

Indigenous peoples rule out suit against the Government

Petroecuador will not be hurt

The case of the indigenous people against Texaco enters a new phase following the Ecuadorian's government announcement that it will lend its voice to the plaintiffs, a decision that will help push the case forward before a US court.

Four years have gone by since the lawsuit was brought. Lawyer for the plaintiffs Cristobal Bonifaz visited the country on a tight schedule. He was responsible for giving assurance to the Government that its sovereignty and international image would not be tarnished if it were to support the first large-scale environmental suit in the country's history.

On which grounds are you moving the New York Court?

The Amazon defense group and several international environmental experts surveyed the area and found that the worst damage caused by the company resulted from the spill of oil-polluted water over the entire exploited area, which covers around 400,000 kilometers. Mainly affected were River Napo and its affluents, as were nearby communities which are now 50% more prone to develop cancer and other diseases because of the lack of drinking water. Upon the review of several environmental reports, the damage caused was estimated at 1.5 billion.

If the Court finds for the indigenous people, how will be damages allocated?

It should be recalled that the damage was caused in Ecuadorian territory and that it is high time that something was done about it. If judgment is rendered for the plaintiffs, money will not be distributed dollar by dollar among those affected. If the Government shows willing, an all-out environmental project will be set in motion in the area. Of course the needs of the indigenous people will be put first.

I believe the first step will be a major project to supply drinking water to the communities, that is the only way to stop spreading diseases.

Where does Texaco's case stand in the global scenario? Has there been any instance of an oil company being sued for environmental damage?

Right now there is another suit pending against Arco. Indigenous people from Polynesia sued the company for an amount much higher than that claimed from Texaco. The underlying facts are similar. The case is being heard by a US Court. The only difference is that the judge did not consider it necessary that the Government of the indigenous people take a stand.

Did you give assurance to the Government that its international reputation would not be put at stake if it sided with the plaintiffs?

I absolutely did. That was the point of my visit to the country. I delivered notarized documents to the Attorney General confirming the indigenous people's commitment to refrain from suing the Government. Even the five Peruvian communities undertook that commitment. But then again, if the US court holds Petroecuador liable together with Texaco, we will not accept the share of the damages imposed on the company.

But Petroecuador, previously called CEPE, is also liable. Wouldn't that let a wrong act go unpunished?

Don't you think that greater harm would follow if the Government did not intervene and just sit and watched how the damage caused in its territory goes unpunished? I believe this case will set a significant precedent in the country's oil history.

The people I represent have no intention to hurt Ecuador. They just want to be afforded the possibility of improving their living conditions at a time when the spread of infectious and degenerative diseases is haunting more than 30,000 people.

[Picture caption:] CRISTOBAL BONIFAZ visited the country to garner support for the environmental lawsuit.