



CONSTITUTIONAL COURT ORDERS CHANGE IN ENVIRONMENTAL LICENSE FOR BABA DAM, ECUADOR

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Quito, January 8, 2009 - The Constitutional Court of Ecuador ordered the country's Ministry of Environment to review and reformulate the environmental authorization granted to Baba's Multi-purpose Project (PMB), and the Attorney-General to audit the procedures and the approval of the environmental impact evaluations.

According to the court's decision, there are risks of severe, irreparable damage to the Ecuadorian biodiversity that weren't properly assessed, in accordance with the conclusions of the Inter-American Development Bank experts.

This resolution from Ecuador's highest court is a consequence of the lawsuit promoted by ECOLEX in May, 2007, which was rejected by the initial judge. ECOLEX then appealed to the Constitutional Court, insisting that it consisted in a violation of the human rights to a safe environment, to water, to property, to work, and to food, among others. Last June AIDA and the international organizations International Rivers and FIAN International supported the appeal through an amicus curiae document, denouncing the violations to international environmental standards and human rights, all of those binding the State of Ecuador. In addition to that, experts from the US organization ELAW also had mentioned serious mistakes in the study.

The Constitutional Court's decision effectively recognized that the lack of a adequate evaluation violated the previously mentioned rights, as well as the principle of environmental caution. Silvana Rivadeneira, from ECOLEX, stated that "the decision is a great triumph to the affected communities and to the country, since it reinforces that the environmental protection is also a matter of national interest."

The PMB would have implied in the flooding of more than 2.500 acres of important ecosystems at the province of Los Rios, affecting the river populations of the Baba Quevedo Vices river and the habitat of endangered species such as the rascón bird, the small deer and chaleco's ant-eating bear. The project was authorized by the Ministry of Environment in November 2006 and it is being executed by the company Hidronación S.A., which took it over after the Brazilian Odebrecht was expelled from the country by the Ecuadorian government.

In September 2008, AIDA, Earthjustice and ECOLEX, FIAN International and International Rivers requested for the international credits from the Clean Development Mechanism (a tool from the Kyoto Protocol to help fight climate change) not to be granted to the PMB. "The Baba project is an example of unclean energy and it could worsen the climate change, the court's decision confirms its lack of sustainability", said Monti Aguirre from International Rivers.

"It is very significant that the court issued such decision a few days after the World Conference on Climate Change in Poland" mentioned Astrid Puentes, co-director of AIDA. "Given the negative effects for the environment, the people and the climate change caused by the hydroelectric dams - the very reason for which we supported such demand - the order to completely evaluate Baba's project is outstanding news. We will be following the review closely, and we expect this decision to serve as a precedent for the hundreds of hydroelectric powerplants that are currently ongoing in the Americas with flaws very similar to those present in Baba.

For further information on the Baba project please go to: <http://www.aida-americas.org/aida.php?page=185>

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