



5 unanswered questions from Repsol

Failures in the remediation process of one of Peru's worst environmental disasters

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Preface

On January 15th 2022, the largest ecological disaster in Peru's ocean recent history took place, caused by the spill of almost 12,000 barrels of crude oil during the unloading operations of a ship at the Repsol-owned La Pampilla Refinery facilities.

More than two years after the disaster, thousands of affected families have not received fair compensation to alleviate the terrible impact of the spill. Its effects are still being felt in the lives of coastal communities, marine ecosystems, and the country's economy. Uncertainty remains as to when the coastline and the livelihoods of affected families will recover.


In view of the **Annual General Meeting to be held on 10 May in Madrid**, we, the undersigned organizations, request clarification on the following issues:

- 1. Given the need for transparency in the impact assessment and in the compensation processes for the affected families: on what date will Repsol make public its human rights impact assessment and damage assessment reports?**
- 2. In the absence of environmental remediation two years after the catastrophe: when will Repsol implement environmental remediation plans in the affected areas, in accordance with the standards required by the Peruvian government?**
- 3. In the face of perceived unfair and imposed compensation: what measures will Repsol take to settle outstanding debts and guarantee fair and adequate compensation for all affected parties?**
- 4. In the face of a compensation process that has not considered the specific impacts on women: how will Repsol address and remedy the impacts of the spill on women?**
- 5. In the light of weaknesses in Repsol's management of Peru's largest environmental catastrophe: what lessons have been learned and what changes has Repsol incorporated into its human rights policies and due diligence practices?**

Based on the facts and testimonies gathered in this report, we urge Repsol to answer these questions as soon as possible, so that the more than 10,000 families affected by the spill receive the information, justice and full reparation to which they are entitled.

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***“This is one of the worst
ecological disasters in recent
years and it is having a serious
impact.”***

— Mirtha Vásquez, president
of the Council of Ministers of Peru in 2022.

1. Introduction

On 15 January 2022, there was a major oil spill off the coast of Peru during the unloading of the tanker *Mare Doricum*.¹ It occurred at the Multiboyas Terminal No. 2 of La Pampilla refinery, which is owned by Repsol, in the district of Ventanilla, Callao province. The spill was attributed to a series of maintenance oversights and failures in the unloading process. This included a broken mooring line that caused the vessel to shift abruptly, as well as a lack of proper supervision and a delay in implementing contingency plans.² This resulted in approximately 12,000 barrels of oil being released into the sea. Peruvian authorities considered this incident as the worst ecological disaster in Peru's recent history, due to the devastating effects on the local population, marine ecosystems and the country's economy.³ In compliance with its obligations and responsibilities Repsol has to assess, remedy and compensate for the damages to the environment and to human rights that the spill caused. However, the true magnitude of the disaster is still not known. Although Repsol has taken some unilateral steps towards compensation, it has not published its human rights and environmental impact assessment report.

The main aim of this paper is to provide key information for Repsol to restore the social and environmental damage it caused with the 2022 Ventanilla spill, as well as to outline the consequences of an inadequate crisis response. This paper critically analyses the crisis management by the company and the Peruvian state and highlights five key issues that remain unresolved: the lack of transparency, the lack of environmental remediation, the lack of sufficient compensation, the lack of gender mainstreaming and the lack of improvements in human rights policy.

This paper starts with an overview of the context and the impact of Repsol's operations in Peru, especially with regard to La Pampilla refinery and the major oil spill. Next, **this paper poses five key questions that**

remain unanswered, the ones that give this paper its title. Each of these five sections introduce what the best practice in the due diligence process should be and then critically assesses Repsol's actions to date. Each section raises a series of questions related to the main question, all of which are addressed to Repsol. At the end of the document, a series of recommendations are made to the various actors including Repsol, the Peruvian State, the Spanish State and the European Union.

A **mixed research methodology** was used to collect data for this paper. This consisted of a **documentary review of official documents**, academic texts, press, reports and audiovisual material; and **semi-structured virtual interviews** with people affected by the spill in the towns of Ventanilla, Ancón, Aucallama and Chancay, including both the fishing community and specifically women and members of civil society organizations working on the case. A virtual meeting was also held with Repsol to learn first-hand about the impact assessment process and the progress of the actions being implemented at the time. In terms of the negotiation process between the company and the affected parties, the Oxfam staff members who acted as observers were interviewed and the minutes and reports of the process were reviewed. Finally, the contents of this report has been shared with Repsol in order to include their comments, that can be found in **Anex 1**. In the same Anex, the authors of the report have included their reply to Repsol's comments.

1.1. Repsol in Peru

Repsol has been present in Peru since 1995, when the Spanish company first began its activities in the country. A year later, Repsol acquired La Pampilla refinery⁴ in Ventanilla, which had opened in 1967. To date, it is the company's only refinery outside of Spain.⁵ In addition to these activities, the company expanded its range of operations by acquiring land for exploration activities in the northern and lower jungle of the Peruvian Amazon between 1997 and 2000 (see Figure 1).

Today, Repsol's Peruvian subsidiary refines crude oil and also produces, develops and markets hydrocarbons and their byproducts, as well as natural gas, liquefied petroleum gas and associated liquid products.⁷

Repsol's activities in Peru generate profits for the Repsol S.A. corporate group, which in the year of the spill reached €4.251 billion, the highest profits in the company's history. This figure represents a 70% increase from 2021, its previous record.⁸ Unfortunately, these global profits in the billions were achieved at the same time as the devastating environmental and human rights impacts described in this paper.⁹

1.2. Spill impact analysis

According to information gathered by the United Nations Mission in Peru,¹⁰ during the unloading of the *Mare Doricum* tanker at the Multiboyas Terminal no. 2 of La Pampilla refinery, approximately 11,900 barrels of Búzios crude oil spilled, or 2,100 tonnes. This is equivalent to dumping more than 100 tanker truckloads of toxic substances into the ocean.

The resulting spill triggered an environmental disaster, which the *International Tanker Owners Pollution Federation Limited* classifies as a "Major Spill" for being well above 700 tonnes.¹¹

The areas affected by the oil spill include the districts of Ancón and Santa Rosa in the province of Lima, Aucallama and Chancay in the province of Huaral, and Ventanilla in the constitutional province of Callao (see Figure 2).

