



Red Latinoamericana
de Seguridad Ambiental

POLICY

Num. 8

PAPER

December
2022

The Southern Cone, Environmental Governance and the SDGs: Mercosur and the environment

Regiane Nitsch Bressan*

Executive Summary

The general theme of this Policy Paper is understanding environmental policies in the Southern Cone. To do so, the text explores the incorporation of the 2030 Agenda and the environmental SDGs within Mercosur, the main regional institution in the Southern Cone. The study begins with a comparative analysis, indicating the differences in the environmental legal systems of the countries of the Southern Cone, revealing important discrepancies in legal matters. It then briefly presents the environmental institutions in the Mercosur sphere that make it possible to harmonise environmental standards and guidelines in the region. Based on empirical research, the study shows the frequency with which Mercosur institutions mention the SDGs. The Policy Paper presents the main policies related to SDGs 13 and 15 (environment) within Mercosur. Finally, it highlights the institutional limitations and weaknesses in terms of achieving the environmental SDGs and offers some recommendations that could help improve this reality.

* Professor of International Relations at the Universidade Federal de São Paulo, UNIFESP. Professor of the Inter-institutional Program (UNESP, UNICAMP & PUC-SP) of Postgraduate Studies in International Relations San Tiago Dantas. Doctor and Master in Latin American Integration, Universidad de São Paulo, Brazil. Email: regiane.bressan@unifesp.br. The author thanks Dr Bruno Theodoro Luciano and Dr Marcus de Maurer Salles for their help in obtaining the data so well-represented in this research.

The Southern Cone, Environmental Governance and the SDGs: Mercosur and the environment

Regiane Nitsch Bressan

Introduction

In September 2015, the United Nations (UN) General Assembly approved the 2030 Agenda for Sustainable Development with 17 Sustainable Development Goals (SDGs) and 169 targets. The Assembly considered that continuing the same patterns of production, energy and consumption was no longer viable. Therefore, there is an urgent need to transform the dominant development paradigm through sustainable development, particularly in the long term.

Thus, a new panorama has opened up for cooperation and regional institutionality: the implementation of the 17 SDGs of the UN 2030 Agenda. The first part of the 2030 Agenda, the Political Declaration, intentionally addresses not only the 193 signatory states and all their administrative levels (provinces, circuits, districts and municipalities), but all actors (commercial companies, civil society organisations, social groups, families and individuals) are invited to do their part to implement the SDGs.

The SDGs and the 2030 Agenda represent the updating and development of the previous “Millennium Objectives”, proposed

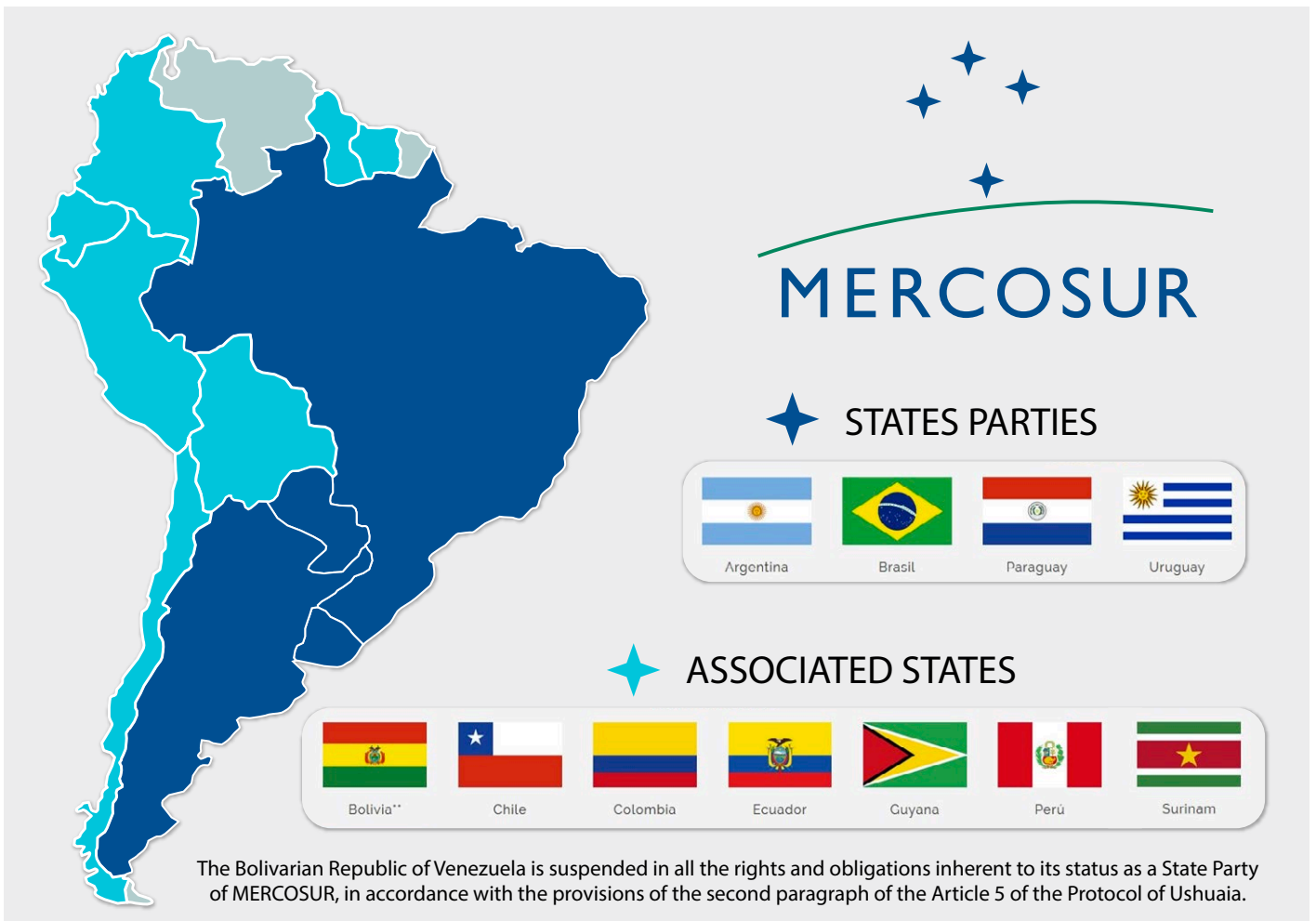
in 2000 and known as the Millennium Development Goals (MDGs), whose approach was broken down into eight major axes related to food security, education, gender equality, childhood, health, environment and development. With the establishment of the SDGs in 2015, new important proposals emerged involving a global agenda to promote the development of a sustainable typology and the participation of different actors, by being closer to civil society and multisectoral dynamics. Therefore, the intention of this Policy Paper is to reveal how the SDGs have been understood and worked on by the institutions of Mercosur, the institution chosen to represent the countries of the Southern Cone.

