
Argentina: A great small victory against a Canadian mining company

The inhabitants of Esquel, a small Argentine town in the Province of Chubut, have been undertaking an important struggle in defence of their forests and their environment. An increasing number of the city's inhabitants, together with inhabitants of the Andean region and regional and national organisations are opposing an open cast mine project and the installation of a cyanide processing plant for gold mining, to be located at eight kilometres from this town, which is surrounded by lakes and millenary larch trees.

Unfortunately it seems that this is only the first of many other gold mining projects which will affect the whole Andes Cordillera area of Argentina and Chile, because of the privileges granted to multi-national companies through international "agreements" signed by governments willing to hand over the countries' wealth to the highest bidder.

In spite of the fact that the neighbours of Esquel are suffering all types of threats, they have not lacked strength and imagination to face the Canadian transnational company, Meridian Gold and its subsidiary company, El Desquite, the beneficiaries of this project. Demonstrations, ceremonies, marches, meetings, talks, declarations and even rock concerts have been organised over the past months against gold mining in the region. Various web pages have been created to disseminate information on the subject and to seek international support for the campaign. They have also resorted to the scant legal instruments available to those affected in these cases. During the month of December, the city neighbours submitted an Action for Environmental Protection, used to protect all the rights and guarantees set out in the Constitution and in particular "the right of all inhabitants to defend their environment."

On 19 February, the good news was received. The Civil court judge, Dr. Claudio Alejandro Petris had ordered the urgent halt of all Minería El Desquite's on-going works and activities in the Cordón Esquel, and prohibited the initiation of new works until all the precautions foreseen under Provincial Law 4023 on Environmental Impact and in its regulating decree had been complied with.

"Now the heart of the matter must be resolved, basically consisting of declaring all the works carried out to be illegal, ordering the total recovery of the altered environment and the application of a fine to the individuals and/or companies responsible for this action for an amount of up to 5% of the total of the Project. Although this will be a very hard legal battle, I believe this to be a very positive sign," commented a neighbour.

This resolution sets a very important precedent regarding the application of provincial laws, such as law 4032 on Environmental Impact, which requires in all cases the holding of public audiences, while the mining code that the companies had managed to change in their favour, does not have this requirement. So far, environmental impact assessments were just mere bureaucratic formalities, bearing the stamp "approved" right from the start. Furthermore, it is important, given that this resolution potentially affects any other mining project, at least in the Province of Chubut.

It is for this reason that the population of Esquel consider that the legal decision is a "small" but at the

same time, a great victory. For them it is clear that company power, both economic and political, is very often able to win battles in courts of law, achieving verdicts in their favour that are hardly related to justice. For this reason, the struggle at Esquel continues, encouraged by the recent legal decision.

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