

History of the Frente de Defensa de la Amazonía (FDA)

The Frente de Defensa de la Amazonía, popularly known as the FDA for its Spanish acronym, is the grass roots organization in Ecuador's northern Amazon region that has won global praise for spearheading the historic environmental litigation (known as *Aguinda v. ChevronTexaco*) and social justice campaign against Chevron since the early 1990s. In 2011, after 18 years of intense litigation that saw Chevron use 60 law firms and 2,000 lawyers and spend more money than any corporate defendant in history, the affected communities and the FDA won a dramatic court victory after an eight-year trial in the venue (Ecuador) where Chevron insisted the trial take place and where it had accepted jurisdiction. The FDA is one of the leading citizen-based activist groups in Ecuador and is known throughout Latin America for its historic accomplishments, largely because of the success of the *Aguinda* case.

After finding at trial that Chevron deliberately dumped billions of gallons of toxic "formation waters" into indigenous ancestral waterways in the Amazon and abandoned roughly 1,000 toxic waste pits, the Ecuador court ordered the company to pay compensation for a comprehensive environmental remediation in the amount of \$9.5 billion (U.S.). This is still considered the largest damages assessment in an environmental case from a trial in history. The judgment against Chevron was affirmed unanimously in 2013 by Ecuador's highest court, the National Court of Justice. Because Chevron had sold off its assets in Ecuador during the trial and had vowed never to pay the judgment, the damages liability is now being enforced under the FDA's leadership against the company's assets in Canada. Chevron has an estimated \$15 billion to \$25 billion worth of assets in Canada, making collection of the full amount of the judgment entirely realistic. Notably, Canada's Supreme Court ruled unanimously against Chevron after it tried to block the communities from proceeding with their enforcement action.

Leaders of indigenous and farmer communities formally established the FDA in the Ecuadorian province of Sucumbíos on May 15, 1994. Among the original founders was Luis Yanza, a 2008 recipient of the Goldman Environmental Prize; Elias Piaguaje, leader of the Secoya indigenous group; Veronica Urbina, at the time a leader of the women's organization in the city of Coca; local farmers and leaders Medardo Zhingre; Patricio Cango; Mariana Jimenez, and many others too numerous to mention. In the *Aguinda* case, the FDA represents the interests of all affected indigenous and farmer communities in the affected area of 1,500 sq. miles in the provinces of Sucumbíos and Orellana. Locals call the area where Chevron

operated the “Amazon Chernobyl” given the extent of the toxic poisoning of local waterways, soils, and rivers.

The FDA grew out of organizing efforts by various grassroots organizations that sprang up in the 1980s in the area affected by Chevron’s operations. Most of the organizations were nurtured by the Carmelita Mission and the Church of San Miguel of Sucumbíos, under the leadership of the late and revered Monsignor Gonzalo López Marañón. The FDA is based in the Sucumbíos province and was created primarily to support “Los Afectados” (The Affected Ones), the name used to describe the tens of thousands of indigenous peoples and farmers who are the victims of Chevron’s contamination in the Ecuadorian Amazon and the attendant cancer outbreak and public health crisis. These communities had joined forces to file a class action case against Texaco (Chevron’s predecessor company) in New York in 1993. The FDA represents Los Afectados in the *Aguinda* litigation but also has expanded its mandate to encompass the defense of communities from harm caused by all of the major extractive industries operating in the area, including mining and agriculture.

In 1996, in cooperation with other NGOs and ally communities, the FDA founded the Environmental Monitoring Network to better document the contamination caused by the extractive industries in Ecuador’s Northern Amazon. The FDA also began other outreach efforts, expanded into human rights work generally, and provided legal support to communities other than those directly impacted by Chevron’s operations. The FDA also took the lead in organizing groups in the area and at the national level to support the *Aguinda* lawsuit and broadened its efforts internationally, recently signing a protocol with Canada’s national indigenous federation (the Assembly of First Nations) and Ecuador’s national indigenous federation (CONAIE) to hold Chevron accountable for environmental harm in both countries.

In 2004, the FDA established an organizing school to educate and develop leaders from area communities to carry on the struggle against local environmental degradation. In 2008, at the request of the local communities who form the organization’s base, the FDA launched an initiative to provide potable water to the families most severely affected by the contamination. They did this by building rainwater catchment tanks with the support of the Rainforest Foundation, led by the actor-producer Trudie Styler and her husband, Sting, long-time allies of the affected communities. The water project is ongoing under the leadership of local indigenous groups and farmer communities and their international supporters.

In 2016, Ecuador's government - which in the 1960s had facilitated Chevron's original sin of dumping toxic waste in violation of local laws and industry custom - again turned its back on the FDA and the affected communities by paying \$112 million to Chevron for a judgment the company had won in an international trade dispute. The payment to Chevron was made despite the fact Chevron had yet to pay even one dollar of the judgment that it owed to its many victims in Ecuador. At the time, a judicial embargo order had been in place in Ecuador requiring all Chevron assets in the country (including the \$112 million) to be turned over to the affected communities so they could commence their long-awaited clean-up.

The payment to Chevron, unfortunately facilitated by then-FDA attorney Pablo Fajardo, resulted in the FDA terminating Fajardo as its lawyer and hiring an entirely new Ecuadorian legal team led by Patricio Salazar and Agustin Salazar. Fajardo is now *persona non grata* with the FDA after it was later disclosed that he had accepted cash payments from a secret slush fund kept by the same government that diverted the clean-up funds to Chevron. Fajardo is not involved in the FDA's enforcement of the *Aguinda* judgment against Chevron; he remains under investigation by Ecuadorian government authorities.

The FDA's goal is to hold Chevron responsible for its contamination of the Amazon and force the company to pay the full \$9.5 billion judgment, plus interest and costs, as ordered by Ecuador's courts and then to facilitate the grass roots effort by indigenous groups and farmer communities to carry out an extensive remediation of the damage. Any environmental remediation, given the magnitude of the damage and the delicate nature of the Amazon ecosystem, is expected to take at least 10 years to complete. The FDA is the only original plaintiff in the case and is now the sole beneficiary of the judgment against Chevron. The FDA is also the sole financier of the litigation and maintains many relationships in that regard with supporters around the world, including with its long-time U.S. legal advisors Steven Donziger and Aaron Page and its Canadian counsels, Alan Lenczner and Peter Grant.

The FDA is currently engaged in the following initiatives:

- Representing the interests of Los Afectados in the ongoing *Aguinda v. Chevron* litigation;
- Capacity building to foster a new generation of leaders in local communities to expand community support networks;
- Environmental monitoring to prevent contamination caused by petroleum companies and other extractive industries;

- Defending the rights of the communities affected by petroleum, agricultural, and mining contamination; and
- Providing potable water to the families most severely affected by contamination and fighting for the recognition of clean water for human consumption as a basic human right.