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## ARGENTINA

**Glacier law comes into effect**

7/11/2012

**Supreme Court revoked precautionary measures that suspended application of the law.**

On July 3, the Supreme Court of Justice, or CSJ, lifted the suspensions of National Law 26.639 for the Protection of Glaciers and Periglacial Environments, which had been approved in 2010 but later suspended in response to lawsuits presented by mining companies, including the Canadian company Barrick.

The court revoked precautionary measures granted by a federal court in the northwest province of San Juan and ordered a National Glacier Inventory as well as obligatory studies on environmental impact.

With these precautionary measures, Barrick and the company Exploraciones Mineras Argentinas, which run the controversial Pascua-Lama and Veladero projects in San Juan, had stopped the application of the law that protects glaciers and periglacial environments as strategic water reserves, and imposes restrictions on open-pit mining. The companies pointed out the "irreparable damages" to their interests and the creation of "an uneasy and uncertain state for company representatives."

However, the CSJ pointed out in its decision that "it is not mentioned what the 'irreparable damages' to the interests of the companies are" which the judge pointed out in his decision to uphold the suspension of the law, and that it is not enough to argue that the law "affects the rights of the plaintiff [because] a mere allegation of damages is not enough when it is still unknown whether the activity is occurring within the area of the resource protected by law."

"The law defines the concepts of glacier and periglacial environments, and it then establishes a way to identify them through an inventory. Once a glacier inventory is carried out, it will be known exactly what areas are protected under the law," the decision reads.

In 2008, President Cristina Fernández vetoed the first version of the law, pointing out that it hindered investments in extractive industries. Two years later, Congress approved the final version of the law that was suspended because of the precautionary measures presented by Barrick, since it would affect the development of the Pascua-Lama project, located in the border between Argentina and Chile.

Pascua-Lama is an open-pit mine that began to be constructed in 2009 and is considered the largest bi-national mining project in the world. It is estimated that the deposit, located under three glaciers, contains 18 million ounces of gold, 730 million ounces of silver, and 650 million pounds of copper.

The Swiss consultant RepRisk, which advises investment banks, companies, and financial institutions on social and environmental risks, warned in March that the Pascua-Lama project would be violating principles of the Organization for Economic Cooperation and Development, or OECD, and of the International Finance Corporation, or IFC, "due to impacts on indigenous peoples and their livelihoods, [breaching] national and international laws, and has reportedly damaged and depleted glaciers." RepRisk added that Barrick "has also been accused of a lack of transparency, falsely obtained land titles, corruption in supplier contracts, and non-compliance with environmental legislation. In addition, there have been 16 worker deaths at the mine, and the operations have been accused of failing to benefit the local community." —*Latinamerica Press*.



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