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PROTECTION OF WATER RESOURCES IN ARGENTINA AND MERCOSUR

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Abstract: Argentina, as well as Brazil, has suffered strong economic and social impacts due to the prolonged scarcity of rains, mainly in the Paraná River sub-basin region, which makes up the Rio de la Plata Basin, which in turn is a of the largest basins in the world, formed by the set of sub-basins of the Paraguay, Paraná and Uruguay rivers, whose sources are in Brazilian territory and flow into Argentine territory. Given this situation, cooperation between MERCOSUR member countries is necessary. This research aims to analyze the current water crisis in Argentina and possible legal solutions within MERCOSUR. In order to do so, it intends to verify the legal treatment of fresh water in international environmental law and in the scope of MERCOSUR; analyze the legal regime for freshwater in Argentina; present possibilities for legal solutions to minimize the impacts of the water crisis within MERCOSUR, in order to help jurists, managers and other members of civil society, providing subsidies so that the protection of water resources can be developed effectively. The method of approach used was the hypothetical-deductive, as a method of procedure was used the comparative, the method of sociological interpretation and the research technique used was the bibliographic research. The research pointed to the need to recognize the importance of water as a common good substantially necessary for human existence and that its protection is a duty that is imposed on everyone, and in the case of transboundary waters, the shared management of this resource is the way of cooperation. In this sense, it is necessary that the MERCOSUR States Parties integrate and harmonize their environmental laws with a view to cooperation and environmental preservation.

Keywords: Environmental Law; MERCOSUR; Regional Integration; Water resources; Water Law in Argentina.

INTRODUCTION

The water crisis is analyzed as part of a complex environmental crisis and the concept of sustainable development appears as an alternative for respecting environmental limits without disregarding the need for technological development and economic growth to manage social problems.

The United Nations - UN instituted, through the Universal Declaration of the Right to Water [1], ten principles aimed at all humanity, seeking to motivate the development of respect and commitment of individuals in the care of water and establishing, among others, that the planning of Water management must take into account solidarity and consensus on account of its unequal distribution on Earth. This document supported judicial decisions and influenced nations in the development of Public Policies related to the defense of water resources.

In 2015, the Sustainable Development Goals were established, including goal 6 to ensure availability and sustainable management of water and sanitation for all, which has goals to be achieved by 2030, including the expansion of international cooperation, the integrated management of water resources, including through cross-border cooperation.

Argentina, like Brazil, has suffered strong economic and social impacts due to the prolonged scarcity of rains, mainly in the Paraná River sub-basin, which makes up the Rio de la Plata Basin, which in turn is one of the largest basins of the world, formed by the set of sub-basins of the Paraguay, Paraná and Uruguay rivers, whose sources are in Brazilian territory and flow into Argentine territory. The Paraná River sub-basin is the environmental unit where the greatest impact of the current water crisis occurs, an unprecedented process, with direct repercussions on the economy of Brazil, Paraguay and Argentina and that has

1 Universal Declaration of Water Rights. UN, 1992.

manifested itself since the last decade with different intensities. Due to the prolonged shortage of rainfall in Brazil, the water level in the Paraná River has dropped dramatically, reaching the amount of cargo that can be transported by ships at the height of the Argentine corn and soybean export season [2].

In view of this situation, cooperation between MERCOSUR member countries is necessary, which is provided for in fourteen paragraphs of art. 6 of the Environmental Agreement. Emphasizing the search for the harmonization of environmental legislation, such as habits of conduct and integration of values oriented towards the transformations necessary to achieve the sustainable development of the Treaty.

THE LEGAL TREATMENT OF FRESH WATER IN INTERNATIONAL ENVIRONMENT LAW

Debates on International Environmental Law gained relevance from the Stockholm Convention in 1972. Representatives from 113 countries and about 400 non-governmental organizations - NGOs participated in this meeting, and represented a great advance for the protection of the environment, as the Stockholm Declaration, the Action Plan for the Environment and the creation of the United Nations Environment Program (UNEP) resulted from this meeting. In addition, several States have sought to include some type of environmental regulation in their legal systems [3].

