

Subject: Memo Abra Pampa
From: Matthew Wooten <mtwooten@gmail.com>
Date: Tue, 19 Aug 2008 18:54:17 -0500
To: Ariel Dulitzky <ADulitzky@law.utexas.edu>

Hi Ariel,

This is a little rough, but should give you a good idea about the situation in Abra Pampa.

The priority of reading the documents should be:

- Abra Pampa Memo
- Abra Pampa, DdP (Def. del Pueblo)
- Cierre Contaminacion Abra Pampa (Fiscalia)

Maybe after you look at this we could touch base. I told the people in Abra Pampa that I would get back in touch with them by mid September. So you know, Ive got a stack of documents from the Fiscalia in Jujuy, some soil studies, a budget and plan for the governments remediation program, some statements from the Sec. de Medio Ambiente, etc. If it looks like something we might want to take up for the clinic, I would need to collect more documents from the Univ. Nac. de Jujuy, Abra Pampas local hospital, the Defensoria del Pueblo, and the Fiscalia. Im planning on moving from Tucuman at the end of September, so it would be good to collect the rest of the information needed by then.

Sending you my best.
Matt

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Matthew T. Wooten

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Cierre Contaminacion AbraPampa, Fiscalia.doc	Content-Type: application/msword Content-Encoding: base64
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Ambra Pampa, DdP, Oct 2007.doc	Content-Type: application/msword Content-Encoding: base64
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DdP, iannual2007, info abra pampa pg 101.pdf	Content-Type: application/pdf Content-Encoding: base64
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BID, Gestion Ambiental para una produccion sustentable, Argentina.pdf	Content-Type: application/pdf Content-Encoding: base64
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Abra Pampa Memo.doc	Content-Type: application/msword Content-Encoding: base64
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Subject: Update, Abra Pampa and another option
From: Matthew Wooten <mtwooten@gmail.com>
Date: Wed, 20 Aug 2008 11:29:03 -0500
To: Ariel Dulitzky <ADulitzky@law.utexas.edu>

Ariel,

As a followup, I wanted to let you know that today I met with the Fiscal Federal from Tucuman, Antonio Gustavo Gomez.

We discussed the situation in Abra Pampa, and he mentioned the following things (seem important).

1. It was his sense that a collective amparo had already been filed by a group of people in Abra Pampa. He also expressed skepticism as to whether, given the fact that the State has a plan for remediation measures, an amparo would be very useful. His expectation is that all we would hear was "we are taking environmental remediation measures."

2. He also said that the fiscalia has had some discussions with the Indian Law Resource Center (www.indianlaw.org) about how to take a case to the international level. Their idea was that, instead of trying to open new litigation in Argentina that would take another 5 years to run its course, waiting for the current penal and civil actions to close and then using the 22 years of contamination and health problems without State action as evidence of the domestic recourses having been exhausted. So a potential partner and strategy.

Secondly, we discussed the idea of another case which - in the fiscal's opinion- seemed more solid than the Abra Pampa case. It involves two of the mines which are part of my study, as well, and for which we would have plenty of contacts. In essence it involves the mining industry's heavy use of water from the Campo el Arenales aquifer that runs underneath the extremely arid Calchaqui Valleys in Catamarca, Tucuman, and Salta. The Minera Alumbraera currently uses over 100 million liters of water per day in its operations, and numerous communities have claims that the mining activity is drying up their land. A new mine, Agua Rica, is in the final stages of preparation to begin exploiting, and will use double the amount of water that Alumbraera uses. The company's Informe de Impacto Ambiental states very directly that the Calchaqui Valleys will probably see significant local climate change within the next 40 years; in essence, the Calchaqui Valleys will dry up, having serious impacts on indigenous communities' land, traditional agricultural practices (from subsistence farming to vineyards), and on local tourism. Given that the use of water would impact communities in three provinces, it would be possible to file a multi-province, collective amparo appealing to article 41 of the constitution, which would go directly to the Supreme Court, as I understand it.

If we talk this week, we can discuss this option as well. It is significantly more political, as presumably the case would halt the Agua Rica mining project, one of the Secretary of Mining's shining stars. But the situation is grave.

All best,
Matt

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Subject: RE: Update, Abra Pampa and another option
From: "Ariel Dulitzky" <ADulitzky@law.utexas.edu>
Date: Wed, 20 Aug 2008 11:56:53 -0500
To: "Matthew Wooten" <mtwooten@gmail.com>

Thanks for the follow up. I know the Indian Law Resource Center. They are very good and if they are involved we can offer to support their work rather than start from the beginning. I can write to them. The lawyer is Leonardo Crippa and he is either from Tucuman or Salta but lives in D.C.

I am leaving in 20 minutes to Costa Rica. I will read all the materials that you sent me next week.

Ariel

-----Original Message-----

From: Matthew Wooten [mailto:mtwooten@gmail.com]
Sent: Wednesday, August 20, 2008 11:29 AM
To: Ariel Dulitzky
Subject: Update, Abra Pampa and another option

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Re: Update, Abra Pampa and another option

Subject: Re: Update, Abra Pampa and another option
From: Matthew Wooten <mtwooten@gmail.com>
Date: Wed, 20 Aug 2008 15:04:53 -0500
To: Ariel Dulitzky <ADulitzky@law.utexas.edu>

Great. Starting tomorrow, I'll be in La Rioja, San Juan, and Mendoza until the 31st. Then I'll be in Buenos Aires (to meet my parents who are coming to visit for three weeks), but I should be connected to the internet. Maybe we could talk on Skype around the 1st of September.

All best. Hope Costa Rica goes well.
Matt

Ariel Dulitzky wrote:

Thanks for the follow up. I know the Indian Law Resource Center. They are very good and if they are involved we can offer to support their work rather than start from the beginning. I can write to them. The lawyer is Leonardo Crippa and he is either from Tucuman or Salta but lives in D.C.

I am leaving in 20 minutes to Costa Rica. I will read all the materials that you sent me next week.
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