

Global Campaign to Claim People's Sovereignty, Dismantle Corporate Power and End Impunity*

CHEVRON CASE: OPEN LETTER TO THE GOVERNMENT OF ECUADOR

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CIVIL SOCIETY ORGANISATIONS CALL UPON ECUADOR TO APPEAL BEFORE THE SUPREME COURT OF THE NETHERLANDS

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On December 11, 2020, many organizations and networks that fight for the respect of human rights, Nature, and access to justice, have requested the government of Ecuador to carry out an adequate defense before the Dutch judicial system, to obtain the nullity of the arbitration award that threatens the human rights of more than 30,000 persons, peasants and indigenous of six Amazonian peoples. More than 260 organizations and collectives, representing more than 280 million people, have signed this [petition](#). As we know, on June 28, 2022, the Dutch court of appeal rejected in second instance Ecuador's appeal to set aside the arbitration award in favor of Chevron. This award demands in particular the Ecuadorian State pay a multimillion-dollar compensation to Chevron and prevent the enforcement of the Lago Agrio judgment, in which the oil company was condemned to pay more than 9.5 billion USD to repair the environmental, social, and cultural damage caused by its oil operations in the Ecuadorian Amazon. This judgment has been ratified by all judicial instances in Ecuador.

Although, to our knowledge, September 28, 2022, is the deadline to file an appeal before the Supreme Court of the Netherlands. The UDAPT (Union of those affected by Chevron's oil operations) and the plaintiffs have not been informed whether the Ecuadorian government intends to appeal the decision before the Supreme Court of the Netherlands. This week Ecuadorian organizations and social networks (CONAIE, CONFENAIE, COICA, CDES, INREDH, FIAN-Ecuador, Amazonwatch, UDAPT) have asked Ecuador to present this appeal. (see letter [here](#))

This case is of great concern to social collectives, women, indigenous peoples, youth, defenders of nature, peasants, and human rights defenders, among others around the world. Our concern lies in the serious precedent that would be generated by allowing an arbitration award based on a Bilateral Investment Treaty (BIT) to have supremacy over a Constitutional sentence of a state, which protects the basic rights of more than 30,000 people. Additionally, we view with great concern the actions of the Government of Ecuador. Ecuador is chairing the working group, process for the construction and approval of the [Binding Treaty](#), in compliance with resolution 26/9 of the United Nations Human Rights Council on transnational corporations and human rights, intending to put an end to corporate impunity of transnational corporations such as Chevron, which commit serious human

rights violations in the world.

We recall that the Ecuadorian State has the obligation to protect its citizens and Nature, and to guarantee effective access to justice. It must be understood that the execution of a sentence is part of the access to justice. To prevent the enforcement of a judgment is to violate that right. The arbitration award is contrary to the Ecuadorian constitution and violates the separation of powers. The Lago Agrio judgment found Chevron guilty and condemned Chevron Corp. to pay reparations for the damage caused. Additionally, Ecuador has signed several international human rights instruments, such as the American Convention on Human Rights which stipulates in particular in Chapter I, article 25 on The Right to Judicial Protection that « *Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties* » and the Universal Declaration of Human Rights. " which stipulates in Article 8 "*Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.* »

In this perspective, we urge you not to interfere in the private lawsuit between those affected by the oil operations in the Ecuadorian Amazon and Chevron and to fulfill your duty to guarantee access to justice to your citizens and legal certainty, in particular :

- to introduce the appeal before the Supreme Court of Justice of the Netherlands, before September 28 based on an adequate defense, in accordance with Ecuadorian constitutional law, treaties, and other international legal instruments on human rights, environmental rights, and the rights of indigenous peoples.
- to respect the Ecuadorian judgment to repair the damages caused by Chevron's oil operations and not to intervene in foreign courts in order to impede the enforcement actions (exequatur) of the plaintiffs of the Lago Agrio Case.
- to inform in a timely, adequate, sufficient, and transparent manner the signatories of this letter, and in particular the affected people organized in the UDAPT, so that they can defend themselves against any threat to their rights.

We urge you to appeal the Dutch ruling in order not to set a precedent in favor of corporate impunity in the world and to guarantee effective access for Ecuadorian communities in their long battle for justice and reparation in the Amazon.

* **The *Global Campaign*** is a worldwide network of over 250 social movements, civil society organisations, trade unions and communities.

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