Latin American countries have a tradition of regional cooperation that goes back decades. The relevance of regional actors combined with the rise of Latin American countries, previously considered emerging and now considered influential on the world stage, have made Latin America an attractive region for both regional and multilateral cooperation in recent decades. The region has dozens of multilateral and regional alliances, as well as several international organisms. Among these, Mercosur is the core of South American

integration and is one of the most consolidated institutions in the Southern Cone.

The Southern Cone region adds an important and unique biodiversity of fauna and flora, some of the richest in the world. Mineral and energy resources are present across the region, which is also home to important hydrographic basins, tropical and temperate forests, coastal areas, savannahs, the pampas, the Chaco, swamps, part of the Amazon rainforest, Patagonia, the Plata estuary and the Guaraní aquifer, as well as semi-desert regions and a large part of the Andes mountain range.

Thus, regional initiatives for the environmental agenda become decisive and essential when we consider that this natural wealth does not recognise national borders, and that it is an question of interdependence between nation states. Therefore, adopting common regional policies and fostering conditions for the development of environmental governance in the Southern Cone is essential for environmental security and the effective protection of the natural resources and wealth of the region.



This Policy Paper begins with a comparative analysis that shows the differences in the legal systems of the countries of the Southern Cone regarding the environment. It then examines the treaties and resolutions adopted by Mercosur in this policy area, which are the basis for the construction of an environmental institutionality and also aim to harmonise environmental standards and guidelines across the region. Based on the compilation, systematisation and empirical analysis of data, the study reveals how the SDGs are being incorporated by Mercosur institutions. Using a quantitative methodology, the study measures the citations of the SDGs in the different instances of Mercosur, detailing the different SDGs and their respective periods. Reinforcing this analysis, the Policy Paper presents Mercosur issues regarding SDGs 13 and 15, and the policies adopted in these areas, in order to understand the perspectives of the Southern Cone on these environmental SDGs. Finally, it makes some recommendations based on the analysis of the data and documents of Mercosur.

The Environment: Regulatory frameworks in the countries of the Southern Coner

Environmental awareness in the international system dates back to the 1970s, with the United Nations Conference on

the Environment held in Stockholm in June 1972. European countries undertook the first environmental promotion actions with the approval of the First Environmental Program that defended the harmonious development of economic and environmental activities, and postulated that the economy could not exist without improving quality of life and environmental protection (Santa María Beneyto, 2000).

This discussion gained momentum because certain European countries were concerned with striking a balance between economic development and environmental preservation. As a result, the debate then spread to other parts of the world, particularly among developed countries. However, the United States has never established itself as a major leader on this agenda. Some of its presidents have become more attuned to the environmental cause, but the distrust of traditional US sectors regarding the impact of environmental measures on the country's economy and competitiveness has prevented the US from fully adhering to this agenda and, today, the country remains one of the main emitters of greenhouse gases.

Initially, Latin America showed limited efforts in this discussion, despite the importance of its natural resources and biodiversity, as well as its native peoples and indigenous populations. At that time, there was a perception on the part

of the Latin American political and economic elites that the adoption of environmental policies could be an obstacle to economic development processes, as was the case of the Brazilian government, especially during the military regime (1964-1985).

However, from the 1980s, the environmental agenda took on a new perspective at the global level, when a new perception began to consolidate, arguing that development had to involve issues such as quality of life and the environment across different parts of the world. Environmental catastrophes like the oil spills in the Persian and Mexican Gulfs, as well as the Chernobyl nuclear accident, reinforced the importance of making this an international debate.

The reference framework for most of the environmental policies in the international system was effectively established at the United Nations Conference on Environment and Development, known as the Earth Summit or ECO-92, held in Rio de Janeiro, Brazil, in 1992. At this huge international event, the need to balance the environmental and development spheres was clear, with the objective of satisfying human needs and promoting economic development in concomitance with better management and protection of ecosystems. There was a stronger presence of heads of state and major non-governmental organisations (NGOs) than ever before.

Thus, the issue gained relevance and attracted the attention of the media, researchers, academics, politicians and civil society as a whole.

Since ECO-92, the concepts of ecology and sustainable development have spread across national, regional and international instances. The environment, sustainable development and global warming gradually became high politics on international and regional agendas (Moraes, Moraes and Mattos, 2012).

In Latin America, environmental concerns were gradually consolidated on national and regional agendas during the re-democratisation of many countries in the region. In Brazil, the first regulatory framework consisted of the National Environmental Law (Law 6938 of 1981) and, later, the creation of the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA, acronym in Portuguese) in 1989. Brazil

was the first country of the Southern Cone to present environmental legislation, as it enshrined environmental defence in article 255 of its 1988 Federal Constitution (Brasil, 1988). The country adopted constitutional precepts with which it has developed extensive complementary legislation on the matter, and which have been

The region adds an important and unique biodiversity of fauna and flora, mineral and energy resources, hydrographic basins, tropical and temperate forests, coastal areas, savannahs, the pampas, the Chaco, swamps, part of the Amazon rainforest, Patagonia, the Plata estuary and the Guaraní aquifer.

an example for regional governance and the regional framework of the Southern Cone:

1. Increased inspections and created stricter rules for mining activities, road construction, logging and the construction of hydroelectric dams.
2. Instituted that acts such as water pollution, the illegal felling of trees and the killing of wild animals become environmental crimes.
3. Determined that forests and other forms of existing vegetation in the national territory are goods of common interest for all the inhabitants of the country.
4. Created environmental licencing for activities or undertakings that may degrade the environment.
5. Established administrative and criminal sanctions for people or companies that act in ways that degrade nature.
6. Established defined criteria and norms for the creation and operation of Environmental Conservation Units (Law 9985 of 2000).
7. Standardised the forest management system in public areas, creating a regulatory body (the Brazilian Forest

Service) and the Forest Development Fund.

8. Established new norms for the regularisation of public lands in the Amazon region (Brasil, 1988).

For its part, Argentina refers to the environment in its Constitution. However, there are conflicts in its legal system, since provinces have the power to legislate on issues including the environment. Therefore, in July 1993, the Union signed the Federal Environmental Pact with the other Argentine provinces. However, the pact did not list specific regulations in force across the entire national territory, it consisted only of a guiding document to promote environmental development policies (Moraes, Moraes and Mattos, 2012). Thus, the Argentine legal system was forced to overcome this lack of uniformity among provinces through specific instruments. The following initiatives stand out:

1. Wildlife conservation.
2. Dams for power generation.
3. Studies and analyses of the operation of hazardous waste treatment and disposal.
4. Impact assessments for the prospecting, exploration, industrialisation, storage, transport and commercialisation of minerals.



