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Obstacles to the Proper Resolution of Argentina's Environmental Problems

SEÑOR FEDERICO ZORRAQUÍN

Señor Zorraquín is the President of IPAKO,¹ the founder of a national environmental organization² and a member of the Business Council for Sustainable Development.

[Señor Zorraquín discusses environmental themes from the perspective of the business community and touches on how these themes fit within the concept of regional integration.]

I. The Obstacles to the Proper Resolution of Argentina's Environmental Problems

The first problem is the perception that the people, in general, and their political leaders have of these environmental issues. This perception reflects a lack of knowledge of existing problems. It is necessary to publicize these environmental issues in order to achieve a greater response from the people and their leaders. To get results, Señor Zorraquín believes, you must educate intensely using all available media. Another way in which this can be achieved is to encourage more direct action through private non-governmental organizations or through corporations that have expressed their commitment to effective environmental action.

The second problem is the two-fold inadequacy of the environmental approach of the national government. First, the current legislative policy has adopted the "command and control" approach to environmental regulation. This technique has not worked because of the absence of adequate administrative mechanisms to implement such a strategy. Second, the national government has not found a way to harmonize

1. IPAKO is one of Argentina's largest petrochemical firms.

2. Fundación Vida Silvestre (Forest Life Foundation).

the roles of the various levels of government in environmental regulation and management. In this context, enforcement is inadequate. One negative consequence of this is that individual civil court judges have taken it upon themselves to correct particular problems through penal sanctions. The results, for the business community, are not satisfactory. This system is not organized, efficient or predictable.

Finally, the nature and pace of industrial activity, which has been increasing over the past four years, must be respected by any new environmental program as it develops. This recent growth has been very dynamic involving innovative facilities, products and technology. The regulatory system must be equally dynamic to accommodate this changing technology.

To overcome these obstacles, any new environmental policy that Argentina designs must have the following characteristics:

1. It must be an integrated system of regulations, with uniform application;
2. It must be a system that stimulates companies to act more responsibly by encouraging self-regulation and self-enforcement, where possible; and
3. It must be a system that permits the transfer of environment or development credits among companies as a means of achieving national environmental goals within the context of a national economic policy.

For these objectives to be achieved, the government first has to provide a simple program with reasonable environmental quality objectives. It should commit itself to programs that achieve public information and participation. Private companies should adopt self-regulatory initiatives to meet established standards. Finally, any regulations adopted should consider the costs they impose on regulated companies and insure that these costs are reasonable and evenly distributed.

II. Economic Integration

According to Señor Zorraquín, the economic integration of nations can only be achieved if their economic policies are harmonized. During the seven years of the existence of the MERCOSUR,³ much has been said about, but little has been achieved regarding, the harmonization of the economic policies of the four member nations. In practice, however, the MERCOSUR has achieved an impressive increase in regional commercial activity which has built a base for further integration. There is a need for the MERCOSUR countries to foster uniformity and homogeneity in both environmental and economic affairs which, to date, has not been a priority. To achieve integration, uniform rules, standards, and policies regarding environmental and sustainable development issues among the member nations of the common market must be established. This is required if the MERCOSUR is to be respected and become competitive in the international marketplace where environmental standards are expected to be established and followed.

3. Argentina-Brazil-Paraguay-Uruguay: Treaty Establishing a Common Market (signed Mar. 26, 1991), U.N. Doc. A/46/155 (1991), *reprinted in* 30 I.L.M. 1041 (1991). MERCOSUR provided for the creation of a common market between the four member nations by December 31, 1994. *Id.*