
[Argentina: Victory of the Wichi community against logging company](#)

The Hoktek T'oi community of the Wichi People (Province of Salta, Argentina) has just won a resounding victory in the court action they brought against the Provincial government for the permit granted in 1996 by the Environmental Secretariat to the Los Cordobeses S.A. company, for the deforestation of 1,838 hectares of the community's traditional territory (see WRM Bulletin 49).

Before the permit was granted, the Hoktek T'oi Community had contested it at administrative level. Three years later, when the deforestation company requested an extension of the permit, the Community again contested it.

At legal level, the case was stubbornly upheld by the Wichi. Following rejection of their administrative action, in 1999 they lodged an Action for the Enforcement of Rights against the Provincial Environmental Secretariat. This was rejected by three courts in the provincial context, and taken to the Supreme Court of the Nation. On 8 September 2003, the Supreme Court finally and in a strong and definitive manner, decided favourably on the case.

The Supreme Court sentenced that the Hoktek T'oi Community "had been ignored in the allegations it had made regarding custody of its rights." It also emphasized that the authorization and extension of the deforestation permit were manifestly illegal as they had not respected the Indigenous rights set out in article 75, item 17 of the National Constitution, nor had they respected the prior Environmental Impact Assessment, required by the legislation in force. In this way, for the first time, the Supreme Court confirmed the Argentine State's obligation to ensure "the participation of Indigenous Peoples in the management of their natural resources and other interests affecting them."

Excerpt from the communiqué "Victoria Wichi" by the Hoktek T'oi Community, signed by Roque Miranda, José Neri Ruiz and Marcos Elias, sent by John Palmer, e-mail: johnpalmer@fastmail.fm