

The long road to lasting development



The country urgently needs to adopt a model for sustainable development, but it faces serious obstacles in doing so. Legislation to protect the environment is still inadequate. The Government must take steps to resolve the country's many environmental conflicts. The general public must be allowed access to information about the environment. Both the Government and the general public must recognize that Argentina's environmental conflicts stem from a paradoxical vision that promotes investment "at any cost" while at the same time wants policies to protect the environment. The absence of a sustainable development policy has had a negative impact on the most vulnerable social groups in Argentine society: peasants, indigenous communities and people living in marginal urban areas.

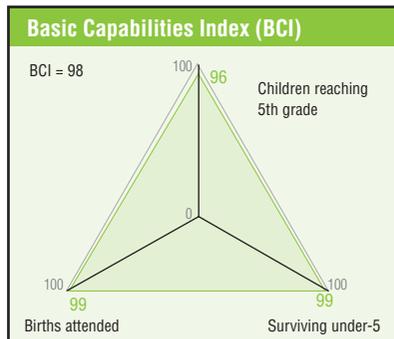
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According to the *Living Planet Report 2010 of the World Wildlife Fund (WWF)*, Argentina is ninth on the list of ten countries that produce 60% of the planet's natural wealth.¹ As such, it has a strategic role as a global provider of environmental services. In the last 40 years, however, Argentina has been virtually stagnant as measured by the Human Development Index (HDI). It has developed less than countries that in 1970 had similar HDI ratings but nowhere near Argentina's level of natural resources (e.g., Spain, Greece, Ireland and Israel).² It is paradoxical that a country with such abundant and diverse natural resources should have unacceptable indicators of human development and wealth distribution.

Loss of biodiversity

One of the country's biggest environmental problems is deforestation. Between 1937 and 1987 some 2,355,308 hectares (about 23,553 km²) of native forest were lost, and in the last 17 years the total jumped to 5,321,001 hectares (53,210 km²). In the period 1998 to 2006 around 250,000 hectares (2,500 km²) per year disappeared, which is a rate of one hectare (10,000 m²) every two minutes. The reasons for this grim panorama are the disorganized exploitation of forests, the expansion of the agricultural frontier and the lack of public policies or incentives for private actors to undertake reforestation with native species.³

Deforestation, the loss of native forests and climate change are closely interconnected, and the implementation of environmental protection mechanisms could be a forerunner to the subsequent implementation in Argentina of UN (Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) REDD schemes. The Government, however, does not have suitable mechanisms to cope with these problems and lacks the political will to es-

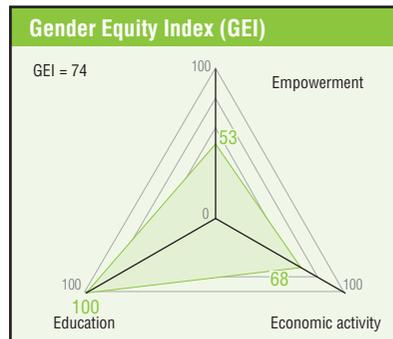


establish legal frameworks that foster sustainable development.

Agriculture's negative environmental impacts

Agriculture is one of the main pillars of Argentina's economy. International price increases for products from this sector have favoured agricultural production on an industrial scale, and the predominant model is the mono-cultivation of soy bean and oilseed.⁴

But today the negative consequences of this process have become more evident. Agriculture is the second biggest source of greenhouse gases in Argentina after the energy sector. Per capita CO₂ emissions in Argentina are nearly twice the average level in the region.⁵ Further, an unrestrained use of agrochemicals has had a negative impact on the environment and people's health. The *Atlas of Environmental Risk for Children* has stated that in Argentina "approximately three million children are living in a situation of environmental risk caused by agrochemicals."⁶ According to the Carrasco Report, glyphosate – the main agro-chemical used in the country – causes deformities in and poses a risk to various vegetable and animal species.⁷



Meanwhile agricultural production has extended its frontier, encroaching into native forest lands. This encroachment has incorporated indigenous and peasant communities into work systems that are at odds with their traditional ways and for which these communities have provided neither their free, nor prior, nor informed consent.⁸

In order to reverse this situation, Argentina needs a system of laws that defines minimum environmental standards of sustainability for the use of agrochemicals, advances towards a process of land recuperation and imposes environmentally safer agricultural practices.

