



Ref: REQUEST FOR URGENT INTERVENTION

Buenos Aires, 27th August, 2020

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UN Special Rapporteur on human rights and the environment
United Nations – Human Rights
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The signatory organizations are writing to you in order to express **our deep concern about the socio-environmental emergency that the Argentine Republic is going through**, about which we elaborate below.

Countless fires occur each year throughout various ecoregions of the country, including wetland, grassland, and forest ecosystems. A few are of natural origin, **but the vast majority are a direct consequence of recklessness and especially of the intention to give another use to the affected lands.**

In 2020, a severe drought, added to an extraordinary downspout of the Paraná River - an integral part of the La Plata basin¹ - has been relentlessly affecting the Paraná Delta. This region -which constitutes the largest wetland system in Argentina², reaching the provinces of Entre Ríos, Buenos Aires and Santa Fe- is home to a great biological and cultural diversity, fulfilling multiple - and several irreparable - ecological functions.

Since last February, our organizations have been warning of the risk of a new fire crisis, such as those that have occurred in the past³, due to the prevailing meteorological and hydrological conditions. **Only in the Paraná Delta, about 25 thousand fire hotspots have been registered so far⁴, affecting 300,000 hectares.**

These events have a severe impact on biodiversity, as well as on the health and safety of people who live especially in the island sector of the Paraná Delta, many of them in vulnerable situations and without access to essential services; as well as the inhabitants of

¹ The largest basin in South America after the Amazon, a key source of water and food for five countries and home to more than 30 million people.

² Argentina has a great diversity and richness of wetlands; it is estimated that about 21% of its surface includes wetland ecosystems.

³ In recent years, fire events have been repeated on the islands, being those of 2004 and 2008 of great magnitude. The current crisis coincides with an extraordinary downspout of the Paraná River that extends from 2019.

⁴ Updated information at: <https://sites.google.com/view/museoscasso2/explora/monitoreo-de-incendios?authuser=0>

nearby cities such as Rosario, the third most populated city in the country.

It should be noted that the fires in the Paraná Delta have led to two important judicial decisions. On the one hand, the Federal Court N° 2 of Paraná, Entre Ríos ordered last July 1, in files "Asoc. Civil with legal status Cuenca Río Paraná and another c / Baggio Rufino, Pablo and others s / civil files, File No. 2427/2020⁵" as precautionary measure, the absolute prohibition of human actions with the capacity to alter the environment, especially the burning of natural resources, activities that imply fire risk even accidental; construction of dikes and embankments of any nature or carrying out activities that put the wetland ecosystem at risk. It also included controls by various security forces to properly identify any person who enters the wetlands area by any means, as well as any material, machinery or element that has the ability to violate the prohibition of constructions established. On the other hand, on August 11, the Supreme Court of Justice of the Nation (CSJN) granted a precautionary measure requested in the case "Equística Defense of the Environment Civil Association⁶" ordering the municipalities of Victoria and Rosario, the provinces of Santa Fe, Entre Ríos and Buenos Aires, and the National State to immediately constitute an Environmental Emergency Committee, within the federal structure agreed to the Integral Strategic Plan for the Conservation and Sustainable Use of the Paraná Delta region (PIECAS-DP, its acronym in Spanish), which objective to address the fires contingency. PIECAS-DP has been inactive since 2015, and our organizations have been demanding since then for its immediate reactivation. This reactivation is urgent due to the reigning fires, and since it is the institutional way to address this type of crisis and definitively advance towards the indispensable environmental territorial planning of the Paraná Delta⁷.

But despite these court orders, the fires in the Paraná Delta persist and are getting worse. After eight months of severe fires, government inaction, at all levels, is despairing. Inaction that is reflected in the lack of cooperation, provision of complete information and institutionalized and participative decision-making. At this point, the availability of financial resources and personnel to put out fires is at times deficient⁸.

The extreme drought also affects provinces in central and northern Argentina, such as Córdoba, Chaco, Formosa, Tucumán, Corrientes, Santiago del Estero, Misiones, among others. This, combined with the beginning of the season of strong winds, configures a scenario that favours the advance of forest fires started intentionally, reaching tens of thousands of hectares, in jurisdictions where large extensions of native forests still remain standing; or, provinces that have lost an important part of their forest mass, such as Córdoba, in which the situation as of the date of this note is very serious, with fires, clearly directed, out of control. Every hectare of forest devoured by fires in Córdoba is an irreparable loss. **While in the province of Santa Fe, the 492,000-hectare Jaaukanigás Ramsar Site burned almost completely.**

Among the main ecoregions affected by the fires referred to in the preceding paragraph is the Gran Chaco⁹, in which the agricultural frontier and other extractive activities advance hand

5 Available at: <https://www.diariojudicial.com/public/documentos/000/091/214/000091214.pdf>

6 Available at: <https://www.cij.gov.ar/nota-38022-La-Corte-Suprema-ordena-constituir-un-Comit-de-Emergencia-Ambiental-para-detener-y-controlar-los-incendios-irregulares-en-el-Delta-del-Paran-.html>

7 See for example: <https://tallerecologista.org.ar/publicacion/el-delta-en-llamas-documento-de-organizaciones/> y <http://cauceecologico.org/?p=2117>

⁸ In the Paraná Delta, the situation is so serious that it also puts the health and lives of residents and young people in the cities at risk, who are intervening as volunteers, without any previous experience in firefighting.