Figure 1: Map of Repsol's facilities, lines of action and key figures in Peru⁶

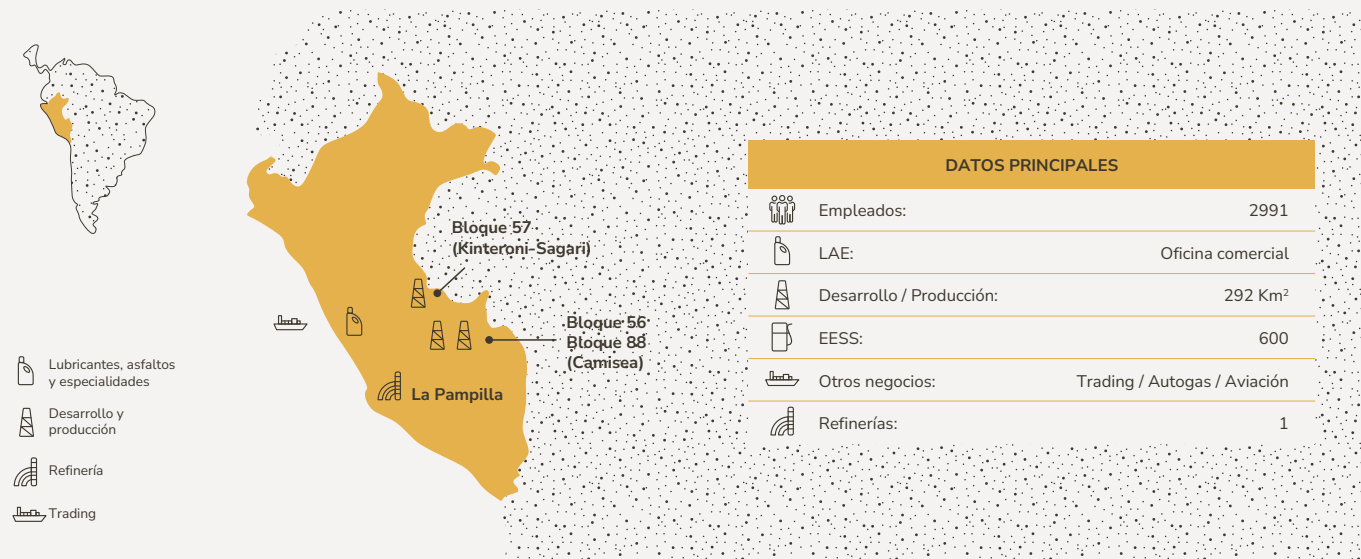
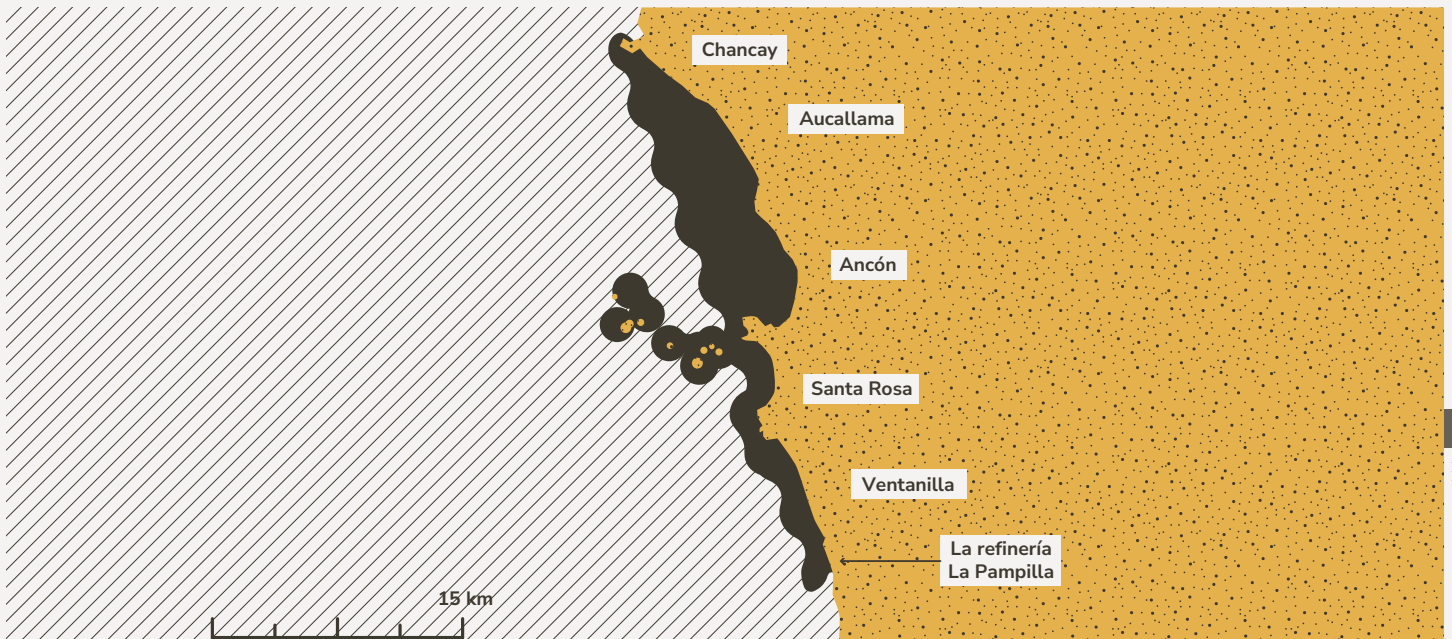


Figure 2: Map of the oil spill¹²



From an environmental perspective, the spill has had a devastating impact on the marine ecosystem. The coastline has been hardest hit, impacting 11,060.31 hectares of coastal marine area.¹³

The region is also home to two natural protected areas:

- The Ancón Reserved Zone.
- The Guano Islands, Islets, and Capes National Reserve System.¹⁴

As a result of the spill, more than **1,850 wildlife specimens** lost their lives, including birds such as cormorants, gannets, penguins and pelicans, as well as fish, molluscs and crustaceans, some of which are endangered species.¹⁵

The spill also damaged the natural resources on which more than 10,000 fishing families and traders depend.¹⁶ Small-scale fishing is the main source of livelihood in the region and helps to create jobs for the local population. Once the oil contaminated the ecosystem, the heavy metals affected the fish, molluscs and other marine species, making them dangerous for human consumption. Pollution has affected the entire food chain, with a major impact in the medium and long term.

The pollution along the coastline also affected 48 beaches (25 for recreational use) and 20 coves and cliffs.¹⁷ It also impacted temporary recreational activities and tourism, which are other important sources of income for the area's inhabitants.¹⁸ Moreover, the contamination of land, surface water and groundwater has left farmers and entire communities without food.¹⁹

In short, the environmental and social damages caused by the 15 January 2022 spill at La Pampilla refinery affected and continue to affect a wide range of human rights, including the right to a healthy environment, to food, to drinking water, to an adequate standard of living, to work, to health and to life.

1.3. Shortcomings in due diligence

On Thursday 23 March 2023, the Plenary session of the Congress of the Republic of Peru approved the Final Report of the Investigation Commission on the actions of officials from private companies and public entities that caused

the oil spill. This report concludes that **there is sufficient evidence of Repsol Peru's responsibility in the 2022 spill. Both poor maintenance of the refinery's facilities and poor practices during oil unloading operations are cited.**²⁰

The Commission states that shortcomings in the maintenance of Repsol's facilities not only significantly contributed to the magnitude of the spill but have also hampered environmental remediation efforts. The Commission also identified malpractices in oil unloading logistics as well as in emergency prevention and management.²¹

According to information gathered by various civil society actors²² and the Peruvian government through its environmental and facility safety oversight bodies (OEFA and Osingermin),²³ the large oil spill and its magnitude are due to Repsol's actions, oversights and late and inefficient response.²⁴ Repsol is therefore the main party directly responsible for the spill.²⁵

It is also important to note that in Peru, the state can be held responsible for failing to ensure respect for human rights in Repsol's operations within its borders.

The responsibility lies with both the Peruvian State and Repsol in identifying those affected, assessing the damage and their subsequent compensation. The Presidency of the Council of Ministers of Peru and La Pampilla refinery signed a compensation agreement for those affected.²⁶ However, due to a lack of transparency and dialogue, the affected parties consider this agreement to be unfair, prompting protests and repression. Most recently, a class action lawsuit by more than 34,000 victims was brought before the District Court of The Hague in the Netherlands, seeking fair and adequate reparation in accordance with international standards.²⁷

"If this transnational company had identified or simulated the entire radius for a low-, intermediate- and high-level spill, this would not be happening. This spill would not have even reached Ancón."

— Local fisherman

2. 5 unanswered questions from Repsol:

2.1. When will Repsol publish its impact assessment reports?

The UN Guiding Principles on Business and Human Rights state that due diligence processes should include assessing actual and potential human rights impacts of activities, integrating and acting upon the findings, tracking responses, and communicating how adverse impacts are addressed.²⁸

Specifically, these principles state that in order to account for the measures they take to address their human rights impact, business enterprises

should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of those affected. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them.

Communications must also: a) be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences and b) provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved.

