

Right to Food Mandate - Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights
Palais Wilson - 52 rue des Pâquis CH-1201
Geneva, Switzerland

November 30, 2023

**Ref: SUBMISSION BY THE INTERAMERICAN ASSOCIATION FOR ENVIRONMENTAL DEFENSE - AIDA
ON THE HUMAN RIGHTS SITUATION OF FISHERFOLK IN MORROSQUILLO, COLOMBIA**

The present submission provides information on the human rights violations and threats to fishermen communities of the Morrosquillo Gulf in the Colombian Caribbean, whose food security and livelihoods are under threat due to offshore gas exploration, oil bunkering and sea transportation activities in their territory. For further details on this situation, we respectfully ask the Special Rapporteur on the Right to Food to refer to and consider the official reports, news stories, legal actions presented by the Morrosquillo community, and research made by civil society organizations. This information is attached in our email submission that testifies on behalf of these communities and the affectations they have and continue to suffer.

The Morrosquillo Gulf has hosted an oil export industry for nearly a century, dating back to 1938, with the Coveñas oil terminal and its floating monobuoys serving as the primary departure point for the majority of crude oil exports from Colombia. Additionally, seismic exploration and gas drilling offshore operations have been conducted in the region for over a decade by the oil giant Shell, in collaboration with Ecopetrol. The population of the Gulf exhibits significant socio-economic diversity, encompassing traditional fishing communities alongside developing tourist areas. While tourism drives the economy, challenges of poverty and limited access to basic services persist¹, strongly affecting the food situation in the region². Fishing, agriculture, and artisanal activities are pivotal for local livelihoods and form an integral part of the culture and economy in the Gulf.

And since the early 1990s, the Morrosquillo region has been struggling with significant environmental harm primarily due to recurrent oil spills occurring during loadings. These incidents adversely affect marine biodiversity as well as significantly impacting the livelihoods of local fishing communities³. The present oil companies have enlisted local communities, which lack proper

¹ These four municipalities have high rates of unmet basic needs (Coveñas 28%, Tolú 24%, San Antero 29%, and San Onofre 48%), all well above the national average of 18%. (<https://www.dane.gov.co/>) Refer to: NBI. Coveñas, on the other hand, had a very high infant mortality rate as of 2009 (43%) - Gobernación De Sucre Secretaria De Salud Departamental. Análisis de la situación de salud del Departamento de Sucre. Octubre, 2011- and a high percentage of its population doesn't even have sewerage service (40%) - DANE.

² With regard to figures on child malnutrition, the departments of Sucre and Bolívar where the Gulf is located are in the highest percentile for child growth stunting and they exhibit a high deficiency in protein intake (Refer to: World Food Program, and Bienestar Familiar. Mapas de la situación nutricional en Colombia, 2008).

³ Contraloría General de la República. Informe Actuación Especial de Fiscalización. Derrames de Hidrocarburos en la Zona del Golfo de Morrosquillo. AT-62. December, 2014. The Contraloría Report has determined that in recent years alone, approximately 45 to 46 oil spill incidents have been detected in the region.

⁴ Over the decades, numerous incidents have led to the contamination of beaches, coral reefs, mangroves, seagrasses, and marsh complexes with oil. This issue is exacerbated by a history of mismanagement in preventing and responding to oil spills, with negligence from responsible companies like Ecopetrol, Ocesa, and Cenit, failing to update their contingency plans. According to the findings of these reports, oil spills have been reported and documented in Morrosquillo since 1990, yet the data is underreported, and spills can be traced back to the 1970s.

protective equipment, to participate in the cleanup efforts⁵. Moreover, the improper use of highly toxic dispersants for marine life such as Corexit⁶. All of these events are also managed with a clear absence of independent audits revealing a transparency deficit, with communities alleging underreported incidents, and others portrayed as less severe than in reality⁷.

The oil export in the Gulf through the Coveñas port has also brought privatization and enclosures of fishing grounds, leading to the prohibition of fishing activities in exclusive zones assigned for artisanal fishing that were traditionally used by local communities⁸. The bunkering and oil loading operations in the Gulf involve the traffic of thousands of ships monthly, posing a constant threat with regard to ballast water discharge, affecting native fauna and introducing foreign microorganisms and invasive species to the Gulf⁹. The crude oil exports and gas exploration activities affect over 40 fish worker associations and at least 5.000 families in the municipalities of San Antero, San Onofre, Tolú, and Coveñas¹⁰. All these risk factors are reflected in the historical decline of fishing for species such as groupers, snappers, and shads — species that used to be easily obtained by simply going to the beach or the pier¹¹. Because of the enclosures, permitted fishing sites are now located in remote areas, which leads to increased operational costs and more allocation of time for conducting their activities¹².

The direct effects of these oil and gas operations also disturb the regional ecosystem balance, jeopardizing the biodiversity of several protected areas critical for the Gulf's fisheries¹³. These areas also serve as important carbon sinks, playing a crucial role in climate change adaptation and mitigation while ensuring local livelihoods. An oil spill is one of the most hazardous pollutants in the marine environment¹⁴. The long-term effects resulting from embryonic exposure to hydrocarbons persist for several years in fish throughout the water column¹⁵.

Jaramillo Arroyave, Samuel. *Censat Agua Viva. Morrosquillo: historia del agua, la vida y el crudo derramado*. ISBN: 978-958-53479-5-3 Bogotá D.C., Colombia, April, 2023; and Contraloría General de la República. December, 2014.

