

water and watching neighbors suffer from health complications, he speaks passionately about conditions of the place he and roughly 120,000 others call home.

Although this is Fajardo's first time legally defending his community, it is not his first fight for human rights. When Fajardo was 14, he and his family moved from the coastal province of Manabi to Shushufindi, a small village in the Amazon, east of Quito. There he became involved with the Catholic church, working with indigenous communities and people from the countryside. Through his work with the church, Fajardo says he became aware of the problems affecting his community. He realized that livestock that people depended on for food were falling into Texaco's petroleum pits, and that people and animals were becoming ill from drinking the murky water and inhaling the dirty air. Something had to be done.

Along with the priest, Fajardo organized a group of roughly 20 people to defend the rights of the community. He was 16 years old and the leader of the group. The rights group would listen to accusations of people living in the area, but little could be done. "If someone went to the authorities, they'd tell the person to go get a lawyer," Fajardo says. "But there weren't any who would help us. The lawyers who lived in the area all worked for the big oil companies. That's when I decided to study law."

Before he could begin that study, Fajardo had to finish high school. He studied at night and worked during the day for an oil company to support himself. But after a while the company fired Fajardo, he says, for standing up against poor work conditions and low pay. Once Fajardo had completed high school, he was able to pursue law. Because there weren't any universities nearby, he began a six-year correspondence program through a university in Quito. Meanwhile, the case against Chevron was gaining speed.

Soon after Fajardo joined the team, the two lawyers he was assisting moved away and couldn't continue the case. Fajardo stepped forward and assumed the role of lead lawyer. "I was the only one, and I had to face Chevron's team of eight attorneys, each one with more than 25 years of experience," Fajardo says. "It was challenging, but at that point I decided that my only strategy would be to tell the truth."

Fajardo says that his goal was to face his opponents as one should, as a human being and with respect. "Thanks to God, I've never felt as though I was less than anyone or superior to anyone," he says. "I believe we're all equal."

BIG BAD OIL?

Chevron says it's getting the short end of the stick in this case. "We've been fairly outspoken in our belief that the complaint against Chevron is without merit," says Chevron spokesman Kent Robertson.

In 2008 when Fajardo and activist and community leader Luis Yanza were awarded the prestigious Goldman Environmental Prize for their work on the case, Chevron went on the attack, taking out an advertisement in major newspapers calling Fajardo a "front man for a group of Ecuadorian and American trial lawyers," and saying Fajardo and Yanza were "complicit in protecting polluters." A site

at Texaco.com calls Fajardo's case "a farce" and calls Fajardo's claims about the pollution and its effects on human health "big lies."

The site shows photos of green and productive fields, a far cry from the oily toxic mess the small farmers of Lago Agrio say is killing their hard-won livelihoods.

Robertson says, "The entire process has been something of a distraction." He says, "What has been allowed to happen is PetroEcuador has been allowed to escape scrutiny for its environmental practices." According to Robertson, Chevron has done the clean up it is responsible for — 37 percent, the same percentage as the interest it once held in the consortium — spending about \$40 million. "PetroEcuador is responsible for the balance of the clean up work that needs to be done," he says.

Fajardo says what clean-up was done



Recently the case has taken Fajardo outside of the Amazon, and not just to Eugene, which he likes in part because it's so bike-friendly. It's perhaps not surprising that someone in a fight against major oil companies uses a bike as his major form of transportation. This summer he spent three days at the home of Sting and his wife Trudie Styler in Pisa, Italy. He was there along with other activists, brainstorming ideas to further support the cause. Sting is not the only celebrity who has taken an interest in the case. Daryl Hannah traveled to Ecuador to see the pollution for herself, and Fajardo has on his computer, along with the photos of his devastated home town, photos of himself with Al Gore and the rest of Sting's former bandmates in The Police.

wasn't nearly enough. "For every 100 pits, Chevron was responsible for cleaning 37, while the government cleaned the rest," he says. "However, when they declared that there were 100 pits, in reality there were 200. And when they said that 100 pits had been cleaned, really they had just covered 100 pits over with dirt."

"It's like putting makeup over skin cancer," Woods says.