As a result of the Convention and the need to deepen the debate on development and the environment, UNEP created, in 1983, the World Commission on Environment and Development, chaired by the Prime Minister of Norway, Gro Harlem Brundtland. This commission was responsible for the report Our Common Future, also known as the Brundtland Report, which was presented in 1987 to the UN General Assembly and disseminated the concept of sustainable development, defined as "that which meets the needs of the present without compromising the possibility of future generations to meet their own needs".[4]

Issues related to water have become a central theme for International Environmental Law due to the need to control transboundary pollution, to regulate the various conflicting uses and the unique and vital nature of this resource for the life of man and species [5].

When talking about water crisis, it is necessary to realize that the concept of crisis is often related to a sudden change, to an important alteration in a process, to the organized structure of society, be it structural or symbolic, or even to some form of scarcity [6]. Before talking about the water crisis itself, it is important to realize that the scarcity of this natural resource is part of something bigger, which is the environmental crisis.

According to Capra [7], the main problems of the current era cannot be understood in isolation, as they are systemic and interconnected, being interdependent. In this way, there is a crisis of perception, as the worldview experienced today is obsolete and is inadequate to deal with an overpopulated and globally interconnected world. Therefore,

2 https://www.cnnbrasil.com.br/business/argentina-pede-economia-de-agua-com-nivel-do-rio-parana-em-minima-de-77-anos/ . Published on 07/20/2021.

3 VILLAR, Pilar Carolina. **Water Governance in Latin America**. ANA – National Water Agency. Volume 1. Available at: https://capacitacao.ana.gov.br/chaverh/handle/ana/78 . Accessed on 11/20/2021.

4 Ditto, p. 22.

5 Ditto, p. 18.

6 PINTO –COELHO Ricardo Motta; HAVENS, Karl. **Water resources management in times of crisis**. Porto Alegre: Artmed, 2016, p. two.

7 CAPRA, Fritjof. **The web of life**. São Paulo: Cultrix, 2004, p.14.

the solutions require a change of paradigms, of perception, thinking and values, in science and in society to guarantee survival on the planet. From a systemic point of view, there is a need to create sustainable communities, with social and cultural environments capable of satisfying human needs and aspirations without affecting future generations.

> "The more we study the main problems of our time, the more we are led to realize that they cannot be understood in isolation. They are systemic problems, which means that they are interconnected and interdependent. For example, it will only be possible to stabilize the population when poverty is reduced worldwide. The extinction of animal and plant species on a massive scale will continue as long as the Southern Hemisphere is burdened with enormous debts. Scarcity of resources and degradation of the environment combine with rapidly expanding populations, which leads to the collapse of local communities and the ethnic and tribal violence that has become the most important feature of the post-Cold War era."[8]

The environmental crisis, in addition to the pollution of drinking water, involves several factors, such as air pollution, global warming, destruction of fauna and flora. The Encyclical Letter Laudato Si' [9], by Pope Francis, on caring for the common home, warns that a global consensus is needed that leads to the following actions: programming sustainable and diversified agriculture; develop renewable and low-polluting forms of energy; encourage greater energy efficiency; promote better management of forest and marine resources; eradicate poverty and promote the social development of its inhabitants; examine the scandalous level of consumption of some privileged sectors of the population; better contrast corruption; and guarantee access to safe drinking water for all.

In this context, the water crisis is analyzed as part of a complex environmental crisis and the concept of sustainable development appears as an alternative for respecting environmental limits without disregarding the need for technological development and economic growth for the management of social problems.

When checking the availability of water on the planet, it can be seen that approximately two thirds of the earth's surface is covered by water [10], however, 97.5% make up the seas and oceans and only 2.5% of the water on the planet is fresh water. Of this minimum percentage, it must be considered that approximately 60.7% of fresh water is stored in the form of glaciers, 30.9% is in aquifers and in the frozen soils of boreal forests [11].

In this way, sustainability seeks to ensure the balance between economic and social development and environmental preservation and although water is considered a renewable good, its quality and availability varies in each region of the planet. According to Casarin [12], the location of renewable water on the planet is divided into continents in the following percentage: Asia 31.6%, South America 23.1%, North America 18%, Africa 10%, Europe 7%, Oceania 5.3 % and Antarctica 5%. In this context, approximately 40% of the world population does not have access to

8 Ditto, p. 14.

9 ENCYCLICAL LETTER LAUDATO SI': on the care of the common home. Pope Francis. Available at: https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html . Accessed on 06/20/2021.

