



Environmental and Social Management Framework of the Project
'Lujan River Basin Management Plan'

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Environmental and Social Management Framework of the ‘Lujan River Basin Management Plan’ Project

This document describes the screening, assessment and management processes regarding CAF safeguards for site-specific project activities to be identified during the design and preparation of sub-projects.

This framework covers all project components and all the works related to subproject investments.

1. Executive Summary

The *Lujan River Basin Management Plan* Project is based on the “Comprehensive Plan and Project for Regulation and Sanitation Works on the Lujan River Study”. Different consultations were held throughout the preparation of this study and these provided useful inputs for the Consultants and the Buenos Aires Province during the Project design. Nonetheless, it is important to note that the final design of the works will only be available during the Project’s implementation stage and as is the custom in the Buenos Aires Province, these will be part of participants’ offer during the bidding processes. In this stage, bidders will be required that if they become contractors, they carry out consultation processes in the localities where the works will be implemented. This, to complement the consultation processes that will be carried out by the Buenos Aires Province while preparing the Bidding Documents and their respective volumes of Technical, Environmental and Social Specifications (TESS).

The Lujan River Basin Management Project is very important for the Provincial Government of Buenos Aires and for the population of the Lujan Basin, especially for those who live or engage in some form of economic activity in the flood zones. The opinions of affected individuals— which will be included by means of participative processes— will certainly help those responsible for the final design and execution of the works. These opinions will also lay the foundations to improve operations and maintain results, as the community will take ownership of the works.

The “Community Relations Plan” is the first item under the Project’s Environmental and Social Management Plan (ESMP). This Community Relations Plan is described in detail in this document and it will include spaces and methodologies that may be used for people who feel affected or who want to participate in a particular aspect of the works. Interested people will be able to approach these spaces and methodologies before, during and after the construction period and lay out their opinions, expectations, and observations, without regard to their scope.

Prior to beginning any work, the Contractor needs to have a document explaining and summarizing the consultations held and describing how the results of these consultations were included in the definitive design, if applicable (in case these results are not included, there needs to be a justification).

Similarly, the contractor will consequently ensure that a permanent communication channel between each works and the community is set up and maintained, so as to allow the affected population or any interested party to be informed of the progress of the works and on the

implementation of measures that were included or designed during prior consultations. Alternatively, the contractor will ensure that a clear, limited, strict, fair and traceable mechanism to place complaints and solve conflicts is set up. The contractor should also suggest one to be used by the Operator of said works, after making necessary specific adjustments.

This Community Relations Plan, which extends from the beginning of the works until its Operation and Maintenance stage, is the only one that needs to be prepared for all works comprised by the Project to be financed. The remaining plans may or may not be necessary, depending on the works, the area where it is developed and the environmental sensitivity of the staging site, among others.

In sum, the Environmental and Social Management Plan (ESMP), shall consider the following aspects, among others:

- a. Relations with the community (including a Stakeholder Engagement Plan; Grievance Mechanism, and Consultation Process)
- b. Compliance with (i) the applicable environmental legislation, (ii) of the conditions established in the authorization granted by the competent entity, (iii) CAF Environmental and Social Safeguards, (iv) GCF Safeguards.
- c. Expropriations¹ or Easements Plan, with predominance of this last option
- d. Prevention of water and soil contamination
- e. Preservation of air quality
- f. Control of erosion phenomena
- g. Restorations after the finalization of works
- h. Control measures in sites favorable for the development of disease vectors
- i. Maintenance of the quantity of surface water for human consumption and for irrigation, even if it is not expected that these aspects will be affected *a priori*
- j. Health and Safety
- k. Waste and residues management
- l. Preventive signaling in work areas
- m. Preservation of fish fauna
- n. Preservation of archaeological and paleontological heritage
- o. Preservation of flora and fauna
- p. Management of unforeseen impacts

Each works' EIA (Environmental Impact Assessment) will determine the preliminary ESMP and consequently, the conditions foreseen in the authorization text sent by the Environmental Authority, the Provincial Organism for Sustainable Development of the Buenos Aires Province (OPDS), and the additions that the PBA or CAF may reasonably request will be included in the final version of the ESMP. This ESMP will be then used to measure progress of environmental and social aspects.

2. Project description

Project conceptualization

¹ Expropriation does not entail reallocation. A plot of land can be appropriated to establish a work site without evicting anyone.

The Ministry of Infrastructure of the Buenos Aires Province through the Provincial Hydraulic Works Provincial Directorate (PHWD) contracted the preparation of the “Comprehensive Plan and Project for Regulation and Sanitation Works on the Lujan River Study” This study gave way to the planning process of structural and non-structural measures that together with the basin systematization, will serve to mitigate flood impacts.

The study analyzed eight structural measures from the environmental, social, economic and financial points of view and estimated their cost-effectiveness. Based on this information, the works that would protect and ensure the quality of life of the population and consolidate urban and commercial development of the region were selected

Non-structural measures consist in building an institutional framework to ensure coordination and sustainability of flood risk management initiatives; benefit from technological developments in weather forecasting in order to improve prevention actions; promote people’s engagement in awareness campaigns through civil society and ensure a timely response in the event of disasters, through groups of first responders.

Likewise, the objective of the Project is consistent with the purpose of Law 14.710 “COMILU” Committee of the Lujan River Basin enacted on May 5, 2015. The COMILU is an autonomous entity with legal capacity to act both under private and public law and whose objective is to improve the quality of life and the environmental and health conditions in the Lujan River Basin.

Project Components

The Project comprises eight components. Components 1-4 seek to address problems derived from physical factors; component 5 seeks to address problems derived from anthropogenic factors adversely affecting the river basin and component 6 seeks to mitigate issues relating to abrupt occurrence of floods.

Component 1: Engineering studies and others: Includes the preparation of executive projects and tender documents for civil works under the Project, which are necessary in order to finalize engineering designs and to prepare the tender processes for the engineering works considered in Components 2-4.

Component 2: Water conveyance works- enlargement of the river channel and water retention. These will improve the conveyance capacity of the Lujan River through the construction of supplemental channels, enlargement and profiling of natural channels:

- Santa María channel, communicating Lujan river with Parana de las Palmas River, will increase its cross-section over a distance of 7.1 Km.
- Enlargement of Lujan River channel with trapezoidal sections over a distance of 12 Km, from provincial route (PR) 6 up to the bridge of the national route (RN) 8 in Pilar.
- Enlargement of Lujan River channel with trapezoidal sections over a distance of 9.5 Km, from RN 8 up to the railway bridge of Belgrano North line.
- Improvement of the river conveyance capacity through enlargement of its cross-section in the locality of Mercedes, in the zone of Olivera, and in a section corresponding to the locality of Lujan (15.5 Km).

