



## STRATEGIC ACTION PROGRAMME



*UNDP - GEF Project (RLA/99/G31):*

*Environmental Protection of the Río de la Plata and its Maritime Front: Pollution Prevention and Control and Habitat Restoration (FREPLATA)*



June, 2007

## INDEX

I. SAP Principles .....	3
II. Political and institutional commitments .....	4
III. The Challenge.....	5
IV. A Common Vision.....	7
VI. Evaluation and Monitoring Indicators .....	11
VII. National Action Plans.....	13
VIII. Institutional Framework .....	13
IX. SAP Financing.....	18
X. Future Cooperation Arrangements.....	20

**ANNEX I.** Institutional Support to the SAP

**ANNEX II.** The Transboundary Diagnostic Analysis (TDA)

**ANNEX III.** Methodology

**ANNEX IV.** Stakeholders Involved in SAP Preparation

**ANNEX V.** Management Tools

**ANNEX VI.** Ecosystem Quality Objectives and Indicators

**ANNEX VII.** SAP Implementation: National Institutional Jurisdiction

**ANNEX VIII.** National Action Plans: Project Portfolio and Financing Needs

**ANNEX IX.** Remediation Projects and Programmes impacting on the Río de la Plata and its Maritime Front

**ANNEX X.** Acronyms and Abbreviations

**With the purpose of recovering and protecting the Río de la Plata and its Maritime Front**, the Administrative Commission for the Río de la Plata (CARP) and the Bi-national Technical Commission for the Maritime Front (CTMFM), which are bi-national organizations from the Argentine Republic (RA) and the Oriental Republic of Uruguay (ROU), transnational in nature, with jurisdiction over the Río de la Plata and its Maritime Front, representing both governments in their respective jurisdictions, hereby do:

**Reaffirm** their commitment to the restoration and protection of the Río de la Plata and its Maritime Front ecosystem and to the sustainable development of its resources;

**Express** their intention to continue the tasks which are being performed by the Administrative Commission for the Río de la Plata (CARP) and the Bi-national Technical Commission for the Maritime Front (CTMFM) in order to achieve a sustainable development and environmental protection of this ecosystem;

**Value** the commitment to the Strategic Action Programme, which has been evidenced by the active participation, at its preparation stage, of governmental, academic, scientific, technical, private-sector and civil-society stakeholders;

**Express** their conviction of the need to advance in additional actions at both national and regional level, aimed at strengthening bi-national cooperation and sustainable management of the Río de la Plata and its Maritime Front ecosystem;

**Reaffirm** their commitment to support this objective through the principles, policies and actions detailed in this Strategic Action Programme.

## **I. SAP Principles**

1. The Strategic Action Programme is based upon the following principles:

- Concept of **sustainable development**, defined upon 3 fundamental pillars:
  - *Man as central axis of development*,
  - *Environmental protection* as an integral part of the development process, and
  - Right to development based on *equity*.
- *Ecosystem approach* and *integrated management* of water resources to achieve global and transboundary environmental benefits;
- *Precautionary principle*, by adopting preventive measures when there is grounded evidence of potential risk to the environment or to the population health;
- *Anticipatory principle* as an axis for the development and implementation of contingency plans and response to emergencies, environmental impact and strategic environmental assessments;
- *Free access to information* and promotion of *public participation*, thereby **ensuring management transparency**;
- Promotion of the use of *clean technologies* and application of *economic and financial instruments* stimulating both production and services sectors to implement *Cleaner production* systems (C+P);

## II. Political and institutional commitments

2. Both countries have been committed to the Environmental Protection of the Río de la Plata and its Maritime Front for more than 30 years. The Treaty of the Río de la Plata and its Maritime Front, drawn in 1973 between the Argentine Republic and the Oriental Republic of Uruguay, has provided a solution to any conflict which may arise from any legal loophole related to the exercise of their equal rights on the Río de la Plata and from the lack of boundary determination limiting their respective water jurisdictions. The Treaty contemplates the special characteristics of the fluvial and maritime territories involved, and sets a basic legal framework for the environmental protection and sustainable development of the uses and resources of this water body. Likewise, the Treaty provided for the creation of two Bi-national Commissions: the Administrative Commission for the Río de la Plata (CARP) and the Bi-national Technical Commission for the Maritime Front (CTMFM). These Commissions have been operating for more than 30 years. They are international bi-national entities, vested with legal personality empowering them to fulfil their purposes, and they constitute a bi-national system for the assessment and administration of resources.
3. The Treaty of the Río de la Plata and its Maritime Front defines: **1)** coastal strips of exclusive jurisdiction of each riparian country of the Río de la Plata (2 nautical miles wide from the inner limit of the river to the imaginary line connecting Colonia del Sacramento –ROU– and Punta Lara –RA–, 7 nautical miles wide from said line to the outer limit of the River, and the territorial sea – 12 nautical miles–). However, their outer limits shall have any necessary inflections so as not to exceed the edges of the navigation channels in the Common Use Waters shared by the Parties and so as to include port access channels. **2)** Río de la Plata Common Use Waters, and **3)** Common Fishing Zone. Both commissions (CARP and CTMFM) have jurisdiction upon the areas of the RPMF other than the exclusive jurisdiction strips and the territorial sea (Figures 1 and 2)<sup>1</sup>.
4. In 1994, CARP and CTMFM signed a Joint Declaration on Cooperation, in which, taking into account the water dynamics of the Río de la Plata and its Maritime Front, they agreed to coordinate the actions to be undertaken regarding environment and life quality studies. Later on, they decided to create the CARP-CTMFM Consortium, which would be in charge of the execution of the FREPLATA<sup>2</sup> Project. This Project strengthened and favoured joint work between both commissions and, at the same time, offered the participation framework needed to identify, agree and implement joint solutions to main transboundary environmental issues affecting the Río de la Plata and its Maritime Front.
5. In view of the diversity of jurisdictions involved and the complexity of the RPMF environmental issues, the success of the SAP is essentially based on the political and institutional commitment of the Argentine and Uruguayan authorities integrating the CARP and the CTMFM, and of the authorities and governmental agencies pertaining to the different jurisdictions involved (national, provincial, municipal, departmental) having competence on the creation and enforcement of environmental policies.
6. The RPMF is governed by domestic and international laws, rules or instruments. These are some of the main ones:

### *International Instruments:*

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<sup>1</sup> In the SAP, the term Maritime Front shall mean the ocean area comprising the Common Fishing Zone as defined by the Treaty of the Río de la Plata and its Maritime Front (1973).

