



THE CHEVRON CASE AGAINST CORPORATE IMPUNITY

The Texaco-Chevron case, promoted in Ecuador by **UDAPT (Union of People Affected by Texaco's operations)**, including more than 30,000 members) is an example of the structure of global impunity that benefits Transnational Corporations (TNCs) in the violation of Human Rights worldwide, particularly in impoverished countries. A 22-year trial, a verdict against the company at every level of Ecuador's justice system, and other processes in different countries have not been enough to compel the Chevron Corporation to pay compensation to the affected communities for the recovery of their area.

On the contrary, the TNC response has been the abuse of its political and economic power. The lack of international legally binding instruments to prosecute transnational corporations, for their legal, illegal and unethical actions has prevented access to justice for the affected communities. Chevron and other TNCs'

human rights violations worldwide are and will be possible while there is no adequate international justice system that enables Peoples' proper and impartial access to justice, on an equal footing with TNCs, where Human Rights prevail over global corporate law. Meanwhile, the 30,000 people affected continue to suffer serious health impacts, with the highest rates of childhood leukemia in Ecuador. Cancer deaths are 130% more frequent and the mortality risk is 260% higher than in other parts of Ecuador. Cancer accounts for 32% of total deaths, 3 times more than the national average. Spontaneous miscarriages (150% more frequent than in other areas), high rates of morbidity, dermatitis, skin problems, respiratory, kidney, liver and digestive troubles are more common in this area. All this because, on the ground, the more than 880 pits filled with oil by Texaco remain; because the rivers' sediments have been filled with hydrocarbons and oil spills for more than 40 years and have not been adequately remedied. The fallout from the crime continues.

DAMAGE IN FIGURES

This is the world's largest environmental justice case. More than **235,000 pages** of information have been accumulated, **80,000 chemical analyses** were performed; a legal process of more than **22 years**.

The Court has confirmed the existence of **880 pits** (similar in size to an Olympic swimming pools, 50 by 25 meters by two meters deep), each filled with solid waste.

Chevron emptied **60 billion gallons** of toxic water into streams, rivers and lakes in the region, plus **650 thousand barrels** of crude oil spilled in the jungle and pathways, covering more than **1,500 kilometers** of roads in the Amazon with oil.

Chevron employs more than **2,000 lawyers** to defend itself and attack the affected population. So far the oil company has spent more than **2 billion dollars** on its defense.

CHRONOLOGY OF THE VERDICT

On **November 3, 1993**, legal proceedings are initiated against Chevron (formerly Texaco), on behalf of the 30,000 people affected in the Ecuadorian Amazon, in a Court of the United States.

On **August 16 2002**, under pressure from the company, the Court of Appeals of New York sent the case to Ecuador. The plaintiffs decided to continue the action and on May 7 2003 it was submitted again to the Superior Court of Nueva Loja (Lago Agrio).

On **February 14 2011**, the first verdict was issued against Chevron, sentencing the TNC to pay USD9.5 billion for the repair of environmental damage, including cleaning of soils and water systems installation and implementation of health systems to the affected area, and recovery systems for indigenous traditional ways of life.

On **November 12th 2013**, the Civil and Commercial Board of the National Court of Justice (Supreme Court) unanimously ratified the sentence for the environmental, social and cultural damage caused by Chevron and its obligation to pay 9.5 USD billion.

On **September 4, 2015** the Supreme Court of Canada decided that the affected communities could sue Chevron in Canada to enforce the judgment. This sets a global precedent for access to environmental justice in a third country.

However Chevron refuses to pay. This is why affected people are forced to turn to foreign courts to demand that justice forces the oil company to pay for its crime. Today, the TNC litigates in the courts of Canada, Brazil and Argentina. Additionally, as an attempt to curb these legal abuses, the affected people have appealed to the International Criminal Court. To this day, despite the time elapsed, they have not found justice.