⁵ Op.cit. Jaramillo Arroyave, Samuel. P.38. From: Ponce Del Portillo, P., Rocha, F., Tous, T., & Balseiro, E. (1998, 18 junio). Derrame de crudo. *El Meridiano*, 1B.

⁶ For more information on the use of dispersants, please refer to: Fiocco, R., & Lewis, A. (1999). *Oil Spill Dispersants. Pure and Applied Chemistry*, 71, 27 - 42. <https://doi.org/10.1351/PAC199971010027>; Hook, S., & Osborn, H. (2012). Comparison of toxicity and transcriptomic profiles in a diatom exposed to oil, dispersants, dispersed oil. *Aquatic toxicology*, 124-125, 139-51. <https://doi.org/10.1016/j.aquatox.2012.08.005>.

⁷ These events have led thousands of families from the Gulf of Morrosquillo to file a lawsuit against the state of Colombia before the Inter-American Commission on Human Rights (CIDH) for the spills that occurred in 2014, seeking fair reparations and compensation due to the ineffectiveness of domestic jurisdiction, in the face of legal actions of a criminal and constitutional nature without resolution (Inter-American Commission on Human Rights (CIDH). Case P-799 of 2016. *Morrosquillo fishermen vs Colombia*). This issue is also documented in recent meetings between the communities and authorities responsible for overseeing oil spill events (9. Rincón del Mar - Record of Meeting 17-09-2023).

⁸ Instituto Nacional de Pesca y Acuicultura - INPA. Acuerdo No. 012 de 1995.

⁹ Jaramillo, Samuel. p. 22.

¹⁰ Own figures calculated based on the number of signatories of legal actions taken against oil companies seeking reparations and compensation for spills that occurred in the year 2014, but the figures may be higher taking into account that the population of the four municipalities ascend to 30,000 families (DANE, 2022).

¹¹ Jaramillo, Samuel. p.21.

¹² Angel, J. L. (1992). La pesca artesanal en el golfo de Morrosquillo una caracterización general. *Ensayos de Economía*, 3(5), 127-152. p.132.

¹³ Among the affected marine protected areas are the Corales del Rosario y San Bernardo National Natural Park, the Corales de Profundidad National Natural Park, the Integrated Management District of the Cispatá Bay, and the Regional Natural Park of Manglar Boca de Guacamaya. For further consultation on these ecosystems, their vulnerabilities, and biodiversity richness, we have attached their Park Management Plans.

¹⁴ Dapeng Wang, Weijun Guo, Shujun Kong, Tiaojuan Xu, Estimating offshore exposure to oil spill impacts based on a statistical forecast model, *Marine Pollution Bulletin*, Volume 156, 2020, 111213, ISSN 0025-326X, <https://doi.org/10.1016/j.marpolbul.2020.111213>

¹⁵ Peterson, C.H., Rice, S.D., Short, J.W., Esler, D., Bodkin, J.L., Ballachey, B.E., Irons, D.B., 2003. Long-term ecosystem response to the Exxon Valdez oil spill. *Science* 302(5653), 2082–2086, <http://dx.doi.org/10.1126/science.1084282>

Adding to these concerns are the impacts from exploratory wells in the COL-5 block, where significant environmental impacts are still expected in the coming years. These would be compounded by gas production operations in the region expected to begin in 2027. The companies in charge assert that they are not affecting the fishing areas of communities or the biodiversity in the region¹⁶. However, their assessments have not been audited or consulted with the communities, who have experienced a decline in their fishing capacity at least since the early 90's¹⁷. Communities also denounce the lack of local consultation regarding these hydrocarbon operations and the inadequate compensation for spill-related incidents and environmental damages caused¹⁸.

The Republic of Colombia has a duty to protect the rights of fisherfolk affected by conduct within their territory or control from such harm. Under international human rights law, States have a duty to prevent and mitigate foreseeable threats to rights, including those posed by the conduct of private actors. Colombia's ongoing support and development of offshore gas exploration drilling and oil exports violates this well-established duty.

In light of the above, the Interamerican Association for Environmental Defense - AIDA, and the below signing fisherman associations, respectfully urge the U.N. Special Rapporteur on the Right to Food—to address the human rights challenges faced by small-scale fishers in his forthcoming 2023 report—to acknowledge that the oil loading spills in the sea, and the offshore seismic and gas exploratory well operations adversely affect the sustainability of small-scale fisheries in the Gulf of Morrosquillo. Consequently, they undermine the right to a dignified life, a healthy environment, adequate food, employment, and a minimum standard of living for the local fishing communities. It is essential to encourage national and local authorities to properly regulate more strict and transparent procedures conducting periodic independent audits of the oil loading operations locally. Furthermore, it is crucial to incorporate the impacts on biodiversity in the region, including the provision of appropriate compensation to local fishermen for the environmental damages incurred, when conducting environmental impact assessments for offshore gas exploration drilling and port oil exports.

Sincerely,

Interamerican Association of Environmental Defense - AIDA

¹⁶ Something that has been certified with the support of the National Authority of Environmental Licenses - ANLA, Resolution 411 of March 12, 2020, where inexplicably the authority certifies that no ethnic communities or fisherfolks will be affected by these projects. Therefore, the consultation and communication plans for the gas exploration will be conducted solely with maritime authorities.

¹⁷ Angel, J. L. (1992). p.132.

¹⁸Inter-American Commission on Human Rights (CIDH). Case P-799 of 2016. Morrosquillo fishermen vs Colombia.