10 AMORIM, Joao Alberto Alves. **Water law:** the legal regime of fresh water in international law and in Brazilian law. São Paulo: Lex Editora, 2009, p. 27.

11 PINTO-COELHO, 2016, p.12.

12 CASARIN, Fatima; SANTOS, Monica. **Water:** blue gold uses and abuses of water resources. Rio de Janeiro: Garamond, 2011.

clean water and about 230 million people live in water-scarce areas [13].

The United Nations - UN, on March 22, 1992, established, through the Universal Declaration of the Right to Water (UN/92), ten principles aimed at all humanity, seeking to motivate the development of respect and commitment of individuals in care for water, declaring that water is part of the planet's heritage.

> Art. 1 - Water is part of the planet's heritage. Every continent, every people, every nation, every region, every city, every citizen is fully responsible in the eyes of all.
>
> Art. 2nd – Water is the lifeblood of our planet. It is the essential condition of life of every plant, animal or human being. Without it, we could not conceive what the atmosphere, climate, vegetation, culture or agriculture are like. The right to water is one of the fundamental rights of human beings: the right to life, as stipulated in Art. 3 of the Declaration of the Rights of Man.
>
> Art. 3rd – Natural resources for transforming water into drinking water are slow, fragile and very limited. Therefore, water must be handled with rationality, caution and parsimony.
>
> Art. 4th – The balance and future of our planet depend on the preservation of water and its cycles. These must remain intact and functioning normally to ensure the continuity of life on Earth. This balance depends, in particular, on the preservation of the seas and oceans, where the cycles begin.
>
> Art. 5th – Water is not only an inheritance from our predecessors; it is, above all, a loan to our successors. Its protection constitutes a vital necessity, as well as a moral obligation of man towards present and future generations.
>
> Art. 6th – Water is not a free donation from nature; it has an economic value: one needs to know that it is sometimes rare and expensive and that it may well be scarce in any region of the world.
>
> Art. 7th – Water must not be wasted, polluted or poisoned. In general, its use must be done with conscience and discernment so that it does not reach a situation of exhaustion or deterioration of the quality of the currently available reserves.
>
> Art. 8 – The use of water implies respect for the law. Its protection constitutes a legal obligation for every man or social group that uses it. This question must not be ignored either by man or by the State.
>
> Art. 9 – Water management imposes a balance between the imperatives of its protection and the economic, sanitary and social needs.
>
> Art. 10th – Water management planning must take into account solidarity and consensus due to its unequal distribution on Earth [14].

This document supported judicial decisions and influenced nations in the development of Public Policies related to the defense of water resources. However, as Fiorillo recalls, "Water was already a concern of the Greco-Roman world, not only because of its vital importance, but also because of the concern that there was in relating water to the physical-psychic safety of the human person" [15], sewage systems, public baths, aqueducts and other sanitary facilities, created by the Romans contributed to the history of mankind.

The United Nations Conference on Environment and Development, in 1992, had as one of the results the elaboration of agenda 21, whose chapter 18, deals with the protection of the quality and supply of water resources

13 AMORIM, Joao Alberto Alves. **Water law: the legal regime of fresh water in international law and in Brazilian law** . São Paulo: Lex Editora, 2009, p. 125.

14 Universal Declaration of Water Rights. UN, 1992.

15 FIORILLO, Celso Antonio Pacheco. **Brazilian environmental law course**. 23rd Ed. São Paulo: Saraiva, 2021, p.214

through the application of integrated criteria in its development., handling and use [16].

In 2015, 193 representatives of UN Member States prepared a document entitled "Transforming Our World: The 2030 Agenda for Sustainable Development" [17], in which 17 Sustainable Development Goals – SDGs, and 169 targets were outlined, to "eradicate poverty and promoting a dignified life for all, within the limits of the planet", among them is the SDG 6 "drinking water and sanitation". In SDG 6, Member States committed to expand international cooperation and support capacity building for developing countries in activities and programs related to water and sanitation, including water collection, desalination, efficiency in use water, effluent treatment, recycling and reuse technologies.