Component 3: Water retention works and replacement of lock gates. Construction of areas for temporary retention of surplus water (ARTEH). This component is complementary to Components 2 and 4. The retention basins, built on the highest part of the river, are meant to remain empty; when the river floods, they retain water thereby allowing the lower parts of the river to evacuate its excess water.

- Areas for temporary retention of surplus water (ARTEH) in the following creeks: Los Leones, Mayan, Leguaan, Grande, del Oro and other two over the Lujan River.
- Substitution of inflatable dams for lock gates in Lujan and Mercedes.

The replacement of lock gates will allow adequate water conveyance and are thereby complementary to works of Component 2.

Component 4: Works for the replacement and enlargement of bridges. This component includes works for replacement and enlargement of bridges, in order to improve current runoff conditions and remove river obstructions. These works will be in addition to the construction of channels. This component is complementary to Component 2 and needs to be implemented in order to fully obtain the benefits of enlarging the channels.

The work will be performed over 15 bridges across the river basin. Bridges will be enlarged or replaced depending on the need for enlargement and their structural conditions

Component 5: Environmental and land-use issues. This component foresees the establishment of the riverbank line to define boundaries on private and public areas and identify flooding zones that will be subject to administrative restrictions or easements. The above entails the review and adaptation of local land-use plans, identification of protected areas and, consequently, identification of areas that need to be expropriated as well as new settlements. This component will enable the generation of tools for the delimitation of floodplains and will contribute to strategic territorial development plans in each municipality. This component is key for the integrated management of the Lujan basin and is one of the main non-structural components that complement the structural components explained above.

Component 6: Early Warning System. The EWS will be integrated with the Provincial Early Warning System, which is being promoted by the Ministry of Infrastructure and Public Services of the Province, through the Provincial Hydrological and Environmental Monitoring Directorate, an organizational unit of the Water Infrastructure Under-Secretariat. The Project's EWS has four systems:

- Monitoring and Surveillance System: consolidates information relating to weather and rain forecasts; responsible for the measurement and transmission network; responsible for data processing and follow-up to extreme events.
- Warning and Alarm System: fixes alert threshold levels and develops actions in case an alert or warning is triggered, thus alerting the authorities and the community.
- Communication System: responsible for communications with the National Meteorological Service, the measurement and transmission network, and institutions and stakeholders linked to the alert and evacuation system.
- Evacuation System: involves the EWS operators' efficacy in transmitting alerts of extreme events to those persons responsible; it also addresses the skills of people responsible for

implementing the Evacuation Plan and the community's knowledge regarding the steps to follow in case of an evacuation.

The EWS is one of the non-structural measures necessary to develop an integrated project that responds to adaptation needs.

Component 7: Strengthening, supervision and auditing. This component includes strengthening all institutions involved in the Project's implementation, mainly COMILU, through consulting services, installation of furniture and IT equipment, and operational expenditures. It also includes hiring technical, social, and environmental supervision of works, as well as the external audit for the Project. The supervision included in this component relates to external supervision that will be hired by the PBA in order to ensure the correct implementation of the project.

This non-structural component will work with COMILU to support policy implementation and the correct use of land along the Lujan River, which will enable the achievement of planned results.

Status of works' design

It is important to note that the design of the subprojects (works) is not yet available, it will only be available during the Project's implementation stage and as is the custom in the Buenos Aires Province, these will be part of participants' offer during the bidding processes. Once the definitive design has been established, the environmental permits must be requested from the Provincial Bureau of Sustainable Development, through the presentation of a specific and exhaustive Environmental Impact Study. At that point, there will be clarity regarding the scope of the environmental and social actions that the contractors must undertake and which will be inspected by the Government of the Province of Buenos Aires and approved by CAF.

Based on the Study that gave rise to the hydraulic works Project, it may be stated that the works primarily fall in three categories:

1. Containment Dikes and the establishment of Areas for Temporary Retention of Surplus Water (ARTEH), in order to ensure the permanent or partial retention of water in the upper part of the Basin and,
2. Drainage canals: in order to convey the excess of contributions, principally toward the lower parts of the Basin.
3. Rehabilitation of bridges

These three typologies of works include, in an exacerbated way, the risks and impacts of practically all the hydraulic works that may be required and actually, for reasons pertaining to costs, it is in these categories where most of the resources from the requested funding will be invested.

3. Environmental and social context

From the environmental point of view, the Lujan River Basin is a very flat basin, with inclinations of less than 2% across most of its surface area. It also has very rich soil which makes it ideal for agriculture. These factors come together so that plantings of distinct crops and livestock production (dairy and beef) can be developed along most of the territory.

In some places, especially in the lower zones, there are riverbank forests of mid and low-sized species that concentrate the largest quantity of wild fauna and, in some cases, wetlands that will be protected by the Project since the flow of excess water will be regulated. In the upper basin, quite intervened by human activity, agricultural uses and the introduced and perianthropoc fauna predominate.

Although the floods have been recurring for many years, they have become more frequent and the quantity of water has increased over the past 50 years². This, added to the increase of the area being exploited, gives us a panorama where there is an ever-increasing number of affected inhabitants and greater costs due to damages and foregone production. One of the problems that, paradoxically, has exacerbated the impacts of the floods, is that producers, on their own initiative and often without sufficient technical support, have constructed diversion and protection works for their properties, without worrying about the damages this causes their neighbors or even people living several kilometers upstream or downstream.

This has a two-fold effect on producers because, on one hand, their productive systems are affected and on the other, their homes and farms can remain cut off, even for weeks, causing problems in family routines and hampering school attendance among children, access to health care centers, access to potable water services, electricity and markets, etc. Additionally, it is estimated that women suffer the most because they can be subject to an increase in household workload and responsibilities, since in most cases men are working the land and women fall responsible of household duties. In this regard, the PBA is willing to undertake actions to improve these aspects, jointly with CAF's Inclusion and Gender Equity Unit of the Office of the Vice-president of Social Development.

One of the objectives proposed by the Province is, precisely, to reduce the loss of working hours due to additional workload for men and women in the area by means of flood avoidance systems that convey rain overflows in a directed and controlled manner³.

4. Environmental Authorizations

Each of the sub-projects (works) to be funded with this Operation shall have the Environmental Authorization required by law. This guarantees that the works must not only be described in full detail but also that an Environmental Impact Study shall be presented to the OPDS, the environmental authority of the Province of Buenos Aires. Depending on the size of the works, an environmental and social sensitivity study of the works site may be necessary, along with a Specific Environmental Evaluation. In all cases, an Environmental and Social Management Plan (ESMP) must be presented, which may include the measures resulting from consultation processes with affected or interested population.

