

Chevron's Impunity in Ecuador: Urgent Call from International Civil Society Press Release

December 11, 2020

In solidarity with tens of thousands of people affected by the biggest environmental disaster that has hit the Ecuadorian Amazon, more than 150 organizations, networks, movements, and unions –representing more than 285 million people internationally – are asking the government of Ecuador to appeal the arbitration award issued by the Dutch justice system in favor of the oil transnational Chevron.

The award issued on August 30, 2018 orders the Ecuadorian State to: annul the ruling in the Lago Agrio case, despite the fact that it has been ratified by all Ecuadorian judicial instances, including the Constitutional Court; and prevent the affected communities from going to other countries to seek implementation of the ruling and reparations for the damages caused by Chevron-Texaco. Furthermore, it demands Ecuador compensate the oil company for having "affected its image" and for the judicial costs associated with 27 years of legal proceedings.

If the government of Ecuador does not appeal this ruling, it will be enforced, despite the fact that it violates Ecuador's own Constitution and should be inapplicable. And if the Dutch justice system persists in validating the ruling, it will be complicit in an international private arbitration system that systematically favors transnational corporations, denying justice to those affected by corporate crimes.

This case has generated great concern at the international level. If Ecuador does not appeal, it will set a precedent that will allow transnational corporations to violate human rights and the collective rights of Indigenous Peoples, and destroy the environment, with impunity.

The "Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity" joins the call of near 230 social, indigenous, peasant organizations, networks and unions from different countries, representing more than 285 million people, for Ecuador to appeal the judgment in the Dutch justice system before December 16, 2020. The Ecuadorian government must keep the door open to justice for the indigenous and peasant communities of the Amazon, after decades of struggle for the common good.

Call to the government: <https://www.stopcorporateimpunity.org/chevron-case-open-letter-to-the-president-of-ecuador/>

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More information: <https://www.stopcorporateimpunity.org/chevron-and-corporate-impunity/>

Attn: Mr. Lenin Moreno
President of Ecuador

Cc. Mr. Iñigo Salvador
Attorney General of Ecuador

Cc. Mr. Luis Gallegos
Chancellor of Ecuador

In defence of the rights of indigenous and peasant communities against Chevron: Open letter to the President of Ecuador

11th December 2020

On December 16, 2020, the deadline expires for the Ecuadorian State to reject or accept a Dutch court ruling, related to the action for annulment of the arbitration award issued by an international private panel based in the Netherlands in favour of Chevron, which orders Ecuador to: rescind the ruling ratified by all judicial instances in Ecuador, and prevent the indigenous and peasant communities affected by Chevron's oil operations from executing the Ecuadorian ruling in order to seek reparations for damages in the Ecuadorian Amazon.

If the Ecuadorian State accepts the Dutch ruling, it should compensate Chevron with a multi-million dollar sum, for the "damages caused to its image and the costs of the years of lawsuits against it." It should also intercede before other courts to prevent the plaintiffs of Chevron Texaco from filing lawsuits against it in other countries. If the attorney general of Ecuador does not appeal this decision, the arbitration award in favour of Chevron will be upheld, despite the fact that in May 2019, more than 260 organizations and social networks representing more than 280 million members on five continents had [denounced this decision](#) as illegal and unconstitutional. This verdict would terminate the hope for justice of those affected, and consolidate the [ISDS](#) system (Investor-state dispute settlement), undermining the rule of law.

Twenty-seven years ago, the communities living in the provinces of Orellana and Sucumbíos, initiated a process against the oil transnational Texaco (now Chevron) for the cultural, health and environmental damages that the transnational caused while operating in Ecuador. After a long trial, the Ecuadorian justice system ruled in favour of the inhabitants of the Amazon, represented by the Union of People Affected by Texaco's Oil Operations (UDAPT). Chevron has resorted to all kinds of manoeuvres inside and outside Ecuador to evade its responsibility. The most recent was the appeal for annulment that Ecuador brought before the Dutch justice system, in which the action for annulment was denied, in the first instance. Ecuador has the right to appeal this decision and even go to the Dutch Supreme Court. UDAPT submitted a letter to the [prosecutor general](#) to this effect. However, the government of Ecuador has not yet shown any intention of appealing.

If the government of Ecuador submits to the orders of the arbitration court and the Dutch justice, its decision would have serious and dire consequences. In the first place, it would legally annihilate the struggle of more than 30,000 Amazonian inhabitants to obtain justice. The much-discussed tribunal is asking that future claims against the oil company be presented "on an individual basis" which presents insurmountable obstacles for individual affected people. We can be sure that this decision would mean

those affected by Chevron will never obtain justice. In the second place, failing to appeal the Dutch ruling implies that the government of Ecuador is ceding its sovereignty as a state, in favour of a private international justice system, which would flagrantly violate the Constitution of Ecuador.

If the Dutch court's sentence is not appealed before December 16, the Ecuadorian government will be serving to protect Texaco's interests, reinforcing the impunity of corporations, and facilitating increased pressure and threats on the plaintiffs, which has already been a problem for years. As for the Dutch Court, it must be stressed that if it does not change its attitude, it will become complicit in the violation of the human rights of indigenous peoples, and in the [strengthening of corporate impunity through an arbitration award](#) implying that another state should violate its own constitution. This decision is unenforceable in Ecuador.

