

## **IN THE INTERNATIONAL COURT OF JUSTICE**

### **CASE CONCERNING PULP MILLS ON THE RIVER URUGUAY**

**ARGENTINA,**

**APPLICANT**

**V**

**URUGUAY**

**RESPONDENT**

### **MEMORIAL OF URUGUAY**

COMES NOW the Republic of Uruguay and for their Memorial to the Court states the following:

#### **STATEMENT OF LAW:**

1. The Republic of Uruguay and Argentine Republic signed the Statute of the River Uruguay in 1975, with a common purpose of establishing the joint machinery necessary for the optimum and rational utilisation of the River Uruguay.
2. Article 7 of the Statute of the River Uruguay concerns the notification of the Commission of plans from either party which was complied with successfully.
3. Article 49 of the River Uruguay Statute 1975 established the creation of the Administrative Commission of the River Uruguay (CARU), which has jurisdiction to facilitate communications between the two nations concerning the River Uruguay, draw up rules governing conservation and preservation and prevention of pollution, and establish the legal and administrative regime for the binational works and installations which are carried out.
4. Uruguay has complied strictly with Articles 8, 9 and 13 of the United Nations Convention of 1997 dictate cooperation requirements between nations concerning international watercourse law.
5. The principles contained within the Vienna Convention on treaty interpretation expressly do not support claims of a veto power by one nation involved in a bilateral treaty despite Argentina's claims.

#### **STATEMENT OF FACT:**

Uruguay and Argentina have a strong allied history, sharing similar European heritage, as well as close economic, cultural, and political ties, and, importantly, have been committed to resolving the border dispute on the Uruguay River for decades, with formal intention marked by an Act signed in 1957; therefore Uruguay implores the Court to resolve this issue in order to allow the nations to uphold the UN purposes of international peace set out in Article 1. Argentina's submissions concerning the two procedural and substantial issues raised are, in the opinion of Uruguay, unsubstantiated, not only as Uruguay has complied relentlessly with the terms of the 1975 Uruguay River Statute (The Statute/The 1975 Statute), but also as it has acted with its impact on the environment thoroughly considered and assessed at every opportunity.

The River Uruguay Statute 1975's purpose was to establish the joint machinery necessary for the optimum and rational utilisation of the River Uruguay. Many regard the Uruguay River as the country's most precious natural resource, as locals depend on it for drinking water, industry professionals depend on it for fishing, and tourists with citizens together enjoy it recreationally. Uruguay has complied with the obligations imposed on it under the 1975 Statute on the River Uruguay with strict attention to detail. The decision taken by Argentina to bring this issue to the International Court of Justice, which, as agreed by both parties, does indeed have jurisdiction to deal with the matter, comes as Argentina previously expressed concern over the potential environmental

impacts of the mills, which have since been assessed and dismissed by analysis conducted by the International Finance Corporation (IFC). Uruguay has requested that the Court dismiss Argentina's application, as the application is illegitimate under both the issue of the notice provided to Argentina about the installation, and, under the environmental concerns raised.

Fundamentally, Uruguay seeks to act in compliance with its own internal agreements and Constitution, however, ultimately, it is committed to compliance with the principles contained within the UN Charter and the Millennium Development Goals Number 7 ensuring environmental sustainability. Uruguay's proposed plans are consistent with such commitment to sustainable development in the form of environmental sustainability, as the installation of these plants would generate thousands of jobs upon its inception as well as an estimated annual impact of \$274 million USD, in line with the UN and World Bank's recognition that sustainable development growth must be both inclusive and environmentally sound to reduce poverty and build shared prosperity.

### **STATEMENT OF JURISDICTION**

The International Court of Justice undoubtedly has jurisdiction to hear this case as per the stipulations found within Article 60 of the 1975 Statute of the River Uruguay, however, this jurisdiction is restricted to compliance with the terms of the 1975 Statute, which, does not include discussion of economic losses.

