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Companies In Argentina & Peru Accused Of Pollution By International Water Tribunal

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On Feb. 18 in Amsterdam, the International Water Tribunal accused four Argentine companies and a US company operating in Peru of water mismanagement and pollution. The informal tribunal, comprised of eight independent experts, operates on the ethical principle that all people have a right to the availability of adequate, clean water. Although resolutions and verdicts have no legal significance, organizers believe the publicity has more than just symbolic effect. The IWT Foundation, a Dutch non-governmental organization, is supported by a network of European NGOs. The first tribunal was organized nine years ago. The tribunal decided to render verdicts on 10 of 21 cases this year, most in developing nations. Members of the jury included Indonesian writer and journalist Moctar Lubis, Chilean Ambassador to Kenya Vicente Sanchez, German professor of public law Gerd Winter, and Devaki Jain, director of the Indian Institute of Social Studies. The four Argentine companies were accused of polluting the Matanza-Riachuelo river basin around Buenos Aires. One of the companies, Pelikan Argentina, agreed to install technology to ensure that soluble substances, such as ethylic ether produced in the manufacture of wax crayons, will be prevented from going into the sewer. In manufacturing pencil erasers, sulphurs are produced in the vulcanization process. Since sulphur cannot be eliminated, Pelikan has decided to stop this kind of eraser production. The other Argentine companies are the federally-owned water and sewage authority, Obras Sanitarias de la Nacion; the Unilever subsidiary, Lever y Asociados, which manufactures chemicals and soaps; and, Suchard Argentina, part of the Philip Morris Tobacco Company. The plaintiff in the case against the four companies was the Argentine Center for Environmental Studies. The four companies were accused of failing to meet legal obligations in controlling contamination of the river basin. Next, the tribunal accepted most claims by citizens of the Peruvian town of Ilo regarding the use of water by the Southern Peru Copper Corporation. The company has severely reduced water resources previously available to the local population. Discharge of waste into the sea had also caused a decline in the fish population, thus depriving local fisherfolk of their major source of livelihood. The verdict was read by Sanchez, who is also Chile's senior contributor to preparations for the global UN Conference on Environment and Development scheduled for June in Rio de Janeiro. Citing the verdict's text, Sanchez said, "It is regrettable that the [Peruvian] authorities have not been able to enforce existing pertinent national legislation, probably due to the critical economic and political problems the country is facing." According to the verdict, Southern Peru Copper took advantage of the situation by abusing license rights, and systematically contesting administrative decisions on its environmental performance. The company operates the biggest copper mines in Peru, and accounts for 16% of Peruvian exports. Most of the profits are exported with the copper. Evidence brought to the tribunal showed that the mine has not even paid taxes in Peru. Next, the tribunal reviewed estimates of investment required for installation of water treatment machinery, introducing more modern processing technologies, and compensation for existing damage. The tribunal said the company had neglected for too long the interests of the citizens of Ilo and the environment in the interest of increasing profits. Four of the "accused" attended tribunal deliberations to present defenses: the government of Israel, the Ecuadoran state-
run oil company PetroEcuador, the Quebec Electricity Company Hydro-Quebec, and the US-based Southern Peru Copper Corporation. The tribunal was also prepared to send observers in response to requests from three of the "accused" Hydro-Quebec, PetroEcuador, and the South African branch of the British company Thor Chemical. (Basic data from Inter Press Service, 02/18/92, 02/21/92)

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