The methodology is the classic one applied in EIA globally and it considers the possible effects and groups them according to the environment they would affect. This methodology also

² Over the past 50 years, 75 major flood events have been reported in the country, affecting around 13 million people and causing more than 500 casualties. With losses amounting to USD 22.5bn since 1980, floods are the costlier natural catastrophe affecting the country. Gran Buenos Aires, Gran Chaco, Pampa and the Coast are the regions more strongly affected as by floods. Swiss Re. Keeping Afloat. Flood Risks in Argentina (October 2016)

³ Structural measures lie at the core of the Argentinean public sector's approach to flood management. Likewise, non-structural measures, such as climate and hydrological models and early warning systems are being considered as a key element to reduce harm to property and save lives. Swiss Re. Keeping Afloat. Flood Risks in Argentina (October 2016).

applies a weighted analysis of size, duration, degree of reversibility and extension and intensity of the effect. It determines the value of the impact, and designs the measures to be applied. Lastly, the methodology requires the preparation of an Action Plan for these measures which shall be included in the aforementioned ESMP.

All the CAF and GCF safeguards will be applied in this EIA and the category of the Project will be determined per the GCF standard. Similarly, the Terms of Reference of the respective EIA, will have to be submitted to the PBA and CAF for their approval, prior to beginning to work on the EIA.

At this point it is appropriate to clarify that the PBA has a practice that has turned out to be very convenient when it bids 'turn-key' projects, as is the case: in the Bid Documents of each works, it includes a set of mandatory Technical, Environmental and Social Specifications (TESS), which require the bidder to include the costs of executing everything necessary and sufficient to ensure an adequate Environmental and Social Management in case he/she becomes the Contractor. By means of the TESS, these bids contain a detailed description of the scope herein mentioned.

5. Procedure for defining the scope of environmental and social issues and determining appropriate and required safeguards instruments.

The scope of each measure and instrument required in order to comply with the legislation and the safeguards, will be included in the Environmental and Social Management Plan that will be required to each contractor, from the moment of Bidding Documents, specifically the TESS. In effect, starting with the EIA that should be prepared, grouped measures will be proposed, as corresponds in the following components:

1. Community Relations (including Stakeholder Engagement Plan; Grievance Mechanism, and Consultation Process). To obtain better results with the Project and sustainable and appropriate benefits for the communities involved, it very important to establish and maintain constructive relationships with social actors throughout the Project. As such, a community relationship strategy will be developed for each work, identifying and prioritizing the particular social actors for each one, as well as determining their interests and concerns. Also, appropriate channels of communication, dissemination and participation will be established. To this end, it is proposed that technicians and specialists in environmental and social issues are hired, who will act as a liaison with the community and collaborate in the EIAs.
 - a. Prior Consultation: this must be done before the beginning of the construction works. To build a relationship based on trust, mutual respect and understanding, it is appropriate to engage stakeholders at an early stage of the project and consider the opinions of communities and social actors. On the other hand, it is useful to predict possible problems and risks, and propose alternative ideas and solutions, as well as clarify doubts when uncertainties and unknown aspects are presented by the community. The PBA and the municipalities have community relationship frameworks at the local level that will collaborate with the project.

- i. Mapping of Actors. Through this tool, the project aims to have a list of the different actors involved in each works, and to get to know their incentives to participate and actions/activities related to the work. The mapping of actors is a first step to convene civil society for participatory actions (workshops, meetings, consultations, among others) to ensure the presence and representation of individuals or entities (associations, foundations, organizations, governmental institutions, among others) that will be invited to participate. The project's social team at the local level will be in charge of mapping, based on the existing environmental and social diagnosis that already outlines a preliminary map (Annex 11 - Workshops Risk Management Plan (Spanish) - Risk Management Workshops, Final report, November 2016)
- ii. Identification of key stakeholders. A schematic map of the main components of the project will be drawn up, at the site location and in close proximity to where local environmental or social impacts may occur. An analysis of social actors will help establish priorities given the significance of the project for each stakeholder group from their point of view, and vice versa. Additionally, it will allow to understand their motivations and how they might influence the project. Interviews will be conducted with representatives of key stakeholders and informants. In this manner, the identified stakeholders will be grouped. This task will be carried out for the whole project, reinforcing consultations with actors previously identified by CAF (through consultations carried out during August 2017).
- iii. Invitation to workshops for the presentation and discussion of the works (at least two workshops). The aim of these workshops is to provide a space for social actors to express their concerns and points of view, while allowing the Project to take them into account and provide an answer to said concerns. These spaces will also be useful to determine the scope of the problems, and for this purpose participatory techniques will be used to consult groups and subgroups on issues specifically related to the impacts of the project. To expand the scope of the meeting, the information will be disseminated through means and places that social actors have easy access to. These measures will be implemented in accordance with the companies awarded the bids for the formulation of the executive projects.
- iv. Detailed description of the project. An important part of the community engagement strategy is to keep the community informed about the project's implementation and ensure transparency during its implementation. To ensure the timely provision of relevant and understandable information, Project Presentation Workshops and open house meetings will be held in the field offices and at the project headquarters with local stakeholders. Also, newsletters including the following information will be distributed:
 - (1) Scope, justification and objectives
 - (2) Cost: as detailed as possible and convenient.
 - (3) Executors: PBA, contractors and subcontractor, Municipal areas, APN (National Parks Administration) and, if appropriate, other key actors specific for each work.
 - (4) Duration: foreseen activities schedule

- (5) Labor requirements: the need to be succinct and unambiguous, in order to avoid raising false expectations. To the extent possible and without risking the quality of work to be performed, the possibility of hiring staff from the vicinity to work in the project, will be contemplated during personnel selection. These clauses must be included in the bidding documents as indicative or mandatory as the PBA team may consider pertinent, so that the contractor is aware of the conditions at the time of the tender.
- v. Listing and explanation of all possible impacts: in addition to providing an explanation of every possible and expected impact, the regulations as well as the legal and regulatory requirements that may have an impact on the relationship with the community will be exposed. For these explanations, public access channels such as web pages will be used and also face-to-face meetings with the collaboration of the project's social team.
 - vi. Measures designed to avoid, minimize, correct or compensate for these impacts: exposure to the initial ESMP is expected in the first meeting and in the last meeting prior to the beginning of the works, the final ESMP shall be presented and it shall include the outcome of the consultation, if applicable, or otherwise, an explanation of why the consultation outcomes were not considered). In this instance, the PBA team and the companies will participate; CAF may attend the meetings if it deems it necessary.
 - vii. Alternatives for the population in general to interact with the Project, during its construction and once it has concluded, during it is operating: to promote ongoing contact with social actors during project construction and operations, open house meetings will be held at field offices and at the project headquarters, with predetermined schedules so as not to interfere with the work. These spaces for consultation and dialogue will allow both parties the opportunity to exchange views and information, listen and raise concerns to find a solution. Likewise, news bulletins will be sent at key moments in the project, and if considered pertinent, radio and television will be incorporated as communication channels. The supervision of these tasks will be the responsibility of the social team of the PBA project with assistance from public actors with local influence.