In terms of the Repsol oil spill, the most worrying aspects of Repsol's management is the lack

of transparency and information, particularly for those affected. Almost two and a half years after the events at La Pampilla, Repsol has still not published its human rights and environmental impact assessment report. It has also failed to share key information such as its inventory of damages, the identification of affected parties and the methodology it has used to calculate compensation. Confidentiality clauses included in the agreements signed with the parties concerned only exacerbates this opacity. These clauses not only prevent them from speaking publicly about the terms and conditions of the compensation, but also limit their access to justice.²⁹ In addition to these practices, communication channels and formats are inefficient and not understandable to the parties concerned.

"We have never, ever had a dialogue with the company, we have never had any training. They have never informed us [of] the risks that there could be with the contamination that could occur and how to seek compensation. We have never had any meeting with Repsol companies to date."

— Local fish merchant

Lack of transparency in crisis management and damage assessment

Repsol's lack of transparency in managing the disaster started from the very first hours after the spill, thereby exacerbating its impact. It took too long to raise the alarm and put emergency measures in place, showing a deficient contingency plan³⁰ and inadequate staff training in

emergency drills.³¹ Repsol also initially tried to divert attention towards the eruption of a volcano in Tonga, Oceania, as the cause of the spill.³²

In terms of damage identification, according to the UN assessment mission sent to Peru after the oil spill, there were insufficient spaces for dialogue and feedback. This would have allowed the affected population to assess and reach consensus on the actions of Repsol and the state organizations, as well as to express their concerns and needs. This lack of dialogue had several negative consequences. On the one hand, it made it difficult to properly identify the impact of the spill on the communities and hindered developing reparation and assistance measures with a human rights approach that would effectively respond to the population's needs. It also created a climate of mistrust between those affected and the company and the institutions, which has made it difficult to find consensual solutions and has increased social conflict in the area.³³

The information exchange process between the company and the affected parties should include the publication of valuation studies prepared by both parties or by third parties. However, Repsol also failed to act transparently in the damage assessment and in the company's own census of those affected.³⁴ The affected parties did not receive timely, accurate and relevant information on the impact of the spill and responses.³⁵ To date, the company has failed to comply with its obligation, set out in the Pipeline Transportation of Hydrocarbons Regulation, to identify and produce an inventory of the damage caused to third parties, property and the environment, which must include identifying the affected parties.³⁶

In a statement, Repsol says it has conducted a human rights impact assessment and a compensation process in line with international humanitarian standards.³⁷ However, the company

has not made these studies public, nor has it shared the methodology used to calculate compensation, despite multiple requests to do so. This lack of transparency shows Repsol's unwillingness to engage in dialogue. This in turn weakens the confidence of the affected parties in the compensation process.

Lack of transparency with the affected populations and in the compensation negotiation process:

Due to pressure exerted on the affected parties, participation has been irregular and reactive in the compensation negotiation process. Those affected allege that some of the meetings with Repsol were held informally and often without a prior daily agenda to know what issues were going to be discussed beforehand.³⁸ However, a dialogue process involving 19 fisher associations and Repsol Peru took place between 6 March and 9 May 2023 to reach a fair and comprehensive compensation agreement. Seven meetings were held and the Peruvian Ombudsman's Office acted as a neutral observer. Oxfam members also took part in this process as observers representing the Working Group on Hydrocarbon Impacts of the National Human Rights Coordinating Committee.

The company's out-of-court settlement proposal was initially rejected by the 16 associations still involved in the negotiations for two reasons. Firstly, because they believed the proposed amount did not sufficiently compensate their losses, and, secondly, because of the lack of precision in the calculation methodology used by Repsol.³⁹ However, as it was not possible to improve the company's approach, the fishers eventually accepted the amount offered provided that the possibility of subsequent payments would remain open, should the damage persist. The company did not accept this, maintaining its

initial unwavering position until the end. On 9 May, the meeting sought to reach an agreement. Here, the fishers rejected the offer presented and Repsol's representatives stated that they would not change it, ending the session without an agreement. According to the letter on 17 May, the company prevented the Ombudsman's Office, which was highly critical of Repsol's behaviour in the negotiation, from stating its position in the minutes.⁴⁰

On the other hand, there remains a lack of clarity about future compensation for those affected, other than what they received in 2022 and 2023. To date, Repsol has not clearly and precisely communicated its intentions beyond 2023, when the aforementioned UN mission estimated that the damage from the oil spill would affect the coast of Peru for 6 to 10 years.⁴¹

Transparency is essential at all stages of stakeholder engagement to fairly and effectively resolve crises and emergencies. Each time the company has resorted to opacity rather than making its plans public, it has significantly eroded the confidence of the affected parties. They thus have no insight into what the company's long-term plans are to definitively address environmental remediation and outstanding compensation. This mistrust breeds further insecurity and unease. All of this ultimately poses a serious challenge to reaching a satisfactory final agreement and may lead to future claims from fishers beyond the class action lawsuit.

As such, Repsol must provide an answer to the following:

Given the need for transparency in the damage impact assessment and in the compensation process for those affected, **when will Repsol publish its human rights impact assessment and damage assessment reports?**

2.2. When will Repsol implement the environmental remediation plans?

As part of the due diligence process, environmental remediation measures must be taken to restore the marine ecosystem to its original state. This is also intended to enable communities to return to pre-disaster conditions as soon as possible.

More than two years after the major oil spill, persistent pollution in the affected areas continues to prevent recreational and fishing activities, making it impossible for more than 10,000 families to recover their livelihoods. Aside from ineffective initial actions, Repsol has not implemented the necessary rehabilitation plans to restore the damaged ecosystems. Although the company has submitted 26 rehabilitation plans, 8 have been rejected as they do not meet eligibility requirements, 11 are under review and only 7 have initiated an evaluation process with the relevant authorities.⁴² Therefore, Repsol must fully accept its obligation to remedy the damage caused. Only through proactive and committed action

will it be possible for the marine and coastal ecosystems to recover. This will make it possible for the local populations to resume normal fishing and recreational activities, the main sources of income for the affected communities.

The lack of effective action taken by Repsol to remedy the damage caused by the spill may have serious long-term consequences for both the environment and the affected communities whose livelihoods depend on the impacted natural environment. By failing to diligently and fully implement the necessary remediation plans, the company has allowed oil pollution to persist in the ecosystems, thereby extending the time needed for recovery. This has, in turn, prolonged the negative impact on the communities' economic activities who depend on these natural resources, such as small-scale fishing and tourism. Fishers are unable to resume their normal work due to the pollution, which has led to a continuous loss of income and has aggravated the situation of uncertainty and vulnerability of these populations.

In October 2023, the working group called "Round table to address the social problems generated around the response to the requests submitted by those who consider themselves affected by the oil spill of 15 January 2022" was formed by the



Presidency of the Council of Ministers without any representation from Repsol, in a further sign of the company's lack of commitment. This group's main goal is to establish criteria to identify affected people who are not registered in the Single Registry of Affected Persons and to propose alternative solutions to the social problem. The group issued a statement in December 2023 addressing Repsol's lack of environmental remediation.⁴³

The round table statement indicates that the serious and persistent environmental damage caused by the spill can be seen in the results of various studies carried out by Peruvian authorities.⁴⁴ Shortly after the disaster, environmental quality studies conducted between March and October 2022 verified that Repsol was inefficient in the company's first response actions on the affected beaches. According to the organoleptic assessment recently conducted in the rocky areas of the coastal formations of Playa Cavello and Punta Lachay, in Ventanilla and Huacho respectively, hydrocarbon impregnation can still be seen in the rocks. On 17 November 2023, the General Directorate of Environmental Health and Food Safety (Digesa) of the Ministry of Health in Peru reported that of the 30 beaches intended for swimming and recreation affected by the spill, 25 are still affected, as determined by the Environmental Assessment and Control Agency (OEFA).