<sup>2</sup> UNDP-GEF Project (RLA/99/G31) “Environmental Protection of the Río de la Plata and its Maritime Front: Pollution Prevention and Control and Habitat Restoration (FREPLATA). This Project was executed by the CARP and the CTMFM; it was funded with resources from the Global Environmental Facility (GEF), with contributions from other cooperation agencies, and with funds contributed by both countries; and it was implemented by the United Nations Development Programme (UNDP).

- Global international law instruments, such as the Law of the Sea, Agenda 21, and the Johannesburg Declaration.
- Regional instruments, such as the La Plata Basin Treaty (1969) and the Asunción Treaty (1991), by virtue of which the Southern Common Market (MERCOSUR) was created.
- Bilateral instruments, the most important of which is the Treaty of the Río de la Plata and its Maritime Front.

*Domestic Instruments:*

- National (or federal) laws and policies, many of which deal with RPMF issues.
  - Provincial or departmental laws and policies. There is an asymmetry between Argentina and Uruguay because the former is a federal state and the latter is a unitary state, therefore there are material differences regarding the decentralization degree of law- and policy-making powers.
7. In several occasions (Annex I), both authorities and stakeholders participating in the preparation of the SAP and jointly responsible for its implementation, explicitly expressed the importance of:
- Having a bi-national strategic perspective in order to face transboundary environmental issues and to strengthen cooperation and coordination mechanisms between both countries.
  - There being consistency between objectives and proposed actions of the SAP, on one hand, and national policies of both countries, on the other hand. This was the reason why SAP projects were declared “of environmental interest” and pertinent budgetary items were allotted in order to carry out the proposed actions.
  - Having an inter-ministry commission and institutional structure proposals for the coordination and monitoring of the SAP and of the pertinent National Action Plans, reflecting both national and bi-national prioritization.
8. The SAP implementation will represent a significant contribution to the sustainable development of the region from a common perspective agreed between both riparian countries, the execution of concrete actions for the environmental protection of the Río de la Plata and its Maritime Front, and the institutional strengthening of bi-national commissions and participating organizations.

### **III. The Challenge**

9. The Río de la Plata and its Maritime Front (RPMF) constitute a “transboundary water system” whose resources are shared between the Argentine Republic and the Oriental Republic of Uruguay. It shows characteristics that are unique at a global level, since it is one of the main fluvial and fluviomarine systems in the world and it connects the Río de la Plata Basin (the second largest basin in South America and fourth largest worldwide) to the Atlantic Ocean. It is an integral part of the Large Marine Ecosystem (LME) of the south-western continental shelf of South America, and contains a globally significant biodiversity. The Río de la Plata is among the richest, most singular and endangered natural areas in the planet. According to World Wildlife Fund (WWF-2007), it is the most seriously threatened basin in South America, and it is also among the 10 most vulnerable basins in the world.
10. This water body is intensely used for sea and river transportation, and for the development of an important fishing activity. Sixteen million people live along the Río de la Plata coastline and two of the most significant and densely populated metropolitan areas of Argentina and Uruguay are settled: Buenos Aires and Montevideo with a 13.2 and a 2.4 million inhabitants, respectively. These two urban centres also concentrate the main industrial and service-rendering activities, most of the port activity and main economic activities of both countries. Such anthropogenic pressure produces environmental impacts on the quality and quantity of the uses and resources of the Río

de la Plata and its Maritime Front. These impacts have been identified in the studies carried out in preparing the Transboundary Diagnostic Analysis (TDA) to be threatening the area environment, biodiversity and wellbeing of coastal population. Moreover, these impacts have significant local and transboundary environmental consequences caused by hydrodynamic and biological processes of transportation and active-passive pollutant distribution.

11. The RPFM is one of the major nodes in the regional communication and people & goods transportation systems, and it houses the most important two harbour complexes of the region: the port of Buenos Aires and the port of Montevideo. It is one of the access routes to the MERCOSUR<sup>3</sup>, since it is the way into and out of the Río de la Plata Basin from and to the sea, and since the major port complexes, which are highly important for Argentina, Uruguay, Bolivia, Paraguay and Brazil, operate in its coasts.
12. Fishing is one of the most important economic activities in the RPFM. Total fishing production within the Common Fishing Zone reached 300,000 tons in 1996, but dropped by fifty percent in 2003. Several commercially relevant species have reached or exceeded sustainable limits; therefore, both countries are taking urgent steps towards preserving fishing resources. These resources are affected by pollutants coming from land sources and from the Río de la Plata Basin as a whole. In addition, there is a strong fishing pressure in this area, as well as issues regarding fish discarding, incidental fishing and by-catch practices.
13. The main pollution issues are seen in coastal areas, as a result of land discharges (industrial, sewage effluents, etc.) These areas receive discharges from emissaries of big cities in both countries. According to the existing pollution level and key pressures involved, critically polluted areas (“*hot spots*”) or special management areas were identified on the coastal strip and in Common Use Waters.
14. Through the TDA, the following transboundary environmental priority issues were identified: i) Chemical and petrochemical pollution; ii) Pollution by direct and indirect industrial effluents and sewage emissaries, either with an inadequate treatment or with no treatment at all; iii) Input from non-point sources (agricultural waste, etc); iv) Eutrophication; v) Dredging activities and sediment disposition; vi) Destruction of natural habitats; vii) Loss of biodiversity; and, viii) Appearance of invasive species (Annex II).
15. There is consensus about the idea that development and implementation of the best options and alternatives to solve the identified priority issues require a wide approach, including sectorial, economic and administrative policies related to the management of the RPFM water resources.
16. Both governments are committed to intensify social participation of civil society (NGOs), private sector, base communities, etc., in its governance. Their participation in the TDA-SAP elaboration process has provided important information about the system and the relationship between transboundary issues and root causes, and has allowed the identification of the hindrances for implementing actions, as well as the opportunities present in the existing structures and systems. However, information on transboundary environmental issues, particularly “offshore” ones, should be more widely known.
17. Although there are economic tools in force for managing environmental issues, legal mechanisms have been designed without taking into account their technical and economic feasibility aspects, therefore rendering them almost impossible to apply. In addition, instruments and jurisdictions (local, national and provincial) overlap, and control by pertinent governmental bodies is insufficient.