5. Environmental impact studies for the execution of plans, programs and works initiated by the public sector, as well as by private or public organisations that request subsidies, guarantees, resources or any other benefit from the state, that directly or indirectly affects the national public patrimony (Argentina, 1994).

Paraguay also presents the issue of environmental protection in its constitutional legal system, although in a lighter way. Regulated in 1996, Paraguayan law made environmental impact assessment

mandatory across its territory, imitating Uruguayan law. In the case of border areas, the Administrative Authority must inform the Ministry of Foreign Affairs, which has autonomy to take care of said zones (Paraguay, 1992).

Uruguay addresses the environment in its Constitution, with a focus on water resources, and has important environmental legislation such as its Water Code, established in 1979. In the 1990s, it established its Biodiversity Agreement and laws on environmental impact and irrigation. The country later systematised protected

areas and entrusted them to the Ministry of Housing, Territorial Planning and the Environment, which works with the help of the environmental police in each part of the country. The more recent General Law for the Preservation of the Environment resulted in the Program for the Conservation of Biodiversity and Sustainable Development in the Eastern Wetlands. The objective of this program is the conservation of biodiversity, the sustainable development of the eastern region of Uruguay

When comparing the countries of the Southern Cone, their national legislation is very different in terms of depth and complexity. In addition, one can perceive that laws can sometimes become hostages of their governments: they undergo changes as the government changes. However, internal regulations are essential to help regional institutions broaden the agenda and incorporate measures common to member states.

and the exchange of professors, agreements and research between universities in the Southern Cone (Uruguay, 2004).

Finally, in Chile, the 1980 Constitution established a vision of the environment as an object of state protection, emphasising care of the environment and the right of the country's society to live in a "pollution-free" environment. The Law on General Bases of the Environment (Law 19300 of 1994) created the National Commission for the Environment

(CONAMA, acronym in Spanish) and established a series of environmental protection objectives, a technical body on environmental matters, a national environmental information system, the Environmental Impact Assessment System (SEIA, acronym

in Spanish) at the national level, the coordination of organisations related to the environment and the financing of environmental education and protection projects (Chile, 1994). A new environmental legal framework for the country was discussed and incorporated in the proposal for a new Chilean Constitution, which was ultimately rejected by the population in 2022.

When comparing the countries of the Southern Cone, their national legislation is very different in terms of depth and complexity. In addition, one can perceive that laws can sometimes become hostages of their governments: they undergo changes as the government changes, as happened during the administration of Jair Bolsonaro (2019-2022), which dismantled Brazilian environmental institutions. However, internal regulations are essential to help regional institutions broaden the agenda and incorporate measures common to member states. The following section of this Policy Paper discusses the environment in the context of Mercosur, its institutional structures and its existing environmental policies. It then analyses in detail the incorporation of the SDGs and the 2030 Agenda by its governing bodies.

The Environment and the Mercosur Institutional Framework

The debates on sustainable development and the environment in the legal

systems of each Mercosur member state have gradually transferred to the regional integration process. The Treaty of Asunción (1991), the founding agreement of Mercosur, presents in its preamble the need for the most efficient use of available resources and the preservation of the environment. Hence, the Common Market Council (CMC, acronym in Spanish) established the need for Sectoral Agreements that consider environmental preservation (Tratado de Asunción, 1991).

The first Mercosur document to address the environment was the Declaration of Canela, signed by the four member countries and Chile in 1992. The Declaration stemmed from ECO-92, demonstrating the importance of the issue for regional policies. In the same year, the II Meeting of Mercosur Presidents created a Specialised Meeting on the Environment (REMA, acronym in Spanish), through Resolution 22/92 on environmental protection. The REMA resulted in the Basic Guidelines for Environmental Policy that would guide the environmental policies of Mercosur (Moraes, Moraes and Mattos, 2012). Through these guidelines, Mercosur's environmental policy began to consolidate on the basis of the following precepts:

1. Harmonise the environmental legislation of the member countries.
2. Ensure equitable conditions of competitiveness among the members

of the bloc through the inclusion of environmental costs.

3. Ensure the adoption of practices that are non-degrading.
4. Adopt sustainable management in the use of renewable natural resources.
5. Guarantee mandatory environmental impact assessments.
6. Ensure the minimisation and/or elimination of contaminants by adopting and developing appropriate, clean and recycling technologies, as well as the adequate treatment of solid, liquid and gaseous waste.
7. Ensure the lowest degree of environmental deterioration in regional production processes and exchange products.
8. Harmonise legal and/or institutional procedures for environmental licencing/authorisation and monitor activities that may generate environmental impacts on shared ecosystems.
9. Coordinate common environmental criteria in both the negotiation and implementation of the influential international acts of Mercosur.

10. Strengthen the institutional framework for environmentally sustainable management, increasing environmental information for decision-making.
11. Develop environmentally balanced internal tourism within Mercosur.

In summary, the Basic Guidelines for Environmental Policy highlighted the need to harmonise policies between Mercosur members, but without making them equal. There must be commitment and efforts to harmonise the environmental legislation of the member states, while considering the particularities of each country. Likewise, care was taken to promote the adoption of standards that would guarantee equal competitive conditions (Júnior, 2003).

The first meeting of Ministers and Secretaries of the Environment was held in 1995, resulting in the Declaration of Taranco, which recommended the consideration of environmental costs as a way of ensuring equitable conditions of environmental protection and competitiveness between the four Mercosur partners.

The Declaration proposed environmental quality standards, ISO 14000, for the Mercosur countries, as a differentiating factor in the international market. In addition, it recommended the evaluation of the environmental impacts of the Paraná-Paraguay Waterway project, seeking to reduce the asymmetries in the national environmental legislation in each of the Mercosur members. The Declaration also sought to unite the



Photo: ©PxHere

discourse on biological diversity, climate change and the implementation of Agenda 21 in international forums. Finally, it indicated that REMA should become an Environmental Working Group (SGT-6), subordinate to the Common Market Group (GMC, acronym in Spanish) (Irachande, Almeida and Vieira, 2010). The first objectives of SGT-6, as defined in Resolution 38/95, were:

1. Analyse non-tariff measures related to the environment.
2. Evaluate and study the production process to guarantee equitable conditions of environmental protection and competitiveness among member states, third countries and regional groupings, including environmental costs in the total cost of the production process.
3. Develop and execute environmental measures as a favourable factor for the competitiveness of Mercosur products in the international market.
4. Analyse the proposals put forward in specialised meetings by the other subgroups.
5. Develop a single document to improve levels of environmental management and quality in Mercosur.
6. Implement a substantive environmental information system among the member states, and develop and formalise a common environmental certification system.