The annex 2 includes the report of the community consultations with stakeholders held August 14 - 18, 2017.

- b. Plan to Address and Follow-Up on Complaints and Grievances : it must be guaranteed that stakeholders will be able to follow the development of the work in general and the ESMP in particular, especially if modifications were introduced in the ESMP as a result of consultations; additionally, a grievance mechanism must be provided by means of which interested or affected parties may present their complaints or the damages that they believe the execution or the work processes may cause them. The mechanism must not only provide a channel where the complaint or grievance can be presented but also an opportunity for the allegedly affected person to be informed of

the solution proposed and how he/she can monitor its implementation. To this end, the following will be done:

- (1) Establish a space, periodically, through which the party responsible for the work will inform the community, about the progress, both of the work itself as well as the ESMP, in particular, of the ESMP measures that have been designed or modified as a result of prior Consultation processes, if it were the case. Monthly, biannual or quarterly meetings, depending on each work, its surroundings and its expected impacts, will be held. (Complaints and Conflict Resolution Mechanism (CCRM) described in the Resettlement Policy Framework of the Comprehensive Management Plan for the Lujan River Basin).
- (2) Establish a mechanism by means of which any person who feels mistreated can inform those who are responsible for the works, without fear of being discriminated, ignored or mistreated. For each works and according to its context and needs, the following may be used: (Complaints box; complaints registry; periodic meetings with neighbors –the meeting can be used to report on the progress of the ESMP; telephone line; e-mail address; etc.).
- (3) Guarantee that the community knows about each mechanism how to activate it. Thus, the mechanism in place must be user-friendly for the complainant and must permit the systematization and traceability of the information, from the moment when the complaint or grievance is presented, until its final solution (either a positive response to the complaint or response saying the complaint is not appropriate). The complaint procedures, their explanation and contact information, will be published in writing in newsletter, brochures, and / or other means accessible to interested groups. Said bulletin should be easily accessible by virtual and physical means.
- (4) Report periodically on the state of complaints received; their pertinence; the actions that were designed to repair the damage or the fault, if any; the state of progress of said actions. If any complaint was not pertinent or, if pertinent, not attributable to the works, this decision will have to be reported and duly supported to the author of the complaint so that it be directed to the competent authorities. No complaint must remain unattended: either an action plan is designed to address it – with the usual final report on the results of said Action Plan– or it is replied by means of a detailed and supported document delivered to the person who placed the complaint or grievance, and to the rest of the community, if it were necessary or convenient. In order for claims management to be effective, a written record of the complaints will be completed, containing the name of the person or organization who is complaining, the date and nature of the claim, any subsequent action taken, the final outcome and how and when this decision was communicated to the complaining party. This information will be compiled by the PBA and will be integrated into the established monitoring mechanisms and notified in the semi-annual reports sent to the CAF funder and with the periodicity that the GCF deems appropriate.

- c. Plan on General Information about the Project (work). In order to respond to stakeholders' concerns and promote the Project's transparency, efforts will be made

to involve those affected by the works in the follow-up of the implementation and mitigation measures previously established. Therefore, this Plan will allow the interested parties and mainly those affected, to be sufficiently and timely informed of the specific inconveniences that may arise as a consequence of the works. Milestones that may affect the daily life of the neighbors, such as temporary road closures, water or electricity shutoffs, will be informed as well as the impossibility to transit or work in some sites, the use of heavy machinery, the generation of disturbing noises, the creation of temporary campgrounds, among others. Periodic information meetings will be used to hold follow-up consultations and respond to affected parties, showing the progress of the monitoring indicators established in the project design. According to each work and its context, a monitoring committee composed of social actors who make observations to the works and interact with the PBA team may be formed.

2. Compliance with (i) the applicable environmental legislation, (ii) of the conditions established in the authorization granted by the competent entity, (iii) CAF and GCF Environmental and Social Safeguards. The ESMP will have to account for all works requirements made by the different entities it interacts with, explaining the actions that it will enact in order to comply with said requirements.
3. Expropriations or Easements Definition Plan. Although in this Operation there will be no significant involuntary resettlements, if it were necessary, the mechanisms to plan these resettlements will be governed by the Resettlement Framework prepared for this project. The Framework has developed a specific analysis of all the regulations and complements the community relations plan, explaining the different mechanisms per each CAF and GCF safeguard. In principle, it is expected that the need to resettle any housing may only arise as a result of the establishment of the riverbank line, and/or due to the works that are financed. In this sense, it is important to know the Expropriation Plan or the Definition of Easements that each works may require; as stated above, this is why the Resettlement Policy Framework has been developed. This tool will be used to establish the appropriate modality of the Resettlement Plan required per current legislation⁴ and it is mandatory to share it with community members, using any of the mechanisms designed for those purposes under the Community Relations Plan. These actions, as detailed in the Resettlement Policy Framework, will be made public on the web pages described in said document, which describes all the Plan's requirements .
4. Prevention of water and soil contamination. If necessary, measures will have to be designed as well as a plan for their application in order to avoid as far as possible the contamination of water and soil, especially in the areas with the most agricultural production, that consume large quantities of fertilizers and other chemicals, as explained in the detailed analysis of CAF Rule 2 and safeguard S04 Pollution Prevention and Management.
5. Preservation of air quality. In works that require an intensive use of heavy machinery or a large quantity of internal combustion vehicles, action plans for minimizing air pollution

⁴ On this matter, the PBA legal framework includes: (i) Law 5708: Expropriation Procedure for the Execution of Public Works by the Provincial Hydraulic Direction and (ii) Law 14540: Procedure for the definition of the administrative easement of water occupancy. A summary of this legal framework is included in this document as attachment.

must be presented (emission of particulates, gases and noise) and should include measures to avoid the generation of erosive processes due to works, including emissions control (exhaust gases) from internal combustion vehicles, noise mitigation, spraying of roadways to be used during the works and other dust-generating sites, in compliance with CAF and GCF performance standards.