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<sup>3</sup> The Argentine Republic, the Federal Republic of Brazil, the Republic of Paraguay and the Oriental Republic of Uruguay subscribed the Asunción Treaty in 1991, thereby creating the Southern Common Market, MERCOSUR.

#### IV. A Common Vision

18. The Strategic Action Programme for the Río de la Plata and its Maritime Front (SAP) is a document which is an integral part of the process, aimed at defining and agreeing the implementation of responses to the main transboundary environmental issues identified in the pollution and biodiversity plans.
19. For the SAP to be successful, the agreement and commitment of a wide and diverse group of key stakeholders from both the government and the civil society is needed<sup>4</sup>. The SAP is a political document which has been negotiated and endorsed by governments of both countries, and which identifies:
  1. - Investments and actions required to solve environmental issues identified in the Transboundary Diagnostic Analysis, and
  2. - Institutional and legal reforms required to implement proposed actions and investments.
20. The **Long-term Vision** (decades) proposes a future scenario in which our present issues shall have been reversed or modified, thereby having achieved an acceptable environmental quality. This Long-term Vision is the framework used to define the Ecosystem Quality Objectives and, subsequently, the direction of the SAP. The application of the SAP is the link between the Transboundary Diagnostic Analysis (TDA) and the Vision.
21. *Vision: "Improvement in the standard of living of the population of the Río de la Plata and its Maritime Front by restoring and preserving its water quality, biodiversity and sustainability of its uses and resources"*.

#### **Long-term Ecosystem Quality Objectives (EQOs)**

22. **The Ecosystem Quality Objectives (EQOs)** are statements of the Vision that reflect how stakeholders would like the state of the RPF to be in the long term, starting by solving the priority issues identified in the Transboundary Diagnostic Analysis.
23. The two Long-term Ecosystem Quality Objectives identified within the FREPLATA Project are:
  - *Long-term Ecosystem Quality Objective I: Safe water for population health, recreational use and aquatic biota development.*
  - *Long-term Ecosystem Quality Objective II: Protection of priority habitats and ecological sustainability of living aquatic resources.*

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<sup>4</sup> Refer to Annexes III and IV for methodology and stakeholders involved in SAP preparation.

## V. Short-term Operational Objectives and Priority Actions Required to Meet the Ecosystem Quality Objectives<sup>5</sup>

### Long-term Ecosystem Quality Objective I

*Safe water for population health, recreational use and aquatic biota development*

24. Pollution problems in the region are related to industrial development and increase of economic and social development. Growth in population, tourism, and water transportation will continue to put increasing pressure on the RPMF system; therefore, it is essential to adopt adequate measures to prevent, remedy and control present and future pollution issues.

25. In order to attain this Ecosystem Quality Objective, the following Operational Objectives are needed:

**I.1.** To prevent and reduce input of polluting agents from specific land sources (industrial and sewage effluents) and non-point sources.

**I.2.** To prevent and reduce pollution caused by aquatic activities.

**I.3.** To remediate highly polluted sites.

26. In order to implement these Operational Objectives, the following priority actions are needed<sup>6</sup>:

#### Operational Objective I.1

##### 27. Effluent Treatment Alternatives

1) To design and implement alternative treatment systems which reduce the impact of urban effluents (sewage and industrial waste) on the RPMF. *Priority: Very High.* Implementation term: 1-5 years.

##### 28. Cleaner Production

2) To involve critical industries in Cleaner Production Plans (C+P). *Priority: High.* Implementation Term: 1-5/5-10 years.

##### 29. Other

3) To identify and assess loads from main generators of polluting liquid emissions (industrial and sewage waste) and to detect critically polluted areas ("hot spots"). *Priority: Very High.* Implementation term: 1-3 years.

4) To strengthen coordination of strategies and policies aimed at improving treatment of urban effluents discharging into the RPMF. *Priority: Very High.* Implementation term: 1-5 years.

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<sup>5</sup> Short-term Operational Objectives (5-10 years) define the lines of action needed to comply with the Ecosystem Quality Objectives. In fact, they are stages which have to be regularly monitored in order to determine the progress of the implemented actions and to verify if the ecosystem quality objective is being attained. The development of this flexible system allows progressive changes in the uncertainties linked to the natural environment complexity, social system, and technological development. Therefore, throughout the implementation of the Strategic Action Programme, operational objectives shall be adjusted or adapted (if necessary) to update, improve and optimize mechanisms or procedures involved in the lines of action proposed. Short-term priority actions (1-5 years), are those specific actions needed to achieve operational objectives.

<sup>6</sup> Actions for each Operational Objective are sorted by subject groups (e.g. Alternatives for effluent treatment, Cleaner Production, etc.). Both Annex I and the chapter dealing with SAP Financing contain the estimated costs of such actions.



- 5) To implement actions to reduce input of urban solid waste (USW) into the RPMF. *Priority: Very High.* Implementation term: 5 years.
- 6) To strengthen industrial effluents control and monitoring systems and to promote coordinated management in order to avoid jurisdictional conflicts and to apply discharge standards efficiently. *Priority: High.* Implementation Term: 5 years.
- 7) To favour the application of economic mechanisms aimed at stimulating the incorporation of new technologies for reduction of polluting discharges. *Priority: High.* Implementation Term: 1-5/5-10 years.

## **Operational Objective I.2**

### **30. Ports and waterways**

- 8) To improve operating practices on ballast water discharges to control and reduce the appearance of invasive species. *Priority: High.* Implementation Term: 1-5 years.
- 9) To strengthen bi-national practices of environmental management in dredging operations and final disposition of material. *Priority: High.* Implementation Term: 1-5 years.
- 10) To strengthen and improve the existing bi-national coordination and response capacity regarding transboundary contingencies due to navigation accidents (e.g.: hydrocarbon spills, hazardous loads), including the execution of joint bi-national drills. *Priority: High.* Implementation Term: 1-3 years.
- 11) To improve the capacity of main RPMF commercial and sporting ports for the reception of liquid effluents and solid waste generated by vessels and port operation. *Priority: Moderate.* Implementation Term: 1-5 years.
- 12) To strengthen and coordinate maritime traffic control systems. *Priority: Moderate.* Implementation Term: 1-3 years.

