

Landmark Victory: Civil Court of Loreto Upholds Ruling Recognizing Rights of the Marañón River and Its Tributaries in Appellate Decision

The ruling marks a significant victory for the Kukama Women and Indigenous Peoples of the Amazon. Despite appeals by Petroperú and other state entities challenging the decision to grant rights to the Marañón River, judges from the Civil Court of Loreto upheld the original ruling and confirmed protective measures for the river.

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Peru - October 30, 2024 – The Civil Court of Loreto has confirmed the landmark ruling issued by the Mixed Court of Nauta [in March](#), which granted intrinsic rights to the Marañón River—one of Peru's most vital water sources and the primary tributary of the Amazon River. This decision establishes the Marañón River and its tributaries as rights holders, recognizing a set of inherent rights that protect its ecological integrity.

This historic ruling, the first in Peru to recognize a river as a legal rights holder, highlights a deep connection between nature and Indigenous communities. The victory is also a testament to the efforts [led by the Huaynakana Kamatahuara Kana Federation](#), an Indigenous Kukama women's group from the Parinari district in Loreto province and region. The Marañón River is one of Peru's most vital rivers and freshwater sources. Originating high in the Andes Mountains, it flows through a mountain valley before descending to the lowlands, where it merges with the Ucayali River to form the Amazon. Since 1997, the Marañón has suffered over 60 oil spills from the Northern Peruvian Oil Pipeline and continues to face threats from proposed infrastructure projects, including hydroelectric dams and the Amazon Waterway, which multiple agencies, including the [International Union for Conservation of Nature](#), have flagged as highly destructive. The river is also contaminated by mercury and other hazardous substances due to illegal gold mining, further endangering its ecosystems and the communities that depend on it.

[Since 2021](#), the Huaynakana Kamatahuara Kana Federation has led a legal battle against the Peruvian State and authorities, demanding protection for the Marañón River from ongoing oil spills linked to the Northern Peruvian Oil Pipeline, operated by the state-owned Petroperú. The communities within this federation are still grappling with the devastating impacts of the [2010 Saramuro oil spill](#), which contaminated the main water source of communities along the river near San José de Saramuro. The lawsuit targets major actors, including Petroperú, government ministries, and the National Water Authority, [among others](#).

With this second ruling, and despite appeals by the Ministry of Environment, the National Water Authority, and Petroperú to [overturn the initial decision](#), the protection of the Marañón River has secured another significant victory.

The new resolution specifies that this decision is a response to "the increasing pressures on ecosystems, which threaten their existence and essential functions - environmental, social and vital; (...) to the multiple oil spills that the Marañón River has suffered in recent years."

The ratification of this ruling also stems from a hearing held last May, where Emilsen Flores and Gilda Fasabi, members of the Huaynakana Kamatahuara Kana Federation, represented their community. During the proceeding, both women passionately advocated for the protection of the Marañón River before the judges of the Civil Court of Loreto, urging them to uphold the measures set forth in the initial ruling.

"We are happy and grateful to the communities, the people, and our allies for all the joint work we have been doing for years. This achievement is for the Amazon and the country, but also for the entire world. Because defending the rivers is part of our lives, to leave as a legacy for future generations," says Mari Luz Canaquiri, president of the Federation Huaynakana Kamatahuara Kana, regarding the confirmation of the landmark ruling.

In this new ruling, the initial judgment is fully upheld, and Petroperú is ordered to provide "effective, immediate, and comprehensive" maintenance for the Norperuano Oil Pipeline. The recognition of the rights of the Marañón River is affirmed as a vital step to shield it from ongoing oil spills. The Chamber specifies that these recognized rights must be framed within principles of protection, conservation, maintenance, and sustainable use.

The court also upholds the initial judgment on appointing defenders and representatives, deeming it essential to ensure proper representation for those unable to assert their rights independently.

In her supplementary opinion, Judge Roxana Carrión Ramírez underscored her respect for the Kukama people's worldview, stating, "For the Kukama people, the Marañón River is the center of their universe. They share a profound, intrinsic relationship with the river, which serves as their primary source of food, water, and transportation."

From now on, any extractive or other activity impacting the Marañón River and its tributaries—whether infringing on their right to flow free from contamination or their right to protection, preservation, and restoration—can be legally challenged.

"The struggle of the women of the Huaynakana Federation has not been in vain. The Loreto Court has upheld the Nauta ruling, recognizing rights for the Marañón River and affirming nature as a subject of rights," emphasizes Maritza Quispe Mamani, lawyer at the Legal Defense Institute (IDL), who helped present and support the Kukama case.

"There is still much work ahead; we must now ensure this ruling is implemented, compelling state authorities to fulfill their mandates, particularly the maintenance of the North Peruvian Pipeline (ONP) and the update of the National Environmental Management Instrument (IGA), which must include consultations with Indigenous communities," concludes the specialist.

This outcome is the result of a collective effort supporting the women of Huaynakana Kamatahuara Kana in their defense of the Marañón River, with allies including the Instituto de Defensa Legal, International Rivers, Earth Law Center, Forum Solidaridad Perú, Quisca, Instituto Chaikuni, Radio Ucamara, Radio La Voz de la Selva, Mirella Pretell, the Parish of Santa Rita de Castilla, and the Apostolic Vicariate of Iquitos, particularly Bishop Miguel Ángel Cadenas and Father Manolo Berjón.