Based on these results, the Round Table maintains that there is no conclusive evidence that the area affected by the spill is free of oil. Therefore, conditions are not conducive to normally extract hydrobiological resources such as small-scale fishing.⁴⁵

As such, Repsol must provide an answer to the following:

In the absence of environmental remediation two years after the disaster, **when will Repsol implement environmental remediation plans in the affected areas?**

"Obviously they naturally underestimate us, I mean, more than once we have been told: you're just fishermen. And yet we simple fishermen can teach them many things they don't know."

— Local fisherman

2.3. What measures will Repsol take to redress and fully compensate those affected?

Together with environmental remediation, reparation should include developing and implementing a set of corrective actions to remedy the damage caused. Compensation will restore and provide benefits to biodiversity, communities and people for the impacts of the disaster.

The negotiation and compensation process led by Repsol has been deficient and has been particularly damaging to the fishers and their families for many reasons. First, Repsol has not been transparent in the methodology they have used to calculate the compensation. As mentioned in section II.2., this has led to mistrust and misgivings about the fairness of the amounts offered. In addition, the power asymmetry between Repsol and the affected fisher associations has been compounded by inadequate legal advice for the affected parties during the negotiation process and the signing of out-of-court settlements. Despite the settlements reached, there are still outstanding debts and compensation that do not adequately cover the economic and social damage caused by the spill. This keeps

the affected communities in a vulnerable and precarious situation. An additional source of uncertainty is not knowing Repsol's future plans to possibly compensate those affected by a lack of income from 2024 onwards. Until environmental remediation has taken place, the affected parties cannot trust that the company is acting in good faith.

It is important to note that behind each affected fisher there is a family that depends on their activity as their only source of income. On average, these small-scale fishers are parents with three children and had to resort to community kitchens in the first months after the spill, when neither Repsol nor the Peruvian government provided them with any help.⁴⁶ The oil spill has had a devastating impact not only on their economy, but also on their social and family structure, as well as their physical and mental health.⁴⁷ The loss of income has hindered their ability to meet basic needs such as food, education and health-care, resulting in significant stress and deteriorating emotional well-being. It is estimated that more than 10,000 families have been directly affected by the interruption of fishing activities and the sea pollution.

Inadequate identification of the affected persons

Identifying the affected parties has been one of the most problematic aspects of the compensation process. Although the Peruvian state created a registry of affected persons two months after the disaster,⁴⁸ Repsol should have immediately created its own, as required by national legislation. The company has been sanctioned⁴⁹ for this failure to comply with this obligation. As a result, not all affected parties have benefited from the compensation and support provided, particularly advance compensation payments.

The registry created by government agencies through the PCM and the National Civil Defence



Institute (Indeci), known as the Single Registry of Affected Persons, initially identified 10,253 people affected by the Repsol spill. However, the registry was closed after six months and has proven to be insufficient, as not all affected parties managed to register. Over time, it has been apparent that an increasing number of people have experienced negative socio-economic consequences due to the spill. Repsol has received up to 57,000 applications from people who consider themselves affected by the spill,⁵⁰ a figure that is five times higher than the number initially identified in the official registry.⁵¹

This situation is one of the greatest challenges for the social remediation of the disaster and has prompted a renewed discussion on identifying those affected. It is, therefore, an ongoing process demanded by the associations of affected people that aims to establish new criteria and explore alternative solutions and is being led by the aforementioned Round Table.

Shortcomings in calculating compensation amounts

Another alarming aspect of the compensation process has been the lack of transparency in the methodology used by Repsol to calculate the compensation amounts. Despite the legal requirement to present the damage assessment study to the relevant authorities, Repsol has not published this document supporting the compensation offered.⁵²

There is also significant discrepancy between the amounts proposed by Repsol and the estimates made by independent organizations. The company is offering compensation for losses in 2022 of 65,000 soles for shore fishers (approximately €16,040 or \$17,745) and 70,000 soles for fishers from boats (approximately €17,270 or \$19,100).⁵³ However, a report by CooperAcción calculates that compensation for the first year after the spill should amount to almost 150,000

soles (approximately €37,010 or \$40,930).⁵⁴ This major discrepancy calls into question whether the compensation offered by Repsol is adequate and raises doubts about the criteria and parameters the company has used to determine the amounts.

An unclear methodology for calculating compensation not only erodes the confidence of those affected in the process, but also hinders the possibility of reaching fair and equitable settlements. Repsol must disclose the studies and criteria used to define the compensation in a detailed and accessible manner, so that the affected parties and the relevant authorities can assess and contrast them.

"I've heard when the company says there's no need [for legal advice], because it's like, 'don't worry and we're giving everyone the same, don't worry'. They don't show you the records there, they take you inside the company and give you two or three minutes in front of the notary to sign it, and there are three sheets of paper."

— Local fisherman

Inadequate legal advice and power asymmetry

The asymmetry of power between Repsol and the fishers has been exacerbated by inadequate legal advice for the affected parties during negotiations. The extremely vulnerable situation of the fishers in the associations when negotiations with Repsol began was a determining factor in their ability to seek fairer and more

equitable compensation alternatives.⁵⁵ After more than a year of being unable to work due to the pollution caused by the spill, these families were in urgent need of a solution. Under these precarious and desperate circumstances, the fishers had to rule out options that would have meant longer delays and costs beyond their means, such as taking their claim to court or seeking negotiations in Spain, where Repsol has its headquarters. The urgency to reach an agreement so that they could receive some kind of compensation in order to survive took precedence over demanding full and proportional reparation for the damages suffered.

The asymmetry of power between Repsol and the affected fishers was a constant throughout the negotiation process. Even the presence of the Peruvian Ombudsman's Office as a neutral facilitator and the participation of civil society observers failed to balance the inequality between the parties.⁵⁶ This situation was exacerbated by Repsol's refusal to accept the involvement of an impartial moderator. By insisting on a form of collegial moderation, the power disparity in the negotiations was not corrected.

"In each confirmed record, you give your number and call them one by one. For example, here's the coercion again, if they don't sign the record by the end of January, they go to court. And people go and accept because a trial, how long... how many years does it last in Peru? A trial could last forever."

— Local fisherman

Out-of-court settlements and undue pressure practices

Between January and April 2022, Repsol and the Peruvian state concluded an out-of-court settlement that awarded compensation of 6,000 soles (approximately €1,480 or \$1,639) to some of the people affected. Between March and May 2023, a similar process also resulted in out-of-court settlements for that year's compensation. Negotiations were again based on the same power asymmetry where the fishers hold very limited leverage.

In addition, other malpractices were identified in the signing of the contracts.⁵⁷ These included the addition of clauses requiring those affected to waive their right to seek legal recourse once the out-of-court settlement had been accepted.⁵⁸ The personnel of Repsol also collected the contracts signed by those affected and took them to the company for signing, raising doubts about the fairness and transparency of the process.⁵⁹

"Both need to compromise in order to reach a mutual agreement. Not for the company to come and force me, but it is doing this with its conditions. Agreements should contain objective points of both parties. The affected party and the company, but no, the company says, 'Here, sign this, take it or leave it.'"

— Local fisherman

Insufficient compensation and outstanding debts

Not only is the compensation offered by the company lower than the estimates of independent organizations, but it also does not fully cover the long-term economic and social damage caused by the spill. Ongoing pollution and the inability to resume normal fishing activities result in a continuous loss of income for the affected families. Their vulnerable and uncertain situation is also exacerbated as they do not know how long this crisis will last.