Concern for the environment has gained strength in the international and regional system in line with the advance of cooperative trade. In addition, there was the objective of developing comprehensive protection to achieve sustainable development, mainly with the adoption of more elaborate regional environmental policies, which culminated in the Framework Agreement on the Environment of 2001, during the IV Extraordinary Meeting of the SGT-6, and with which the commitment to the principles of the Rio Declaration on Environment and Development of the ECO-92 were reaffirmed. With this Framework Agreement, the Mercosur countries would focus on the protection of environmental resources and sustainable development with the help of the articulation of the economic, social and environmental dimensions, contributing to better environmental quality and higher living standards of the population (Queiroz, 2005).

In 2004, the Additional Protocol to the Framework Agreement on the Environment was signed, embodied in Decision 14/04, regulating cooperation and assistance in the case of environmental emergencies. Likewise, some instruments that contributed to progress on

certain environmental issues were adopted. These provisions are dispersed across the resolutions and guidelines of the GMC and the CMC. The Framework Agreement, however, used sources of environmental law in its content and thus reinforced once again the commitment of the member states to the document, highlighting the interaction between local regional law and global international law (Salles and Bressan, 2022).

Incorporation of the SDGs in Mercosur

The incorporation of the SDGs and the 2030 Agenda by the bodies of Mercosur was an initiative of the pro tempore presidency of Uruguay in 2008. At that time, Uruguay presented a diplomatic note to the GMC and the Mercosur Secretariat, with the proposal to create a new body within the institutional structure that would be related to the 2030 Agenda and the SDGs. The new body was called the Meeting of High Authorities Responsible for the Sustainable Development Goals (RARODS, acronym in Spanish). The proposal was prepared during the CX Meeting of the GMC in 2018, in Montevideo. The GMC instructed the Mercosur Secretariat to carry out a survey of the forums dependent on the institutional framework that included in their agendas issues related to the social, economic and environmental SDGs (GMC, 2018). The creation

of RARODS was based on SDG 17, partnerships for the goals, which reinforces the relevance of integration platforms to articulate and advance towards the 2030 Agenda (Luciano, Bressan and Salles, 2022).

RARODS was conceived as an auxiliary body of the CMC, with the aim of proposing measures, policies and actions to deal with the 2030 Agenda, as well as the exchange of good practices and advising the CMC on the matter. Complying with a certain institutional hierarchy, RARODS was initially in charge of preparing a work plan with political proposals and common initiatives within the Mercosur sphere, including actions and implementation deadlines. To this end, RARODS would work in coordination with other Mercosur organisations with the support of the Technical Consulting Sector of the Mercosur Secretariat (SAT/SM, acronym in Spanish), thus permitting the participation of the associated states in its activities (Mercosur, 2019).

The SAT/SM presented *DT SM/SAT n°34/2018 – 2030 Agenda and the Sustainable Development Goals in the Institutional Structure of Mercosur: a preliminary approach*. As a first effort, the SAT/SM undertook a survey to identify the Mercosur forums that included the SDGs in their agendas, exclusively for statistical purposes. The results were as follows (Mercosur, March 2019):

- a) 16 Mercosur forums included initiatives related to the SDGs on their agendas;
- b) 9 of the 17 goals of the 2030 Agenda were on the agenda of the forums;
- c) there were 11 monitoring system initiatives linked to the SDGs;
- d) there were 4 issues on the harmonisation of public policies that take SDGs indicators as points of reference (*DT SM/SAT n°34/2018 – Agenda 2030 y los Objetivos de Desarrollo Sostenible en la Estructura Institucional del Mercosur*).

The systematisation and compilation methodologies, added to the experience of its international employees, were elements that reinforced and confirmed the relevance of the technical profile suggested by SAT/SM in the RARODS proposal. Additionally, the work of SAT/SM reinforced the general argument that a technical and permanent nature of the Mercosur Secretariat is important for the regional integration process (Luciano, Bressan and Salles, 2022).

However, when the Mercosur Secretariat presented the final survey in March 2019, the work was reoriented by the pro tempore presidency of Argentina, under Mauricio Macri. He prioritised the reduction of Mercosur's institutional framework,

meaning he did not submit the Draft Decision presented by Uruguay during its presidency. In this way, the creation of RARODS ceased to be considered by the decision-making institutional bodies of Mercosur. Even so, the surveys carried out by the Mercosur Secretariat up to 2019 were important products of this process, as discussed in the following section (Mercosur, March 2019).

The 2030 Agenda and the SDGs in Mercosur Institutions

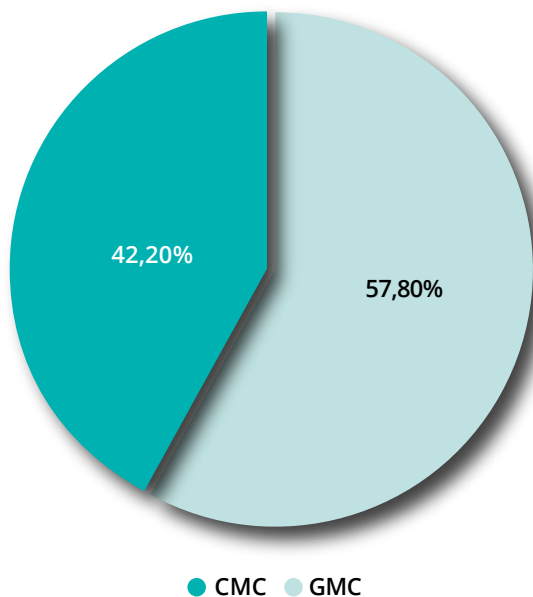
Based on the survey by the Mercosur Secretariat on the treatment of the SDGs by Mercosur bodies, this Policy Paper evaluates how the Mercosur's decision-making and advisory bodies accommodate the 2030 Agenda and the SDGs during the period 2015-2020. For the evaluation after the incorporation of the 2030 Agenda into the institutional structure of Mercosur, an analysis of the agendas and work programs of the Mercosur bodies and forums was carried out, identifying which SDGs of the 2030 Agenda were discussed within the internal agenda of Mercosur (Secretaría de Mercosur, 2020).

In 2008, Uruguay presented a diplomatic note to the GMC and the Mercosur Secretariat, with the proposal to create a new body within the institutional structure that would be related to the 2030 Agenda and the SDGs. The new body was called the Meeting of High Authorities Responsible for the Sustainable Development Goals (RARODS, acronym in Spanish).

Regarding the period 2015-2018, the data analysed originated from the report prepared by the Mercosur Secretariat in 2019, which identified references to the SDGs and the 2030 Agenda in official Mercosur documents (Secretaría de Mercosur, 2020). For the period between 2019 and 2020, the official references to the SDGs and the 2030 Agenda were compiled following the methodology of the aforementioned Secretariat report. Considering the data collected, Graph 1 and Table 1 below show the number and proportion of references to the SDGs by the two decision-making bodies of Mercosur, the CMC and the GMC, in the specified periods.

