



Buenos Aires, March 9th, 2010

Embassy of Canada in Argentina
Dear Mr. Ambassador Tim Martin,

We draw your attention in order to denounce before you and the Embassy of Canada the oppression and abuse undergone by the people of Andalgalá, the second urban centre in terms of size and amount of inhabitants (18,000 approximately) of the province of Catamarca, Argentina. Since 1998, the population is subjected to outrages, plunder and pollution by Minera Bajo La Alumbreira (from the Anglo-Swiss transnational Xstrata) through an open pit metalliferous megamining, using leaching techniques with extremely toxic chemicals. Not allowing the settlement of more pollutant metalliferous megamining projects, the Andalgalenses were attacked by corrupt politicians from Catamarca. On this particular occasion, we refer to the company mainly of Canadian resources, Yamana Gold and its mining project denounced to the competent mining authority as Agua Rica. Using the water from the springs that form Rio Andalgalá and putting the local ecosystem at risk of irreversible damages, Yamana Gold expects to start an exploration three times bigger than Bajo La Alumbreira, which would imply the consumption of at least 100.000.000 litres per day.

After three days of police harassment, Vecinos Autoconvocados por la Vida de Andalgalá, who were peacefully blockading the public road of Chaquiago since two months before approximately, only stopping the way to equipment and materials sent to start Agua Rica, were terribly repressed by the elite group Kuntur (police squad specially trained to suppress and control highly dangerous situations), last February 15th 2010. Vecinos Autoconvocados, self-named Asamblea el Algarrobo (Carob Tree Assembly), together with local inhabitants in support of life, including citizens from different points of the country supporting the cause, were battered, kicked, punched, insulted, attacked with tear gases and rubber bullets shot at point-blank range, because they denied to stop defending a choice of life and future, for not allowing to be manipulated by sacking foreign interests, in this case, those of a Canadian company like Yamana Gold.

Citizens of Andalgalá are trying to come to terms with the local and provincial powers and with a view to succeed at a national scale, so as to have a word on their claims and decisions. Their universal rights shall not be left aside or betrayed by those who should have as the only goal to preserve them.

The savage oppression started in the Chaquiago road became more serious towards people stirred up by social injustice and political betrayal at the main park in Andalgalá, where several neighbours were taken under arrest in the police attack. Once more, the violence inflicted reflected the firm decision of the people to choose and defend their own pattern of life and sustainability.

We are to stress, Mr. Martin, that the false promises of jobs, growth, stability and a long list of hypothetical benefits, are being offered in different regions of the Argentina by the transnational megamining. Catamarca and San Juan have a corrupt political and multimedia system which have operated in favour of the strategies of plunder and general pollution. At present, citizens can no longer be deceived regarding the tremendous negative impact that this type of enterprise generates wherever it develops. The Andalgalenses, people who have made of trust and innocuity a way of life, have paid the high cost of allowing the entrance of mining companies to their land, also permitting the use of springs

and aquifers to the plundering Xstrata, in honour of the development of the pollutant Bajo La Alumbreira. Encouraged by the unawareness of the seriousness of the extraction and processing techniques and mainly by the promises of chimeric, steady and paid jobs “for everyone”, they were caught in a trap designed in the nineties by a national government sold to the interest of the developed world, and the majority of the provincial governments that from that moment became supporters of this evil and partly-hidden pact.

If only, at the moment of deciding on a serious compromise like the authorization of open pit exploitations using leaching, the political power decided to obey the local charter, the impossibility to launch this type of enterprise would obviously be exposed. Such charter states in its annexure the following:

“...the NEVADOS DEL ACONQUIJA AND SURROUNDING AREAS were declared NATURAL SANCTUARY (Statement Record of Annexure of the Local Charter of Andalgalá).”

Moreover, please find below, Mr. Ambassador, the frame in which this section of the statement is essentially included in a current project of local regulation promoted by the Andalgalenses and the Asamblea EL Algarrobo. This developing regulation is a tool to make understand the will of the inhabitants of this coveted region to the government that you diplomatically represent and to the corporation offensive interests that you surely do not represent nor justify.

REGULATIONS TEXT

ASAMBLEA POPULAR “EL ALGARROBO” declares that:

***In the same sense that
“Malvinas belong to Argentina”***

“The Nevados del Aconquija belong to the people of Andalgalá and neighbouring towns”

Regulations Project N° /2010

In view of the following:

The department of Andalgalá was and will always be a farming, stockbreeding, industrial, craftworking, touristic area.

Such profile is deeply rooted in our customs as the essence of our cultural identity.

*To guarantee the **eco-development** in a society in which **social peace** be a top priority as the essential element of human condition is a duty of the State and a constitutional right.*

By saying eco-development, there is a statal obligation to guarantee and favor a healthy balanced environment, to use the natural resources with responsibility and to preserve the natural and cultural wealth, as well as to protect the biodiversity.

