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
- 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-
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
KAIROS: Canadian Ecumenical Justice Initiatives
NobelWatch
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 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

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Comité Permanente por la Defensa de los Derechos Humanos, CDH
CONAIE Confederación de Nacionalidades Indígenas del Ecuador
Den Haag Fossielvrij
Friends of the Earth Netherlands
Klimaatmoeders
MetaMeta
Reclame Fossielvrij
Store Vrouw
The Water Vrouw

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
Asamblae Provincail Marchas de dignidad
Asociación ELITE Taxis
Asociació Perifèries del món
Attac España
CADTM España

Campanya Catalunya No als Tractats de Comerç i Inversió
CCOO – Confederação Sindical de Comisiones Obreras
Coordinadora de ONG para el Desarrollo-España
Coordinadora de ONGD del Principado de Asturias
Ecologistes en Acción
Ecologistes en Acció de Catalunya
Enginyeria Sense Fronteres
Entrepueblos/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

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