The MERCOSUR member countries are signatories of this document and commit, among other goals, to achieving universal and equitable access to water for human consumption, safe and accessible for all by 2030.

Faced with this scenario, it is up to the MERCOSUR member States to improve their legislative frameworks in order to establish policies based on the sustainable use of this natural resource and thus build Environmental Law States [18], establishing a new relationship with nature, with an emphasis on protecting the environment. environment and sustainable development.

The general objective of this research is to analyze the current water crisis in Argentina and possible legal solutions within MERCOSUR. Therefore, in the next topics, we intend to analyze the legal regime of fresh water in MERCOSUR countries and especially in Argentina to verify possibilities of legal solutions to minimize the impacts of the water crisis within MERCOSUR, in order to help jurists, managers and other members of civil society, bringing subsidies so that the protection of water resources can be developed effectively, with appreciation, protection and respect for this natural resource.

FRESH WATER LEGAL REGIME IN MERCOSUR

MERCOSUR, Common Market of the South, is an economic bloc, of an intergovernmental nature, and is governed by the rules of Public International Law [19], this way, the bloc follows the recommendations of international organizations on the protection of water resources, as well as on governance. of transboundary waters.

By analyzing the historical construction of the MERCOSUR formation process, it is possible to verify that in 1960 the Latin American Free Trade Association - ALALC was created, established by the Montevideo Treaty, with the purpose of establishing a free trade zone between member countries, namely Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Paraguay, Uruguay, Venezuela and Mexico. At that time, Latin American countries were going through periods of dictatorship and states were focused on internal policies [20]. However, it was at this time that some interesting treaties emerged regarding international water governance.

In 1969, the Treaty of the La Plata Basin was signed, signed by Argentina, Bolivia, Brazil, Paraguay and Uruguay, with the objective of "combining efforts to promote the harmonious development and physical

16 Idem, 2021, p. 169.

17 Available at: http://www.agenda2030.org.br/sobre/ . Accessed on 06/20/2021.

18 FERREIRA, Heline Sivini; LEITE, José Rubens Morato. The expression of the objectives of the Environmental Rule of Law in the Federal Constitution of 1988. In: COUTINHO, Ronaldo; AHMED, Flavio. **City, law and environment**: critical perspectives. Rio de Janeiro: Lumen Juris, 2011.p. 29.

19 GOMES, Eduardo Biacchi. **Regional Integration Law Manual** . Curitiba: Juruá, 2010, p.111.

20 Ditto, p. 112.

integration of the La Plata Basin and its areas of direct influence". considerate" [21]. The treaty was the result of the need to regulate the river systems that make up the basin and was built during the years of 1967, when the ministers of Foreign Affairs of the countries of the La Plata basin met in the city of Buenos Aires, Argentina, and 1968, at the second meeting held in the city of Santa Cruz de la Sierra, Bolivia, in which the objectives and actions necessary to strengthen cooperation between the countries were outlined.

In order to achieve the cooperation objectives established in the La Plata Basin Treaty, the sole paragraph of the first article of the aforementioned treaty provides for the need to identify areas of common interest, carry out actions and build agreements covering the following topics: navigation; rational and equitable use of water, through the regularization of water courses; preservation of fauna and flora; improvement of transport, energy network and telecommunications; regional development; cooperation in education and health; development of projects of common interest and knowledge of the basin [22].

The cooperation process established by the States was in charge of the Intergovernmental Coordinating Committee (CIC). This committee is active and develops projects in the Strategic Areas of the Strategic Actions Program (SAP) for the La Plata Basin in line with the Sustainable Development Goals (SDGs). In 2018, the project "Preparing the Ground for the Implementation of the Strategic Action Program for the La Plata Basin" was formulated, which aims to outline the scenario for the implementation of national and regional priority actions identified in the Strategic Actions Program (PAE) agreed by the five countries that share the La Plata Basin, to promote the Basin's economic, social and environmentally sustainable development. The program is developed through the Regional Working Groups (GTR), led by the countries that make up the CIC, and prioritize programs and projects for each of the six Strategic Areas proposed in the PAE and receive support from the Global Environment Facility – GEF.[23]

The La Plata Basin Treaty establishes in its article 4 that States can establish national Commissions or Secretariats to analyze the situation of the basin and grants these bodies the right to establish bilateral contacts based on the norms of the interested countries and through communication, when necessary. the case, to the CIC, while article 5 guarantees the autonomy of States in carrying out projects and undertakings in their territory, provided that these are carried out in accordance with "International Law" and "good practice among neighboring and friendly nations", since Article 6 guarantees the signatory States the right to "conclude specific or partial, bilateral or multilateral agreements, aimed at achieving the general development objectives of the Basin" [24].