6. Control of erosion phenomena. Given that the basin's slope is very small, the prevention of erosive processes that may be caused by the works to be financed is of great importance, since any accumulation of eroded material can cause changes in the pattern of surface drainage, even to the extent of impeding the works from fulfilling its purpose (i.e., diversion of an intermittent water course that prevents a reservoir to be filled or a canal from conveying water, as it was designed to do so). In cases where there are ground movements, excavations or soil collection, necessary provisions must be taken, to avoid generating erosive processes.
7. Restorations after the finalization of the works. Each contractor is required to present, with adequate anticipation to the final work stages, the Disassembly and Work Site Conditioning Plan. This is of paramount importance for CAF. In said Plan, the contractor shall:
 - a. Graphically represent the areas that will be affected once the works end.
 - b. Present a brief description of how this area will remain: its conditions, problems, environmental conditions, etc.
 - c. Present an Action Plan to reverse the conditions or, in the worst case, to make good use of those areas, without affecting the works, the surrounding area or the neighbors.
 - d. If it is going to be reforested, present the corresponding Plan, including the species to be used; obtaining seedlings; seeding method; surface; maintenance plan for the plantings; budget, etc.
 - e. If work of communal use is going to be built, it is necessary to present evidence that the Community agrees and that it won't affect the main works. It is also necessary to submit a schedule of activities and budget for said work to the extent possible, in coordination with the entity that will provide maintenance to the works once they are finalized.
8. Control in sites favorable for the development of disease vectors. Once more, given the small slope, each contractor will have to ensure that his work does not generate stagnant waters that encourage the proliferation of disease vectors (mosquitos and other insects, mollusks, etc.). In the event that it is impossible to avoid them, information will have to be included in the Community Relations Plan regarding the creation of bodies of water that could cause an increase in the population of disease vectors and what can be done to avoid contagions. Ultimately and complying with safety precepts in handling pesticides, a Fumigation Plan will have to be implemented, which also must be duly and timely reported to the community, by means of the Relations Plan.
9. Maintenance of the quantity/guarantee of surface water for human consumption and irrigation. Although this could be, in any case, only a secondary and ensuing objective of the Comprehensive Management Plan of the Lujan River Basin, it must be ensured that each works guarantees both the quantity as well as the quality of water for human consumption and irrigation during construction.

10. Health and Safety. Each contractor, by law, will have to provide its workers with all that is necessary to guarantee the health and safety of workers in the work site. In that sense, unions also play an important role, since in practice they become a routine auditor, similar to work risk insurance companies (ART).

Thus, it is guaranteed that the employer provides:

- a. Safety implements in the work site, depending on each task to be carried out.
 - b. Drinking water *ad libitum*
 - c. Walk-in medical care services on the worksite
 - d. Possibility to access medical services due to emergencies and chronic conditions (if the Buenos Aires Providence states that an ambulance at the worksite is necessary, the contractor will have to provide one)
 - e. Daily talks on the risks the workers are exposed to that day, not only the specific work-related risks, but also the environmental risks (extreme heat or cold, possibilities of strong wind gusts, storms, river floods, etc.). Similarly, workers must be reminded every day of the inherent aspects of the ESMP: archaeological findings; protection of wildlife (prohibition of hunting and fishing); relations with the community, in case someone approaches seeking information, etc.
 - f. Monthly talks on health-related aspects: eating habits, contraindications on the use of pharmaceuticals and alcohol, sexually transmitted diseases, contagious diseases, first aid (CPR, how to act in the event of snake bites or scorpion stings, emergency care, etc.)
 - g. Training for contingency actions. Theoretical talks, drills, etc.
 - h. Adequate site for dining, bathing, changing clothes, as pertinent.
 - i. Availability of clean toilets, during the entire work day.
 - j. All that is required by law and the contract of the particular works.
11. Waste and Residues Management. As part of the ESMP, the contractor will have to present to the PBA, the estimated quantities of waste and residues that will be generated, differentiated by kind of waste or refuse, and the Action Plan describing how it they will be managed from the start and up to the final disposal. The contractor will have to present a detailed plan approved by OPDS, or the corresponding entity, in the event that the waste or refuse is hazardous (oils and fuels, hospital waste, etc.).
 12. Preventive signaling in the work site. Given that it is intended for the works, during their construction, to cause the least disturbance possible, it is foreseeable that the surrounding or nearby area could be used. In that sense, sufficient signs will have to be provided according with the risks, restrictions and, above all, the community's communication channels in case there is a need to file a complaint. The preventive signaling plan will have to be approved by the PBA and implemented, maintained and, if necessary, updated by the contractor.
 13. Preservation of archaeological and paleontological heritage. Every works, in its EIA, will have to consider the effect on possible archaeological sites and the plans and protocols that will govern, before, during and after the intervention. Afterwards, the ESMP shall include the specific actions regarding the prospection, excavation, recovery and preservation of archeological and paleontological values, all according to the indications

from competent authorities and current legislation. Even if it is determined, *a priori*, that archaeological or paleontological resources will not be affected, the contractor will have to prepare and the PBA will have to approve a Protocol in the case of discoveries. This Protocol shall take the following actions into consideration:

- a. Immediately halt the works that gave rise to the possible discovery
- b. Place tape around the perimeter of the discovery in order to avoid future interventions by workers
- c. Notify the Environmental and Social Unit of the contractor and the counterpart in the PBA.
- d. Provide the exact location of the discovery
- e. Provide a description and registry of the discovery (photographs, samples, etc.)
- f. Prepare a preliminary report
- g. Notify the competent Authority and send it a copy of the Preliminary Report
- h. Provide support to the competent authority for site visits
- i. Prepare a detailed report, including an Action Plan that includes the instructions from competent authorities

14. Preservation of flora and fauna. The ESMP shall consider actions aimed at protecting flora and fauna in the sector where each work is set up. It shall include, but not be limited to:

- a. Identification and mapping of Protected Areas
- b. Identification of threatened species, and those in danger of becoming extinct
- c. Studies, if necessary, to contribute to their conservation
- d. Reforestation Plans as compensation for affected vegetation
- e. In the case of ARTEH, even though the sites will be primarily dedicated to agriculture, it will be necessary to:
 - a) Prepare an Integrated Fauna Management Program
 - (i) Fauna Inventory
 - (ii) Determination of rescue method
 - (iii) Rescue Operation
 - a. Budget
 - b. Hiring and training of required staff
 - c. Maps of search routes, rescue and relocation of animals
 - (iv) Study of the vegetation of the affected area and of the surrounding areas and future areas of temporary effluent retention
 - (v) Photographic record
 - (vi) Determination of the campsite/temporary center for collection, registry and treatment of rescued animals (if necessary)
 - (vii) Preparation of the Final Report

15. Management of Unforeseen Impacts. In the case that unforeseen impacts arise, the contractor's environmental unit, as requested to bidders of each work bidding process in the TESS, will have to prepare a protocol for addressing unforeseen impacts. This protocol shall contain, but not be limited to the following actions:

- a. Notify the contracting body (PBA Government, who through one of its teams will contact the other key stakeholders)
- b. Describe the impact
- c. Identify the activity or condition that generated it

- d. Identify and make a brief description of the environment, place, or community affected by the impact
- e. Qualify and quantify the impact (temporality, intensity, degree of reversibility, extent, frequency, etc.)
- f. Present a report containing all the previous items presented to the Competent Authority (OPDS in the case of the Province of Buenos Aires) so that it is that authority who determines what to do in response to the impact.
- g. Design measures to avoid, minimize, correct or compensate the impact, including resolutions by the OPDS
- h. Include the Action Plan resulting from the designed measures, in the ESMP.
- i. Provide routine reports to the Province government and CAF, without prejudice to the presentation of other reports that may be required by the competent Environmental Authority.