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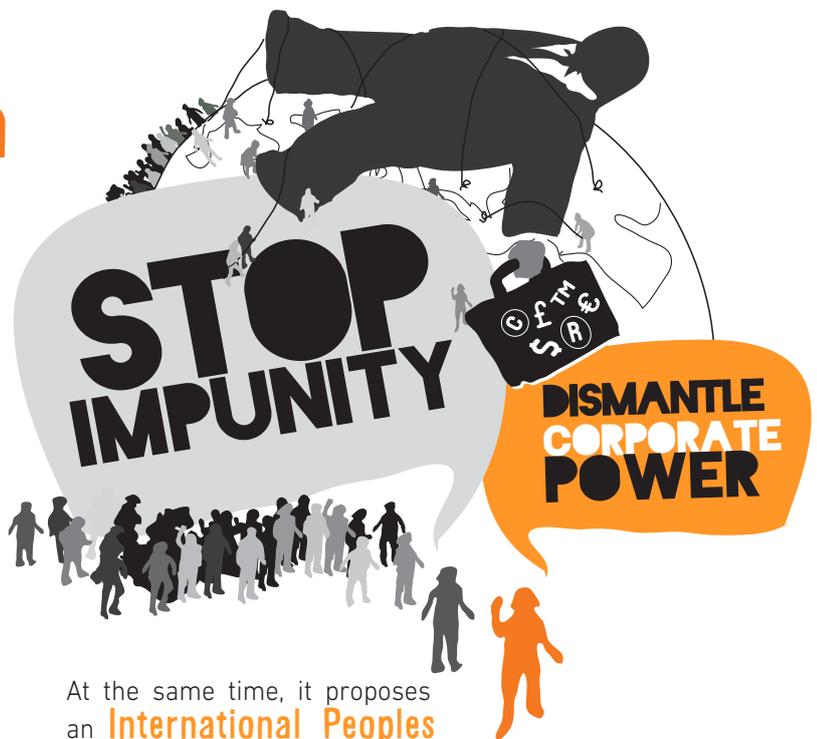
21st MAY, ANTI-CHEVRON DAY

UDAPT is an active member of the Global Campaign to Dismantle Corporate Power and Stop Impunity

The Global Campaign to Reclaim Peoples Sovereignty, Dismantle Corporate Power and Stop Impunity

(stopcorporateimpunity.org)

is a coalition of 200 social movements, networks, and organizations as well as campaigns against specific corporations or sectors from diverse regions and countries. It is a peoples global structural response to unaccountable corporate power, which provides facilitation for dialogue, strategizing, exchanging information and experiences, acting as a space for greater visibility and deepening of solidarity and support for struggles against Transnational Corporations (TNCs).



At the same time, it proposes an **International Peoples Treaty**, which provides a political framework to give visibility and support to international and national movements and communities in their resistances and practices of alternatives to corporate power. It also participates in the campaign for UN Binding legislation to regulate TNCs operations and stop corporate human rights violations. As such, it is a tool for strengthening resistance to TNCs locally, regionally and globally.

What is the International Peoples Treaty?

The International Peoples' Treaty is above all a political process and vision that emerges from the need to fight against the existing architecture of impunity (Free Trade Agreements, Investment Agreements and other instruments of neoliberal policy), and for the urgent demands for a binding legal instrument to stop corporate violations. Even though the term "Treaty," legally refers to an agreement signed by states, the Peoples Treaty vision is that the people, beyond states, are protagonists in making law and defends the notion of international law "from below." The International Peoples Treaty places the people as the paramount subjects, political actors and source of the laws and norms of a political, economic and legal system that challenges the current framework of extraordinary privileges and impunity operating for TNCs. It is from within this framework that the determination emerges to overcome the lack of political will and imagination of those saying that a binding Treaty on TNCs is impossible. While The Peoples Treaty represents a political vision from below, it is complementary to the intergovernmental binding instrument set to be negotiated by the UNHRC inter-governmental process.

Where are we at in 2016?

The Global Campaign strategy regarding the Peoples Treaty is in a new phase, in which it will strengthen the action at the regional, national and local level. It will also work on several proposals of practical application of the Peoples Treaty and develop a strategy to confront the current corporate capture of democracy through "multi-stakeholder" bodies that place corporations at the centre of governance. Finally, we will intensify the work and the mobilisation for the UN Binding Treaty.

Some of the key dates in our collective calendar of 2016

- * **9th-14th August**
World Social Forum (Montreal, Canada)
- * **16th-17th August**
First Hearing of the Southern Africa Permanent Peoples Tribunal (PPT) on Transnational Corporations (Swaziland)
- * **24th-28th October** Days of Mobilisations during the Second Session of the IGWG (Geneva, Switzerland)
- * **4th November** Global day of Action on the Trade and Investment Regime and TNCs impunity (tbc)
- * **5th November** First anniversary of the worst environmental disaster in Brazil caused by Vale/Samarco/BHP (Mariana, Brazil)
- * **7th-18th November** COP 22 (Marrakech, Morocco)

**RECLAIMING
PEOPLES
SOVEREIGNTY**

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