Repsol claims to have compensated 98% of the people registered in the Single Registry of Affected Persons corresponding to the compensation for 2022, including fish merchants, small-scale fishers, restaurateurs and dockworkers, among others. According to the same source, up until November 2023 Repsol claims to have signed agreements for 2023 with more than 1,800 people.⁶⁰ However, the fishers and restaurateurs have expressed their discontent due to alleged defaults, outstanding debts and

a general sense of injustice. This has resulted in them filing the aforementioned lawsuit in the District Court of The Hague in the Netherlands for around €1,000 million in compensation.

Given the above, Repsol must **provide an answer** to the following:

With compensation perceived as unfair and forced, **what steps will Repsol take to settle outstanding debts and ensure fair and suitable compensation for all affected parties?**

2.4. How will Repsol address and remedy the impacts of the spill on women?

Gender-discriminatory socio-cultural norms and practices, as well as the greater structural vulnerability of women, exacerbate the



negative impacts of disasters like the ones described in this report. These factors result in a disproportionate impact of the crises and the exclusion of these population groups from accessing the resources needed for coping and remediation. In order for the process to be fair, remediation must consider the differential impacts on women, identifying intersectional vulnerabilities and ensuring their effective participation in remediation.

The oil spill at La Pampilla refinery is not only having a devastating impact on the environment and the local economy but has also had a differential impact on women in nearby communities. However, Repsol has not properly identified these specific impacts nor has it incorporated a gender-sensitive crisis response. There is only a brief mention in the **Impulsared** development plan. Often in a more precarious situation, women's specific needs and vulnerabilities have been rendered invisible due to this oversight.

Research carried out by civil society organizations on the consequences of the spill reveals a number of differential impacts on women.⁶¹ Some women depended directly on fishing, with roles linked to the fishing industry such as ship owners, filleters and shore fishers. As a result of the spill, all of these women lost their direct livelihoods. These women also faced greater difficulties in receiving compensation during the compensation process as they were not considered fisherwomen per se, which made their situation all the more difficult. In addition to the lack of due compensation, their limited ability to influence was compounded by their under-representation in the negotiating bodies with Repsol and in the decision-making bodies of the fisher associations themselves. Among other factors, the negotiation processes did not consider that family burdens could limit the women's ability to represent and advocate for the women affected by the spill. Women also had difficulty in

accessing food vouchers. It should also be noted that some of the women involved in fishing were single mothers, so the loss of livelihoods has been particularly hard on the economies of these women and their households.

Women who were not directly involved in fishing but whose household economy depended on a fisher's income were also affected by stressful situations and increased care burdens. In some cases, these led to debts and issues linked to family finances and childcare.

The women interviewed for this paper recounted what it is like for a mother to send her children to school without breakfast, how they are unable to give them fruit, how they can no longer cook with meat, and how they reluctantly have to eat fish that had an unpleasant smell. They also expressed fears about future illnesses that have yet to surface. They understandably distrust that Repsol will take responsibility for them if, in their opinion, it is not even taking responsibility for the environmental damage in the second year after the disaster. They described situations where their children have been forced to drop out of school due to the decline in household finances, which is experienced as a terrible family failure. In households where some children can still study, the start of the school year is a real concern due to the expenses involved which mothers know they cannot afford.

The informants feel ashamed of being late in paying different bills, as well as distressed about paying loan repayments and the thought that the house where they live could be repossessed any day. They also feel helpless when they see their children having to live without electricity, internet and other utilities because the services have not been paid for. Many of these women are also single mothers, women with disabilities or elderly women who have not received any help from Repsol.

They describe the compensation that Repsol has offered them thus far as an abuse and disappointing because it does not meet their needs. According to one informant, before the spill she used to earn up to three times more. This sense of injustice is so great that some of the interviewees have even rejected remediation as disrespectful.

Amidst all this, the Public Prosecutor's Office is even investigating several of the women, some of them cancer patients, based on the suspicion that they are pretending to be people who have been affected by the spill. In reality, these women belong to multi-generational fishing families who have been directly and indirectly affected by the pollution from the large spill. The prosecutor has gone so far as to initiate preliminary proceedings in a possible criminal case.⁶²

The differential impacts need to be identified in order to ensure vulnerable groups are inclusively involved in remediation and compensation processes. However, to date, the only differentiated policy that has come to light is a social media post about **Impulsared**: an €8 million, 4-year regional development plan promoted by Repsol as part of its commitment to remediate the impacts of the spill. The women interviewed were either unaware of what Impulsared is or were doubtful that it would have a positive impact on their lives.

In short, Repsol has failed these women. It has failed to act quickly, failed to listen to them and is still failing to compensate them adequately for their specific needs. It has failed both the women with an economic livelihood related to fishing and those who depend on support to cope with the increased household work. This increased workload is due to less help from other family members who have been forced to leave school and work outside the home. This also means less support to provide the necessary resources for their children's studies and loss of income in

their family unit as the children who worked before the spill and can no longer do so. Furthermore, due to pollution their quality of life has suffered, and their diets have worsened, which has had an impact on their health, both mental and physical, and that of their families. In order to ensure the effective participation of these groups in the process, Repsol needs to urgently adopt a gender-sensitive approach at all stages of the crisis response, from impact assessment to the implementation of remediation and compensation measures. This is the only way for the company to ensure a fair and equitable reparation for all those affected.

As such, Repsol must **provide an answer** to the following:

In a compensation process that has not taken into account the differential impacts on women, **how will Repsol address and remedy the impacts of the spill on women?**

"We want to be heard as women. They do not know about every home and every family; they do not know what we go through. The owner of Repsol, who also has a family, should put his hand on his heart and look at the women who are long-suffering, who support their husbands..."

- Local fisherwoman/ship owner



2.5. What changes will Repsol make to its human rights policy?

An effective corporate human rights policy enables measures to be set that identify, prevent, mitigate and adequately remedy the human rights and environmental impacts of its direct or indirect activities. Although Repsol has a specific policy, this paper has shown the weaknesses in its practical implementation.

The oil spill at La Pampilla refinery has revealed serious shortcomings in the implementation of Repsol's human rights policy and due diligence plans, especially in issues related to mechanisms for developing them, and information and consultation channels. Despite the company holding a formal policy since 2013, the impacts of the spill and the failures in its response and

remediation demonstrate that it has been ineffective in preventing, mitigating and adequately remedying human rights violations. There is thus a need for a thorough review and comprehensive strengthening of Repsol's due diligence practices in order to prevent future impacts and ensure an adequate response in the event of a new crisis. This improvement process should include allocating sufficient financial and human resources to effectively implement the policy, as well as staff training and promoting awareness at all levels of the company, among other things. Compliance with the policy should also be regularly monitored and reported, with verification from independent third parties. This will help ensure that it is consistently enforced and identify opportunities for continuous improvement.

Had Repsol Peru's due diligence practices been effective, the company would have ensured that the affected parties received timely, accurate and relevant information about the impact of

the spill on the environment and their rights, as well as response actions and assistance plans. Repsol would have established efficient and reliable communication channels, ensuring that information was available in formats and languages understandable to all parties. The company's website dedicated to the oil spill (www.compromisorepsol.pe) would have provided transparent and verifiable data.

A robust due diligence practice would also have encouraged those affected to participate early and in an informed manner. If a proper process had been followed, Repsol would have shared accurate information on the impact on human and environmental rights from the outset, both with the people affected and with the relevant authorities in the communities. This communication would have been key to reducing risks to the security of the population, the protection of the environment and the preservation of human rights.

Amidst a major spill such as the one at La Pampilla, effective due diligence would have meant a greater recognition of Repsol Spain's responsibility to address the environmental and social emergency. This would have provided additional resources and means, as well as a greater willingness to engage in a dialogue with the affected parties. Additionally, it likely would have taken much less time taken to identify, remedy and provide compensation for damages. This would have ensured the implementation of the very human rights and community relations policy that Repsol has published on its corporate website.⁶³

As such, Repsol must **provide an answer** to the following:

In response to criticism regarding its management of one of Peru's biggest environmental disasters, **what changes will Repsol make when implementing its human rights policies and due diligence practices?**



3. Conclusion and Recommendations

“In this compensation negotiation process, the parties affected have received no fair treatment. The company’s unwavering position during the compensation process and the lack of precision of the concepts not considered in the company’s calculation methodology affects how the compensation and, thus, the right to full reparation is determined.”