## **Operational Objectives I.2 y I.3**

- 13) To define and implement actions for restoration of highly polluted areas. *Priority: Moderate.* Implementation term: 1-5/5-10 years.

## **Operational Objectives I.1, I.2 y I.3<sup>7</sup>**

### **31. Integrated Information System**

- 14) To implement an Integrated Information System aimed at facilitating access and exchange of environmental data needed to achieve operational objectives. *Priority: Very High.* Implementation Term: 1-5 years.

### **32. Monitoring of water, sediment and biota quality**

- 15) To implement a bi-national network of “early response” for control of pollution caused by harmful algal blooms (HABs). *Priority: High.* Implementation Term: 1-3 years.
- 16) To design and implement bi-national water, sediment and biota quality monitoring plans to set baseline values of these parameters in the RPMF, to optimize polluting discharge controls and to define water quality goals. *Priority: Very High.* Implementation Term: 1-5/5-10 years.

### **33. Strengthening of Environmental Management**

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<sup>7</sup> Transversal actions: respond to all three operational objectives.

17) To incorporate environmental training and educational programmes based on the concept of sustainable development in the RPMF. *Priority: High.* Implementation Term: 1-5/ 5-10 years.

18) To implement mechanisms aimed at facilitating and stimulating public participation in the decision-making process related to the environmental management of the RPMF. *Priority: High.* Implementation Term: 1-5/5-10 years.

19) To update and adjust legislative, regulatory and institutional frameworks at all levels in both countries, in order to ensure environmental protection and sustainable use of natural resources. *Priority: High.* Implementation Term: 1-5 years.

20) To adopt Strategic Environmental Evaluation (SEE) and bi-national Environmental Impact Assessment (EIA) proposals for Common Use Waters and Common Fishing Zone of the RPMF as a basis for the evaluation of future projects involving transboundary impact. *Priority: High.* Implementation Term: 1-5 years.

## **Long-term Ecosystem Quality Objective II** *Conservation of Habitats and Biodiversity*

34. This objective shall be pursued by preventing and reducing/mitigating impact on the system biological integrity, focusing on two main goals:

a) Protection of priority habitats and threatened species:

Application of generic measures to habitats of high ecological relevance, either due to their great biodiversity or to their functional relevance (e.g. feeding, breeding and spawning areas) in the ecosystem, in order to protect their biodiversity; for example, protected aquatic areas. It should be noted that during TDA stage, significant progress was made towards the identification of priority aquatic areas for conservation.

b) Ecological sustainability of exploited ecosystems:

Strengthened application of responsible fishing practices, thereby achieving an integrated management of fishing resources in the long term, allowing for the reduction and mitigation of incidental impact on environment, particularly on globally threatened species.

35. In order to achieve this Ecosystem Quality Objective, the following Operational Objectives are needed:

**II.1.** To contribute to the protection of the major threatened species.

**II.2.** To contribute to the protection of significant endangered habitats and restore degraded areas.

**II.3.** To contribute to encourage responsible fishing practices.

36. In order to achieve these Operational Objectives the following priority actions are needed<sup>8</sup>:

### **Operational Objectives II.1 and II.2<sup>9</sup>**

37. Biodiversity

1) To strengthen, on a national basis, the management of existing protected marine and coastal areas. *Priority: Very High.* Implementation term: 1-5 years.

2) To implement Biodiversity Strategies proposed for RPMF Common Use Waters and coastal areas. *Priority: High.* Implementation term: 1-2 years.

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<sup>8</sup> Actions are sorted by subject (e.g., biodiversity and fishery). Annex V describes management tools, which were prepared simultaneously to the SAP and which would act as a framework for its implementation.

<sup>9</sup> Actions needed to achieve both Operational Objectives.

- 3) To contribute to the development and implementation of action plans for conservation and sustainable management of the key regional threatened species. *Priority: High.* Implementation term: 1-5 years.
- 4) To develop ecological sensitivity maps as tools for strategic environmental planning and management of coastal and aquatic habitats. *Priority: High.* Implementation term: 1-5 years.
- 5) To develop remediation plans for globally-relevant degraded coastal ecosystems. *Priority: High.* Implementation term: 1-5/5-10 years.
- 6) To develop and implement a bi-national monitoring programme for biodiversity management. *Priority: Moderate.* Implementation term: 1-5/5-10 years.
- 7) To implement a bi-national system of protected aquatic areas. *Priority: Moderate.* Implementation term: 1-5/5-10 years.

### 38. Fishing activities

- 8) To evaluate and monitor incidental fishing impact on RPMF aquatic ecosystems. *Priority: High.* Implementation term: 1-5/5-10 years.
- 9) To adopt and implement responsible fishing arts and protocols in the RPMF main fisheries. *Priority: Moderate.* Implementation term: 1-5/5-10 years.
- 10) To develop pilot schemes of multi-specific fishing management, aimed at optimizing availability of resources. *Priority: Moderate.* Implementation term: 1-5 years.

### **Operational objectives II.1, II.2 and II.3<sup>10</sup>**

#### 39. Integrated Information System

- 11) To implement an Integrated Information System aimed at facilitating access and exchange of the environmental data needed to achieve operational objectives. *Priority: Very High.* Implementation term: 1-5 years.

#### 40. Strengthening of Environmental Management

- 12) To incorporate environmental training and educational programmes, based on the concept of sustainable development in the RPMF. *Priority: High.* Implementation Term: 1-5/ 5-10 years.
- 13) To implement mechanisms aimed at facilitating and stimulating public participation in the decision-making process related to the environmental management of the RPMF *Priority: High.* Implementation Term: 1-5/5-10 years.
- 14) To update and adjust legislative, regulatory and institutional frameworks at all levels in both countries, in order to ensure environmental protection and sustainable use of natural resources. *Priority: High.* Implementation Term: 1-5 years.
- 15) To adopt Strategic Environmental Evaluation (SEE) and bi-national Environmental Impact Assessment (EIA) proposals for the Common Use Waters and Common Fishing Zone of the RPMF as a basis for the evaluation of future projects involving transboundary impact. *Priority: High.* Implementation Term: 1-5 years.

