

Argentine National Glacier Act

Law 26.639

Minimum Standards Regime for the Preservation of Glaciers and the Periglacial Environment

Promulgated Officially: October 28th, 2010

(unofficial translation)*

Art. 1: Subject

The following law establishes the minimum standards for the protection of glaciers and the periglacial environment with the objective of protecting them as strategic freshwater reserves for human consumption; for agriculture and as sources for watershed recharge; for the protection of biodiversity; as a source of scientific information and as a tourist attraction.

Glaciers constitute goods of public character.

Art. 2° – Definition.

As per the present law, we understand glaciers to be all perennial stable or slowly-flowing ice mass, with or without interstitial water, formed by the re-crystallization of snow, located in different ecosystems, whatever its form, dimension and state of conservation. Detritic rock material and internal and superficial water streams are all considered constituent parts of each glacier.

Likewise, we understand by the periglacial environment of high mountains the area with frozen ground acting as regulator of the freshwater resource. In middle and low mountain areas, it is the area that functions as regulator of freshwater resources with ice-saturated ground.

Art. 3° – Inventory.

The National Glacier Inventory is hereby created, in which all glaciers and periglacial landforms that act as freshwater reserves on national territory shall be identified along with the pertaining information that is necessary for their adequate protection, control and monitoring.

Art. 4° – Registration of Information

The National Glacier Inventory shall contain information about glaciers and the periglacial environment by watershed, by location, by surface area and by morphologic classification of the glaciers and periglacial environment. This inventory shall be updated no more than every 5 years, verifying changes in the area of glaciers and the periglacial environment, their advance or retreat, and other factors that are relevant to their conservation.

Art. 5° – Implementation of the Inventory

The inventory and monitoring of the state of the glaciers and the periglacial environment shall be carried out by the Argentine Institute of Nivology, Glaciology and Environmental Sciences (IANIGLA), in coordination with the national implementing authority of this law. The Foreign Ministry shall participate when border zones are concerned in which the international demarcation is still pending prior to inventory registration.

Art. 6° – Prohibited Activities

All activities that could affect the natural condition or the functions listed in Article 1, that could imply their destruction or dislocation or interfere with their advance, are prohibited on glaciers, in particular the following:

- a) The release, dispersion or deposition of contaminating substances or elements, chemical products or residues of any nature or volume. Included in these restrictions are those that occur in the periglacial environment;
- b) The construction of works or infrastructure with the exception of those necessary for scientific research and to prevent risks;
- c) Mining and hydrocarbon exploration and exploitation. Included in this restriction are those that take place in the periglacial environment;
- d) The installation of industries or the building of works or industrial activity.

Art. 7° – Environmental Impact Evaluations

All activities planned on glaciers and in the periglacial environment, that are not prohibited, shall be subject to environmental impact evaluations and environmental strategic evaluations, depending on the scale of intervention, in which public citizen participation must be guaranteed as per established in Articles 19, 20, 21 of the General Environment Law (Law 25.675), before authorization and implementation is granted and conforming to existing norms.

The following activities are excluded from these requisites:

- a) Rescue activities, as a consequence of emergencies;
- b) Scientific activities, taking place by foot or on skis, with eventual sample taking, that do not leave waste on glaciers or in the periglacial environment;

- c) Sporting activities, including trekking, mountain climbing, and non-motorized sports that do not perturb the environment;

Art. 8º – Competent Authorities;

As per the present law, the competent authority shall be that authority that each jurisdiction chooses. In the case of protected areas under law 22.351, the competent authority shall be the National Parks Administration;

Art. 9º – Implementing Authority

The implementing authority of the present law shall be the institution with the highest national environmental jurisdiction.

Art. 10. – Functions.