According to Woods, "Chevron is after the government to pay for something Chevron did." An expert appointed by the Ecuadorian court recommended the judge award \$27 billion in damages from Chevron. Chevron is "avoiding any sort of responsibility," Woods says. In addition to the main case, Woods says that Chevron has filed other cases in an effort to get a U.S. court to say that the courts in Ecuador, where Fajardo's case

against Chevron will be heard, are biased against them. That strategy doesn't seem to be working out. For one thing, the plaintiffs in the original case sued Texaco in the U.S., but Texaco convinced a U.S. circuit court (one that then included newly appointed Supreme Court Justice Sonia Sotomajor) that the case should move to Ecuador and praised Ecuador's judicial system in their court documents.

Most recently, the U.S. Supreme Court dealt Chevron another blow when it refused to hear one of Chevron's cases, *The Republic of Ecuador and PetroEcuador v. ChevronTexaco Corporation and Texaco Petroleum Company*. That case was related to Chevron's claim that the Ecuador's government and PetroEcuador are responsible for the mess oil extraction has made of the Ecuadorian Amazon. Chevron withdrew the case on July 20.

BIG OIL IS WATCHING YOU

After six years of battling Chevron, Fajardo says that aside from an "immense pain in his back," it would be a lie to claim that everything, good or bad, that has happened to him has been a result of the case. But one thing is true: His family ties are a casualty of his battle against Big Oil. "I have two children in Ecuador, whom I barely see every 15 days," says Fajardo. "And in 2004, one of my brothers was assassinated. I can't say it was Chevron who killed him. But I can't say it wasn't, either."

Chevron's spokesman Robertson takes umbrage at this. He says Fajardo's claim is "an outright lie." He adds, "Quite frankly, it's disgusting. He knows what happened and is now exploiting it. It's repugnant."

In the months following the death of his brother, Fajardo says he became a target.

But whose target exactly? Fajardo isn't sure. However, for the next three months he says that he was persistently harassed. And from what others have told him, a few times he narrowly escaped being shot. "I was being looked for everywhere: at my house, my room, my work," he says. "It was challenging, because you begin to lose trust in everyone. And it doesn't matter if the person is an acquaintance or a stranger. Anyone could be the person who's going to shoot you."

"It's a hell of an accusation," Robertson says of the notion that Chevron could be behind these pressure tactics.

So Fajardo began taking precautionary measures; he changed his clothes often and varied his routine. But he wasn't the only one being harassed. The other lawyers on his team received telephone threats, and eventually they all had to ask for court ordered protection from the OEA (The Organization of American States), he says. Despite the stress and the danger, Fajardo is determined to continue the fight — living, he says, by the words of poet Carlos Portela: "No one dies a day early or a day late."

In addition to the OEA's protection, Fajardo says that as the case has progressed and gained media attention, the public has started to recognize him and his colleagues. "If anything bad happens to me or anyone else working on the case, the public will know and think that Chevron is at fault," Fajardo says. "The fact that Chevron knows that makes me feel more secure."

Fajardo says he wants the public to know too that the "people living in and around Lago Agrio need support, strength and unity." He says, "These companies should be held to the same responsible standards in all parts of the world."

Robertson contends that some of the illnesses experienced by the people of Lago Agrio are caused by their own fecal matter and that of their livestock. According to Woods, "Essentially Chevron's attitude is that these are dirty peasants. That's incredibly insulting." He points out that fecal bacteria don't cause cancer.

Fajardo says, "We need to rethink what we value and what we put a price on, because currently we give more merit to the things that have prices than those that have value. The things that have value, oxygen, clean water, life, a good ecosystem, don't have a price. We often think about the cost of life, but we don't think about the value of it that we're destroying."

The lawsuit is expected to be settled before the end of this year. If Fajardo wins, it could would not only be a win for the environment — this suit is possibly the biggest environmental lawsuit in the world — it would be a win for social justice. The plaintiffs accuse ChevronTexaco not only of sickening people and polluting the environment but of destroying indigenous cultures as well.

Fajardo says, "I think it's possible for everyone to coexist if only the oil companies could drill for oil in more responsible ways, with respect for the rights of indigenous communities, the environment and the ecosystem and if governments were capable of maintaining better standards." **EW**

You can meet Pablo Fajardo at 5:30 pm Aug. 27 at an ELAW event at the Lord Leebrick Theater. Purchase tickets at: www.elaw.org/give or call ELAW at 687-8454. \$40 per person or \$75 per family in advance.