The oil spill on 15 January 2022 at the Repsol Group's La Pampilla refinery is an unprecedented ecological disaster in the history of Peru. The scale of the spill has severely impacted on the environment and on the human rights of the populations located in the affected coastal areas. The studies and information collected indicate that the spill is due to a series of actions and oversights directly attributable to Repsol. The scale of the disaster is furthermore connected to the inefficient immediate management of the spill.⁶⁵

Repsol's prevention measures and response to the spill contradict its public commitment to respect human rights, in keeping with international standards that the company has committed to implement. There are also shortcomings in the company's compliance with its commitment to establish strong relationships with the communities located in its projects' area of influence. The company's relationship with the affected parties is asymmetrical, fragile and discontinuous. Mistrust stems from no early and continuous dialogue, very poor transparency of information on the impacts and rehabilitation measures, a failure to integrate and follow up on affected parties' requests, and inadequate negotiation of gender-sensitive reparation measures.

The Repsol spill highlights the urgent need to implement robust human rights due diligence processes as a mandatory requirement for all companies. It also demonstrates the importance of developing robust and detailed mechanisms to ensure meaningful stakeholder participation, as well as effective tools and methodologies to address cases where remediation and compensation measures are needed.

The main complaints against Repsol centre around three key aspects: greater transparency through the immediate publication of the impact report; fair compensation for fishers and affected communities; and assuming responsibility for environmental remediation, given that its plans are not up to standard and have not been approved by the Peruvian state. The company must also address the shortcomings identified in its response to the spill, such as inadequate gender mainstreaming and the need to improve its human rights due diligence policy. These demands must be met in order to remedy damages and ensure fair compensation to the affected parties.

A. Recommendations to Repsol

TRANSPARENCY

- A.1. Publish the human rights impact analysis, with greater transparency thus establishing more robust, clear and transparent due diligence processes with the parties concerned. Publish the damage assessment studies and the criteria used to determine compensation.
- A.2. Ensure greater dialogue and effective participation of the affected parties, especially the populations affected by the spill. Improve the process of meaningful stakeholder engagement by creating greater transparency and access to information, ensuring the proper identification of the affected parties, promoting proactive and continuous engagement, facilitating meaningful participation, and guaranteeing non-coercive dialogue and fair negotiation.
- A.3. Implement and clearly link the participation processes and good faith negotiation to ensure comprehensive gender-sensitive compensation to the affected parties, while taking into account that negotiating future compensation will depend on the ongoing damage and how quickly the ocean recovers. Increase transparency on the mechanism for calculating compensation for spill impacts, publishing all other social and environmental impact studies. Implement transparent and good faith mechanisms for out-of-court settlements with affected populations, taking into account power asymmetry in order to ensure fair compensation. Reach out to third parties to promote dialogue between the company and the affected populations. Actively participate in the “Round table to address the social problems generated around the response to the requests submitted by those who consider themselves affected by the oil spill” in order to help identify those affected who were not included in the Single Registry of Affected Persons and to find suitable solutions for their compensation and reparation.

ENVIRONMENTAL REMEDIATION

- A.4. Present the pending rehabilitation plans, as well as publish the studies determining the estimated time for the affected ecosystem to fully recover. In the absence of such studies, ensure that the studies are conducted in a transparent and participatory manner by an independent third party. Promptly comply with the resolutions of the Peruvian environmental agency and establish collaborating measures with the different governmental institutions.
- A.5. Promote an assessment of the current state of the ecosystem affected by the oil spill and the environmental recovery process with input from international experts. Build certainty and confidence in the rehabilitation process through a transparent and participatory framework with the affected communities and organizations, civil society and the Peruvian government.

COMPENSATION

- A.6. Recognize and proactively address the power asymmetry between the company and the affected populations, avoiding coercive practices or undue pressure in the signing of out-of-court agreements. Ensure that the affected parties have adequate legal advice and sufficient time to make informed and free decisions.
- A.7. Establish a transparent and participatory process to review and adjust the methodology for calculating compensation, in cooperation with affected parties and independent experts, to ensure that the amounts offered are fair, adequate and proportionate to the damages suffered. Implement an accessible, impartial and effective complaints and dispute resolution mechanism to address the compensation claims by the affected parties. Offer the opportunity to review and adjust agreements reached if they fail to adequately cover the damages incurred.
- A.8. Establish a long-term compensation fund to cover ongoing economic and social damages beyond the initial agreements, recognizing that the impacts of the spill may extend over time due to the lack of effective and prompt environmental remediation. This fund should be transparently managed and with the participation of representatives of the affected parties. Provide financial and technical support to the affected communities to access independent legal advice during the negotiating process and signing compensation agreements. This will help reduce power asymmetry and ensure that the affected parties can make informed decisions free from coercion.

GENDER MAINSTREAMING

- A.9.** Incorporate gender mainstreaming into all future actions related to this case. Take into account the differential impacts on women, and guarantee their effective participation in the spaces for dialogue, decision-making and drafting of reparation measures.

DUE DILIGENCE

- A.10.** Strengthen, implement and effectively monitor human rights due diligence policies and processes throughout the company's operations. Ensure sufficient resources are allocated and that staff training and verification is carried by independent third parties with the aim of preventing future negative impacts and ensuring an adequate crisis response. Implement specific improvements in human rights due diligence policy, including comprehensive participatory and transparent impact assessments, effective consultation and meaningful participation mechanisms, emergency prevention and response plans, clear processes for identifying the affected people and calculating compensation, accessible complaints mechanisms, and specific commitments to gender equality and the protection of vulnerable groups.

B. Recommendations to the Peruvian State

- B.1.** Demand compliance with environmental and human rights legislation, ensuring that companies operating in the country comply with environmental and human rights regulations.
- B.2.** Introduce improvements to environmental legislation to address the loopholes and failures highlighted by this case, in particular concerning the need to consider social aspects in the declaration of environmental emergencies.
- B.3.** Supervise and conduct the inspections needed to ensure effective compliance with environmental obligations in the activities, maintenance plans and contingency plans of companies in high-risk sectors, such as the hydrocarbon industry, in order to prevent and mitigate similar environmental disasters in the future.
- B.4.** Promote measures and resources to ensure affected parties are involved in a meaningful and continuous manner in the impact assessment processes, drafting remediation measures and monitoring their implementation.
- B.5.** Guarantee legal and human rights protection mechanisms, ensuring that affected parties have access to effective and prompt remedies to achieve full reparation in case of human rights violations.

- B.6. Ensure transparency and accountability in the oversight and regulation of extractive companies' activities, including the disclosure of accessible information on environmental, social and human rights impacts.
- B.7. Ensure that impact assessments, consultation and participation processes incorporate gender mainstreaming, identifying and addressing differential impacts on women and ensuring their effective participation.

C. Recommendations to the Spanish State

- C.1. Strengthen the regulations and supervision of Spanish companies' activities abroad. Ensure that they comply with international human rights and environmental standards and that they take responsibility for the consequences of their operations.
- C.2. Require and oversee the implementation of human rights due diligence processes for companies based in Spain covering all offshore operations. Pass a human rights and environmental due diligence law to guarantee accountability for potential human rights violations in such operations.
- C.3. Collaborate with Peruvian authorities and other interested parties to ensure adequate reparation to the affected parties and effective remediation of the impacts caused by Repsol's operations in Peru, as well as those of other Spanish multinational companies.