Graph 1 shows a certain balance of mentions of the SDGs between the two decision-making bodies of Mercosur, the CMC and the GMC. The CMC, the highest organism of the bloc, cites the SDGs with a little more frequency, with 57.8% of the total mentions. Regarding the information shown in Table 1, a greater number of mentions of the SDGs stands out in the final years of the analysis. While 52 references were identified in the first four years analysed, 57 mentions of the SDGs were found in only two years (2019 and 2020), confirming that the Mercosur bodies have incorporated the 2030 Agenda in recent years.

Graph 1. SDGs in Mercosur decision-making bodies (2015-2020)



Source: elaborated by the author based on Secretaría del Mercosur (2022).

Table 1. References to the SDGs by Mercosur decision-making bodies

	2015-2018	2019-2020	Total
CMC	30	33	63
GMC	22	24	46
Total	52	57	109

Source: elaborated by the author based on Secretaría del Mercosur (2020).

The specific SDGs and their respective mentions in Mercosur institutional bodies can be seen in Graph 2. The first analysis of the data indicates that all the SDGs of the 2030 Agenda, except SDG 14 (underwater life), were mentioned at some point during the period analysed, showing that the bloc recognised almost all the SDGs in its official documents.

Graph 2. Number of mentions of the SDGs by Mercosur (2015-2020)



Source: elaborated by the author based on Secretaría del Mercosur (2020).

Moreover, the most mentioned SDGs were 1 (no poverty), 4 (quality education), 5 (gender equality), 8 (decent work and economic growth) and 10 (reduction of inequalities), all of which are associated with social and economic issues. Generic mentions of the SDGs appear in the graph as the most cited, appearing 33 times. However, when adding together the SDGs linked to the environment, SDGs 6, 7, 13 and 15, there are 15 mentions in total.

When comparing the periods 2015-2018 and 2019-2020, we can observe a trend of

Mercosur organisations recognise the importance of promoting the SDGs when making statements and declarations. Although these constitute an exercise relatively free of material costs, being considered habitual practices of state leaders, their incorporation into institutional discourses generates expectations within the institution.

increasing mentions of the SDGs, but this did not apply to all the SDGs (Graph 3). Only five SDGs (1, 2, 5, 8 and 15) were mentioned with greater frequency by Mercosur bodies in 2019-2020 compared to 2015-18, while five SDGs (4, 10, 11, 12 and 13) saw a decrease in their number of mentions, particularly SDG 4 (from eight to one) and SDG 13 (from five to one). However, some SDGs were mentioned for the first time in 2019-2020, namely

SDGs 7, 9, 16 and 17, demonstrating that the later period has been more diversified in terms of SDG coverage. Regarding the environmental SDGs, SDG 15, life on land, more than doubled its number of mentions in the second period analysed. Even so, it is worth noting that generic mentions

of the SDGs have increased significantly, reinforcing the argument that the SDGs have been incorporated into the Mercosur agenda.

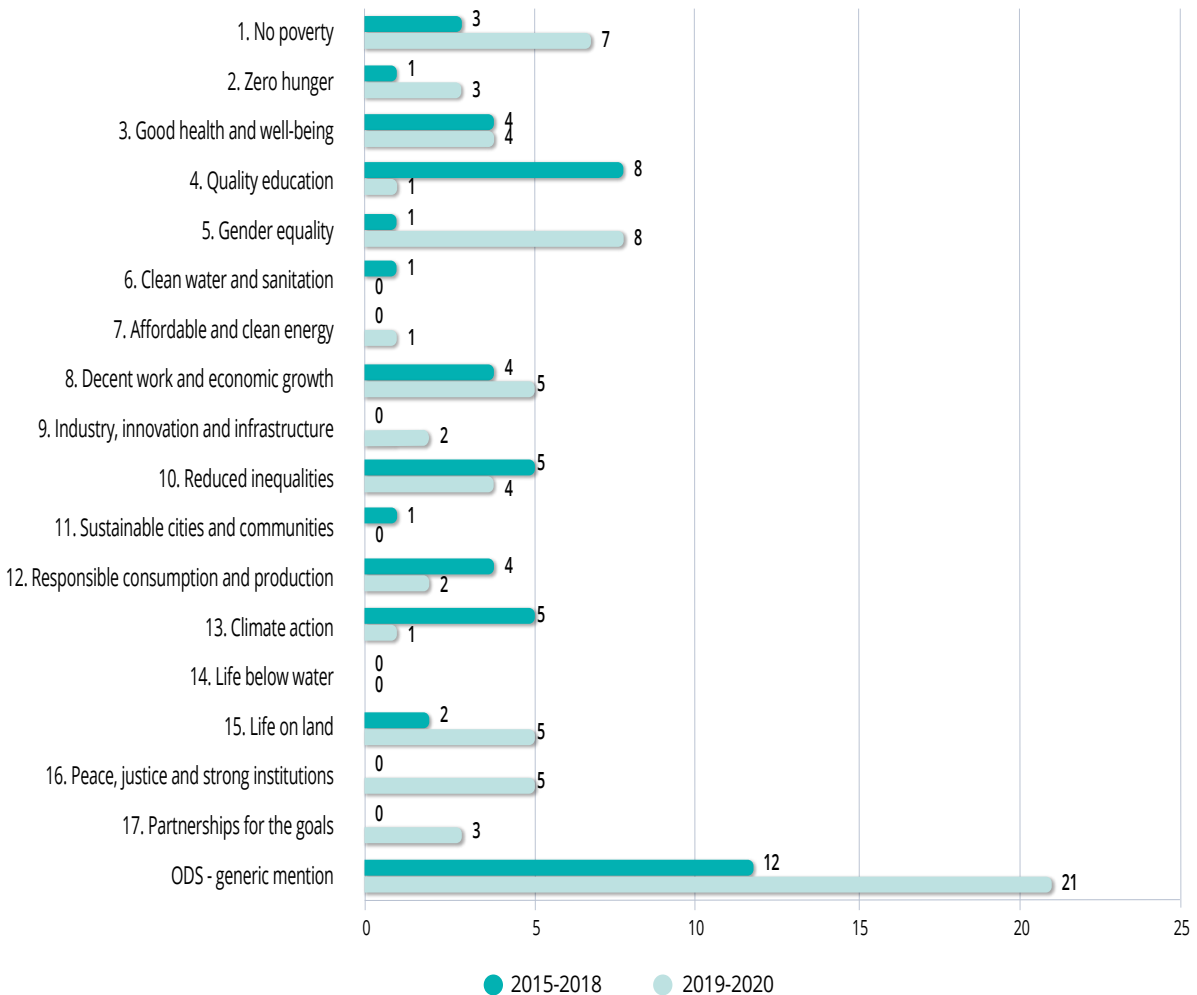
The prevalence of generic mentions of the SDGs and the 2030 Agenda, which represent 27% of all mentions, reinforces Mercosur's commitment to the national, regional and international public. Mercosur organisations recognise the importance of promoting the SDGs when making statements and declarations. Although these constitute an exercise relatively free of material costs, being considered habitual practices of state leaders, their incorporation into institutional discourses generates expectations within the institution. These are endogenous and exogenous expectations of Mercosur that condition future actions and provide references that guide the success of the organisation's actions in this area (Jenne, Schenoni and Urdinez, 2017; Luciano, Bressan and Salles, 2022).

