



THE AMAZON IS BURNING, THE FUTURE IS BURNING!

YOUNG ACTIVISTS DEFENDING THE ECUADORIAN AMAZON
FROM GAS FLARES THAT THREATEN RIGHTS NOW AND IN THE FUTURE



EXECUTIVE SUMMARY

All phases and activities of oil extraction generate a variety of impacts that degrade our natural systems and have profound negative impacts on the right to a dignified life, the right to health, the right to a clean and healthy environment, and other human rights of the local populations. Moreover, the oil sector is responsible for a large proportion of the greenhouse gases (GHGs) that have contributed and continue to contribute to the worsening of the climate crisis, with serious implications for a liveable planet and therefore the enjoyment of human rights around the world.

However, one of the most harmful practices in the oil sector is the routine burning of the gas associated with the extraction of crude oil in gas flares. The negative human rights and environmental impacts of this practice, as well as its contribution to global warming, have been widely recognized by the international community.

Despite global initiatives to phase out flaring, and the banning of the practice by some countries, many companies and oil-producing states continue to refuse to eliminate flares. In general, both public and private companies use flaring in socially and environmentally vulnerable areas, known as “sacrifice zones”, where marginalization and poverty are compounded by the environmental degradation caused by oil extraction.

In 2020, a group of nine Amazonian girls and young women from Ecuador, together with the strategic litigation group *“Unión de Afectados por las Operaciones Petroleras de Texaco”* (Union of People Affected by Texaco’s Oil Operations - UDAPT), brought a legal action, known as an injunction or protection proceedings, against the state authorization that allows the operation of gas flares in the Amazonian provinces of Sucumbíos and Orellana. The girls and young women, with the support of UDAPT, created a social movement and embarked on this legal process against the gas flares because of their concern about the serious threat that flaring poses to human rights in the Ecuadorian Amazon as a sacrifice zone of the oil industry, to the global climate system, and to the fragile biodiversity of the Amazon region.

On 29 July 2021, as a result of the actions of these nine Amazonian girls and young women, the Provincial Court of Justice of Sucumbíos ruled that the Ecuadorian state had disregarded the plaintiffs’ right to live in a healthy and ecologically balanced environment, violated the right to health and failed to comply with its international obligations on climate change mitigation.

The Court ordered the integral reparation of the damage caused, with the gradual and progressive elimination of the gas flares, prioritizing the removal of those near populated areas. However, the Ministry of Energy and Mines and the state oil company Petroecuador have implemented a series of measures that give the appearance of complying with the ruling, but in reality keep the flares operating near communities and only benefit oil production.

In this report, Amnesty International analyses whether the actions of the Ecuadorian state, in relation to its obligations to reduce greenhouse gas emissions, violate its duty to protect human rights from the consequences of the climate crisis, now and in the future by failing to eliminate routine flaring as ordered by the ruling on the gas flares case brought by the nine Amazonian girls and young women and supported by UDAPT.

Amnesty International found that the Ecuadorian state has refused to fully comply with the ruling on the gas flares case issued on 29 July 2021 by the Provincial Court of Justice of Sucumbíos, which concluded that the flares should be gradually and progressively eliminated, prioritizing the removal of those located near population centres. The court also ordered reparation measures for the affected communities.

The testimonies and documents collected, the verification of information in the field and the data analysed in this report show that the Ecuadorian state and its institutions responsible for the oil sector have so far only taken measures that seek to maintain oil production at all costs, avoiding any concrete and ambitious steps to remove the flares and transition to a decarbonized economy.

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By failing to implement the ruling, the Ecuadorian state is denying the girls and young plaintiffs and other victims of human rights violations caused by the gas flares the right to adequate, effective and prompt reparation. Moreover, allowing gas flares to operate near population centres creates conditions that perpetuate the social inequality inherent in the Amazonian communities as sacrifice zones of the oil industry. Flaring also poses risks to the right to health and to a clean, healthy and sustainable environment.

At the same time, by maintaining and protecting flaring and failing to implement existing alternatives to replace this harmful practice, the Ecuadorian state is neglecting its international obligations to reduce GHG emissions and creating the conditions for the emission of super pollutants such as methane which have serious consequences for the global climate system due to their strong contribution to global warming.

Given the human-induced climate crisis and the contribution of the fossil fuel sector to exacerbating the problem, Amnesty International notes with concern the contribution of flaring to global warming and its differential impact on the current and future enjoyment of human rights. Particularly vulnerable are historically marginalized population groups and children living in sacrifice zones in the global South, who are now demanding climate justice.

Amnesty International therefore makes the following recommendations to:

The Ecuadorian government and the institutions responsible for implementing the ruling in the gas flares case:

- Phase out fossil fuels and transition to renewable energy produced in a manner consistent with human rights by 2030 or as soon as possible thereafter, respecting the rights of oil industry workers in the transition process and incorporating their needs into the transition process.
- Fully comply with the ruling of the Provincial Court of Sucumbíos and immediately guarantee the reparation measures that require urgent attention, such as those related to the right to health, as ordered by the Provincial Court of Sucumbíos in its ruling on the gas flares case.
- Meet the climate targets set out by the Ecuadorian state in its Nationally Determined Contribution (NDC) regarding the elimination of routine flaring in the unconditional scenario and report the results at the next Conference of the Parties of the United Nations Framework Convention on Climate Change.
- Recognize and urgently address, through plans and measures, the marginalization and social inequality inherent to the Amazon region as an oil sacrifice zone, while developing preventive policies to avoid the expansion of sacrifice zones.
- Work with the Indigenous peoples of the Amazon region to help them define their own priorities and development plans in accordance with their values and cosmovision and provide them with all the necessary means to implement them, in order to avoid the deepening of inequality and marginalization in the Ecuadorian Amazon.