D. Recommendations to the European Union

- D.1. Deploy CSDDD guidelines and implementation measures that properly integrate meaningful stakeholder participation, as well as remediation and compensation processes for those affected by disasters such as this one.
- D.2. Ensure that the new investment agenda under the Global Gateway incorporates criteria that respect human and environmental rights and has gender-sensitive due diligence processes in order to guarantee the rights of women and girls.

4. Anex1: Repsol's response to the report

During the process of preparing this report, Repsol was given the opportunity to respond to the contents of the report.

(Click on the titles to access the contents).



Open letter to Repsol signed
by Spanish and Peruvian civil
society organizations



Repsol's response
to the Report



Response of the organizations
that signed the report to Repsol

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 - 15 Ministry of Agricultural Development and Irrigation. File N° 0008880-2022.RIN° D000098-2022-MIDAGRI-SERFOR-ATFFS-LIMA-AI, Conclusion of Law 39.
 - 16 As the company itself has acknowledged on its website: <https://com-promisorepsol.pe/>. Specifically, just over 10,000 people have registered, but there are many others who are requesting to be included in the register. In the class action suit filed in a district court in The Hague, there are more than 34,000 and Repsol has received a total of 57,000 claims.
 - 17 Informe final de la Comisión investigadora facultada para investigar por un plazo 90 días hábiles de las acciones de los funcionarios y privados que ocasionaron el derrame de petróleo de la empresa multinacional Repsol YPF S.A., en el distrito de Ventanilla y sus consecuencias en el medio ambiente y la ecología, 294 (Spanish).
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 - 20 In the conclusions of the aforementioned report, it is stated that: "The main responsibility for the indicated spill lies with the company Refinería la Pampilla S.A.A. (RELAPASAA), extending to the Repsol Economic Group, to which it belongs through REPSOL PERÚ B.V, in its capacity as majority shareholder."
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- 21 The company executed a maintenance plan that has proven to be insufficient, particularly with regard to the Pipeline End Manifold (PLEM) that carries oil to the on-shore tanks. Also, the pipeline that transported the oil from the Mare Doricum tanker to shore, which is almost 50 years old, had not been properly maintained. The facilities were not found to have break-away shut-off valves. These acts of negligence not only resulted in the spill of approximately 12,000 barrels of oil into the Pacific Ocean but have also complicated the clean-up and restoration of affected ecosystems.
- In terms of oil unloading logistics, the following malpractices were identified:
- The refinery did not provide a Mooring Master to the Mare Doricum tanker.
 - Two mooring lines to buoy A5 were not used, as required, and the breakage of the only mooring line to this buoy caused an uncontrolled movement of the tanker.
 - The unloading was not halted while the mooring line was being replaced, when it should have been stopped.
 - The oil unloading pressure was well above the maximum safe level.
 - Sudden changes in pressure caused the PLEM to rupture.
 - In addition, the HEADS system for early detection of oil spills did not work.
- Other shortcomings in emergency prevention and management include inadequate contingency actions and early warning mechanisms to protect affected areas, the failure to fulfil duties in relation to port security and safety management systems, inaccurate information and adequate communication and coordination between the company and the relevant authorities, and between the company and those affected, and the absence of a humanitarian dimension in contingency plans to handle environmental disasters, among others.
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A dos años del derrame de Repsol, la sociedad civil demandó acción efectiva del Estado peruano (Spanish): <https://cooperaccion.org.pe/a-dos-anos-del-derrame-de-repsol-la-sociedad-civil-demando-accion-efectiva-del-estado-peruano/>

23 To date, the Peruvian Ombudsman's Office has published two reports:

1) Derrame de petróleo en la refinería La Pampilla. Recomendaciones frente a un desastre ambiental que pudo evitarse (Spanish): <https://www.defensoria.gob.pe/wp-content/uploads/2022/04/Informe-Derrame-Ventanilla.pdf>

2) Reporte a un año del desastre ambiental y social en nuestro literal (Spanish): <https://www.defensoria.gob.pe/wp-content/uploads/2023/01/001-IA-Derrame-de-Petr%C3%B3leo-en-Ventanilla..pdf>

24 The Resolution of the Peruvian Port Authority states that Repsol failed to act and was deficient after the spill occurred: Port Authority Resolution 070-2023/MGP/CAPICALA/M (Spanish): <https://eredenaves.apn.gob.pe/apn/programacion.do?action=obtenerComunicadoAdjunto&idEstadoterminal=11641>

25 The report of the Peruvian government's Investigation Commission, approved by the full Congress of the Republic, points to Repsol as responsible for the events. *Informe final de la Comisión investigadora facultada para investigar por un plazo 90 días hábiles de las acciones de los funcionarios y privados que ocasionaron el derrame de petróleo de la empresa multinacional Repsol YPF S.A., en el distrito de Ventanilla y sus consecuencias en el medio ambiente y la ecología*, 318 (Spanish).

At the administrative level, Repsol's responsibility is also stated in the resolutions of Osinergmin and OEFA, due to non-compliance with safety obligations and false information, respectively, and which describe how the events occurred. Energy and Mining Investment Supervisory Agency (OSEI). Resolution of the OSINERGMIN liquid hydrocarbons supervision division No. 299-2022-OS-GSE/DSHL. Lima; 20 September 2022. See also, Environmental Assessment and Enforcement Agency. Directorial Resolution no. 1741-2022-OEFA/DFAI (Spanish), available at https://dar.org.pe/wp-content/uploads/2022/10/164492_RD-1741-2022-OEFA-DFAI_IF.pdf.

Finally, the public report from the UN Environmental Emergencies Unit draws a similar conclusion. United Nations (2022). Mission Report: Peru (15 February 2022).

26 <https://www.gob.pe/institucion/minam/noticias/587999-gobierno-consigue-que-repsol-indemnice-economicamente-a-personas-afectadas-por-el-derrame-de-petroleo>

27 [https://www.eleconomista.es/energia/noticias/12623268/01/24/una-fundacion-ambiental-exige-a-repsol-1200-millones-en-un-juzgado-de-holanda-por-el-vertido-de-peru.html#:~:text=Repsol%20afrenta%20una%20demanda%20de,norte%20de%20Lima%20\(Per%C3%BA\).](https://www.eleconomista.es/energia/noticias/12623268/01/24/una-fundacion-ambiental-exige-a-repsol-1200-millones-en-un-juzgado-de-holanda-por-el-vertido-de-peru.html#:~:text=Repsol%20afrenta%20una%20demanda%20de,norte%20de%20Lima%20(Per%C3%BA).)

<https://elcomercio.pe/lima/presentaran-demanda-colectiva-contra-repsol-por-mil-millones-de-dolares-ante-corte-distrital-de-la-haya-la-pampilla-reino-unido-ventanilla-petroleo-pla-ya-noticia/?ref=ecr>

28 https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_sp.pdf

29 <https://convoca.pe/agenda-propia/derrame-de-repsol-pescadores-exigen-mesa-de-dialogo-para-definir-reglas-de#:~:text=Repsol%20respondi%C3%B3%20a%20Convoca.pe,regidas%20por%20las%20leyes%20peruanas>

30 Rodrigo Zúñiga, C., Villanueva Saire, J. D., & Rivera Torres, A. (2022). Heramientas jurídicas frente a desastres ambientales en el aprovechamiento de recursos naturales: acciones y responsabilidades en los derrames de petróleo en mar peruano por Repsol. *THEMIS Revista de Derecho*, (82), 93-121 (Spanish). <https://doi.org/10.18800/themis.202202.005>

31 *Informe final de la Comisión investigadora facultada para investigar por un plazo 90 días hábiles de las acciones de los funcionarios y privados que ocasionaron el derrame de petróleo de la empresa multinacional Repsol YPF S.A., en el distrito de Ventanilla y sus consecuencias en el medio ambiente y la ecología*, 120-169 (Spanish).