This document served as the basis for the signing of several agreements, such as: the Treaty of Itaipu (1973), the Treaty of Yacyretá (1973) and the Agreement on the Guarani Aquifer (2010).[25]

The Treaty of Itaipu of 1973 was signed by Brazil and Paraguay, with the name of Treaty for the Hydroelectric Use of the Water Resources of the Paraná River, belonging in Condominium to the Two Countries, from and including the Salto Grande de Sete

21 La Plata Basin Treaty, article 1.

22 Ditto, art. 1, single §.

23 https://cicplata.org/es/noticias/semana-del-medio-ambiente-en-la-cuenca-del-plata/

24 https://cicplata.org/es/documentos/

25 VILLAR, p. 46

Quedas or Salto de Guairá to the Foz do Rio Iguaçu, with the objective of regulating the joint energy production between the countries [26]. The Tripartite Agreement for Technical and Operational Cooperation between Itaipu and Corpus, President Stroessner, 1979, as it put an end to several conflicts over the use of resources on the Paraná River, which delimits the border between Brazil and Paraguay along 190 kilometers and which, from Foz do Iguaçu marks the border of the two countries with Argentina, forming the Triple Border and after the confluence with the Paraguay River, it follows its course entirely in Argentine territory [27]. The Treaty of Yacyretá, also from 1973, between Argentina and Paraguay regulated the exploitation of the energy potential of the region of Yacyretá and Apipé.

Another important milestone for the integration of countries, prior to MERCOSUR, was the creation of the Latin American Integration Association - ALADI, which emerged in 1980, through the Montevideo Treaty, with the aim of creating a common Latin American market in the long term. American. ALADI was initially composed of the same countries as ALALC, but Cuba joined in 1999 and Panama in 2009 [28].

Articles 7 and following of the Montevideo Treaty provide for the creation of partial scope agreements between ALADI member countries, to deepen the integration process, provided that other countries can later join in this sub-regional process. This way, MERCOSUR began to emerge in the 1980s as a result of the rapprochement between Brazil and Argentina [29].

MERCOSUR was created on March 26, 1991, when the Treaty of Asunción was signed, with the participation of Argentina, Brazil, Paraguay and Uruguay. In 1994, the Ouro Preto Protocol was signed, which marked the transition stage between the free trade zone and the customs union and institutionally structured the bloc [30]. Later, Bolivia, Guyana, Suriname, Colombia, Peru, Chile, Ecuador and Venezuela joined as associate members.

In principle, the Environment, and more specifically water resources, were not a concern of the MERCOSUR countries. The environmental issue only became relevant years later, and on June 22, 2001, the MERCOSUR Framework Agreement on Environment, AQMAM, was approved, which was edited on July 7, 2004, both by decision of the Market Council. Common, CMC, thus inaugurating the regulation of regional environmental protection.

Despite not providing for environmental standards, according to Paulo Affonso Leme Machado [31], the Treaty of Asunción contemplated the principles that guided the MERCOSUR Environmental Agreement, such as those of gradualness, flexibility and balance, thus making it necessary to harmonize the laws of the States Parties regarding the environment as an important element of the integration process, as MERCOSUR seeks to harmonize its legislation since its constitution.

In this sense, article 6, paragraph c, of the MERCOSUR Framework Agreement on the Environment, establishes as an objective the search for the harmonization of environmental legislation, taking into account the different environmental, social and economic realities of the MERCOSUR countries.

Article 3 of AQMAM provides that:

26 Ditto, p. 59.
27 Ibid., p. 49.
28 GOMES, 2010, p. 112.
29 Ditto, p. 114.
30 Ibid., p. 114.
31 MACHADO, Paulo Affonso Leme Machado. **Environmental Law**. São Paulo: Editora Malheiros, 2020.