The Ministry of Energy and Mines and the Ministry of the Environment, Water and Ecological Transition:

- Design and implement as soon as possible a plan to remove gas flares in order to comply with the provisions of the ruling in the gas flares case, through actions agreed with the plaintiffs and the organizations that make up the “Eliminen los mecheros, enciendan la vida” collective. Such a plan must focus on compliance with international human rights obligations.
- Undertake an accurate assessment of the volume of gas flared and seek to implement all necessary measures to phase out routine flaring in oil extraction operations as the country transitions to a non-fossil fuel dependent economy, in accordance with its international climate commitments and in a manner consistent with the respect and protection of human rights, with special safeguards for the protection of the human rights of marginalized communities and those historically subjected to conditions of racial injustice, such as Indigenous peoples and Afro-descendants.
- Accelerate the removal of gas flares operating within 5km of population centres and request the necessary technical assistance to curb practices such as venting and to prevent methane leakage and the release of other gases emitted simultaneously, so that Ecuador can meet its climate obligations to reduce emissions of the super pollutant methane and mitigate the threat that a global temperature increase of more than 1.5°C poses to the guarantee and respect of human rights now and in the future.

- Revise and include in the NDC more ambitious targets in the unconditional scenario, with measures on technological innovation to eliminate routine gas flaring.
- Revise and include in the NDC targets related to concrete measures and actions for a just energy transition that is consistent with human rights, excluding solutions that do not include human rights safeguards.
- Seek international assistance, based on the principle of cooperation, to develop initiatives, policies and solutions for reducing the intensity of carbon emissions, including ending the routine flaring and venting of gas into the atmosphere and curbing methane leakage.
- Conduct a thorough review, based on the principle of prevention, of the potential future contribution [to global warming] of the fossil fuel exploration, extraction and trading operations it authorizes, and develop policies and measures for a just energy transition based on principles consistent with human rights, as outlined in the Paris Agreement.

Petroecuador:

- Respect human rights by refraining from causing, contributing to or being directly linked to actual and potential climate change-related impacts arising from its activities. Petroecuador must integrate climate change considerations into its policies, processes, governance structures and decisions to identify, prevent, mitigate and be accountable for adverse impacts on human rights and the environment, and to do so in all its operations.
- Put in place specific plans to reduce emissions across its operations and value chains as soon as possible, to at least 45% below 2010 levels by 2030 and to zero by 2050, in line with recommendations from the Intergovernmental Panel on Climate Change (IPCC). This must be done without excessive reliance on offsets and carbon removal mechanisms. Develop detailed action plans to implement such commitments.
- Apply ongoing human rights and environmental due diligence; produce meaningful reports on its operations, value chains and business relationships; show how it is reducing greenhouse gas emissions; address risks to people and the environment and ensure that such risks are not caused by, contributed to or linked in any way to the flaring from its operations, products and business relationships. This includes integrating climate change considerations into all aspects of the human rights due diligence process throughout its operations.
- When Petroecuador ceases its economic activities in a given area with the aim of ending flaring and/or reducing greenhouse gas emissions, it must take steps to ensure that this is done in a responsible manner, in accordance with the UN Guiding Principles on Business and Human Rights. It must promptly provide public and transparent information on the steps taken.
- Carry out effective and meaningful consultations with all relevant stakeholders, ensuring the free, prior and informed consent of Indigenous peoples, on its actual and potential climate change-related impacts on human rights and the environment.
- Petroecuador must be accountable for its climate impacts and human rights violations and ensure that those affected have access to redress. When harm occurs, Petroecuador has a responsibility to provide a solution or cooperate in remediation efforts.
- Refrain from lobbying public officials – either directly or indirectly through trade associations – to adopt policies and decisions that perpetuate the carbon-based economy. It must also refrain from supporting public information campaigns based on inaccurate, misleading or unsubstantiated claims that make it difficult for the public to access accurate information and make informed decisions.

The Ombudsperson's Office:

- Monitor the state's response to the non-compliance with the ruling in the gas flares case and, within the scope of its mandate, urgently take all necessary actions to ensure compliance. This could include a motion of unconstitutionality for non-compliance with the ruling.
- Produce a report detailing the impact of flaring operations on the human rights of communities in the oil sacrifice zones of the Amazon region and recognizing the differentiated impact of the greenhouse gas (GHG) emissions from such operations on children.

■ Guarantee the safety of climate activists and defenders, including the young women plaintiffs in the gas flares case, so that they can exercise their freedom of expression and right to protest, and defend the environment.

The National Assembly:

■ Supervise compliance with the ruling in the gas flares case, as well as with the Ecuadorian state's unmet obligations to remove the flares.

The international community of countries with the greatest responsibility for the climate crisis:

■ Strengthen cooperation and provide or facilitate technical assistance aimed at technology change to enable the elimination of routine gas flaring.

■ Provide support so that the Ecuadorian state can apply for the climate financing that may be required to end routine flaring, decarbonize the economy and achieve a just energy transition.



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