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## **International Court of Justice to Hear Argentine-Uruguayan Pulp-Mill Dispute**

by LADB Staff

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Nearly three years after a diplomatic conflict erupted regarding installation of a cellulose-processing plant in Uruguay that Argentina says causes serious environmental contamination, the two governments on the Rio de la Plata still lack a channel for dialogue. In recent weeks, however, some friendly gestures were evident on both sides, and the ties between almost all social organizations, political parties, and unions have returned to their historical strong level.

Nevertheless, Presidents Cristina Fernandez de Kirchner of Argentina and Tabare Vazquez of Uruguay still show no signs of convergence. They have left everything in the hands of the International Court of Justice (ICJ) in The Hague, which will rule in 2010 on a petition filed by Argentina accusing Uruguay of violating the terms of a statute regulating the use of and human activity on border rivers.

Evidence of the conflict is seen in the interruption of vehicular and human transit on the most important and strategic of the three bridges across the Rio Uruguay, on whose banks sits the Botnia industrial plant. Botnia is a leading Finnish pulp producer (see NotiSur, 2008-10-17). The plant, with a production capacity of 2 million tons a year, is on the outskirts of the Uruguayan city of Fray Bentos and 25 km from the Argentine city of Gualeguaychu. The two cities are connected by the Gen. San Martin International Bridge, which was closed Nov. 20, 2006, by an Argentine grassroots group that said it was defending the purity of the environment.

The environment is, nevertheless, highly contaminated by the waste from Gualeguaychu's own industrial park. Uruguay approved the installation of the European multinational plant in 2004, during the administration of then President Jorge Batlle Ibanez (2000-2005). At that time, Argentina was governed by former President Nestor Kirchner (2003-2007), husband of President Fernandez.

### ***Argentine claims of massive pollution disputed***

At the ICJ hearing, Uruguay produced documents indicating agreement regarding the plant within the framework of the Comision Administradora del Rio Uruguay (CARU), a binational agency where matters regarding shared waters are settled. Argentina denied that it had been informed of the installation authorization for a plant to produce cellulose, a product long identified as highly polluting.

That is precisely what prompted the Asamblea Ambiental de Gualeguaychu to begin blockading the bridge, a controversial measure that, by impeding the transit of people and goods, goes against the common identity of both populations and violates the treaty of the Southern Cone Common Market (MERCOSUR), which includes member states Argentina, Brazil, Paraguay, and Uruguay and associate members Bolivia, Chile, Peru, and Venezuela. The final hearings prior to the ICJ's decision, which is not subject to appeal, were held Sept. 14-Oct. 2 in The Hague.

Both sides presented arguments supporting their position. Argentina tried to convince the court that its claims were valid and that the court should order the Botnia plant to be relocated, either away from its territory or in an area where no human settlements would be affected. Uruguay is hoping for a decision favorable to its interests and presented the judges with results from a series of monitoring activities.

One report was from Green Cross, the independent environmental consulting firm headed by Mikhail Gorbachov, former president of the former Soviet Union, which found that the plant operates within recommended standards of international agencies and that it does not pollute.

"I expect the tribunal to hand down a balanced decision in which it will not condemn either side and will leave things as they are," a spokesperson for the Argentine Ministerio de Relaciones Exteriores told Argentine daily Pagina 12.

"It is likely that the court will do nothing more than scold both sides. Keep in mind that this is a political institution that usually makes very political decisions because not even all the judges are career judges," said Uruguay's former foreign minister and current Defense Minister Gonzalo Fernandez.

The Argentine government, which, when the dispute began, was under much pressure from the people of Gualeguaychu, insists that Uruguay did not fulfill its "obligation to provide prior information and consultation," as required by the Estatuto del Rio Uruguay. It also claims that the Botnia plant fully operational since Nov. 9, 2007

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