Progress in legislation

In the last 10 years there has been significant progress toward enacting legislation that promotes sustainable development and protects people's right to a healthy environment. Many obstacles still exist, however, that hinder the execution and implementation of these regulations and make compliance difficult to monitor. Contradictions in the law and regulations themselves, as well as opposition from powerful economic and political interests have provoked persistent and rancorous socio-environmental conflicts.

The private sector, civil society organizations and the State seem able to reach agreement only through conflict. As a result, certain high-profile cases – many leading to prolonged legal proceedings

1 World Wildlife Fund, *Living Planet Report 2010: biodiversity, biocapacity and development*.

2 UNDP, *El desarrollo humano en la Argentina (1970 – 2010): una mirada más allá de la coyuntura*, (Buenos Aires: 2010).

3 Greenpeace, *Un arduo camino a la Ley de Bosques*.

4 Jorge E. Weskamp, "Soja: más allá de lo económico" (Buenos Aires: Clarín, 15 July 2006).

5 World Bank, "Datos", <datos.bancomundial.org/pais/argentina>.

6 Defensoría del Pueblo de la Nación, *Resolución sobre la Clasificación de la Toxicidad de los Agroquímicos* (Buenos Aires, 12 November 2010).

7 Primicias Rurales, "Andrés Carrasco, autor de un estudio controvertido, advierte sobre glifosato para los humanos", (5 April 2009).

8 See the UN Declaration on the Rights of Indigenous People, the United Nations General Assembly Action Programme for the Second International Decade of the World's Indigenous People and the International Labour Organization Convention 169, among others.

– have gradually put sustainable development on the public agenda. Examples include the legal wrangles over the draining of the Matanza-Riachuelo hydric basin, the conflict over the pulp mills on the Uruguay River and more recently, the debate about the application of existing environmental statutes to the conservation of glaciers and periglacial environments now under threat from mining projects.

Article 41, a provision in the country's reformed Constitution of 1994, establishes the right to a healthy environment and the obligation to preserve it, and is the essential foundation for developing a statute pertaining to sustainable development. Since 2002 the National Congress has emerged as a key actor - in addition to the courts - in enforcing compliance with environmental standards. It has passed an impressive series of measures that require minimum standards to finance environmental protections, including the management of industrial, household and services waste, the elimination of PCBs, the protection of water resources, native forests, glaciers and periglacial formations. These legislative initiatives also have helped to place environmental, social and economic sustainability on the public and private agendas.

As an example of a recurring problem, however, at the end of 2007 after a long process in which civil society organizations took an active part, the National Congress passed a law to protect native forests. Unfortunately that law has yet to be implemented in an effective way. As a consequence, the situation of the native forests remains critical. Recent and current court cases make clear that indigenous communities and small local producers continue to be vulnerable to an indiscriminate felling of trees in their communities and on their lands.⁹ In addition, current legislation establishes that a 0.3% of the national budget will be allocated to the native forests' conservation fund.

The Matanza-Riachuelo Basin

Argentina's water resources have high levels of pollution, caused by a lack of control over industrial effluents, unsatisfactory or non-existent treatment of sewage, excessive use of agro-chemicals and the unplanned development of urban areas. The consequences for water resources of unplanned urban expansion include pollution from precarious settlements around rivers and streams near cities, the locating of rubbish dumps in flood valleys, the unmonitored pollution of reservoirs with urban waste and agrochemicals, the discharge of untreated sewage, and mountains of solid waste that block the drains and cause contaminated water to flood large areas of land.¹⁰

A paradigmatic example that illustrates the difficulties involved in tackling pollution and overcoming obstacles to careful management of the country's water resources is the case of the Matanza-Riachuelo Basin.

The Matanza-Riachuelo Basin covers approximately 2,240 km² and is subject to the jurisdiction of 17 governmental units: the Province of Buenos Aires, 14 provincial municipalities, the Autonomous City of Buenos Aires and the national Government. More than 3,500,000 people live in the Basin, and of these 35% do not have access to potable water and 55% do not have sewage facilities. There are more than 10,000 industrial units in the area that employ obsolete technologies that contravene the prevailing regulations. There are 171 open air rubbish dumps. Consequently, 96.4% of the Basin's population is exposed to at least one environmental threat while a large proportion of that population lives in alarming poverty and indigence.¹¹

The conflict over the Matanza-Riachuelo Basin - regarded as among the 30 most polluted places in the World¹² - exemplifies the weakness of Argentina's institutions and the lack of political will of its politicians. The matter has gone all the way to the Supreme Court of Justice, the final guarantor of the Constitution, and this body has had to take control of draining and repairing the damage to the Basin.

