

Papermill War: World Cup Fever Starts Early at the Hague - As Environmental Lawyer Teams Kick off Arguments

June 9, 2006. The Hague. Argentina and Uruguay made oral presentations today at the International Court of Justice (ICJ), on the two controversial papermills currently under construction on the Argentine-Uruguayan border.

The kick-off between Alan Boyle, the International Public Environmental Law Expert of the University of Edinburgh (contracted by Uruguay) and Philippe Sands the renowned British international legal expert (representing Argentina), is referred to by local press in soccer terminology, alluding to the imminent launch of the 2006 World Cup which starts today. Each legal team, reported an Argentine daily, has approximately the same number of advisors that teams take to the cup. The Boyle-Sands confrontation is paramount to a Lionel MESSI-Ronaldinho confrontation!

Argentina, which made its first-ever presentation before the ICJ, launched with Romina Picolotti (President of CEDHA) and Susana Cerruti (Argentine Foreign Ministry) summarizing requests made by Argentina to the ICJ for Provisional Measures, and describing the natural resources at stake due to contamination from the mills. Arguments included specific requests to the ICJ to force Uruguay to halt construction of the mills and avoid imminent and irreversible damage that will be produced by over 2000 Empire State Buildings full contaminated effluent water, to be dumped into the Uruguay River by Botnia and ENCE the Finnish and Spanish mills, over their operating lifetime. Philippe Sands, Argentina's center fielder and key legal aid, laid into Uruguay's violations of the Uruguay River Treaty, for its failure to protect the river system, and for failure to inform, consult and provide Argentina with a conflict resolution opportunity, placing the burden and risk of these investments on the Uruguayan State.

Gros Espeil, the Uruguayan Diplomat and head of the legal defense team, launched the 4-man Uruguayan defense, arguing the environmental merits of his country at a global scale, pointing out that on a recent index ranking of sustainable development by countries, Uruguay ranked 1st in Latin America, and 3rd globally, after Finland (1) and Norway (2). A trivial matter perhaps, but Finland is home to Botnia (the Finnish papermill) and Norway, to the Sophie Foundation, which just awarded Picolotti one of the world's most premier Sustainable Development Prizes, in part for her work on this case!

Uruguay's arguments centered on the mills innocuousness, suggesting that ECF Kraft Technology does not contaminate, and that there will be "no cumulative impacts" to Argentina. Further, Boyle stated that the IFC is fully behind these projects as socially and environmentally responsible, and that they use Best Available Technologies according to European Standards. These last affirmations were negated by Paul Wolfowitz, president of the World Bank, in comments to Uruguay's president, suggesting that the World Bank could not yet give loans to the projects because they do not prove they comply with the IFC's environmental and social safeguard policies. Further, the Hatfield Report, an IFC contracted report studying the mills' impacts, stated that it is unclear the pulp mills are using BATs and that in fact, they do NOT contemplate recent improvements in BAT technology.

Uruguay's center-field defense suggests that the mills are still under construction, that they do not affect any Argentine rights, and that since they have not even obtained operating permits, there is NO imminent danger of contamination, key to the grounds for Provisional Measures. Boyle indicated the Uruguay River is deep and its flow would safely absorb the mills effluent discharge/contamination. Ironically, the river is famous for its shallowness, and permitting in many places, crossing nearly all of its breadth, by foot! Boats have problems navigating the river during the dry season and many times get stuck in the riverbed. Further, Boyle argued that the technology used will not spill dioxins and furans into the riverstream, a key element in the Argentine arguments. Finally, Boyle draws attention to Argentina's own contaminating mills suggesting that even neighboring mills in Chile, Brazil and Uruguay, are of better quality. Needless to say, these mills have been the focus of numerous infectious problems, community opposition, and closures due to environmental contamination, and most ironically, one of the mentioned Argentine mills (one of the worst) is owned by a former Uruguayan President!

Today both parties will present rebuttles.

More Information

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