The functions of the national implementing authority shall be:

- a) Formulate actions conducive to the conservation and protection of glaciers and the periglacial environment in a coordinated manner with competent provincial authorities, within the Federal Environmental Council (COFEMA), and with the ministries of the National Executive Power in their respective areas of competence;
- b) Contribute to the formulation of a climate change policy relative to the objectives of glacier protection, both at the national level as well as with international climate change agreements;
- c) Coordinate the execution and updating of the National Glacier Inventory, through the Argentine Institute of Nivology, Glaciology and Environmental Sciences (IANIGLA);
- d) Prepare a periodic report on the state of existing glaciers on Argentine territory, as well as the projects or activities that are taking place on glaciers or in their zones of influence, which shall be submitted to the National Congress;
- e) Advise and support local jurisdictions in monitoring programs, controls, and glacier protection;
- f) Create programs to promote and create incentives for research;
- g) Develop campaigns to educate and produce environmental information conforming to the objectives of the present law;
- h) Include the principle results of the National Glacier Inventory and its updates in national information sent to the United Nations Framework Convention on Climate Change;

Art. 11. – Infractions and Sanctions;

The sanctions for non-compliance of the present law and the regulations that shall be introduced, beyond other responsibilities that might apply, shall be those that are established by the jurisdiction according to its corresponding policing power and which shall not be lower than those established here. Jurisdictions that to not have a sanctions regime, shall apply the following sanctions which correspond to the national jurisdiction;

- a) Warning;
- b) Fine of 100 to 100,000 minimum incomes of the entry level national public administration wage;
- c) Suspension or revocation of authorization. Suspension of activity could be from (30) days up to (1) year, as merits and according to the circumstances of the case;
- d) Definitive ceasing of activities.

These sanctions shall be applicable following substantiated summary proceedings in the jurisdiction where the infraction took place, and shall be regulated by the corresponding procedural administrative norms, assuring a due legal process, and they shall be incremented according to the nature of the infraction;

Art. 12. – Re-incidente

In the case of re-incidente, the minimum and maximum sanctions stipulated by paragraphs b) and c) of the previous article could be tripled. It shall be considered re-incidente when within a period of (5) years following the commission of an infraction, the party has been sanctioned for another infraction of environmental cause;

Art. 13. – Solidarity in Responsibility

When the infractor be a juridical person, those that are in positions of direction, administration, or management, shall be responsible in solidarity of the sanctions established by the present law;

Art. 14. – Destination of the Fines Collected

The sums collected by the competent authority, in the concept of fines, shall be directed in priority, to the protection and environmental restoration of glaciers affected in each of the jurisdictions;

Art. 15. – Transitory Disposition

In a maximum period of sixty (60) days beginning with the sanction of this law, the IANIGLA shall present to the national implementing authority a chronogram for carrying out the inventory, which shall commence immediately in such zones where due to the existence of contemplated activities in Article 6, are considered priority. In these zones, the inventory stipulated in Article 3 shall be carried out in a period of no more than 180 days.

With respect to the competent authorities, these shall provide all the necessary information pertinent that the cited institute requires;

The activities described in Article 6, in progress at the moment of the sanctioning of the present law, must, in a period of no more than 180 days from the promulgation of this law, submit to an environmental audit in which potential and actual environmental impacts to glaciers are identified and quantified. In the case of verification of negative impacts to glaciers or the periglacial environment, contemplated in Article 2, the authorities shall order the pertinent measures so that the present law is complied with, and could order the ceasing or relocation of the activity and protective measures, cleaning and restoration as appropriate.

Art. 16. – Argentine Antarctic Sector

In the Argentine Antarctic Sector, the application of this law shall be subject to obligations assumed by the Republic of Argentina in view of the Antarctic Treaty and the Protocol to the Antarctic Treaty on the Protection of the Environment.

Art. 17.- The present law shall be regulated in a period of 90 days from the publishing of the law in the Official Bulletin.

Art. 18. – Inform the Executive Power

Translation by:

The Center for Human Rights and Environment (CEDHA), Argentina;

Edited for Scientific Accuracy by A. Brenning, University of Waterloo, Canada

More info: glaciers@cedha.org.ar

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<http://www.infoleg.gov.ar/infolegInternet/anexos/170000-174999/174117/norma.htm>