

SUEZ IN CHILE

→ Formal notice served

9 JULY 2020

→ Civil lawsuit filed

7 JUNE 2021

THE ISSUE

On 7 July 2021, the French group Suez, the world's largest private water supplier, is summoned to appear before the Nanterre court (Paris). In July 2019, the inhabitants of Osorno, Chile, where Suez holds more than 43% of the water supply market, were left with no water supply for 10 days and a health alert was issued after the drinking water network was contaminated following another operational incident at ESSAL, a company controlled by Suez. This came in the wake of continuous malfunctions, negligence and failures, highlighted on several occasions by the Chilean control authorities, who had previously highlighted "a high risk".

ACTORS

The lawsuit against Suez was filed by the International Federation for Human Rights (FIDH), the French League for Human Rights (LDH) and two Chilean organisations Observatorio ciudadano and Red Ambiental Ciudadana de Osorno.



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Ana Pérez Adroher
Project Manager
aperez@fidh.org

Sacha Feierabend
Program Manager
sfeierabend@fidh.org

Further reading 

[Chile: In wake of Osorno health crisis, water giant SUEZ is summoned on the basis of duty of vigilance law](#), FIDH, June 2021.

[Questions & Answers](#), FIDH, June 2021

PRÉSENTATION DE L'AFFAIRE

On 10 July 2019, 2000 litres of oil were spilled in the Caipulli drinking water plant in the city of Osorno, operated at the time by the Suez subsidiary ESSAL. The plant's water catchment source was contaminated by the oil, resulting in the contamination of the entire drinking water network, which supplies 49,000 households – 140,500 inhabitants – in the city (97.9% of the population). Two rivers were also affected: the Río Rahue and the Río Damas. The water supply was cut off for more than 10 days. The inhabitants of Osorno, as well as the institutions providing essential services (hospitals, health centres, dialysis centres, a long-term care facility for the elderly, etc.) had no access to drinking water, sparking a serious health crisis. On 12 July 2019, a health emergency was declared by the government. No epidemiological study was carried out afterwards to assess the number of victims.

During this crisis period, the health emergency was intensified by the late and incomplete installation of alternative water points that should have been set up immediately by ESSAL, as well as by the insufficient and poor-quality water provided. The water supply was only fully restored on 21 July 2019. The health emergency had to be extended until 31 August 2019.

"Having tried in vain to obtain substantial commitments from Suez to prevent such health crises from re-occurring, we are now asking the court to order Suez to respond to our demands," explains José Aylwin of the Observatorio Ciudadano.

"The residents of Osorno have the right to a regular service of high-quality drinking water, like all human beings. They also have the right to be compensated for the damage caused to their health and the ecosystem. In light of ESSAL's repeated failings, we call on the parent company, Suez, to take the necessary measures," said Ricardo Becerra of the Red Ambiental Ciudadana de Osorno. These serious breaches are ultimately due to the lack of preventive and corrective measures implemented by ESSAL, even though the Superintendencia de Servicios Sanitarios (SISS), the public entity in charge of inspecting this type of services in Chile, had already issued warnings as early as 2018 regarding numerous anomalies in the infrastructure, which it considered to be of "high risk" and for which it had imposed 36 fines on the company in the last five years.

"Suez's new vigilance plan published in April 2021 does not meet the company's obligations under the law on the duty of vigilance to which it is subject. Suez must therefore publish a new vigilance plan including, among other things, effective measures put in place in consultation with local communities and stakeholders, in order to prevent further health crises from occurring in Chile due to the negligent conduct of its subsidiaries. This is particularly important given that Suez controls more than 43% of the water market in Chile and incidents are still frequent and not properly prevented," explains Maddalena Neglia, Head of FIDH's Globalization and Human Rights Office.