## **VI. Evaluation and Monitoring Indicators**

41. Aimed at monitoring and evaluating the success of the SAP implementation, a series of indicators for each Ecosystem Quality Objective (Charts 1 and 2) have been defined. Annex VI details the

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<sup>10</sup> Transversal actions: respond to all three operational objectives.

indicators and estimated costs for each proposed action. Annex III (Methodology) explains the meaning of each class of indicators defined.

**Chart 1. Evaluation and Monitoring Indicators Defined for Long-term Ecosystem Quality Objective I: *Safe water for population health, recreational use and aquatic biota development.***

- Reduction of pollutant discharges from point sources.
- Level of polluting agents in water and sediments lower than agreed quality objectives.
- Updated and harmonized legal and regulatory framework, co-ordinately enforced by all governmental levels in both countries.
- Established water quality goals.
- Reduction of solid urban waste input.
- Enhancement of monitoring and control systems for industrial emissions.
- Reduction in the number of invasive species introduced by maritime-fluvial traffic.
- Reduction of environmental impact caused by navigation accidents.
- Increased volume of waste and effluents discharges at ports.
- Reduction of accident risks arising from maritime traffic.
- Recovered polluted areas (km<sup>2</sup>).
- Access by institutional key stakeholders to reliable sources of information on the environmental status of the RPFM.
- Reduction of damage caused by Harmful Algal Blooms (HABs).
- Implemented bi-national monitoring plans.
- Strengthened coastal municipalities network.
- Strengthened national and provincial organizations.
- Implemented environmental training and educational programmes.
- Implemented new public participation mechanisms.
- Bi-national Commissions strengthened through bilateral agreements for SAP implementation. Coordinated application of legal frameworks at different government levels.
- Implementation of bi-national EIA protocols: reduction of transboundary environmental impact.

**Chart 2. Evaluation and Monitoring Indicators Defined for Long-term Ecosystem Quality Objective II. Conservation of Habitats and Biodiversity.**

- Reduction in the number of threatened species.
- Recovered significant coastal habitats.
- Implemented Bi-national Monitoring Programme for Biodiversity Management.
- Protected aquatic areas (km<sup>2</sup>).
- Positive biological integrity indicators (including breeding and spawning areas).
- Reduction of incidental captures of sharks, rays, sea turtles, albatross, petrels and franciscana dolphins (*Pontoporia blainvillei*) in the RPMF.
- Number of environmental status indicators, monitored by the Integrated Information System.
- Access by institutional key stakeholders to reliable sources of information on the environmental status of the RPMF.
- Implemented environmental educational programmes.
- Implemented new public participation mechanisms.
- Bi-national Commissions strengthened through bilateral agreements for SAP implementation. Coordinated application of legal frameworks at different government levels.
- Implementation of bi-national EIA protocols: reduction of transboundary environmental impact.

## **VII. National Action Plans**

42. Simultaneously with the SAP, both countries developed a National Action Plan presenting the project portfolio needed for this SAP implementation, thus reflecting the real commitment of both countries to the goals herein described.

## **VIII. Institutional Framework**

43. This chapter puts forward: a) a legal system which favours an effective observance of the SAP recommendations, b) an institutional framework which coordinates and integrates the environmental competences of the Argentine and Uruguayan governments, and the powers delegated thereby to the bi-national Commissions, c) alternative possibilities for financing the Commissions' activity with resources which are not exclusively dependent on contributions from both governments.

### **Legal Framework**

44. The core goal of the FREPLATA Project, "*pollution prevention, reduction and control, and biodiversity protection and conservation*" in the Río de la Plata and its Maritime Front, is common to Argentina and Uruguay, and both countries are determined to achieve this goal jointly. This is why pollution cannot be regarded as a merely domestic issue, and it is necessary to have binding regulations in order to succeed.

### **System under consideration**

45. The system under consideration has been shaped at the many symposiums, workshops and working group meetings organized by the Project, and it is composed of two complementary lines of action:

A) To harmonize the Argentine and Uruguayan legal systems.

46. As a background therefore, there is a Digest containing the environmental regulations of the domestic legal systems of Argentina and Uruguay and of the International Public Law. Said Digest was generated during the TDA preparation and both countries have adhered thereto.

47. Although this initiative is undoubtedly useful, it is not sufficient enough to provide both countries with an efficient legal system for ensuring an effective enforcement of the SAP recommendations and other decisions to be adopted in order to attain the core goal of the FREPLATA project.

In fact:

48. Although the countries show that they can be prepared to satisfy sectorial demands to a lesser or greater degree, the limitations typical of their competences and resources make it difficult for them to efficiently attend to the more general aspects related to sustainable development, or to make and enforce global policies encompassing all resources and needs.

49. Joint, coordinated and efficient actions are hard to achieve because of many reasons, including the diversity of rules -sometimes even mutually contradictory, and vested with different ranks and hierarchies- intended to regulate similar situations, and the plurality of entities with overlapping competences within one same country and even within one same province, municipality or department.

B) To centralize in both bi-national Commissions the competence to create the regulatory rules applicable to the comprehensive environmental management and the sustainable development of the uses and resources in the Río de la Plata and its Maritime Front, and their effectively exercising this competence.

50. Jurisdictional bodies of both countries would have, as in any modern legal system, a body of two different classes of regulatory rules governing environmental issues:

a) Institutionally ranked primary or basic rules, which constitute a legal framework with very little flexibility, composed of:

- The Treaty of the Río de la Plata and its Maritime Front (TRPMF), the provisions of the International Treaties which the States Party have adhered to in connection with environmental protection, particularly aquatic environment, and the rules adopted by virtue of the SAP recommendations.
- National laws of both countries related to the environmental issue, in all their mutually consistent aspects.

b) Regulatory or secondary rules, created by the bi-national Commissions, destined to specify, whenever needed, the scope of the basic rules or to make their enforcement possible, without modifying their nature or altering their purpose.