Such statal duties are detailed in articles N° 14 of the National Constitution; articles 252 section 9 and 10 of the Provincial Constitution and articles 22 and 23 subsequent and concordant with the Local Charter of Andalgalá. Law 26.160. International Agreement of the ILO N°169. Universal Declaration of the Native Peoples. Universal Declaration of Human Rights.

Open pit mining with leaching or flotation techniques (annexes I, II and III of law 24.051) infringes dramatically the abovementioned rights. Therefore, it is a constitutional, national and international duty of the State to ensure those rights.

In our department, agriculture deserves special attention, as the Andalgalenses have long been appreciated in all the country for our products.

After twelve years of mining on a large scale, like minefield Bajo La Alumbreira did, even nowadays operating in a complete uncontrolled manner, with proved and suspicious irregularities in terms of pollution, there has been no economic, social or cultural enhancement. The facts are reflected in our hospital, the current state of route N° 46, the complete abandonment of the roads that intends to join our town with our neighbours of Santa María, Belén and Aconquija, the enormous rate of unemployment, the general poverty in our neighbourhoods and districts, the malnutrition, the rise in cancer and other illnesses, etcetera.

The Department of Andalgalá favours and supports the use of natural renewable resources with equality, justice and support, as it is being expressed throughout numerous manifestations in favour of life and against mining megaprojects, which expect to establish in the water sources of our town.

Although article 124 of the National Constitution declares that the provinces are the original owners of the natural existing resources in their territory, this interpreted as powers not delegated to the Nation, the power of environmental police is part of the faculties of the provinces and Local councils. Thus the competent organization in this subject is the Concejo Deliberante of Andalgalá. The common sense of the Andalgalá people inquiries: **“How can people from Buenos Aires decide the way we Andalgalenses should live?”**. Such faculty is a power that is not delegated to the nation nor to the province; it is the responsibility of the territorial scope in which life develops. In addition, article 12 of the Local Charter states the rights of people, and we would like to focus on the following: **B) to life, freedom, personal integrity and safety; B) to freedom of investigation, of opinion, speech and circulation of ideas through any media; L) to gather peacefully to demonstrate publicly or transitorily, to defend shared interests of any type.; LL) to associate with other people to promote, exercise and protect their legitimate political, economic, religious, social, cultural, professional, labour union rights, or any other rights; M) to submit respectful petitions to any competent authority, whether for general or particular reasons**. In addition, in chapter V on the Competence in Environment, article 22 declares: **the Local council shall protect the environment, therefore it will have to apply environmental politics to conserve the geographic characteristics, the existing ecosystems and the aerial environment in the whole town hall jurisdiction and surroundings, it shall favour the basis for a sustainable development founded in appropriate measures according to the conservation and protection of the environment, so as not to compromise the future generations expectations**. Moreover, in the frame of the reform of our National Constitution, Bidar Campos declared **“The reform has admitted that protecting the environment is a top priority for the power that has its jurisdiction, or the equivalent of assuming the rule that the jurisdiction is, primarily local...”**

On page N° 77 of “Instituciones de Derecho Ambiental” Editorial Lerner, Dr Alicia Morales Lamberti and Aldo Novax declare: **“that the judicial and administrative competence rule is local, according to article 7 of the L.G.A (Ley General de Ambiente): the imposition of this law corresponds to the ordinary courts, according to each territory, subject or person”**. Such regulation is consistent with the jurisdiction articulated between the nation and the provinces in relation to the protection of the environment. Thus, there are several duties and rights, but some of them are more important, **like the right to life, to public health, to a healthy environment, to the protection of the water basins, etc.** These rights will always be more important than the rights of a mining company to circulate in our road. They are sheer foreigners, like Empresa Minera Agua Rica from Yamana Gold, Filo Colorado from Xstrata, etc. All in all, we are facing a conflict of rights over which Andalgalá has already made a decision, made it public its opposition to megamining projects, as they are destructive, pollutant and plundering.

Taking into account the events of last February 15th, where **social peace** was altered by the police force, the Local council, the provincial government, the Chamber of Miners and the mining companies, generating unusual violence in our department, all the town found that their constitutional rights were pulled down, being the victims of a suppression that had never been seen before in Andalgalá, therefore reacting to defend themselves in an attempt to prioritize the inner justice that is set in every human. In other words, that sense of justice carried by the human race along history unleashed the violent events in question, **only for protecting life, health and the territory were we live.**

The events occurred last February 15th are the product of a whole politic of empoverishment planned by the national and provincial government, in which the west of our province is the target, with the only interest of imposing a megamining project that Andalgalá rejects (in collusion with companies viced of probable corruption and dangerous pollution). Considering that from all spheres of the executing power it is declared that we live in a state of Rights, that institutions and human rights are respected, what happened in Andalgalá reflects that what was really protected was, on the contrary, the economic power of a mining company, instead of the people's rights, brutally suppressed to a point in which many people have now not only physical contusions but also psychological disturbs, in some cases probably permanent.

For the reasons mentioned and as the only way to reestore social peace in Andalgalá, the megamining companies have to leave our town.

