

Brussels, 16th November 2018

Lic. Lenín Moreno Garcés
President of the Republic of Ecuador

Dr. Salvador Iñigo
Attorney-general of the State of Ecuador

Honourable Mr. President,

The signatories of this letter, as Members of the European Parliament, would like to express our deep concern regarding the obstacles to access to justice that the communities affected by the crimes of Chevron-Texaco in the Ecuadorian Amazonas are undergoing.

As you are aware, the Chevron-Texaco case has become a reference for all those who defended the rights of people and the environment against violations committed by transnational corporations worldwide. The experience of the affected communities, pledging under the UDAPT, has highlighted the need to ensure that the state of law and the judiciary are able to respond to the expectations of those whose human and environmental rights are violated, regardless of the violation being committed by a natural or a juridical person. It is regrettable indeed that in spite of the multiple favourable rulings by Ecuadorian courts, the victims have not yet obtained reparation.

Since 2011, the Ecuadorian judiciary has ruled against Chevron Corporation (formerly Texaco) in several instances, including the ruling of the Constitutional Court published on the 10th July of 2018. By doing so, it has given the World and example of sovereignty, independence, and commitment with human rights.

However, as you are also aware, the struggle for the effective respect of human rights does not require only the engagement of the judiciary, but also commitment and coherence of all the institutions and efficient international cooperation. We would like to express our concern about the fact that the above mentioned rulings against Chevron have not been executed, and consequently the victims of the corporate crime have not yet obtained any reparation, nor in Ecuadorian, or in any other country in which Chevron has assets.

We would like to express our deepest concern about the award of the arbitration panel known as Chevron III, which strengthens Chevron's impunity and questions the probity of the Ecuadorian judiciary system and the integrity of the Ecuadorian democracy itself.

Consequently, with regard to the serious accusations against Ecuador expressed in the above mentioned award, we would like to express our confidence that the Ecuadorian government will not recognise the legitimacy of that decision and will activate all the available mechanisms in order to achieve the inapplicability of the decision. We are aware that the article 422 of the Ecuadorian Constitution rejects these kind of decisions by investor to state arbitration, since they damage national sovereignty. We are also aware of the fact that this decision in particular was tortious since it is based in an investment treaty which has been declared unconstitutional by Ecuador and consequently denounced in 2017

We would like to, finally, express our solidarity and support to the Ecuadorian Amazonas' communities who have suffered the consequences of the crimes committed by Chevron-Texaco and struggling to obtain a legitimate reparation.

Yours faithfully,

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