

23 September 2015

Strong Defense of mining and the local industry in Jujuy: The Courts Rejected the Annulment of Administrative Acts that Brought "Collective Apacheta"

Chamber 2 of the Administrative Court, composed by judges Raul Pedicone and Ruth Alicia Fernandez, chaired by the first of them, decided to reject the application for annulment of administrative acts brought forth by the group identified as "Collective Apacheta", who are small-scale producers from the region of Susques. The administrative acts related to alleged conducted during the consultation and consent by the Government of the Province of Jujuy for the exploitation of lithium and other minerals on behalf of the mining companies Exar and Sales de Jujuy SA, along with the claim of lacking participation of the Government of the Province with the aboriginal communities of the projects region.

The sentence was reached in favor of the legal representatives of the provincial government and was based on the readings the court assessed in relation to the information requested by the competent bodies of the Ministry of Production, through the Department of Public Prosecutions. This included the detailed report of the administrative proceedings who handled the approvals of the Environmental Impact Reports for each of the mining undertakings carried out in the area.

With regard to the allegations of alleged lack of participation of Aboriginal Communities in the assessments of the Environmental Impact Reports, the Provincial State said that the actions were carried out in accordance with the provisions in the Decree No. 5.772 -P/2010 and that in the case of one of the mining enterprise in the area (Olaroz - Sales de Jujuy, Cauchari - Olaroz - EXAR-) had provided due participation to the involved Aboriginal Communities.

Additionally, as part of the fundamental ruling, the Complainants, who claimed to belong to the "Collective Group Apacheta, small-scale producers of Susques", were found to not constitute as an "Aboriginal Community" as reported by the Secretariat of Human Rights of the Province, as they do not have the land ownership papers, do not have surveyed lands and that it is not possible to locate this group geographically.

The Provincial State considers that the Complainants have no legitimate interest in promoting the present action, and have failed to substantiate a worthy claim for consideration. Furthermore it has been identified that the provincial government deployed a full range of options to engage all stakeholders in the mining industries activities including adequate involvement from the local communities, enterprises and project stakeholders.