6. Resettlement Policy Framework

Resettlement Policy Framework (RPF) a framework has been being developed in accordance with Performance Standard 5 and the corresponding CAF safeguard (see Annex 3), considering that there may be situations where resettlement is required, as understood according to the definitions of the CAF and GCF safeguards. The definition of the need for resettlement will emerge from the executive designs and the Environmental Impact Studies of each particular works, even if the general environmental and social study carried out for the master plan of the Lujan River had not detected this need. Therefore, depending on these designs, (1) the need for relocation will arise (due to the determination of the riverbank line or the expansion of urban channels, or other actions derived from the works), for which expropriations must be carried out (Law 5708). If housing relocations are to be carried out, these will be done through the protocol of the law on fair access to habitat (law 14449) or (2) if water easements need to be established (law 14540) for the ARTEH, the protocol established in said law will be applied.

7. Indigenous Peoples Planning Framework

No Indigenous Peoples Planning Framework (IPPF) is necessary and these issues are not expected to arise, as preliminary consultations with provincial and local public officials have not identified indigenous peoples in the area. Moreover, analysis based on the Population Census of 2010 do not identify communities in the area either.

8. Instruments

The instruments to be prepared, and approved, in order to carry out environmental and social management for each works, are those specified in point 5 and they will comply with the legislation and the CAF safeguards.

9. Institutional framework

The institutional framework for the environmental and social management is very simple. On one hand, there exists a regulatory framework on environmental and social matters and the OPDS is responsible for monitoring and ensuring its fulfillment. The OPDS evaluates the EIA and the ESMP and after making a statement, if all is well, proceeds to approve the EIA. On most occasions, it includes conditions in some topic or aspect that is viewed to be incomplete or insufficient. These mandatory conditions modify and shape the final ESMP to be executed during the works.

Both the EIA and the ESMP are prepared by the contractors of each works, with the approval of the contracting body. They are presented to the OPDS for its approval and the emission of the authorization foreseen in the legislation.

The Government of the Province of Buenos Aires, through the Unit that is designated responsible for the Project's Environmental and Social Management, awards final approval to everything presented to the OPDS, including, for example, the fact that the Community was included as a participant, as established by the TESS.

CAF will have a more general supervisory role, more holistic, without prejudice to the fact that, as imposed by its procedures, it must visit the works it considers necessary and request information at the ground level in order to verify it against various reports and other documents.

10. Capacity building

The greatest need for "capacity building" will be, precisely, to fully conform the COMILU, especially in the interface between the citizens and the COMILU and between the latter and the institutions whose mission and action cover the basin territory; its governance mechanisms and the establishment of its scopes according to a long-term vision, as all that is pertinent to any watered basin, in particular one as productive and affected by climate as the Lujan River. For this purpose, since the beginning of the Project, the social team of PBA will support the COMILU, based on the map of actors already included in the Master Plan.

11. Budget

The budget to be invested in each works for the full execution of the ESMP, will have to be estimated by the executor of the work itself and its ESMP. The bidder shall include it in its offer so that, he/she will have the necessary resources once it is operating as a contractor. Without this being an imposition, it is estimated that in this kind of works, the ESMP oscillates between 2.5-3% of the cost of the works.

12. Annexes

The following relevant documents attached

- Annex 1. CAF's EIA reviewed report, including justification of environmental and social risk categorization of the project
- Annex 2. Report of the community consultations with stakeholders held august 14 - 18, 2017.
- Annex 3. Resettlement Policy Framework.
- Annex 4. Gap Analysis Document, which identifies the gaps between the performance standards of the International Finance Corporation (IFC) adopted by the Green Climate Fund, the safeguards of the Andean Development Corporation-Development Bank of Latin America (CAF) and Argentinean legislation as well as legislation from the Buenos Aires Providence. In each case, it is indicated whether there is complete or partial coincidence or no coincidence.

Annex 1. CAF's EIA report

<i>Name of the Operation</i>	Integrated Management Plan for the Lujan River Basin	
<i>Country</i>	Argentina	
<i>Date of the Assessment</i>	May 2016	
<i>Responsible for the Operation</i>	Jorge Concha	
<i>Executive / Consultant Evaluator</i>	José Agustín Blanco	
<i>Responsible CDECC Executive</i>	José Agustín Blanco	
<i>Coordinator IEMU -CDECC</i>	Edgar Salas	

Signature

Executive Summary

The project has as its object the prevention of floods, the controlled management of flows, and the moderation of the effect of flooding along the Lujan River Basin, which has recently been of greater magnitude and frequency, and as such, it seeks also to increase the resilience of the population and the environment in the face of extreme climate events. The goal is to achieve this objective by means of executing works and activities defined in the “Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River”, which encompasses the counties/districts of: Campana, Chacabuco, Escobar, Exaltación de la Cruz, Gral. Rodríguez, José C. Paz, Luján, Malvinas Argentina, Mercedes, Moreno, Pilar, San Andrés de Giles, San Fernando, Suipacha and Tigre of the Province of Buenos Aires.

The execution of the anticipated structural and non-structural actions in the Integrated Management Plan of the Lujan River Basin has an estimated total cost of US\$ 313.8MM. The Province of Buenos Aires has included this project among its investment priorities, however, there are budgetary and financial restrictions. These restrictions led the PBA to divide the project into two stages (I and II).

Stage I comes close to US\$ 158.37MM. From this amount, US\$ 100 MM correspond to the DBLA loan (63%) and US\$ 58.37 MM are local counterparty resources (37%). The local counterparty will be provided by the government of the Province. At the same time, Stage II amounts to US\$ 155MM.

The borrower of this credit operation is the Province of Buenos Aires, with the Republic of Argentina as its guarantor. The budget for the environmental management during the implementation phase comes to nearly US\$ 1.2M for Stage I and a similar amount is estimated for Stage II.

The project has been divided into 8 components. Components 1, 2, 3 and 4 seek to solve the basin's physical factors, component 5 focuses on the solution of the human factors that are affecting the basin and component 6 seeks to moderate the problem of almost immediate occurrence of the floods. Component 7 includes the aspects of strengthening, supervision and audit and component 8, Administrative Cost for CAF Financing.

▪ **Component 1: Engineering Studies and others.**

This includes the elaboration of the executive projects and the sealed bidding documents for all the works related to the project.

▪ **Component 2: Channel flow and expansion construction**

This will allow for the improvement of the flow capacity of the Luján River, through the implementation of complementary canals, the expansion and shaping of natural channels and expansion of interface construction.