On the other hand, by making generic references to the 2030 Agenda, certain expectations regarding the implementation of specific regional public policies are avoided, representing a *rhetorical regionalism*. This concept explains the participation of the representatives in different symbolic and discursive activities of the organisation which, although they exalt the objective of regionalism –reinforcing treaties and cooperation agreements, and participating in *superior regionalism*– these same representatives make little progress

in the implementation of the policies mentioned in their speeches (Söderbaum and

Brolin, 2016; Luciano, Bressan and Salles, 2022).

Graph 3. Specific SDGs and the periods of their mentions

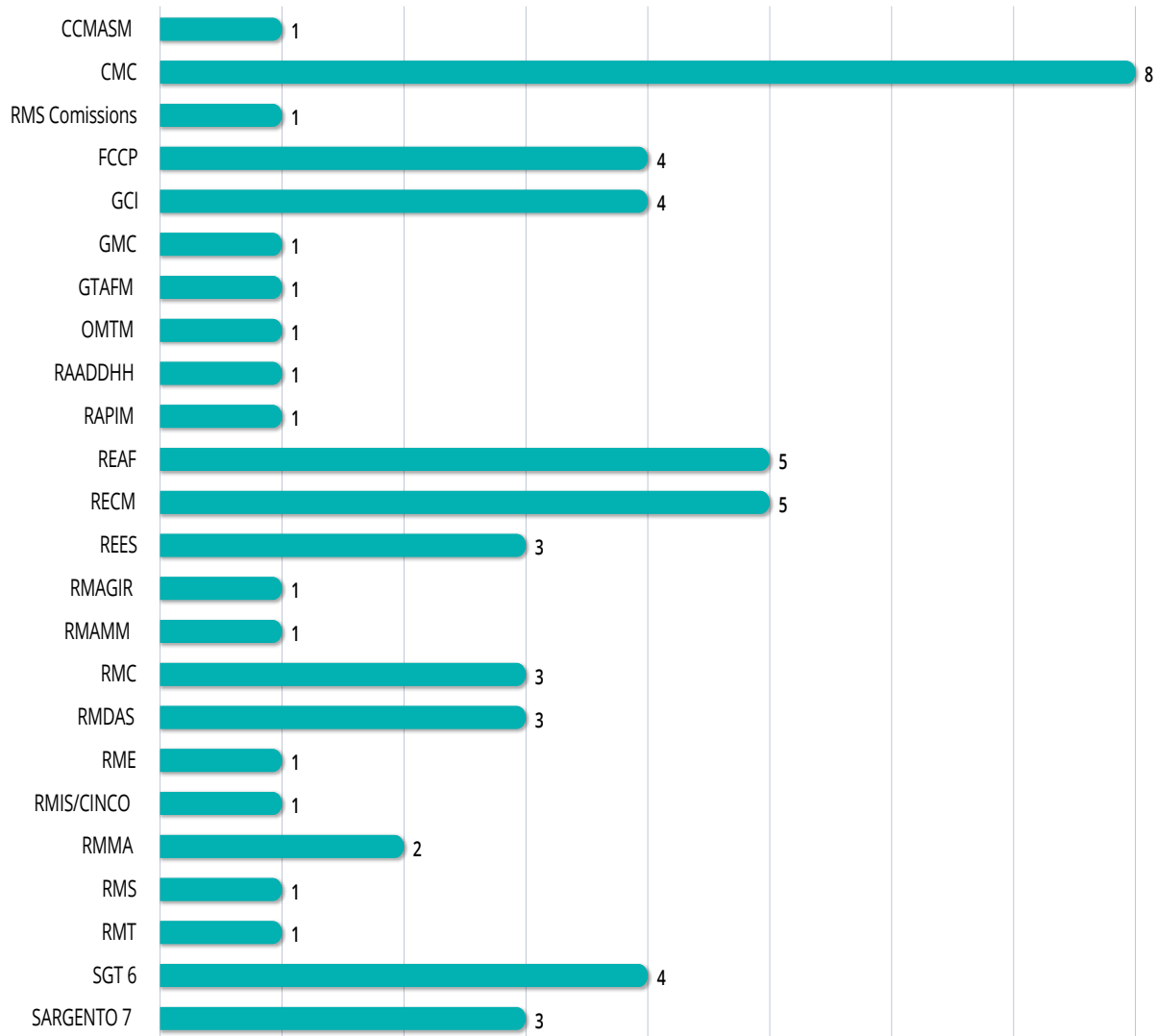


Source: elaborated by the author based on Secretaría del Mercosur (2020).

Regarding the correlation between various Mercosur institutions and mentions of the SDGs, Graph 4 shows the number of times that the SDGs were mentioned by Mercosur’s dependent decision-making forums. In the analysis of the two periods, 24 Mercosur organisations specifically mentioned the SDGs, 18 of them in the period 2015-2018, and 13 in the

period 2019-2020. The instances that referred to the most specific SDGs in the complete period analysed were the CMC, which mentioned the SDGs eight times, the Specialised Meeting on Family Farming (REAF, acronym in Spanish) and the Specialised Meeting on Cooperatives (RECM, acronym in Spanish), each with five mentions of the SDGs.

Graph 4. SDGs cited by specific bodies of Mercosur
(dependent and decision-making) 2019-2020



Source: elaborated by the author based on Secretaría del Mercosur (2020).

Analysing the graph, it is possible to verify that both the CMC and its subsidiary body, the Forum for Political Coordination and Consultation (FCCP, acronym in Spanish), made a significant number of references to the SDGs. Since 2019, the CMC (decision-making authority of Mercosur) has begun to refer to specific SDGs in its official communications, demonstrating

a more specific and specialised approach to the 2030 Agenda, with specific regional goals that target at least some priority SDGs in the near future.

In addition to the quantitative analysis, qualitative research on the Mercosur regulatory framework makes it possible to infer which environmental policies Mercosur

has adopted in relation to the environmental SDGs. SDG 13, climate action, and SDG 15, life on land, have gained prominence (Mercosur, March 2019).