See also, <https://elpais.com/economia/2022-01-31/peru-paraliza-la-actividad-de-repsol-en-sus-aguas-tras-el-vertido-de-crudo.html>

32 <https://expansion.mx/mundo/2022/01/28/peru-repsol-derrame-petroleo-volcan>

33 United Nations (2022). Mission Report: Peru (15 February 2022).

34 For example, OEFA sanciona a REPSOL por más de 13 millones y medio de soles por entregar información falsa sobre el derrame en La Pampilla (Spanish): <https://dar.org.pe/oefa-sanciona-a-repsol-por-mas-de-13-millones-y-medio-de-soles-por-entregar-informacion-falsa-sobre-el-derrame-en-la-pampilla/>

35 <https://www.elsaltodiario.com/peru/ano-derrame-repsol-peru-limpieza-reparacion>

36 Leyva, Ana; Zúñiga, Mario; Chirinos, Alejandro (2023). *A un año del derrame de Repsol. ¿Qué avances existen y qué está pendiente? Informe sobre la causa, responsabilidad, identificación de daños, remediación y reparación del derrame de petróleo de Repsol ocurrido en enero del 2022*, Lima, CooperAcción, 30 (Spanish). Directorial Resolution 1017-2022-OEFA, the existence of administrative responsibility for non-compliance was declared with an administrative measure on identifying the affected areas.

37 <https://compromisorepsol.pe/el-98-de-afectados-por-derrame-ha-combrado-sus-compensaciones-economicas/>

38 <https://iuslatin.pe/defensoria-repsol-no-dio-trato-justo-a-los-afectados-por-el-derrame-de-ventanilla/>.

39 Initially, there were 19 fisher associations. They withdrew from the negotiating table as the company called them back to reach individual agreements.

40 <https://www.defensoria.gob.pe/wp-content/uploads/2022/04/Informe-Derrame-Ventanilla.pdf>

And also, <https://peru.oceana.org/blog/hasta-cuando-se-seguira-esperando-por-el-plan-de-remediacion-de-repsol/>

41 United Nations (2022). Mission Report: Peru (15 February 2022).

42 According to internal monitoring as of March 2024 of the different files, official letters, orders and related resolutions. The file for the rehabilitation plan in the Islote area is not known.

See also, https://www.minem.gob.pe/_area.php?idSector=22&idArea=222&idTitular=9758&idMenu=sub8879&idCateg=1885.

43 Working group "Round table to address the social problems generated around the response to the requests submitted by those who consider themselves affected by the oil spill of 15 January 2022". Statement 1. 02/12/2023.

44 Working group "Round table to address the social problems generated around the response to the requests submitted by those who consider themselves affected by the oil spill of 15 January 2022". Statement 1. 02/12/2023

45 Working group "Round table to address the social problems generated around the response to the requests submitted by those who consider themselves affected by the oil spill of 15 January 2022". Statement 1. 02/12/2023.

46 <https://www.infobae.com/america/peru/2022/02/13/pescadores- recibieron-un-vale-de-s500-soles-tras-derrame-de-petroleo/>

47 Alfaro Montoya, Kely. *Revelando el daño. Valorización económica de la pérdida de bienestar de las familias pescadoras afectadas por el derrame de petróleo en la costa de Lima en enero del 2022*. CoperAcción, 12/2023, 65 (Spanish).

48 The identification of the people affected was initially conducted through a registry created by the PCM and Indeci, which was then endorsed by the company.

49 <https://ojo-publico.com/ambiente/repsol-acumula-casi-s110-millones-multas-dos-anos-del-derrame>

50 <https://www.infobae.com/peru/2024/03/14/derrame-de-petroleo-de-repsol-pescadores-protestan-afuera-de-la-pcm-para-denunciar-que-ya-van-2-anos-sin-justicia/>

51 <https://www.infobae.com/peru/2024/03/14/derrame-de-petroleo-de-repsol-pescadores-protestan-afuera-de-la-pcm-para-denunciar-que-ya-van-2-anos-sin-justicia/>

52 In this case, the Supervisory Agency for Investment in Energy and Mining (Osinergmin).

Lazo Oscanoa, C. A., Alzamora Solís, K. X., Llanos García, J. R., Solís Mendoza, K. R. E., Cortijo Guerrero, M. G., Perales Palomino, N. D., Suclupe Benites, Y., & Puraca Mamani, W. J. (2022). Análisis de la normativa aplicable por el derrame de hidrocarburos en Ventanilla *Revista Del Instituto De investigación De La Facultad De Minas, Metalurgia Y Ciencias geográficas*, 25(50), 363-372 (Spanish). <https://doi.org/10.15381/iigeo.v25i50.22868>

53 Estimated date because the action plan's publication date is not indicated. La Pampilla Social Action Plan, available at: <https://www.repsol.com/en/sustainability/sustainability-pillars/people/human-rights/la-pampilla-social-action-plan/index.cshml>

54 Alfaro Montoya, Kely. *Revelando el daño. Valorización económica de la pérdida de bienestar de las familias pescadoras afectadas por el derrame de petróleo en la costa de Lima en enero del 2022*. CoperAcción, 12/2023, 61-63 (Spanish).

- 55 "However, aware of the asymmetry of power and information that governs the negotiations between those affected and the company, our institution is concerned, firstly, about the technical criteria that would have been used to set an initial sum of up to 3,000 soles as a compensation payment, increased by another 3,000 soles, and secondly, that, in addition to the promotion of these payments, free technical legal assistance has not been provided and guaranteed to give those affected sufficient and clear information so that they can express their real wishes and to guarantee their rights under strictly technical criteria." Ombudsman's Office of Peru. *Informe Derrame de petróleo en la refinería La Pampilla. Recomendaciones frente a un desastre ambiental que pudo evitarse*, 04/2022, 92 (Spanish) <https://www.defensoria.gob.pe/wp-content/uploads/2022/04/Informe-Derrame-Ventanilla.pdf>
- 56 Ombudsman's Office of Peru. Letter No. 0016 - 2023-DP. 17/05/2023.
- 57 <https://www.actualidadambiental.pe/pescadores-afectados-por-el-derrame-de-petroleo-denuncian-acuerdos-abusivos-de-repsol/>
And also, <https://www.idl-reporteros.pe/crudo-acuerdo/>
- 58 <https://convoca.pe/agenda-propia/derrame-de-repsol-pescadores-exigen-mesa-de-dialogo-para-definir-reglas-de#:~:text=Repsol%20respondi%C3%B3%20a%20Convoca.pe,regidas%20por%20las%20leyes%20peruanas>
And also, <https://www.idl-reporteros.pe/crudo-acuerdo/>
- 59 According to information gathered in the field interviews conducted for this paper.
- 60 <https://compromisorepsol.pe/el-98-de-afectados-por-derrame-habrado-sus-compensaciones-economicas/>
- 61 <https://equidad.pe/publicacion/informe-repsol-una-catastrofe-que-se-pudo-evitar-impactos-del-derrame-de-petroleo-en-el-mar-peruano-y-en-los-derechos-de-la-poblacion-en-ventanilla/>
- 62 Peruvian Public Prosecutor's Office, prosecution file 506015505-2024-139-0, ruling 1, 23/03/2024.
- 63 Repsol, Human Rights and Community Relations Policy. Available at https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/policies/human-rights-and-community-relations-policy.pdf
- 64 Letter dated 17 May 2023.
- 65 *Informe final de la Comisión investigadora facultada para investigar por un plazo 90 días hábiles de las acciones de los funcionarios y privados que ocasionaron el derrame de petróleo de la empresa multinacional Repsol YPF S.A., en el distrito de Ventanilla y sus consecuencias en el medio ambiente y la ecología.*