> Art. 3 In their actions to achieve the objective of this agreement and implement its provisions, the States Parties shall be guided, *inter alia,* by the following:
>
> a) promotion of environmental protection and more efficient use of available resources through the coordination of sectoral policies, based on the principles of gradualness, flexibility and balance;
>
> b) incorporation of the environmental component in sectoral policies and inclusion of environmental considerations in decision-making adopted within the MERCOSUR scope, to strengthen integration;
>
> c) promotion of sustainable development through mutual support between the environmental and economic sectors, avoiding the adoption of measures that arbitrarily or unjustifiably restrict or distort the free circulation of goods and services within MERCOSUR;
>
> d) priority and comprehensive treatment of the causes and sources of environmental problems;
>
> e) promoting the effective participation of civil society in dealing with environmental issues; and
>
> f) fostering the internalization of environmental costs through the use of economic and regulatory management instruments.

Therefore, considering that there is an interdependence between nations with regard to the environment [32], since the effects of environmental degradation do not affect only the territories of the countries, but go beyond the limits and affect neighboring countries, it is necessary to have greater cooperation between MERCOSUR countries for legislative harmonization in order to minimize the impacts caused by water scarcity.

IMPACTS OF WATER SCARCITY IN ARGENTINA

The Argentine Constitution provides for the protection of the environment in articles that provide from the right of the inhabitants to enjoy a healthy and suitable environment for human development, through the rational use of natural resources and the enactment of environmental standards common to the entire country [33]. Water in the Argentine Republic is considered a public domain good and the Water Law nº 25.688, of December 30, 2002, establishes the Environmental Management Regime for Water in Argentina, through minimum assumptions for its conservation, use and its rational use [34], but each provincial state, on behalf of its inhabitants, manages its surface and underground water resources, including the beds of surface water with scope given by the Argentine Civil Code, which meant that the Water Law was not adopted by the provinces, who understand that regional laws best serve the interests of local communities.

Thus, considering that water resources, as natural resources, are the domain of the provinces where they are located, the laws do not present linearity, but represent the interests of each region.

As explained by Luciane Ferreira:

> In the province of Entre Rios, there is significant concern, from a legal point of view, with groundwater, with thermal waters, with laws for the preservation and use of the aquifer. Since the 1970s, the province of Corrientes has had a Water Code, which regulates the granting of use rights in the form of permissions and concessions, establishing priorities for the use of water.[35]

32 MILARÉ, Edis. **Environmental Law**, 12ed. São Paulo: Journal of the Courts, 2020.

33 Law 25675 – General Environmental Law.

34 Law No. 25688 – Water Law.

35 FERREIRA, Luciane. **MERCOSUR and the legal protection of fresh water** . 2017. Available at: https://dspace.unila.edu.br/handle/123456789/3064;jsessionid=9D113E158E13FDBDA787AFE4C6A05762. accessed on 10/10/2021.

The Argentine provinces of Entre Rios, Corrientes and Missiones are located in the extension of the Guarani Aquifer, which occupies about 255 thousand km² in that country. In this sense, it is essential that the legislation regarding the Law of Water is harmonious, especially in these regions, in order to preserve groundwater.

In other provinces, the laws are also very different, in Formosa, for example, the waters are considered public and provincial, however, those that were considered as such by the Civil Code of the Republic are considered private, with the right to use public waters being granted through permissions and concessions, specified according to their destination, whether for supply, livestock, irrigation, energy generation, industry, therapy, fishing or recreation [36].

In Chaco Province, water resources are public and provincial, including basic sanitation services. In this province, river basin committees were created, with the participation of society, in addition to a water management department, the "Administracion Provincial del Agua". In Santa Fé Province, the 15 municipalities with the highest urban concentration have their water services delivered to the private sector, with no water resources plan, basin plan or other granting or charging instruments in this province [37].

The province of Buenos Aires has the Water Code – Law nº 12.257/98, which contemplates the use of underground water for irrigation and the property owner's right to exploit it. The province of Mendoza has Law No. 4,035 which deals with the legal regime for groundwater. The province of Santa Cruz also has its own Water Code.[38]

Thus, the Argentine Republic has difficulties in implementing the minimum water conservation assumptions established by Law No. this legislation does not meet the social and economic interests of each region. However, in order to effectively protect the waters in this country and to guarantee sustainable development as defined in the Brundtland Report as "that which meets the needs of the present without compromising the ability of future generations to meet their own needs" [39]it is necessary that environmental values trump economic interests.