The Monitoring Mechanisms for the Implementation of the SENDAI Framework (Sendai Framework for Disaster Reduction 2015-2030) was one of the climate action initiatives covered by SDG 13 in 2017. Within the CMC is the Meeting of Ministers and High Authorities for Comprehensive Disaster Risk Management (RMAGIR, acronym in Spanish), which presented a proposal for the preparation of a regional plan for disaster risk reduction for the period 2018-2022, aiming to propose cross-border subregional policies based on information exchange, research, and technical and scientific advice. Moreover, the initiative seeks to promote the creation of a Mercosur platform for comprehensive disaster risk management, made up of the member states.

Since 2015, ministers and authorities have continued to exchange information on progress at the national level regarding compliance with the SDGs and linked to climate change, forests, biodiversity and soils. The environmental ministers and authorities of Mercosur have committed to reporting on activities undertaken to comply with nationally determined contributions (NDCs) within the framework of the Paris Agreement, the strengthening of resilience and adaptation capacity related to climate, risks and natural disasters, and

the incorporation of measures related to climate change in national policies, strategies and plans within the framework of the bloc, with a view to achieving SDG 13.

For the period 2015-2022, the Mercosur Environmental Information System (SIAM, acronym in Spanish) was established as a mechanism for the implementation of the environmental agenda within the framework of the 2030 Agenda. SIAM centralises information on the actions, products and results of the activities of SGT-6 and the Meeting of Ministers of the Environment, thus contributing to the transparency of negotiations and their dissemination. It also facilitates access to environmental information in the member states in an integrated manner for dissemination to the general public (Mercosur, March 2019).

With a focus on SDG 15, life on land, the Mercosur countries established political dialogues on the subject. The aims are to fight against desertification, rehabilitate degraded lands and soils –including lands affected by desertification, drought and floods– and to contribute to the achievement of target 3 of SDG 15. The member states have committed to the Mercosur Neutrality of Land Degradation program by 2030 (SDG 15).

In the 2019-2020 Work Program, the countries decided to fight against desertification and combat the effects of drought through the coordination of public policies

for the neutrality of land degradation (SDG 15). In addition to these objectives, some actions were agreed:

- Explore financing for the development of the program.
- Implementation and diagnosis: Mercosur Biodiversity Strategy.
- Adjust the invasive alien species project proposal (SDG 15.8).
- Explore different sources of financing for the Pampa biome.
- Update information on protected areas in the SIAM (Mercosur, March 2019).

Final Discussions

The environment has gained importance in the international system and this has given rise to cooperation between countries at the regional and multilateral levels. The first international debates date back to the 1970s, but environmental policies in the Southern Cone region are characterised as incipient and of limited scope. This Policy Paper analysed the environmental policies of Mercosur within the framework of the 2030 Agenda.

Firstly, this work sought to reveal, in general terms, the internal policies for the environment among Mercosur countries,

plus Chile. The research indicated important differences between the institutional frameworks of the five countries of the Southern Cone: Argentina, Brazil, Chile, Paraguay and Uruguay. However, these policies coincide with the re-democratisation processes of these countries and with the global concern for the environment stemming from ECO-92.

Delimiting analysis to Mercosur, this research explored its institutional structure, focusing on the debate and creation of environmental policies. This work revealed the limitations of the structure and conditions inherent to the bloc: institutions with little autonomy and highly dependent on government interests represent an obstacle to the progress of the actions of these structures and the achievement of common policies. In fact, the disinterest of the last presidencies of the bloc, Argentina and Brazil, respectively, was decisive in paralysing the activities of RARODS.

There was then an analysis of how Mercosur has been working on the SDGs, based on the number of mentions in the endogenous instances of the bloc. The empirical research concluded that generic mentions of the SDGs prevailed over mentions of specific SDGs, making it difficult to create targeted policies. In addition, the analysis revealed that the mentions in relation to each SDG did not necessarily increase over time; on the contrary, there data was highly dispersed. Likewise, mentions of

the SDGs were widely dispersed across the bodies and instances of Mercosur, making it difficult for the institutional structure to concentrate efforts to adopt regional policies for the SDGs.

When analysing SDGs 13 and 15 through qualitative data, it was possible to infer that the measures adopted by Mercosur to achieve environmental policies remain incipient and precarious. Similarly, these policies appear to be closely linked to the environmental framework of each country, with very different realities. The adoption of consistent policies at the Mercosur level could help harmonise internal policies, so as to guarantee efficiency and better results for the environment.

Policy harmonisation would consist of efforts by countries to adopt consistent and symmetrical standards. In fact, the harmonisation of environmental legislation could be achieved with the integration of the constitutional norms of member states. This would occur through the development of agreements and instruments within Mercosur, based on the principles and guidelines of the Stockholm Conference, ECO-92 and the 2030 Agenda.

Recommendations

The main recommendation of this Policy Paper, directed at Mercosur officials and

decision-makers, is to return to more concrete and specific discussions regarding the environmental SDGs (6, 7, 13, 14 and 15) within the different instances of the bloc. Resuming a solid work plan oriented to contemporary discussions on the environment and climate change must be a commitment of Mercosur member states, and even to align the institution with the global policies established at the COP 27, the United National Conference on Climate Change, held in Egypt in 2022. Additionally, this Policy Paper proposes the following recommendations:

1. Periodically updating the Mercosur Environmental Information System (SIAM), a key system for the implementation of the 2030 Agenda within the bloc.
2. Resuming the activities of the Meeting of High Authorities Responsible for the Sustainable Development Goals (RARODS) with a focus on the SDGs and systematic support from the Technical Consulting Sector (SAT/SM).
3. Resuming activities between ministers and authorities for nationally determined contributions (NDCs) for climate change mitigation, with the aim of consolidating regional policies to combat climate change, so that SDG 13 is taken into account and the precepts deliberated at the COP 27 in 2022 are complied with.

4. Deepening public policies for the neutrality of land degradation related to SDG 15, already agreed in the Mercosur 2019-2020 Work Plan.
5. Expanding the permanent discussion of specific SDGs (6, 7, 13, 14 and 15) in the different Mercosur institutions, so as to support the development and adoption of specific policies and transcend rhetorical regionalism.
6. Identifying similar policies among the national institutional framework of the Mercosur member states so that they can potentially be configured as regional policies.
7. Initially adopting modest regional policies linked to the environmental SDGs. These would be low-cost and wide-ranging policies that help leverage the effective implementation of the SDGs within Mercosur, such as a green stamp.
8. Expanding the participation of different actors for the implementation of the SDGs in regional policies. Environmental governance means engaging non-governmental actors such as economic elites, NGOs and civil society, in institutional arrangements.
9. Prioritising and investing resources in the environmental guidelines agreed at the COP 27 within the Mercosur sphere.