### **System to be favoured**

51. Without disregarding the future need for organizing and strengthening the comprehensive system of the Río de la Plata Basin, the environmental management of the RPFM should be centralized, in the short term, by the bi-national Commissions created by the Treaty of the Río de la Plata and its Maritime Front. These Commissions are permanent in nature and they have driven the FREPLATA Project so far. Besides, they have a deep knowledge of the conditions of the physical

environment to be protected, of the causes hindering its preservation, of the goals to be accomplished, of the difficulties to be overcome in order to obtain them, and the instruments needed to do so. And, above all, they have the advantage of being formed by representatives of the governments of the two countries which are associated in this Project.

52. These Commissions would have the following powers:

a) Within their own jurisdictions:

53. These Commissions would have the specific power to issue regulatory rules, binding in nature and directly applicable within their respective jurisdictions (CARP: Common Use Waters; CTMFM: Common Fishing Zone).

54. These rules would in turn regulate other rules: The institutionally-ranked basic rules making up the legal framework, common to both countries, and composed –as above described– of the following: the TRPMF, the provisions of the International Treaties they have adhered to in connection with environmental protection, particularly aquatic environment, and the internal rules of each of them in their mutually consistent parts, and the rules adopted by virtue of the SAP recommendations.

55. The CTMFM already has the specific function of *"setting rules and measures related to the rational exploitation of the species existing in the common interest zone and to the prevention and elimination of pollution"* (TRPMF: section 82, subsection d).

56. This case is similar to the Administrative Commission of the Uruguay River (CARU), which –regarding environmental regulation– has the specific duty to *"Issue regulatory rules on: ... 4) Pollution Prevention..."* (River Uruguay Charter: section 56)

57. On the contrary, the CARP does not have any such power. Its powers in relation to this issue are restricted to just *"issue the rules needed for regulating fishing activity in the river, aiming at preserving living resources"* (TRPMF section 6, subsection b).

58. It would be advisable that the CARP be granted –in the way both Governments may agree– the specific power vested in the CTMFM and in the CARU to issue regulatory rules, binding in nature ("hard" law) and directly applicable within its jurisdiction (Common Use Waters) TRPMF section 48; only conditioned to the requirement to be observed by the Commissions in the Treaty of the Río de la Plata and in its Charters: the information and permanent consultation with their governments, provided for in the Project Document itself (item B5, 5). The Treaty expressly considers such possibility (section 66, subsection j).

b) Outside their own jurisdictions:

59. The Commissions shall make recommendations to the domestic governmental bodies.

### **Institutional Structure**

60. As it has already been mentioned, for implementing the SAP, it shall be necessary to combine national jurisdictions (domestic governmental bodies) with a bi-national jurisdiction (internal structures of the CARP and the CTMFM).

61. The institutional structure must favour this integration. For this purpose, the following organization is suggested:

### **National Institutional Jurisdiction**

62. In Argentina as well as in Uruguay, there are two distinct kinds of governmental bodies or public agencies: Agencies with specific jurisdiction on environmental issues, and agencies which are related to the environmental protection, but without a specific jurisdiction thereon. (Chart in Annex VII.)

### **Bi-national Jurisdiction**

63. Formed by the following:

a) Consortium Steering Committee (CDC)

64. Formed by the Presidents of the delegations of the Commissions, holding the following functions:

- To hold general managing powers for implementing the SAP.
- To suggest to the Commissions the regulatory rules to be issued, in relation to the comprehensive environmental management and the sustainable development of the uses and resources in the Río de la Plata and its Maritime Front.
- To suggest recommendations, according to paragraph 5.1.2b.
- To coordinate the CARP-CTMFM Consortium action as regards said implementation.
- To promote participation of competent national and local bodies of both countries.
- To establish the framework agreements, as well as any applicable complementary agreements.

b) Coordination Committee for SAP implementation

65. Formed by one representative of each Commission, one representative of each National Coordination Committee (Argentine and Uruguayan) and one representative of the SAP Technical Coordination Unit.

Its functions shall be:

- To promote the implementation of the SAP in coordination with the National Action Plans (NAPs).
- To coordinate the actions that have been agreed upon with the pertinent jurisdictions in support of the NAPs, including the institutional strengthening, research, exploration and search of alternative financing sources through international entities and specialized agencies.

c) National Coordination Units

66. Each National Coordination Unit shall be composed of the national bodies with jurisdiction on SAP application, and its specific function shall be to follow up the execution of NAPs.

d) SAP Coordination Bi-national Technical Units

67. The Bi-national Technical Unit shall have a stable sector, formed by two coordinators and one secretary, and a variable sector, formed by temporary technical staff, whose appointment and term of employment shall depend on the SAP implementation needs.

Its functions shall be:

- To monitor SAP Implementation: To supervise observance of SAP Evaluation and Monitoring Indicators.



- To produce two annual reports about the attainment of the objectives set for the SAP.
- To manage the Integrated Information System.
- To organize Inter-ministry Conferences between both countries for approval and communication stages required by the SAP implementation.
- To direct and support the task carried out by the Bi-national Intersectoral Working groups. *Bi-national Intersectoral Working Groups (standing and ad hoc groups).*
- Private Sectors, NGOs and Civil Society: To conduct and support their participation.