- The Santa María canal, which connects the Lujan River with the Paraná de las Palmas river, and that will have a sectional increase along its 7.1 km length.
- The channel of the Luján River, from the provincial route (PR) N° 6 to the national route (NR) N° 8 bridge in Pilar, which will be expanded with trapezoidal sections along 12 km.
- The channel of the Luján River, from NR N° 8 to the railway bridge of the North Belgrano line, which will also be expanded with trapezoidal sections placed along 9.5 km.
- The improvement of the channel's capacity through an expansion of its section in: the locality of Mercedes, in the zone of Olivera and in a corresponding section to the vicinity of Lujan (15.5 km).

▪ **Component 3: Water retention and floodgate replacement works**

This will allow for the construction of temporary overflow retention areas (TORA).

- Temporary Overflow Retention Areas (TORA), in each of the following streams: Los Leones, Moyano, Leguizamón, Grande, del Oro and two on the Luján River.
- Replacement of floodgates with inflatable dams on the Luján and the Mercedes.

▪ **Component 4: Replacement and bridge expansion works**

This contemplates replacement and bridge expansion works that will allow for improving the present conditions of the runoff, unobstructing the restrictions that the river possesses and will complement the channel flow works.

15 bridges will be intervened throughout the entire basin. In general, the bridges will be augmented or replaced in function of the needs of expansion and their structural status.

▪ **Component 5: Environmental and regional planning aspects**

The demarcation of the lines of the riverbank is planned with the goal of demarcating appropriately the public domain from the private, and to determine with precision the floodable areas that will be subject to administrative or easement restrictions. This component is going to permit the generation of the necessary tools for the delimitation of the floodplain and to contribute to the strategic territorial and development plans of each municipality.

▪ **Component 6: Early Warning System**

The EWS will be integrated into Provincial Early Warning System, which is being driven by the Ministry of Infrastructure and Public Services of the province, through the Provincial Directorate of Hydro-environmental Monitoring which answers to the Office of the Sub-secretariat of the Water Infrastructure. The EWS implemented in the framework of the Project involves, in turn, four systems:

- System of monitoring and oversight, that will consolidate the information related to: weather and precipitation forecasts; measurement and transmission network; and the processing of the information and follow-up of extraordinary events.
- Warning and alarm system, that has as its object setting the alert level threshold of and the actions to be developed for each one of the same, giving notice to the authorities and the community.
- Communication system, that includes communication with the National Meteorological Service, the measurement and transmission network, and the organizations and actors linked to the alert and evacuation.
- Evacuation system, that involves the efficacy of the EWS operator for communicating with the spokespersons or responsible parties the eventual extreme alert; the capacities of those responsible for putting into effect the Evacuation Plan; and the knowledge that the community has about the courses of action to be followed in case of evacuation.

▪ **Component 7: Strengthening, supervision and audit**

The component includes the institutional strengthening of the intervening actors in the execution of the Project and in particular of the LRBC, through the contracting of consulting, office and computer equipment, and operational expenses. Likewise, it also comprises the contracting of the technical, social and environmental supervision of the construction and of the external audit of the Project.

▪ **Component 8: Financing Costs**

This includes the assessment expenses and the finance commission of the DBLA loan.

The “Integrated Management Plan for the Lujan River Basin” project does not yet have an approved Environmental License, however, the Province of Buenos Aires, through a consultant, has developed a detailed study of the Environmental Diagnosis of the Lujan River Basin, which is found within of the “Integrated Plan and Regulation and Sanitation Construction Project for the Lujan River” Study - File N°2406-2391/11/DIPSOH, dated August, 2015, which serves as a basis for the development of the Environmental Impact Study (EIS). In this sense, the project contemplates the elaboration of an EIS, and the attainment of the Environmental License and the establishment of an Environmental and Social Management Plan (ESMP) that takes into account, not only the results of the EIS and the Environmental conditions that are mandatory according to respective License, but also the Environmental and Social Safeguards of the CAF and the results of the consultation of the LRBC all this prior to the start of construction.

In the area of influence of the Lujan River Basin, a notable patrimonial, historical and archaeological wealth is found, likewise, a significant biological wealth. The riverine forests of the Luján River, if indeed they constitute narrow and fragmented bands, they do represent an important ecosystem for the local fauna, that with time has adapted itself to the changes in the biodiversity of the vegetation, given that even with these changes provide shelter and nesting sites for varied species of native fauna.

In accord with the environmental assessment of the Project, a negative impact is noted principally in the construction stage, which are related to movement of soils and infrastructure works, which will generate an important reduction of the vegetation neighboring the works and effects on land on the current margins of the river, a place where the natural habitat of some species of birds can be found. Likewise, due to the generation of noise and dust and interruption of the circulation of some routes for infrastructure works, will generate nuisances for the population located in the area of direct and indirect influence.

In the Operation Stage, the impact will be positive, taking into account that the interventions planned for in the Integrated Plan will avoid or minimize the effects of the flooding on affected human settlements, supposing a positive impact on the quality of life of these populations, as well as also on their assets, services and urban infrastructure and the sector's architectural and historical heritage.

Within the construction and operation of these works, the following are considered as aspects that may give rise to critical situations:

1. In the works of channel expansion and infrastructure works (establishment of bridges, among others), there will be effects on the vegetation and private property, among other affected lots, principally in the area neighboring the works, which could generate social conflicts and/or annoyances for the population.
2. The project still does not have an Environmental Impact Study (EIS), where specific impacts are assessed and prevention, mitigation and control measures are established for the environmental impacts. This could generate some delays, in the time for their approval, given that is a requirement prior to the start of the work.
3. Even when the LRMP project has developed a study of tendencies related to climate change (precipitations, among other parameters), a substantial change in these tendencies, can cause the hypotheses adopted in the design of the project to remain outdated, as well as the provisions made in the elaboration of the studies.
4. In the Lujan River Basin there is an inadequate management of household solid waste, having been observed the accumulation of waste along its entire length, in this sense, the accumulation and its drag could condition and contribute to an overflow, rendering futile all drainage improvement works.

With the intent of guaranteeing an adequate environmental and social management of the project as well as compliance with the Environmental and Social Safeguards established by the DBLA, the Client must, to DBLA's satisfaction:

Prior to the start of construction bidding processes

At least 10 business days before the start of the construction bidding processes, the Client will deliver to the DBLA for the approval of the environmental and social issues:

1. The bidding documents for the contracting of the work, including the general and particular technical specifications, as well as the environmental and social ones. Likewise, the specifications related to the environmental and social supervision of the project.
2. Updated environmental and social budget, broken down per item, including provision of amounts for measures identified by the DBLA.

