Pueblos Indígenas de la Amazonia: Conceptos, Estrategias, Prácticas y Desafíos*, 2009.

<sup>12</sup> Ibidem.

<sup>13</sup> World Bank, *Ecuador. Systematic Country Diagnostic*, Washington DC, 2018.

<sup>14</sup> World Bank, *Proyecto de Red de Protección Social en Ecuador - Evaluación Social*, Quito, 2019.



maintain this abundance and a life in harmony with the rest of Nature. This is why we would like to open our communities to sustainable tourism, which respects our community and our ancestral territory. Furthermore, we believe that many of our practices, such as our diet with native foods, our care of the Earth, or our agricultural techniques can be shared with others and are key to the ecological challenges we are facing around the globe.

## **5. Youth Leadership and Participation in Decision-making**

We know that today's youth is the future. We also know that everything that is being done now is predetermining the conditions for the quality of life we are going to have. It is we who will be in charge of walking the path of the future, which others are creating for us with short-term gains in mind.

Today's youth are taking on influential roles and amplifying our voices and opinions about our futures in various legal processes and policy negotiations. We are seeing right now how the company is entering our territory without permission, forcibly trying to obtain another permit, and ignoring our protests echoing loudly in the air. These actions are unacceptable according to the Kichwa youth in Santa Clara who are working hard to protect the sacred Piatúa River from being destroyed for the sake of so-called "development".

Therefore, we do not want, *under any circumstances*, the hydroelectric company Genefran S.A. or any other extractive company to enter our territory and the sacred Piatúa River. As young guardians of our territory, we have a responsibility to protect the ancestral land we have inherited and to ensure that this territory can continue to exist, live and thrive. In this manifesto, as young leaders, we are conveying our dreams, visions of the future, and unique leadership to the legal processes that seek to protect the Piatúa River.



## OUR CALL TO ACTION

The Kichwa youth of Santa Clara are the children of great leaders who created the organizations that exist today, and we intend to continue with the cultural legacy of our ancestors. We defend the territories because it is the inheritance that our ancestors have left us and the knowledge that exists here is unique in the world, and we will not allow anyone to take away or alter our way of life.

### **On these grounds, the Kichwa youth of Santa Clara demand:**

- ❖ That the company Genefran S.A. cancels the hydroelectric power plant project and does not re-enter our territory.
- ❖ That the government of Ecuador applies its constitution properly and uses cases like this one to apply the Rights of Nature in practice, rejecting unnecessary projects that fragment ecosystems and have a negative impact on Indigenous territory.
- ❖ Respect for our way of life, for the autonomy in the forms of coexistence that we have as Kichwa People. International treaties and laws protect our right to self-determination, right to a dignified life, right to territory, right to food, right to health, and more. We want to keep our way of life connected to the forest.
- ❖ To live in peace without extractivism in our territories by promoting a resilient economy that sustains the local economy and that recognizes and respects the living beings that exist in our territories according to our cosmovision. The constitution protects the right to freedom of worship; however, it does not respect our worldview as Indigenous Peoples. Despite having adapted to new beliefs, we retain the connection to the beings that live in the waterfalls, the sacred stones, the river, and more.
- ❖ That the living and vibrant beings that exist in the river, the sacred stones, the waterfalls, the mountains, and all other spaces in which we exist and live, are part of our collective existence. We ask that they be recognized as subjects of rights, along with the Piatúa River, as it is essential to take stronger and more effective measures than ever before in order to truly care for Pachamama. The Piatúa River is part of our life and deserves respect through its inherent right to life and regeneration, just like



other rivers, forests, spirits and other wild kind.

- ❖ That, in accordance with the right to participation, key spaces of decision-making must be provided to young people from Indigenous Nationalities who wish to influence decisions that affect them, young and future generations, their ancestral territory and their futures.

- ❖ Finally, we call on the international community to pay attention to the processes taking place in the Amazon through direct sources.

The government carries a false message of care for the Earth and respect for Indigenous Peoples and nationalities, but, in reality, they continue to expand extractivist operations and cause damage to our ancestral way of life. They show, again and again, that they do not respect our cosmovision, and that they prefer to continue giving accounts to large transnationals instead of attending to their own people. There is no high-quality healthcare or education, and we are the least attended population in these matters. As Indigenous Peoples, we need our children to be well-prepared, healthy, and have access to sources of employment in accordance with the reality of our territories. This involves seeking life-preserving alternatives such as community tourism, the promotion of agricultural production with local products from the area, and fair payment for those products.

## Our Process & How the Material was Collected

A technical team composed of Kichwa youth from Santa Clara, together with a representative from Earth Advocacy Youth, visited 14 Kichwa communities on September 14-15th 2021 to hear and document the visions, hopes, stories, demands and testimonies of the children and youth from these Amazonian communities located in the canton of Santa Clara, Ecuador.

These testimonies were collected through semi-structured group interviews conducted by the youth-led team, accompanied by the president of the Kichwa Nationality of Santa Clara. After the visits, all the audio material was transcribed by one of the Kichwa youth who formed part of the technical team. The transcript was then sent to the team at Earth Advocacy Youth who, together with a delegation of young Kichwa leaders, compiled this manifesto. All material was compiled with prior consent by the interviewees, who were informed of its use and purpose.



The writing process of this manifesto was participatory, with the purpose of creating a manifesto that represents and reflects the key demands of all the testimonies that we collected in the 14 communities. Each group interview conducted in the communities had an average of 13 participants, which sums up to approximately 182 Kichwa youth who shared their testimonies and stories for this manifesto.

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