

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  
Corporate Accountability  
FIAN International  
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  
TNI – Transnational Institute

### Regional level

AAJ Associação Americana de Juristas Amigos de la Tierra América Latina y el Caribe -ATALC.  
Asociación Americana de Juristas  
CADTM - AYNÁ -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  
TMP-E – Transnational Migrant Platform-Europe  
Platform of Filipino Migrant Organisations in Europe

### 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 estatales<sup>1</sup>

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

Secretaría de Derechos Humanos de la  
Central de Trabajadores de la

Argentina Autónoma - Seccional Capital  
Federal

SERPJA - 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

### **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

### **Democratic Republic of Congo**

COPACOPRP/ASBL

### **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

### **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

### **Germany**

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

### **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  
Fundación 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

### **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

#### **Philippines**

WomenHealth

#### **Poland**

IGO - Institute of global Responsibility

#### **Portugal**

Plataforma por um Comercio Internacional Justo

#### **Spanish State**

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 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

#### **Slovenia**

Focuns Association for Sustainable Development

#### **Sweden**

Afrikagrupperna  
End Ecocide Sweden  
Friends of Earth Sweden  
FIAN 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  
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 Uruguay

