

The Argentina-Uruguay Pulp Mills Case before the International Court of Justice: Provisional Measures and Environmental Protection

*Dr. Washington
Baliero*

Professor of Int'l Law
University of the
Republic and
the Catholic University
Montevideo, Uruguay

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12:00-1:00 PM

Room 105

Dalhousie Law School

Dalhousie University

6061 University Aven.

Halifax

*Free public lecture
All welcome*

For more info phone
494-1988

History of the proceedings:

On 4 May 2006 Argentina filed an Application instituting proceedings against Uruguay concerning alleged breaches by Uruguay of obligations incumbent upon it under the Statute of the River Uruguay, a treaty signed by the two States on 26 February 1975 (hereinafter "the 1975 Statute"), with a view to establishing the joint machinery necessary for the optimum and rational utilization of that part of the river which constitutes their joint boundary.

In its Application Argentina charges Uruguay with having unilaterally authorized the construction of two pulp mills on the River Uruguay without complying with the obligatory prior notification and consultation procedure. Argentina claims that these mills will damage the environment of the river and areas affected by it.

As basis for the Court's jurisdiction, Argentina cites the first paragraph of Article 60 of the 1975 Statute, which provides that any dispute concerning the interpretation or application of the Statute which cannot be settled by direct negotiations may be submitted by either party to the Court.

Argentina's Application was accompanied by a request for the indication of provisional measures requiring Uruguay, first, to suspend forthwith the authorizations for the construction of the mills and halt building work on them pending a final decision by the Court and, second, to co-operate with Argentina in the protection and preservation of the aquatic environment of the River Uruguay, to refrain from taking any further unilateral action with respect to the construction of the mills which does not comply with the 1975 Statute, as well as refraining from any other action which might aggravate the dispute or render its settlement more difficult.

In its Order dated 13 July 2006, the International Court fixed 15 January 2007 as the time-limit for the filing of a Memorial by Argentina and 20 July 2007 as the time-limit for the filing of a Counter-Memorial by Uruguay.

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