Consequently:

The council of Andalgalá orders the following:

Art.1) to forbid OPEN PIT OR UNDERGROUND MINING MEGAPROJECTS with the use of any toxic pollutant substance like cyanide or any other element that disrupts the eccosystem, the water sources, subterranean and superficial waters that serve Andalgalá.

Art. 2) to spread through the provincial mass media for three consecutive days the abovementioned and the fact that in the annexus of the local charter NEVADOS DEL ACONQUIJA AND SURROUNDINGS were declared NATURAL SANCTUARY, (Statement Record of the Annexus of the Local Charter of Andalgalá).

Art. 3) Have the Town Hall Executive of Andalgalá informed, in order to accomplish the above stated.

Art. 4) Ratify the agricultural, stockbreeding, touristic, industrial and craftworking profile of Andalgalá.

Art5 5) Inform, publish and add to the local register and file.

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At present, due to the increase of the negative profile of the local and provincial power in Catamarca, in addition to the circumstances of oppression, Electoral and Mining Judge Raúl Guillermo Cerda decided to cunningly issue an injunction, which had been submitted more than a month before by the Asamblea EL Algarrobo, requesting NOT TO INNOVATE the activities of Agua Rica at the base of Los Nevados de Aconquiya. Such injunction was held over by political and corporative pressures. In reference to the cunning decision, the declaration was that “the work will be postponed until social peace is restored”.

In that sense, Mr. Ambassador, it is necessary that you understand, in order to transmit this message to those who correspond, that for the people of Andalgalá the restoration of social peace will only be possible – according to the sensible decision of the inhabitants – when the mining enterprise be over, when there be prohibiting laws for open pit megamining and when the voice of inhabitants become the parameter for the political leaders.

It is not easy to live in harmony when people are forced to believe they have less rights to decide than the inhabitants of Montreal, Quebec, Toronto, or Ontario. Therefore, as you may appreciate, such population will still undergo an extended period of lack of social peace unless the competent authorities put their efforts in reverting the situation, which could be called “against humanity”.

Should you doubt of the huge psychological pressures the Andalgalenses are going through, we remind you that the city has extensively been subjected to mining activities. The total number of concessions approved amounts to 272 mines and one of them known as PILCIAO 16 extends all along the urban layout of Andalgala. On this occasion, the referred company is the English BHP Billington. Were not this perverse decision be reverted, the city would end up blasted, leaving a crater, or open pit, as the destructors of the Earth morphology like to call it. Some of these open pits, as you may recall by the activities carried out in the Canadian territory as well as in other countries, can easily exceed one or two kilometres deep, according to the diameter required, while others can exceed an extension of seven or eight kilometres. For mere political-corporative convenience, a hideous situation like the above described can be a real threaten, revealing the excessive ambition of those who only give priority to their own economic wealth, no matter the consequences.

Should you request more details, like the names of some government or companies employees, or from other entities with different ranks of responsibility and power to solve the suffering of Andalgala, please consult the following list:

- District Attorney Marta Nieva.
- Governor of Andalgala José Perea.
- Judge of Warrants Rodolfo Cecenarro.
- Electoral and Mining Judge Raúl Guillermo Cerda.
- The National Government held by Cristina Fernández de Kirchner.
- The Provincial Government of Catamarca held by Eduardo Brizuela del Moral.
- The Transnational Company Yamana Gold.
- Corporative Supervisor of Property Safety of Yamana Gold, Gustavo Fariña.
- Several suppliers of the mining industry.
- Government of Canada, represented by Prime Minister Stephen Harper.

As an organization in favour of life, the ONG Conciencia Solidaria takes this opportunity to give our support against the consequences of mining procedures taking place in some states of Canada. We are aware of the polluted areas; damaged populations and people pushed to migrate from the socio-environmental impact. The megamining and no less lethal extraction of hydrocarbons from sands with bitumen is a clear reference for politicians and entrepreneurs, so as not to loose track of the purpose of this letter. In view of this, the fact that your country take action by diplomatic, legislative and humanitarian means is not a an implicit possibility or an option requested, but a held debt of external politics of the nation you represent, regarding the offence committed by Canadian citizens through corporative measures, or open pit megamining, leaching with highly toxic chemicals.

We would like to recall that the name “Canada”, of Iroquois roots, means *settlement, village or group of houses*. We would like to recall that in this globalized world, for many settlements or group of houses whose territories and raw material become coveted for the systematic preservation of the hypnotic consumerism, such name represents the suppression of the elements that evidently gave their origins and sense of application, as well as the scenery for development.

In this manner, the culture we make along the globe, constantly evidences its contradictions and ambiguities, risking the delicate balance of our planet with the burden of the steady exhaustion of any possibility of sustainability.

With the sincere appreciation of the people who work for life and welfare, without boundaries nor any kind of distinction, we would like to thank you for your attention. Should you need more information on this subject, please let us know and we will assist you.

Yours sincerely,

Conciencia Solidaria
Interprovincial Non Governmental Organization