

# **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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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  
Minister of Foreign Affairs of Ecuador

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

11<sup>th</sup> 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  
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-Línea  
Fundadora  
Marabunta, Corriente Social y Política  
Movimiento popular / Revolucionario  
Multisectorial Antiextractivista  
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

#### **Basque Country**

LAB Sindikatua

Tradener – Transición Democrática del  
Modelo Energético

#### **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 – Movimento dos Atingidos por  
Barragens  
PACS – Instituto Políticas Alternativas  
para o Cono Sul

#### **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**

COECOeiba 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  
C D E S – 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)  
GegenStrom – CounterCurrent  
Netzwerk Gerechter Welthandel

Oficina Ecuánica por la Paz y la Justicia e.V.  
Ökumenisches Büro für Frieden und Gerechtigkeit e.V. (Oficina Ecuánica 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  
Eccomi  
Engim Internazionale  
FOCSIV – Federation Christian Italian NGOs  
Fundazione 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.

## **Philipines**

WomanHealth

## **Poland**

IGO – Institute of global Responsibility

## **Portugal**

Plataforma por um Comercio Internacional Justo

## **Spain**

Asamblea Provincail 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 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 Multinationales 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

## **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

