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 240 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 more than 240 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.

Link to the letter: https://www.stopcorporateimpunity.org/chevron-case-open-letter-to-the-president-of-ecuador/
(see also in Annex)

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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 Sucumbios, 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 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
CADTM International
Corporate Accountability
FIAN International
FIDH – International Federation for Human Rights
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
La Via Campesina
Oilwatch International
PSI- Public Services International
TNI – Transnational Institute

Regional level

Asociación Americana de Juristas
Amigos de la Tierra América Latina y el Caribe -ATALC.
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
ECCHR – European Center for Constitutional and Human Rights
ECVC – European Coordination La Via Campesina
EEB – European Environmental Bureau
European Alliance for the Self-Determination of Indigenous Peoples.
North American Indian Center of Boston
OCMAL – Observatorio de Conflictos Mineros de América Latina
Oilwatch Africa
Platform of Filipino Migrant Organisations in Europe
PSI Americas – Internacional de Servicios Públicos Américas
Rights Action
TMP-E – Transnational Migrant Platform-Europe

Argentina
Adolfo Pérez Esquivel, Premio Nobel de la Paz
Nora Cortiñas, Mirta Baravalle y Elia Espen, Madres de Plaza de Mayo-Línea Fundadora
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
CLATE Confederación Latinoamericana y del Caribe de trabajadores estatales
Confederación Mapuce de Neuquén
Corriente Nacional Emancipación Sur
CTA Autónoma – Central de Trabajadores de la Argentina
Autónoma- sección Capital Federal
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-Linea Fundadora
Marabunta, Corriente Social y Política
Movimiento popular / Revolucionario Multisectorial Antieextractivista
Multisectorial contra la Hidrofractura en Neuquén
OPSUR- Observatorio Petrolero Sur
Secretaría de Derechos Humanos de la Central de Trabajadores de la Argentina
Autónoma – Seccional Capital Federal
SERPAJ – Servicio Paz y Justicia

Austria
Attac Austria

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

Bolivia
Terra Justa

Bosnia y Herzegovina
Friends of Earth Bosnia y Herzegovina

Brazil
Amigos da Terra Brasil
HOMA – Centro de Derechos Humanos y Empresas
MAB – Movimiento dos Atingidos por Barragens
PACS – Instituto Políticas Alternativas para o Cono Sur

Canada
Blue Planet Project
CDHAL- Comité pour les Droits Humains en Amérique Latine
Christian Peacemaker Teams
CISO - Centre international de solidarité ouvrière
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 Costa Rica

Czech Republic
Ekumenická akademie

Democratic Republic of Congo
COPACO-PRP- Confédération Paysanne du Congo-Principal
Regroupement des Paysans

Ecuador
Acción Ecológica
CD ES - Centro de Derechos Económicos y Sociales
CASCOMI Centro de derechos humanos y Monte
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.
CSMM - Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.”
Ecuador Decide Mejor Sin TLC
FIAN Ecuador
Fundación Pachamama

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

Finland
Emmaus Aurinkotehdas ry
New Wind Association

France
ActionAid France
Aitec (Association internationale de techniciens, experts et chercheurs)
Alofa Tuvalu
Amis de la Terre France
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

Germany
Attac Germany
Aluna Minga e.V.
Berliner Wassertisch
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.
Ökumenisches Büro für Frieden und Gerechtigkeit e.V. (Oficina Ecuménica para la Paz y la Justicia)
The Hunger Project-Germany
Werkstatt Ökonomie

Haití
Tét Kole ti peyizian Ayisyen
University of Resistance
KruHA- People’s coalition for the right of water

India
Anti-Jindal & Anti-POSCO Movement, Odisha

Ireland
LASC- Latin America Solidarity Centre

Italy
CADIS- Camillian Disaster Service International
CDCA – Centro di Documentazione sui Conflitti Ambientali
CEFA -Comitato Europeo per la Formazione e l’Agricoltura Onlus
COMI – Cooperazione per il mondo in via di sviluppo
Ecconi
Engim Internazionale
FOCSIV – Federation Christian Italian NGOs
Fundaciòn Don Carlo Gnocchi, OdV Opere Sociali Marelliane OdV

Luxembourg
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 Health of Mother Earth Foundation
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

Palestine
Al Haq
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
BNC – Palestinian BDS National Committee
Jadayel Foundation
N’lin Society for Development and Community Work
Palestine Youth Forum
Palestinian Farmers Society-Tulkarem
Palestinian Farmers Union
Palestinian Land Defense Coalition
Palestinian New Federation of Trade Unions (New Unions)
Popular Council to Protect the Jordan Valley
Stop The Wall – Palestinian grassroots
Anti-Apartheid Wall Campaign
Women Center for Social Development

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

Philippines
WomanHealth

Poland
IGO – Institute of global Responsibility

Portugal
Plataforma por um Comercio Internacional Justo

Spain
Asamleba Provincai Marchas de dignidad
Asociación ELITE Taxis
Asociació Perifèries del món
Attac España
CADTM España
Campanya Catalunya No als Tractats de Comerç i Inversió
CCOO – Confederación Sindical de Comisiones Obreras
Coordinadora de ONG para el Desarrollo-España
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
Plataforma contra la pobreza, la exclusión y la desigualdad social en Alicante
SETEM catalunya
Sindicato ELA
Sindicato UGT España
SOC-SAT Andalucía
SOLdePaz.Pachakuti
Tradener – Transición Democrática del Modelo Energético

Slovenia
Focuns Association for Sustainable
Development

Sweden
Afrikagrupperna
End Ecocide Sweden
FIAN 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 Witness
IndiaMatters
London Mining Network
People & Planet
The Corner House
War on Want

United States
Amazon Watch
Center for Constitutional Rights
Crude Accountability
Earth Action
Grassroots Global Justice Alliance
Institute for Justice and Democracy in Haiti
IPS – Global Economy Program
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 Uruguay