### **ARGUMENTS**

1. The argument submitted by Argentina stipulating that Uruguay was in violation of bilateral agreements in the construction of the mills in its failure to provide proper notification, obtain authorisation, begin construction, and adhere to environmental standards, are defamatory and unfounded, as Uruguay notified Argentina, and had professional analysis conducted on the proposals which were approved by the IFC.
2. The local pressure from every aspect of life to preserve the River and its ecosystem, is too immense for Uruguay to risk from moral, economic, constitutional and political standpoints, therefore logically, it is difficult to understand Argentina's arguments regarding the environmental impact of the installation, as Uruguay has every incentive to protect the River, as well as protections embedded in the 1975 Statute in Articles 7-12, 41 and 42. Uruguay strives to enhance its infrastructure and economic sophistication through the development of the Pulp Mills, thus, Uruguay submits that Argentina's claims are unduly putting Uruguay's sovereign right to economic development, which are indeed consistent with obligations concerning the protection and preservation of the environment, are being blockaded and its chances of future successes being put at unreasonable risk, especially in light of all of the evidence provided.
3. The International Financial Corporation of the World Bank (IFC) confirmed Uruguay's compliance with the substantive obligations imposed on it by the 1975 Statute, as it assessed the proposed plants would be 'among the best in the world', thus implying that the environmental impact would not be a cause for concern. Further in support of this, when assessed, the ENCE and Botania plants were found to satisfy all of CARU's water quality standards and regulations in place specifically for the matter of concern - the protection of the Uruguay River and its ecosystem, thus removing the relevance any substantive claim Argentina advances. Importantly, Argentina's claims are purely speculative and a poor use of the International Court of Justices' Time, as the evidence has already been provided to prove compliance with both issues raised and an assessment by the IFC has been conducted

in order to indisputably confirm that the plans submitted are also compliant with the relevant water quality standards and regulations. These regulatory bodies are in place to assess to the best of their knowledge prospectively, any unexpected environmental impacts would be addressed as and when they arise, as even with permission given, these bodies hold the jurisdiction to act accordingly in retrospect.

4. Although Uruguay is of course committed to upholding the UN and MDG values of environmental sustainability and development, and has no reason to deter the court from investigating these issues further, as assessments have already been conducted successfully, Uruguay wishes to assert a limitation on the jurisdiction of the court. Uruguay accepts the jurisdiction implied by Article 60 under the 1975 Statute, but argues that only arguments within the subject-matter stipulated in the Article should be considered. The environmental concerns raised by Argentina should thus be removed from the Court proceedings as their relevance is lost when working within the confines of the 1975 Act as Argentina wishes.

### **SUMMARY AND REQUESTS**

The stipulation within the Statute of the River Uruguay that both countries should inform each other of their plans and resolve disputes, without the requirement of negating them, Argentina's claims are unfounded and the appeal to the Court to have Uruguay deconstruct its pulp mill are an attempt to unjustly limit the economic growth of Uruguay. Argentina is also not able to assert violation of any CARU standards or Statute clauses, in relation to the issue of environmental impact.

The Republic of Uruguay implores the International Court of Justice to dismiss the arguments of the Argentine Republic due to the lack of Statutory violation as a result of the correct communication being made, and in light of the extensive efforts made to ensure compliance with environmental protection standards. The benefits of the installation of these mills in terms of creation of local jobs, and hundreds of millions of new revenue being generated in the local economy, are too important to be hindered by a malicious and unnecessary attempt at interfering with Uruguay's national sovereignty, since the proposed plans have already been submitted and approved by the appropriate parties.

Uruguay hopes these contentious proceedings instituted by this unilateral application from Argentina, can be resolved efficiently by the International Court of Justice, as permissible by Article 60 of the 1975 Statute, in the knowledge that Uruguay has not committed a violation of any aspect of the Statute. Uruguay looks forward to upholding the values of the UN and MDG's upon the creation of the Pulp Mills and beyond, alongside Argentina upon the resolution of this matter.