⁹ The Gran Chaco reaches Argentina, Paraguay and Bolivia and constitutes the second largest forest mass in South America, while concentrating one of the highest levels of deforestation on the planet.

in hand with fires, illegal clearing and other devices. According to official data, in the last two decades this ecoregion has lost around 5 million hectares of native forest. Among other effects suffered by the Argentine Chaco are habitat fragmentation, alterations in the hydric and climatic dynamics, and the socioeconomic abandonment of indigenous and local communities that inhabit the forests. The possibilities of subsistence become less and less, people are displaced and cornered in a few hectares, with few options to raise their animals, becoming dependent on state aid. This leads them to have the suburbs of towns and cities as their only destination, losing their properties, their customs, their forests and their culture¹⁰.

Urban natural reserves and other natural spaces located in cities are no exception to this critical situation. In recent months, sources of intentional and illegal fires have been detected in many of them, especially in the Metropolitan Area of Buenos Aires, with a strong deficit in green spaces.

The origin of the fire is framed in agreements and collusion between the authorities and the agro-industrial, real estate and mining sectors, among others, which only prioritize profit to the detriment of the environment and human rights; even harming the faculties and obligations that the State itself has over its territory in terms of sovereignty.

In this sense: **a) they devastate ecosystems and the biodiversity that they host, b) they constitute a flagrant violation of article 41 of the National Constitution which establishes the right of all people living in the Argentine Republic to a healthy environment, as well as the duty of the authorities to provide for its protection and safeguard the natural and cultural heritage of the country, and c) constitute an attack against the right of people to life, culture, health, land, housing, food and water.**

These tragic events that we report expose the lack of control of anthropic activities by the competent authorities, and the weak environmental institutional framework for the sustainable management of the ecosystems and natural goods that they host. In short, the consequences of the fact that the environment is not a public policy nor a priority on political platforms.

There has been no constitution of crisis committees, or the promotion of strong multi-sector territorial work essential to reach minimum short-term arrangements with the productive sector, which irresponsibly or intentionally carries out fires under the prevailing conditions, **to advance in agreeing ways of production that ensure the sustainability of the ecological integrity of ecosystems.**

Fundamental and in full force regulations, many of them transcendental achievements of civil society in the effective claim for environmental protection legislation, such as the **General Law 25,675 on the Environment, Native Forests Law 26,331 and Law 26,562 for the control of fire activities are not fulfilled or are only partially fulfilled, and are systematically underfunded¹¹**. While the economic cost for the National and Provincial States to put out the fires is enormous, in addition to the risks that this entails for the health and lives of brigade

10 Fires do not occur only in Argentina. Organizations from Brazil, Paraguay and Bolivia, united by our work on the great Paraná and Paraguay rivers, send us distressing information on record fires in the Amazon, the Chiquitanía, as well as in the largest wetland in the world, the Pantanal.

11 According to a FARN report, only between 1 and 2% of the economic services of the national budget were used to finance issues related to environmental protection between 2013 and 2019. See: https://farn.org.ar/wp-content/uploads/2020/03/FARN_El-presupuesto-interanual-entre-2013-y-2019-1.pdf

members¹², largely volunteers.

Added to this is **the absence of processes for the environmental planning of the territory; the inactivity of regional, multisectoral and participatory institutional bodies; government responses that are often delayed or inopportune, short-termed and non-strategic; and the scenario of a pandemic, lockdown and social distancing that brings difficulties and great challenges for controls in the territory and ensure strict compliance with environmental protection regulations, access to information and effective citizen participation.**

And a claim of years of our organizations, is the urgent sanction of a National Wetlands Law¹³ to give uniformed protection to these fundamental ecosystems, in severe decline at the hands of industrial agriculture and livestock, urbanization, mining and other extractive activities, among other factors. Its discussion has been renewed in the National Congress due to the described fire crisis. We demand a Law that is the result of broad and effective participation, integrating the vision from the territories, of the people who inhabit, work, produce and know the wetlands. A Wetlands Law with an ecocentric vision, which enshrines principles such as the ecosystem, preventive, precautionary, non-regression, intergenerational equity, **in dubio pro natura and in dubio pro aqua¹⁴**, transparency and participation, perspective of rights, and protection of assets common.

Only with a firm decision and commitment of the authorities, at all levels and throughout all three State Powers, to strengthen the currently weak environmental institutions will it be possible to reach feasible solutions to these problems. If the authorities are not able to demonstrate real political will to do so, history will unfortunately repeat itself and fires, destroying ecosystems, will continue to be a business (for a few).

The COVID19 pandemic, which is causing so much human suffering, makes it clear that the more we destroy ecosystems, the more danger we are in. And no sector of society is exempt from it.