President Lenin Moreno, there is still time for your government to reject the Dutch court's ruling and file an appeal. At the end of this year, you and your government have in your hands the possibility to bring justice to the affected indigenous and peasant communities of Texaco, and to protect the sovereignty of Ecuador. We urge you to appeal the Dutch ruling which would set a dangerous precedent for corporate impunity worldwide, and not to close the door to the hope of Ecuadorian communities in their long battle for justice and reparation.

Endorsements

International Level

Asociación Internacional de Juristas Demócratas
FIAN Internacional
FOEI - Friends of the Earth International
Global Atlas of Environmental conflicts EJATLAS
Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity.
Global Forest Coalition
ICID - Iniciativas de Cooperación Internacional para el Desarrollo
FIDH - International Federation for Human Rights
La Via Campesina
Oilwatch International

Regional level

AAJ Associação Americana de Juristas
Amigos de la Tierra América Latina y el Caribe -ATALC.
Asociación Americana de Juristas
CADTM - AYNA -Comité para la Abolición de las Deudas Ilegítimas - Abya Yala/Nuestra América
COICA - Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica

CSA - Confederación Sindical de trabajadoras/es de las Américas
OCMAL - Conflictos Mineros de América Latina
ECCHR - European Center for Constitutional and Human Rights
European Alliance for the Self-Determination of Indigenous Peoples.
ECVC - European Coordination La Via Campesina
EEB - European Environmental Bureau
PSI Americas - Internacional de Servicios Públicos Américas
North American Indian Center of Boston
Oilwatch Africa

Argentina

Acción por la diversidad
Amigos de la Tierra Argentina
Asociación Argentina de Abogados ambientalistas
Asociación Civil Árbol de Pie, Bariloche, Río Negro, República Argentina
ATTAC Argentina
Aukan Asamblea Ambiental del Sur
CADTM
CTA Autónoma - Central de Trabajadores de la Argentina Autónoma- sección Capital Federal

CLATE Confederación Latinoamericana y del Caribe de trabajadores estatales1
Confederación Mapuce de Neuquén
Corriente Nacional Emancipación Sur
Diálogo 2000
EJES - Enlace Por la Justicia Económica y Socioambiental
FARN - Fundación Ambiente y Recursos Naturales
Fundación ECOSUR, Ecología, Cultura y Educación desde los Pueblos del Sur.
Fundación La Hendija de Prana, Unidad de Vinculación Ecologista
Madres de Plaza de Mayo-Línea Fundadora
Marabunta, Corriente Social y Política
Movimiento popular / Revolucionario
Multisectorial Antiextractivista
Multisectorial contra la Hidrofractura en Neuquén
OPSUR- Observatorio Petrolero Sur
Secretaria de Derechos Humanos de la Central de Trabajadores de la Argentina Autónoma - Seccional Capital Federal
SERPAJ - Servicio Paz y Justicia

Austria

Attac Austria

Bélgium

11.11.11- Umbrella organization of the Flemish North South Movement
Comité pour le respect des Droits Humains « Daniel GILLARD »

Bolivia

Terra Justa

Brasil

Amigos da Terra Brasil
HOMA - Centro de Derechos Humanos y Empresas
PACS - Instituto Políticas Alternativas para o Cono Sul
MAB - Movimento dos Atingidos por Barragens

Canada

Blue Planet Project
Centre international de solidarité ouvrière (CISO)
Christian Peacemaker Teams

Comité pour les Droits Humains en Amérique Latine (CDHAL)
Council of Canadians
Inter Pares
KAIROS: Canadian Ecumenical Justice Initiatives
MiningWatch
Nobel Women's Initiative
United Steelworkers

Colombia

Corporación Ecológica y Cultural Penca de Sábila
Red Vida

Costa Rica

COECOCEIBA Amigos de la Tierra

Czech Republic

Ekumenická akademie

Ecuador

Acción Ecológica
CASCOMI Centro de derechos humanos y Monte
Centro de Derechos Económicos y Sociales - C D E S
Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)
Comisión Ecuménica de derechos humanos
Comité Permanente por la Defensa de los Derechos Humanos, CDH
CONAIE Confederación de Nacionalidades Indígenas del Ecuador
CONFENAIE Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana
Coordinadora Ecuatoriana de Organizaciones para la Defensa de la Naturaleza y el Medio Ambiente CEDENMA.
Ecuador Decide Mejor Sin TLC
FIAN
Fundación Pachamama

El Salvador

Unión Palestina de América Latina
CESTA Amigos de la Tierra El Salvador

Eslovenia

Focuns Association for Sustainable Development

Germany

Attac Germany
Center for Research and
Documentation Chile-Latin America-
FDCL (Berlin)
GegenStroemung – CounterCurrent
Netzwerk Gerechter Welthandel
Oficina Ecuménica por la Paz y la
Justicia e.V.
The Hunger Project-Germany
Werkstatt Ökonomie

