

TEXACO: PUSH COMES TO SHOVE

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Quito. April 14, 1997. In the next few days, the Government is set to take a stand on the environmental damage lawsuit brought against Texaco before a US court by Amazon residents.

The judge hearing the case specified a definite term for the Government to decide whether it will join the suit and side with the plaintiffs. If it does, it will be responsible for moving the case forward. If it does not, the case will be virtually lost for those affected.

Against that backdrop, the plaintiffs are determined to do something about their case, aware that the stance among government officers is far from unanimous. Milton Alava, the State's Attorney General, has voiced opposition to the country's intervention in the lawsuit, saying that the move would require the country to waive the sovereign immunity that applies between nations to prevent a country from suing another within the territory of the defendant country.

The plaintiffs and their lawyers argue, however, that immunity would only be waived in connection with their case, allaying concerns that the country could be exposed to future lawsuits.

The plaintiffs have also signed a document under which they agreed to refrain from accusing the Ecuadorian government of allegedly sharing responsibility with Texaco.

Luis Yanza, the public face of the plaintiffs, and Paulina Garzón, from organization *Acción Ecológica*, said they want to be heard at the meeting scheduled for Thursday between the President of the Republic, the Minister of Foreign Affairs and the Attorney General to settle the Government's position.

No risk, says Bonifaz

Cristóbal Bonifaz, a lawyer for the plaintiffs, said to HOY that the arguments

given by Ecuador's Attorney General for Ecuador not to step in the dispute with Texaco are groundless.

First, he explained, the country's waiver to sovereign immunity would be confined to the pollution caused by Texaco in the Amazon Region. "No lawsuit could be brought against the Government for any other reasons," he said.

Second, he added, there is no reason for the Government to worry because the plaintiffs and their lawyers have undertaken in legal documents to refrain from suing the Government if it is ultimately held to be jointly liable with Texaco for the environmental damage caused.

Indigenous communities in Peru, which also sued Texaco, will be barred from bringing the Ecuadorian Government to court, as the Attorney General fears, given that they have also made a similar commitment, ruling out the possibility of a conflict between them and Ecuador. (DIARIO HOY) (P. 2-A)

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