



Lago Agrio, November 09<sup>th</sup>, 2023

### Litigation Case Aguinda vs Chevron

#### 30 YEARS OF RESISTANCE OF INDIGENOUS PEOPLES AND MESTIZOS AGAINST TRANSNATIONALS AND SERVILE GOVERNMENTS

In 1993 and 25 years before, it was normal to see in Sucumbíos and Orellana, oil waste piled up in the open air in holes the size of Olympic swimming pools, or to observe how the oil industry - Texaco dumped stinking water (formation water) and oil into the forest, rivers, and estuaries.

It was normal to walk through streets smeared with petroleum oil and to witness black, oily rainwater, a product of these “normalities” and of the more than 350 burners that expelled gas loaded with chemicals harmful to human health into the environment on a permanent basis.

It was normal, it was the strategy of the oil company TEXACO to minimize costs and maximize profits, and for the servile officials in office, to receive their cut, perhaps until today, 30 years after the lawsuit filed by indigenous and mestizo peasants before the powerful transnational Texaco, now Chevron.

This “normality” produced the biggest environmental crime in the Amazon Forest, with hundreds of thousands of contaminated hectares, displaced and marginalized peoples, some of them disappeared, forced acculturation, paternalistic and corrupt practices, affected human health, to such an extent that the provinces of Sucumbíos and Orellana have more cases of cancer than the national average and lack oncological care services.

Neither Chevron, nor the successive governments in office: Sixto, Febres Cordero, Mahuad and others, not worth mentioning, thought that the lawsuit would have a future, for that reason and because it was easier for Texaco to corrupt the justice system in Ecuador, the subsequent trial was transferred to Ecuador.

However, the evidence of the crime resulted in a favorable ruling for the plaintiffs. Evidence that lasts in time until today, 2023.

30 years later, the oil company Texaco - Chevron, does all the legal tricks to not comply with the sentence and rather demands compensation to the Ecuadorian state, in a demonstration of its power. The power of transnationals and governments of the countries where these transnationals come from, with the United States at their headend, to build rules, institutional arrangements at the international level, to ensure their impunity, their interests, their profits, to always win against weak and corrupt governments. It does not matter if they have to go over the lives, human and collective rights of peoples and communities. It does not matter. They impose their status quo, while their spokespersons and media are calling for “democracy”.

We quickly demonstrate how this oil company and the servile governments in power have tried to twist justice, to eliminate the Aguinda vs Chevron judgment.

- **Constitutional Court:** Between January and June 2018, we went to the Constitutional Court to demand that the judges resolve the case according to the rule of law. The Government of the United States and Chevron pressured the Government of Ecuador for the judges to rule in favor of the oil company. In September 2017, the Minister of Foreign Trade, Pablo Campana, announced that he would meet with

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Chevron to seek a negotiated and definitive solution to the litigation.  
<https://www.elcomercio.com/actualidad/ecuador-busca-dialogo-fmi-chevron.html>

- On June 27, 2018, the Constitutional Court settled the case, it ruled justice!
- The Vice President of the United States spoke of 3 irritating cases, which were a problem in the commercial and economic relations between Ecuador and the United States. One of these three cases was the Chevron case. <https://www.planv.com.ec/historias/politica/guinos-entre-ecuador-y-estados-unidos>
- **Chevron III Arbitration Award** - On August 30, 2018, an arbitration panel issued its award in the Chevron III case, however, the Ecuadorian State and Chevron kept the contents of the award secret until September 7, 2018. Previously on September 6, the executive announced in a press conference, through its Secretary General, Eduardo Jurado, that the State supposedly had lost the arbitration award. <https://www.eltiempo.com.ec/noticias/ecuador/4/ecuador-solicita-derecho-repeticion-contra-correa-pierde-fallo-chevron>  
<https://www.ecuavisa.com/articulo/noticias/noticias-viernes/414416-ejecutivo-advierde-posible-fallo-contra-ecuador-litigio>

The Attorney General's Office complements the plan and publishes the award, in which the arbitrators rule in favor of Chevron and condemn Ecuador to: 1. Implement all actions to annul the judgement against Chevron. 2. To implement all necessary actions to prevent us from executing the judgment. 3. That we could initiate new actions individually. 4. That the state must pay Chevron the judicial costs and the moral damage caused. <http://www.teleamazonas.com/2018/09/tribunal-de-la-haya-falla-a-favor-de-chevron/>

It is not stated that this award is due to the breach of an investment protection treaty - BIT, signed between the US and Ecuador, years after the oil exploitation and presence of Texaco in Ecuador.

- **STATE AGREEMENT WITH THE IMF:** In February 2019, the Ecuadorian State reached a financial agreement with the International Monetary Fund. The IMF would lend the State 4.2 billion dollars requiring a series of measures that the State should implement to continue receiving credits. The most concerning aspect of this agreement is that in the memorandum No. MEF-SFP-2019-0036 dated March 9, 2019, in clause 4.1 that talks about the use of the money, it is established that part of the money will be used for the payment of arbitration awards. Ecuador needs to pay those awards to receive international credit.  
<https://dolarizacionec.files.wordpress.com/2019/09/memorando-mef-sfp-2019-0036-1.pdf>

## CONCLUSIONS

1. It is clear to us that we won the litigation in Ecuador. The favorable ruling in the Constitutional Court is not subject to appeal. There is no legal rule in force that can be used to try to annul the judgment.
2. Chevron put pressure on the Government of Ecuador through the IMF to try to annul the judgment or, in turn, to destroy the organization that is fighting in this case. Only this way it can be understood why the agreement stipulates that part of the funds from the IMF loan should be destined to pay arbitration awards.

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3. The struggle today is not only against Chevron, but also against the Government of Ecuador.

Neither the arrogance of the Chevron company, nor the double standards and double discourse of the governments of the global North, with the U.S. at their headend, and even worse the corrupt and sell-out practices of the governments in power in Ecuador, will bend the will and firmness of the plaintiff peoples.

Because a new order among nations, a development within the framework of respect for human rights and nature is possible. We work so that sooner rather than later a BINDING TREATY that puts an end to the impunity and death caused by transnational corporations in the Global South will protect us all.

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