Conflicts over mining

Large-scale mining is another highly conflictive area.¹³ Nobody can deny the enormous economic importance of the mineral extraction industries, but it is also impossible to ignore mining's ecological consequences and its negative impact on the lives of the communities that are directly affected. It has been said that "while the growth curve of investment in mining has increased exponentially in recent years, so too have conflicts over mining."¹⁴

Mining conflicts tend to follow a pattern that usually involves the following aspects:

- There are no prior agreements with local communities and no broad-based participative processes to debate the development model to be implemented or how the ecological impact will be tackled.
- Governmental institutions that should enforce mining regulations and compel mining enterprises to comply do no evaluation or effective environmental monitoring of the environmental impact.
- There is no adequate public access to information which would reduce uncertainty and enable informed citizens' groups to become involved.

11 See A. Nápoli, "Recomposición Ambiental De La Cuenca Matanza-Riachuelo" in M. E. DiPaola and F. Sangalli (eds.), Informe Ambiental Anual 2010 (Buenos Aires: FARN, 2010).

12 See: <www.blacksmithinstitute.org>.

13 Fundación Ambiente y Recursos Naturales (FARN) and Fundación Cambio Democrático, Ciudadanía Ambiental y Minería: herramientas para la transformación democrática de conflictos socioambientales (Buenos Aires: FARN, 2010), pp. 11-20.

14 P. Lumerman, et al., "Análisis de la conflictividad socio ambiental en Argentina. El conflicto minero: emergente de la nueva conflictividad socioambiental en Argentina.", in Informe Ambiental Anual 2009 (Buenos Aires: FARN, 2009).

Protection for the glaciers

In October 2010, a law was passed setting budget minimums for the protection of the glaciers and periglacial environments. This was a victory for the communities and social sectors involved, but the Executive has delayed final implementation of the legislation. To make matters worse, the mining sector – with backing from some provincial governments – has resorted to legal proceedings in an attempt to stop its implementation. They argue that it could block the development of extractive activities in these areas.¹⁵

What must be done

Argentina has a long way to go to achieve sustainable development. Until the national and provincial governments make a serious commitment to effectively executing, coordinating and monitoring compliance with the prevailing regulations, it will be difficult - if not impossible - to implement a sustainable development model that recognizes and enforces human rights. To reach that goal, civil society organizations and the academic sector will have to be brought into the process in addition to active citizen participation and support.

Denied the right to health services, adequate food, decent housing, clean water and land, the peasants, the indigenous communities and the inhabitants of the marginal areas around the big cities are those who suffer most from the negative consequences of the lack of sustainable development policies and the flaws in the current tentative ones.

The ultimate responsibility for creating policies that incorporate environmental considerations and encourage sustainable development rests with public decision-makers; they should take the lead in changing the current lifestyle and consumption model. The private sector, however, is not exempt; it must become aware of the consequences of its activities and take responsibility for them.

In turn, the public at large must be allowed access to information about the environment, and this means that at long last there will have to be Government transparency. Moreover, public institutions in all three branches of the State will have to be consolidated and coordinated. National and provincial governments will have to work towards managing and preventing conflicts over the environment and overcome the problem that on the one hand the country wants to promote investment at any cost, but on the other, it must implement effective environmental protection policies. The first step will have to be to see that this paradox is not a necessary condition and that it is possible to achieve a form of development that is genuinely sustainable. ■

15 "Barrick Exploraciones Argentina S.A. y otro c/ Estado Nacional p/ Ordinario"; "Minera Argentina Gold S.A. c/ Estado Nacional p/ Ordinario"; and "A.O.M.A. y otras c/ Estado Nacional p/Acción de Inconstitucionalidad", Juzgado Federal No. 1 de San Juan.

9 See the case of "SALAS, Dino y otros c/ SALTA, Provincia de y otro s/ Amparo," in progress at the National Supreme Court of Justice.

10 S. D. Matelucci and J. Morello, "Singularidades territoriales y problemas ambientales de un país asimétrico y terminal," in Realidad económica No. 169, (Buenos Aires: 2000).