

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

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-

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

COECO Ceiba 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)

GegenStromung – 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

Fundación 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