Philippines

WomenHealth

Finland

Emmaus Aurinkotehdas ry
New Wind Association

France

ActionAid France
Aitec (Association internationale de
techniciens, experts et chercheurs)
Alota Tuvalu
Amis de la Terre
Attac France
CADTM France
CCFD-Terre Solidaire
Comité Pauvreté et Politique
Confédération paysanne
Coordination EAU Ile de France
FAL France Amérique latine
France Libertés - Fondation Danielle
Mitterrand
Frantz Fanon Foundation
Mouvement contre le racisme et pour
l'amitié des peuples MRAP
Notre Affaire à Tous
Réseau Roosevelt-IDF
Sherpa
Union syndicale Solidaires

Haití

Tét Kole ti peyizian Ayisyen

India

Anti-Jindal & Anti-POSCO Movement,
Odisha

Ireland

LASC- Latin America Solidarity Centre

Italy

CAMILLIAN DISASTER SERVICE
INTERNATIONAL (CADIS)
CDCA - Centro di Documentazione sui
Conflitti Ambientali
CEFA Comitato Europeo per la
Formazione e l'Agricoltura Onlus
Engim Internazionale
FOCSIV - Federation Christian Italian
NGOs
Fundaciòn Don Carlo Gnocchi,
Opere Sociali Marelliane OdV
COMI - Cooperazione per il mondo in
via di sviluppo

Luxemburg

ASTM - Action Solidarité Tiers Monde

México

Usuarios del Agua de Saltillo AUAS,
A.C.

Mozambique

Amizade

Nigeria

Eco-Defenders Network
ERA Friends of Earth Nigeria
HOMEF
Oilwatch
Peace Point Development Foundation,
Nigeria

The Netherlands

Bothends
Code Rood
Den Haag Fossielvrij
Friends of the Earth Netherlands
Klimaatmoeders
MetaMeta
Reclame Fossielvrij
Store Vrouw
The Water Channel
TNI Transnational Institute

Palestine

Al-Amal Association for Childhood and
Development
Association for Farmers' Rights and for
the Preservation of the environment
Association Jadayel / Palestinian
Center for Culture, Arts and creativity
Jadayel Foundation
N'lin Society for Development and
Community Work
Palestine Youth Forum

BNC - Palestinian BDS National Committee
Palestinian Farmers Society-Tulkarem
Palestinian Farmers Union
Stop The Wall - Palestinian grassroots
Anti-Apartheid Wall Campaign
Palestinian Land Defense Coalition
Palestinian New Federation of Trade Unions (New Unions)
Popular Council to Protect the Jordan Valley
Women Center for Social Development

Peru

Derechos humanos sin fronteras
Derechos Humanos Sin Fronteras es del Perú, región del Cusco.
CooperAcción

Poland

IGO - Institute of global Responsibility

Portugal

Plataforma por um Comercio Internacional Justo

Democratic Republic of Congo

COPACOPRP/ASBL

Spanish State

Asamblea Provincial Marchas de dignidad
Asociación ELITE Taxis
Associació Perifèries del món
Attac España
CADTM España
Campanya Catalunya No als Tractats de Comerç i Inversió
CCOO - Confederación Sindical de Comisiones Obreras
Coordinadora de ONGD del Principado de Asturias
Ecologistas en Acción
Ecologistes en Acció de Catalunya
Enginyeria Sense Fronteres
Entrepueblos/Entrepobles/Entrepobos/Herriarte
Esquerra Unida Alicant
Federació d'Ecologistes en Acció Catalunya
Federación Provincial de la Confederación General del Trabajo en Alicante,
Fundación APY
Medicus mundi España

Novact - Instituto Internacional para la Acción Noviolenta
Observatorio de Multinacionales en América Latina - Paz con Dignidad
Penedès Amb Palestina
SETEM catalunya
SOC-SAT Andalucía
SOLdePaz.Pachakuti
Tradener - Transición Democrática del Modelo Energético

Sweden

Afrikagrupperna
End Ecocide Sweden
Friends of Earth Sweden
SAL - Solidaridad Suecia -América Latina

Switzerland

Centrale sanitaire suisse romande
Centre Europe-Tiers Monde CETIM
Collectif Breakfree
Coordination Climat Justice Sociale (Genève)
Grands parents pour climat
Incomindios
Klima-Allianz
MultiWatch
Society for Threatened Peoples
Solifonds

UK

Coal Action Network
Corporate responsibility coalition
CORE
Eco Nexus
Global Justice Now
Global Justice Now
Global Witness
IndiaMatters
London Mining Network
People & Planet
The Corner House
War on Want

United States

Amazon Watch
Corporate Accountability
Crude Accountability
Earth Action
Grassroots Global Justice Alliance
Media Alliance

Michigan Welfare Rights Organization
National Welfare Rights Union
No Business With Genocide
Oxfam
RAN Rainforest Action Network
Resist the Pipeline
Sustainable Obtainable Solutions
Task Force on the Americas

Uruguay

Gender and Trade Network
REDES-Amigos de la Tierra

