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Ethics Tribunal: Ecuador Violated Rights

Tribunal marked one-year anniversary of decision to drill Yasuní

Quito, Ecuador – On Friday the Rights of Nature Ethics Tribunal ruled that in the Ecuadorian government's ongoing push to drill Yasuní-ITT, one of the most biodiverse and culturally sensitive areas on the planet, the state violated several articles of its own constitution. Those include the rights of nature, the rights of indigenous communities living in voluntary isolation, the right to effective judicial protection and legal certainty, and the right to political participation.

The Tribunal is composed of environmental justice experts from Colombia, the Philippines, Canada, the United States, and Ecuador. It hears cases of alleged violations of the Universal Declaration of the Rights of Mother Earth, and, for Ecuadorian cases, of the Ecuadorian Constitution. One year ago Friday, Ecuadorian President Rafael Correa approved drilling of the ITT fields, effectively abandoning a previous proposal known as the Yasuní-ITT Initiative that sought to keep crude in the ground in exchange for international financial contributions.

The Tribunal ruled that by authorizing drilling in Yasuní National Park's ITT block and block 31, the government violated Article 57 of the Ecuadorian Constitution, which qualifies extractive activity in areas where there are communities living in voluntary isolation as ethnocide. The judges also ruled that by approving drilling in Yasuní, the government violated the much-publicized Rights of Nature clause.

After President Correa's decision to green-light drilling, thousands of youth organized under the name Yasunidos, mobilized to force a popular referendum on this issue. In the face of government repression, they collected over 750,000 signatures – 172,000 more than the required amount. However, in a process that was plagued with corruption, the National Electoral Commission proceeded to arbitrarily discard over half of the signatures, thus leaving Yasunidos with fewer than the required 584,000 names. An independent academic study confirmed that Yasunidos far surpassed the signature threshold. On Friday the Tribunal confirmed that by

arbitrarily discarding hundreds of thousands of signatures, the National Electoral Commission violated Ecuadorians' right to political participation.

Yasunidos is currently monitoring the activity of oil companies in Ecuador. This includes state oil company Petroamazonas' "top-notch technology" claimed to be of use in Yasuní's block 31. Petroamazonas intends to use similarly questionable equipment to drill in Yasuní-ITT. Minister of the Environment Lorena Tapia, is currently investigating the company for a massive oil spill in July of this year, but in May she gave Petroamazonas the green-light to drill in ITT and continues to remain silent about the road in block 31. The Ecuadorian Constitution defines operations in blocks 31 and ITT as "ethnocide" because they are home to Ecuador's last communities living in voluntary isolation.

In September of this year, representatives from Yasunidos will travel to the UN Climate Summit in New York City in order to participate in the People's Climate March, the largest climate action in world history, and to educate a global audience about the threat of oil drilling in the Ecuadorian Amazon. They will join forces with movements around the globe that are fighting to keep the oil in the ground.

A member of the upcoming Yasunidos delegation to New York, Leonardo Cerda, says that "Petroamazonas' record shows that its 'top-notch technology' is far from operating according to its own established standards of environmental quality and social responsibility. Transitioning away from a dependence on petroleum is an unquestionable duty to Ecuador's citizenry and its environment, as well as a concrete demonstration of sensitivity to the victims of 40 years of dirty oil operations in the Northern Ecuadorian Amazon."

The Tribunal, which held its inaugural session in January 2014, is a permanent platform for hearing and judging violations of the rights of nature from around the world.