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International Effects of Noncompliance with Environmental Standards

DR. JULIO BARBERIS

Dr. Barberis, an attorney and a member of several multinational commissions, including the Paraná River Commission.

[Dr. Barberis explains how the effects of noncompliance with its own environmental standards affects Argentina's position at the international level.]

Each country in the international community has an obligation to develop and to enforce its own internal environmental regulations in order to satisfy its international responsibilities. According to Dr. Barberis, there are basically two situations that give rise to this obligation:

1. When a country has signed an international treaty, it is responsible for creating and developing the necessary environmental laws and regulations to ensure compliance with the standards set forth in the treaty; and
2. When various countries share common natural systems, such as an international river, each has an obligation to enforce measures that promote the reasonable use of that resource and to preserve it for future generations.

Argentina shares several significant international rivers, oil fields, maritime resources and forests with its neighboring countries. Most legal experts, however, focus on creating and issuing new regulations to cope with these international obligations. Dr. Barberis believes it is more important to investigate whether Argentina is enforcing those that already exist. For instance, Argentina should analyze and determine to what degree current regulations are being complied with, and further determine whether the country has a system capable

of dealing effectively with the environmental protection of the common natural systems it shares with its neighbors.

As the President of the commission charged with the protection of the Paraná River in conjunction with Paraguay, Dr. Barberis knows that, often, Argentina is not in compliance with its international obligations regarding the control of pesticides, mercury, and the exportation of protected species. The same is true with respect to honoring established limits on fishing in the Rio de la Plata which borders Argentina and Uruguay. The focus must turn to ensuring that, as a member of the international community, these problems are rectified. The country should investigate vigorously to achieve compliance at this level.

In honoring its international obligations to the environment, Argentina should consider mechanisms used to protect human rights and to prevent terrorism as models for environmental action, as well as those direct remedies given to private citizens of some European countries to prevent environmental damage caused by citizens of others. These innovative mechanisms challenge conventional thinking about environmental compliance and elevate it from the national to the international level.

To counter the inefficiencies of existing national environmental laws, Argentina should concentrate on effective public education regarding the importance of environmental compliance. To rectify Argentina's breaches of its obligations to its neighboring countries, it must explore the creation of effective international mechanisms to protect common natural resources.