References

- Argentina. (1994). *Constitución de la Nación Argentina. Sancionada por la Convención Nacional Constituyente el 22 de agosto de 1994* (4th edition). Buenos Aires: Plus Ultra.
- Brasil. (1988). *Constituição da República Federativa do Brasil de 1988*. Brasília: Senado Federal.
- Chile. (1980). *Constitución Nacional de 1980*. Santiago: Biblioteca del Congreso Nacional de Chile. <https://www.bcn.cl/procesoconstituyente/comparadordeconstituciones/constitucion/chl>

Chile. (1994). *Ley sobre Bases Generales del Medio Ambiente. Ley 19300 de 1994*. <https://www.bcn.cl/leychile/navegar?idNorma=30667>

GMC. (2018). *CX Reunión Ordinaria del Grupo Mercado Común (GMC). Acta 4/18*. http://www.puntofocal.gov.ar/doc/gmc_04-18.pdf

Irachande, A.; Almeida, L. & Vieira, M. (2010). O Mercosul e a construção de uma política ambiental para os países do Cone Sul. *Política e Sociedade, Santa Catarina*, 9(16), 205-223. <https://periodicos.ufsc.br/index.php/politica/article/view/2175-7984.2010v9n16p205>

Jenne, N.; Schenoni, L. L. & Urdinez, F. (2017). De palavras e ações: regionalismo declaratório latino-americano, 1994-2014. *Cambridge Review of International Affairs*, 30(2-3), 195-215.

Júnior, A. J. R. F. (2003). Considerações acerca do Direito Ambiental do Mercosul. *Jus Navigandi*, 8(136). <https://jus.com.br/artigos/4448>

Luciano, B. T.; Bressan, R. N. & Salles, M. M. (2022). 2030 Agenda in Mercosur's Internal and External Agenda: Constraints, Complementarities and Challenges. In S. M. Soares (org.), *Transformations in International Politics, Conflicts, Regionalism and Latin America* [in print]. São Paulo: Ed. Unesp.

Mercosur. (1991). *Tratado de Assunção para a constituição de um Mercado Comum*. Asunción: Mercosur. <https://www.mercosur.int>

Mercosur. (March 2019). *Objetivos de Desenvolvimento Sustentável no Mercosul*. XCI Reunião do Fórum de Consulta e Coordenação Política do Mercosul, Buenos Aires, Argentina.

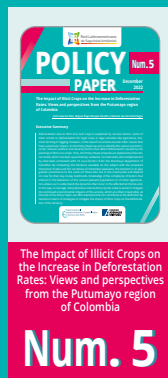
Moraes, I. A.; Moraes, F. A. & Mattos, B. R. B. (2012). Mercosur and the importance of a harmonized environmental legislation. Número Especial: Direito Internacional do Meio Ambiente. *Revista de Direito Internacional*, 9(3), 91-101.

Paraguay. (1992). *Constitución Nacional del Paraguay*. Ciudad del Este. <http://www.constitution.org/cons/paraguay.htm>

- Queiroz, F. (2005). Meio ambiente e comércio na Agenda Internacional: a questão ambiental nas negociações da OMC e dos blocos econômicos regionais. *Ambiente & Sociedade*, 8(2), 1-22.
- Salgado, V. T. & Bressan, R. N. (2020). O Acordo de Associação Mercosul-União Europeia e a política externa brasileira. *Revista Neiba*, 9, 1-22.
- Salles, M. M. & Bressan, R. N. (2022). Comercio y desarrollo sostenible: el Acuerdo Mercosur-Unión Europea. In E. Jeger, D. Durán & B. Luciano (coords.), *Multilateralismo y regionalismo en tiempos de desafíos: las relaciones entre Europa y América Latina y el Caribe* (76-89). Hamburgo: Fundación EU-LAC. <https://eulacfoundation.org/sites/default/files/2022-04/eu-lac-Multilateralismo-regionalismo-ES-2.pdf>
- Santa María Beneyto, M. J. (2000). *Medio ambiente en Europa: retos para un desarrollo sostenible*. Alicante: Publicaciones de la Universidad de Alicante.
- Secretaría de Mercosur. (2020). *Relatório da Pesquisa: A Agenda 2030 e os Objetivos de Desenvolvimento Sustentável na Estrutura Institucional do Mercosul*. Montevideo: Mercosur.
- Söderbaum, F. & Brodin, T. (2016). *Support to Regional Cooperation and Integration in Africa - What Works and Why?* Estocolmo: EBA.
- Uruguay. (2004). *Constitución de la República de Uruguay*. Montevideo. <https://parlamento.gub.uy/documentosyleyes/constitucion>
- Uruguay. (2012). *Programa de Conservación de la Biodiversidad y Desarrollo Sustentable en los Humedales del Este - Probides*. Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente, 2012. <http://www.probides.org.uy>

POLICY PAPER

December
2022



The Impact of Illicit Crops on the Increase in Deforestation Rates: Views and perspectives from the Putumayo region of Colombia

Num. 5



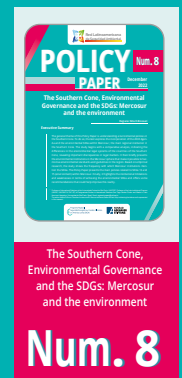
Advances and Challenges in the Multilateral Governance of Environmental Security in the Caribbean

Num. 6



An Analysis of the Environmental Management of Brazil and Colombia of their Amazonian Borders and Territories

Num. 7



The Southern Cone, Environmental Governance and the SDGs: Mercosur and the environment

Num. 8

Explanation of the network:

The Latin American Network of Environmental Security aims to produce knowledge in the academic field and opinion work on the threats, risks and challenges facing environmental security in Latin America and the Caribbean through various case studies. To achieve this, it has generated spaces for dialogue with civil society organizations, academia, economic actors, and decision-makers from the public sector, to dialogue, raise awareness and seek consensus on the need to give relevance and priority to the threats presented by the region in environmental matters. Thus, through the preparation of papers (policy and working) and books, it is proposed to collect the study work of the network on specific cases to make visible the main problems and propose recommendations to provide inputs to decision makers in both the public and private sectors to respond and mitigate the threats that endanger environmental security in its different dimensions in Latin America and the Caribbean.

Nicole Stopfer - Director ECLA-KAS - Anuska Soares - Project Coordinator ECLA-KAS

Eduardo Pastrana Buevas - Coordinator of the Latin American Environmental Safety Network

Miguel Burgos - Coordination assistant of the Latin American Environmental Safety Network

© 2022, Programa Regional de Seguridad Energética y Cambio Climático en América Latina (EKLA) de la Fundación Konrad Adenauer (KAS) - Calle Canturias 160, Of. 202, Miraflores, Lima 18, Perú.
(+51) 1 320 2870 - <http://www.kas.de/energie-klima-lateinamerika/>