We must build a new relationship with nature, to think production from conservation, since there is no possible production with degraded ecosystems. But also, because protecting nature is essential for the realization of human rights. Its destruction, on the contrary, undermines the full enjoyment of these rights. It is necessary that the authorities and political leaders abandon limited visions of a good quality of life only focused on unlimited consumption, growth and accumulation, promoting instead policies to ensure a sustainable human development, **with social and environmental justice.**

¹² See "Fire on the islands: they isolate brigade members due to coronavirus cases and reduce operations": <https://www.rosario3.com/informaciongeneral/Fuego-en-las-islas-aislan-a-brigadistas-por-casos-de-coronavirus-y-reducen-operativos--20200817-0031.html>

¹³ We invite you to visit our webpage leydehumedalesya.org where thousands of people and more than 100 organizations in the country have already joined our request for a #WetlandsLawNow. Likewise, our position paper on the road to a Wetlands Law, available at <https://www.leydehumedalesya.org/archivos/documentoLHY.pdf> and our document of minimum contents of a Wetlands Law in light of the draft laws presented in Parliament in 2020, available at <https://farn.org.ar/wp-content/uploads/2020/08/Documento-Contenidos-Minimos-Ley-de-Humedales-HSF-VF-AGO20.pdf>

¹⁴ Recognized by the Supreme Court of Justice of the Nation in judgment 714/2016 / RH1 "Majul, Julio Jesús c/ Municipalidad de Pueblo General Belgrano' y otros s/ acción de amparo ambiental" (July 2019). Available at: <http://sjconsulta.csjn.gov.ar/sjconsulta/documentos/verDocumentoById.html?idDocumento=7535693&cache=1567286872361>

We believe that these words not only represent the conviction of our organizations, but also interpret the feelings of the youth movements¹⁵ that demand a world very different from the current one we are passing on to them; as well as the feelings of the people who live, work, produce, know and love our wetlands, grasslands, forests, with whom we collaborate side by side, day by day.

In recent months we have made a whole series of efforts on various levels, and we continue to do so every day in coordination with a diversity of groups and people. We now find as a necessary step to **formally request your urgent intervention in response to the reigning socio-environmental crisis in Argentina here described, in support of the sustained civil society fight for the sanction of a National Wetlands Law and the effective implementation of the Native Forests Law, among other socio-environmental legislation, as well as for the safeguarding of the rights of indigenous peoples and local, traditional and island communities and, in general ,of all Argentine citizens.**

We remain at your entire disposal to provide any additional information or details that you may require.

In solidarity and sincerely,

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ABOUT FARN

It is a non-governmental, not-for-profit and nonpartisan organization, founded in 1985, based in Buenos Aires. It aims to a democratic and participatory citizenship, promoting access to public information, citizen participation and access to justice, with a special focus on sectors of society in vulnerable situations. It does so through political, institutional and social advocacy on the public environmental agenda. More information [here](#).

ABOUT CAUCE

Based in Entre Ríos, it concentrates its work on the analysis of socio-environmental conflicts originated in the neo-extractivist model. It does so in alliance with strategic organizations in the territory and in different countries. It develops analyses, studies, research, initiatives and projects, always with the purpose of strengthening the relationship and dialogue with the community and also with other academic institutions, public or private, with a gender perspective and a cultural, educational and youth perspective. More information [here](#).

ABOUT TALLER ECOLOGISTA

It is a not-for-profit, autonomous and self-managed socio-environmental organization, born in 1985 in the city of Rosario, Santa Fe. It works from a socio-environmental perspective in the defence and preservation of the environment in an integral manner, combining social, political and economic problems with respect for human rights. It promotes sustainable societies that allow current and future generations a dignified and harmonious life with the environment, towards an ecological culture of equality. More information [here](#).

15 See for example: https://www.change.org/p/poder-ejecutivo-nacional-no-es-australia-no-es-el-amazonas-es-la-argentina-que-se-est%C3%A1-quemando-toda?utm_content=cl_sharecopy_24299659_es-AR%3A5&recruiter=1144071799&utm_source=share_petition&utm_medium=copypink&utm_campaign=share_petition

ABOUT CASA RIO

Based in Buenos Aires, it is a bioregional articulation centre that shares information and develops actions together with other sister organizations of the La Plata Basin, promoting success stories, updating content, debates and forms of production, to rearticulate networks around the implications of the new environmental and geopolitical conflicts that position basins as producing regions of transnational agency and as laboratories of governance. More information [here](#).

ABOUT THE WETLANDS WITHOUT BORDERS PROGRAM

Cauce, FARN, Taller Ecologista and Casa Río are the four Argentine organizations that constitute, along with other NGO from Bolivia, Brazil, Paraguay and the Netherlands, the Wetlands Without Borders Program committed to the sustainability of the La Plata Basin. Its main objectives are: to achieve sustainable management of the La Plata Basin (free flow of rivers, equitable development, biodiversity conservation and ecosystem restoration) and that policies, legal frameworks and governments guarantee the preservation of wetlands towards an environmentally sustainable and socially responsible governance. They work for the defence, conservation and restoration of wetlands and for the protection and sovereignty of the historical-cultural values of the communities that inhabit them.