August 2010, the Agreement on the Guarani Aquifer was signed between Argentina, Brazil, Paraguay and Uruguay. UNGA 63/124, thus being influenced by an approach established in International Freshwater Law.

It extends from northern Argentina to southeastern and central western Brazil and covers vast areas of Paraguay, with an area of approximately 1.2 million km². The volume of water accumulated in this South American aquifer reaches 40,000 km³ [40].

In this sense, the main challenges in the sustainable management of the Guarani Aquifer in Argentina, in addition to the standardization of environmental laws for the protection of groundwater, are: in the control and prevention of saline intrusions; monitoring and greater control over water quality, especially with regard to nitrate pollution; greater control and, in some cases, less use of aquifers for irrigation; identification, construction and management of underground water reservoirs; and adoption of more effective measures for the

36 Ditto, p. 23.

37 Ibid., p. 23.

38 CONICELI, Bruno Pirilo. **Management of transboundary waters: the case of the Guarani Aquifer System** . Available at: https://www.teses.usp.br/teses/disponiveis/8/8136/tde-02022010-152755/publico/BRUNO_PIRILO_CONICELLI.pdf. Accessed on 11/20/2021.

39 Ditto, p. 22.

40 Source: https://ecoa.org.br/aquifero-guarani-como-se-formou-esse-imenso-oceano-que-esta-sob-nossos-pes-2/

management and protection of transnational aquifers such as the Guarani aquifer [41].

In addition to the need to protect both surface and groundwater, Argentina, like Brazil, has suffered strong economic and social impacts due to prolonged scarcity of rainfall.

The lack of precipitation occurs mainly in the Paraná River sub-basin region, which makes up the Rio da Prata Basin. This basin is one of the largest in the world, formed by the set of sub-basins of the Paraguay, Paraná and Uruguay rivers, whose sources are in Brazilian territory and flow into Argentine territory.

In July 2021, the Argentine Government declared a water emergency for a period of 180 days in seven provinces bathed by the Paraná River, namely Formosa, Chaco, Corrientes, Santa Fé, Entre Ríos, Misiones and Buenos Aires, due to the historic drop in water level. river and warned that the decline could affect the supply of drinking water, navigation and port operations, hydroelectric power generation and economic activities related to the exploration of the basin [42].

The Paraná River sub-basin is the environmental unit where the greatest impact of the current water crisis occurs, with direct repercussions on the economy of Brazil, Paraguay and Argentina, and therefore it is necessary to implement joint attitudes between the States Parties. of MERCOSUR, using integrated environmental protection, in order to minimize the impacts caused by the water crisis, seek the harmonization of environmental legislation, as provided for in the MERCOSUR Framework Agreement on the Environment (AQMAM), in order to achieve a minimum standardization of legal norms and exchange of judicial precedents to allow the sustainable development of States Parties.

FINAL CONSIDERATIONS

The research pointed out the need to recognize the importance of water as a common good substantially necessary for human existence and ensure its preservation to guarantee its healthy, quality supply and sharing in sufficient quantity to meet all domestic needs and personal dignities is a a duty that is imposed on everyone, and in the case of transboundary waters, the shared management of this resource is the path of cooperation.

In the case of border waters, with regard totoMERCOSUR, it is necessary that the States Parties integrate and harmonize their environmental laws with a view to cooperation and environmental preservation and consider the possibility of reaching an agreementspecific to the Paraná River sub -basin.

Regarding the protection of resourceswaterin Argentina there is a need for standards feds that meet to the multiple interests of the population, however, with regard totoMERCOSUR, it is necessary that the States Parties integrate and harmonize their environmental laws with a view to cooperation and environmental preservation and consider the possibility of reaching a specific agreement to the Paraná River sub-basin.

41 PINTO-COELHO, Ricardo Motta; HAVENS, Karl. **Water resources management in times of crisis** . Porto Alegre: Artmed, 2016.

42 Available at: https://noticias.r7.com/internacional/argentina-declara-emergencia-hrica-em-sete-provincias-26072021 . Accessed on 07/26/2021.

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