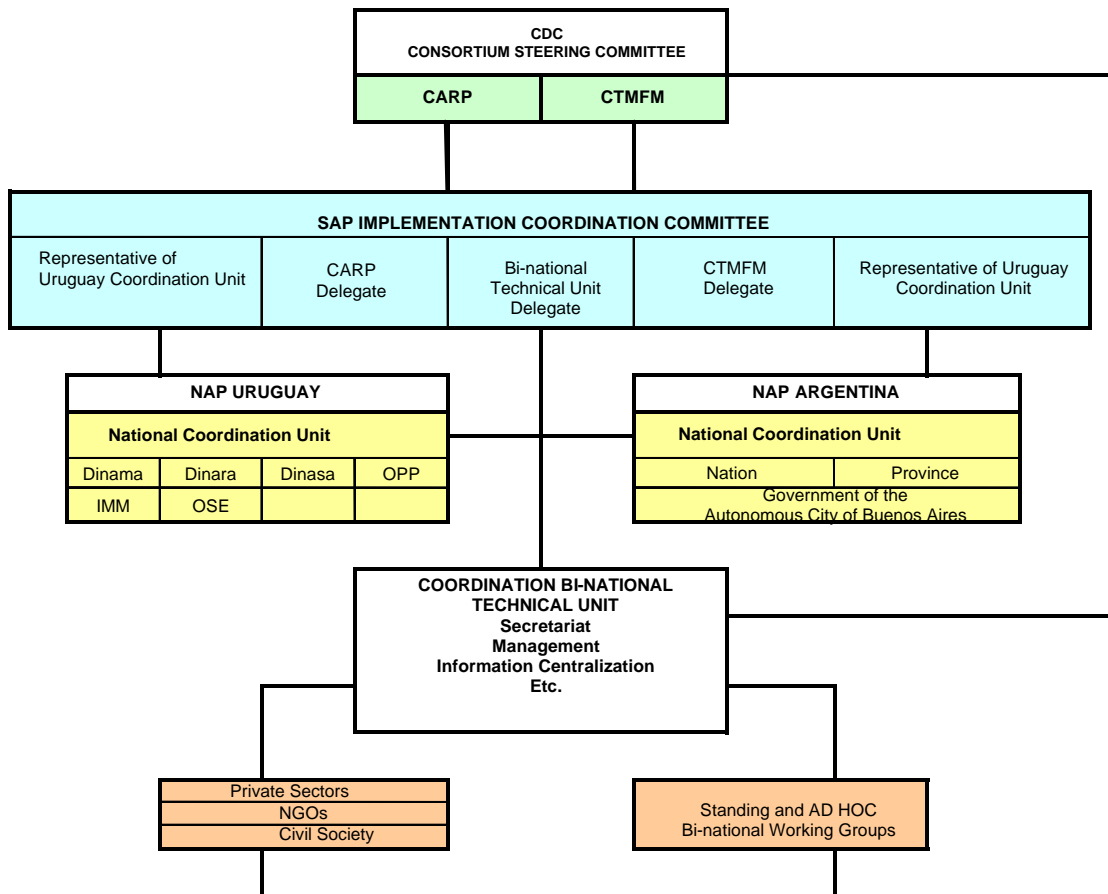


Figure 13. Organization Chart for the implementation of the SAP.

### Funding Sources for Commissions

68. The purpose of strengthening the Commissions on an institutional basis is closely linked to the need for providing them with the resources they need for efficiently accomplishing their goals as per their current charter and as per directed by the Governments.
69. Specifically, the Commissions shall reinforce their resources, both technical and human, so as to be able to perform the *"scientific studies and research work for the assessment, conservation and preservation of living resources and their rational exploitation, and prevention and elimination of pollution..."* (TRPMF: sections 66 and 82) and, consequently, to be able to issue any necessary regulatory rules.

70. For such purpose, funding sources -in addition to those provided by the governments- shall be sought in order to ensure the continuity of the pertinent activities.

## **IX. SAP Financing**

71. With the purpose of achieving significant results for the overall environmental improvement of the Río de la Plata and its Maritime Front, a SAP implementation plan has been created. This plan requires the execution of National Action Plans in each country, as well as bi-national actions within the jurisdictions of the CARP and CTMFM Commissions. Not only will this implementation plan represent a greater coordination effort among environmentally competent national bodies in both national and local jurisdictions, but also a greater cooperation effort among said bodies and the bi-national Commissions.

72. Each National Action Plan (NAP) for the implementation of the SAP is included in the strategic vision and in the goals of pollution reduction and prevention and biodiversity preservation in the area of the Río de la Plata and its Maritime Front, agreed by both countries at the highest political and institutional level. These NAPs include a Project Portfolio which will reinforce government environmental policies of both countries with new actions that will contribute to the overall environmental improvement of the RPMF (Annex VIII).

73. The Project Portfolio points out the total investment amount required for implementing the SAP, and differentiate the actions which have already been scheduled in each country and which already have a financing source (Base line), from the additional effort (Additional cost) associated with the achievement of objectives within the overall environmental improvement of the Río de la Plata and its Maritime Front.

### *NAPs Implementation*

74. Projects have been grouped by subject areas for their best evaluation, comparative analysis and identification of their contribution to the environmental effects of the projects as a whole. Regarding the Project Portfolio, financing sources available for Baseline component have been evaluated, and financing needs for additional costs have been identified.

### *Project Portfolio for the Argentine National Action Plan*

75. The Project Portfolio for the Argentine National Action Plan includes 84 projects with transboundary impact and included in the SAP lines of action. These projects entail a financial commitment undertaken by the Argentine government and society of U\$S1,329 million and additional financing needs amounting to U\$S 38,5 million (Additional cost)<sup>11</sup>.

### *Projects Portfolio for the Uruguayan National Action Plan*

76. The Project Portfolio for the Uruguayan National Action Plan includes 41 projects with transboundary impact and included in the SAP lines of action. These projects entail a financial commitment by the Uruguayan government and society of US\$125.3 million (Base Line) and additional financing needs amounting to US\$ 17 million (Additional cost)<sup>12</sup>.

## **Base Commitments**

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<sup>11</sup> Argentine National Action Plan, FREPLATA, April, 2007

<sup>12</sup> Uruguayan National Action Plan, FREPLATA, April, 2007

### **Argentine Republic**

77. At a governmental level, the environmental policy is now a governmental policy in Argentina, and actions are being implemented towards institutional strengthening, by allocating human and financial resources aiming at recovering and promoting a sustainable use of the environmental resources. Departments with jurisdiction on environmental policy, both of the Nation and of the Province of Buenos Aires, have been institutionally strengthened, since they have become Departments of State, vested with ministerial rank. Likewise, in the City of Buenos Aires, the Ministry of Environment has been created by virtue of the new Ministries' Law; such Ministry was formerly an Under-department.
78. This strengthening of environmental management and policies has been evidenced by the redesign and start-up of the Matanza-Riachuelo Basin Environmental Recovery Plan, which started in September, 2006. This plan demands a total investment of US\$ 1,800 million from 2007 through 2011. Its first stage shall be implemented during 2007-2008 for an amount of US\$ 370 million.
79. As a complement of the above, one of the goals of Argentine Water and Sanitation Services (AySA), a state-owned company which provides drinking water and sanitation services, is to develop a Sanitation Master Plan (SMP) in the metropolitan area of Buenos Aires, with a total investment of US\$ 1,231 million for sanitary infrastructure works, to be executed between 2007 and 2016. Some of these actions are included in the Matanza-Riachuelo Plan.
80. Both plans are specific commitments undertaken by the Argentine government in order to strengthen the environmental management and to promote a sustainable use of hydric resources which will have a significant local impact in the improvement of the environmental quality of the Río de la Plata and its Maritime Front. Moreover, these plans shall be the driving force for obtaining international financing agreements, such as investments, loans, donations and technical assistance aimed at financing additional transboundary impact actions.

