

SARAYAKU INDIANS TO CONFRONT ECUADOR OVER OIL EXPLORATION AT INTER-AMERICAN HUMAN RIGHTS HEARING

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Washington, DC, March 24, 2005: In a case that could dramatically strengthen the property rights of indigenous peoples in Latin America, the Inter-American Commission on Human Rights (IACHR) has ordered the government of Ecuador to appear at a May 11 hearing to defend its policy of opening up Amazonian rainforest to foreign oil companies.

The case has been brought before the IACHR – a body of seven independent experts that works under the Organization of American States (OAS) – by the Sarayaku indigenous community in Ecuador, with assistance from the Center for Economic and Social Rights (CEDES) in Quito and the Center for Justice and International Law (CEJIL) in Washington DC.

According to Tara Melish, the CEJIL attorney representing the Sarayaku, a ruling against Ecuador by the Commission after the May 11 hearing would allow indigenous peoples throughout Latin America much greater control over the exploitation of “sub-soil resources,” which are considered to be the property of the government under most national legal systems.

“A favorable ruling (for the Sarayaku) would hold that governments cannot unilaterally grant concessions to oil companies to exploit natural resources such as oil, gas, mining or timber without the free and informed consent on the indigenous communities that occupy the land,” said Ms. Melish.

The case dates back to 1996, when the government of Ecuador sold an oil concession known as Block 23 to two Argentinean oil companies - Compania General de Combustibles (CGC) and San Jorge (subsequently purchased by Chevron). Block 23 covers almost 500,000 acres of Amazon rain forest, which is partly owned by the Sarayaku.

Anxious to prevent the destruction and pollution caused by other oil companies, notably Texaco, the Sarayaku appealed to the Inter-American Commission. The petition alleged that officials from the two companies and the Ecuadorian military had invaded ancestral lands without consultation, persecuted indigenous leaders, prevented access in and out of Sarayaku territory, and denied judicial protection and due process.

In May 2003, the IACHR issued several precautionary measures ordering Ecuador to protect the Sarayaku community. Ecuador's Minister of Energy and Mines, Mr. Eduardo Lopez, responded by stating that “the OAS does not give orders here.”

On July 6, 2004 the IACHR increased the pressure on the government by issuing provisional measures, which are legally binding. These called on the Government to “adopt, without delay,

all necessary measures to protect the life and personal integrity” of the Sarayaku, and to identify and punish those responsible for the harassment.

The Sarayaku then broke off the dialogue with the government in October 2004, after Minister Lopez provocatively declared that oil exploration was essential for Ecuador’s security and that only four Sarayaku families were opposed to continued exploitation. The Sarayaku took their lobbying to the CGC’s headquarters in Argentina, where they received support from relatives of the disappeared (the Mothers of the Plaza de Mayo) and Adolfo Perez Esquivel, the Nobel prize-winner.

The Sarayaku will also be asked to present arguments at the May 11 hearing in Washington, after which the Inter-American Commission will make another recommendation to the Inter-American Court. If this goes in favor of the Sarayaku, the Court would likely make a final ruling in 2006 requiring the government of Ecuador to seek the consent of the Sarayaku before any further oil exploration takes place.

Ms. Melish said that the government’s determination to “militarize” Sarayaku territory and allow oil companies to enter with or without the consent of the Sarayaku is a direct violation of international human rights law and “also the Constitution of Ecuador, which guarantees the collective rights of indigenous peoples to maintain ancestral possession of their lands and to be consulted about plans for exploration of non-renewable resources on their lands.”

The Advocacy Project profiled the work of CDES in 2001, and sent an intern from Georgetown University to work with CDES in 2004.

* For an October 2004 ruling by the Inter-American Commission on behalf of the Sarayaku visit <http://www.cidh.oas.org/annualrep/2004eng/Ecuador.167.03eng.htm>.

* The Center for Justice and International Law (CEJIL) advocates for the implementation of international human rights norms through the Inter-American system for the protection of Human Rights and other international protection mechanisms. Visit: <http://cejil.org/en>.

* For the weblogs of AP’s Christina Fetterhoff, who interned with CDES in 2004 visit <http://www.advocacynet.org/author/christina-fetterhoff/>

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