### **Oriental Republic of Uruguay**

81. As from 2005 the Uruguayan government has implemented numerous actions aimed at strengthening its environmental policy and management. In 2004 the Uruguayan society voted a Plebiscite which introduced a significant amendment to the Constitution, directly related to the improvement of Hydric Resources Management (Art. 47).
82. At present, the Uruguayan government is preparing a programme of institutional strengthening with DINAMA, aimed at improving the efficiency in the design and application of environmental policies at a national level, with a total investment of US\$ 7 million. Its execution shall start in the second semester of 2007. More specifically and in relation to the RPFM, a programme for the institutional strengthening of the coastal and marine area management (ECOPLATA) is being implemented and a National System of Protected Areas Project (SNAP) -which includes the aquatic environment- is also being implemented.
83. The government of the Montevideo Department has approved the fourth phase of its Urban Sanitation Plan, the PSU-IV, aimed at extending urban sanitation services to poor neighbourhoods in Montevideo, as well as remediating the Montevideo Bay, which has been classified as a "Dead Zone" in the United Nations GEA Report dated October 2006. This plan will enable, for the 2007-2010 term, achievement of the goal of eliminating urban effluents discharging into the Montevideo Bay. The PSU-IV includes monitoring plan and studies to contribute to the design of an optimal system for effluent treatment, which will ensure an adequate environmental management of urban effluents to be discharged into the Río de la Plata through an emissary to be

built in Punta Yegua. The PSU-IV shall be financed with a loan granted by the IADB for US\$ 70 million and with Uruguayan government own resources for US\$50 million.

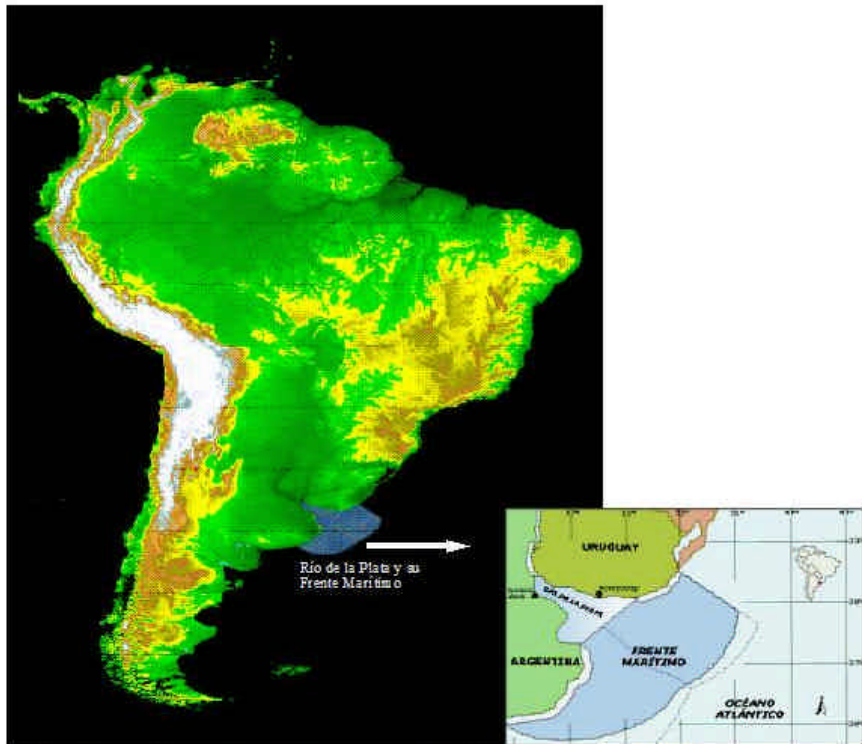
#### **Financing Requirements of the Project Portfolio Additional costs**

84. For Argentina, the projects composing the SAP Project Portfolio were presented at the Argentine National Workshop held in September 2006 by 23 key bodies and institutions: 11 from Argentina, 6 from the Province of Buenos Aires, 1 from the Autonomous City of Buenos Aires and 5 from Non-governmental Organizations (NGOs).
85. For Uruguay, these projects were presented by 15 institutions and bodies from the central and departmental governments, at the Uruguayan National Workshop held in October 2006 and coordinated by DINAMA, DINARA and the Montevideo Municipal Government in collaboration with FREPLATA, and both CARP and CTMFM Commissions.
86. These bodies are involved in the design and implementation of the environmental policy related to urban and industrial pollution and biodiversity preservation in the influence area of the Río de la Plata and its Maritime Front, as authorities, operators and civil society organizations.
87. Projects added to the Project Portfolio differentiate Baseline projections from alternatives including the actions designed to achieve the SAP operational objectives, which will have a transboundary global environmental impact.
88. The SAP Project Portfolio additional cost represents the first estimate of financing requirements aimed at implementing the identified priority environmental actions. Additional costs for projects proposed for the implementation of the Río de la Plata and its Maritime Front SAP amount to US\$38,4 million in Argentina and to US\$17,4 million in Uruguay.

#### **X. Future Cooperation Arrangements**

89. The implementation of the SAP for a five-year term shall generate a revised programme which will lead to long-term measures aimed at maintaining and protecting the Río de la Plata and its Maritime Front. Member countries are committed to continue the Río de la Plata and its Maritime Front Programme beyond the GEF intervention, and shall pursue the adoption of the legal reforms and economic mechanisms required for its continuous strengthening.

## FIGURES



1 **Figure 1.** Geographic location of the Río de la Plata and its Maritime Front.



**Figure 2.** Jurisdiction areas in the Río de la Plata and its Maritime Front.

## **ANNEXES**