Prior to the start of the work

At least 15 business days before the start of the works, the Client will deliver to the DBLA:

1. The required environmental permits or licenses for the start of the work and/or work stage (approved Management Environmental Instrument, archaeological permits, water use permits, among others).
2. An Environmental and Social Plan of Action (ESPA) or Environmental and Social Management Plan (ESMP) adjusted to the work of the project, which must include: i) Environmental Management Plan; ii) Prevention, Mitigation and Control Measures; iii) Contingencies Plan; iv) Plan for the closure of the construction phase; v) Plan for compensation due to effects of the project. vi) Citizen Participation Plan: must include participation mechanisms (under the responsibility of the Province of Buenos Aires, before) and during the construction (informative workshops and others) to the population locate in the area of influence of the project, with an emphasis in the zones where the vegetation will be affected, areas of vehicular transit and/or private lands, if applicable. Likewise, a communications strategy must be established with respect to solid waste management in the basin, that include the actors involved in the management, principally the population in the area of influence and vii) Health and Industrial Safety Plan. The ESPA must establish, as a minimum: a) schedule and frequency; b) detailed environmental and social budgets; and c) human resources and those responsible for its execution.
3. Evidence that the environmental and social supervision is operative, with an independent company, national or international, of recognized experience, with the goal of verifying the compliance of the environmental and social management measures established in the various environmental studies and administrative writs issued by the competent environmental authority (licenses, concessions, authorizations and other environmental and social permits) and the follow-up to the mitigation and/or compensation actions.

4. Evidence that the Client has included in the contract with the contractor: i) the obligation of assuming charged to its general expenses, all those that entail environmental, social and industrial safety management during the development of the project and is not made explicit in the “Environmental Budget” per items; and ii) the mechanisms for sanction of non-compliance with all the environmental, social and contractual obligations, that permit the Audit and Supervision to demand the adequate compliance with the environmental regulations, including the environmental safeguards of the DBLA and that established in the studies and other environmental management document.

During the period of disbursements

Comply with:

1. Environmental and Social Safeguards of the DBLA applicable to the Operation and the environmental regulations in effect, which the Client acknowledges.
2. In case of any eventuality, deliver to the DBLA a Corrective Actions Plan to correct or remediate damages or attend to other adverse consequences due to any eventual operational failure that may have occurred. This plan must include, as a minimum, the following: (i) the description and magnitude of the damage, environmental effect or failure; (ii) the actions proposed for its investigation, correction, remediation, mitigation of damage and other adverse consequences; (iii) the assignment of responsibilities of the corrective measures to be implemented; (iv) the estimated costs for the application of corrective measures; and (v) the actions proposed for anticipating similar events in the future. This Plan can be updated as many times as necessary, as more situations to be reported present themselves.
3. Comply with the following requirements as regards reports relating to the progress of each one of the projects, in the formats which the DBLA approves to this end, having received the proposals from the Executive Entity.
 - i) Quarterly reports, in electronic format, analyzing the following: (i) the progress in the implementation of the project’s Environmental and Social Action Plan (ESAP); (ii) the execution of the project’s environmental and social budget; and (iii) the assignation of human resources to the environmental and social management.
 - ii) Inform when there is any significant change in the characteristics of the project or of the natural or social milieu where it will be developed and may generate new environmental and social impacts not foreseen in the assessment originally done in the EIS presented to the DBLA or augment those already anticipated. The Borrower must design and implement the management actions and measures necessary to control, mitigate and/or offset said impacts, in such way as to preserve the integrity of the communities and the ecosystems or natural resources involved.

All the reports must be delivered to the DBLA in digital format.

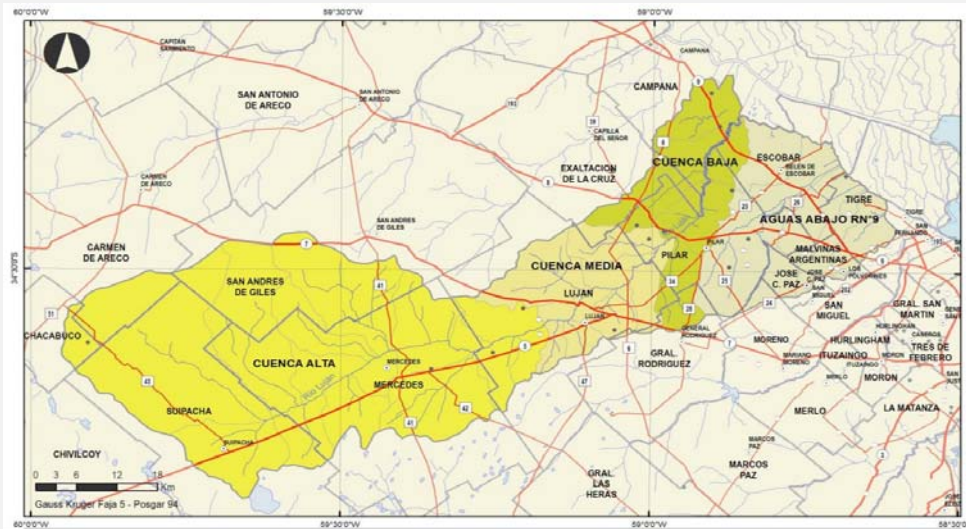
1. Description of the Borrower, the Executing Entity and the Operation

The project is developed in the Lujan River Basin, the same one that occupies a total surface area of 3,379 Km² located in the counties/districts of Campana, Chacabuco, Escobar, Carmen de Areco, Exaltación de la Cruz, Gral. Rodríguez, José C. Paz, Luján, Malvinas Argentina, Mercedes, Moreno, Pilar, San Andrés de Giles, San Fernando, Suipacha and Tigre.

The Lujan River Basin is found to the northeast of the Province of Buenos Aires, and is born from the confluence of the Durazno and Los Leones streams in the county of Suipacha, presenting an axis of central flow with a southwest-northeast direction, where it twists toward a parallel southeast course to the Paraná de las Palmas, finally, the river becomes confused with the Paraná delta, until emptying into the River Plate (Río de La Plata).

In Figure 1, the location of the Lujan River Basin is presented.

Figure N°1



The project has as its object preventing overflows, managing flows in a controlled manner, and moderating the effect of flooding in the Lujan River Basin, which affect principally the population in the basin area, through the execution of works and activities defined in the Study for the Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River

For the development of this project, the basin has been divided into 4 sections: high, mid, and low basin and downriver of the Route No. 9, as indicated in Figure N° 1. At the same time, the components and the implementation of the project have been divided into 2 stages, as is detailed below:

Stage I

This corresponds principally to the high, mid, and low basin and downriver of Route No. 9 of the Lujan River, and is divided in 6 components:

- **Component 1: Engineering Studies and others:**

Required in order to design executive projects and the sealing bid documents for the works contemplated in the project.

▪ **Component 2: River flow works - Channel Expansion:**

These works aim at the Improvement of Flow Capacity, and are linked to possibility of implementing complementary canals, expansion and shaping of natural channels and/or expansion of interface construction.

▪ **Component 3: Replacement Works and Bridge Expansions**

The expansion of the section of the channels (component 2), undoubtedly will determine that many of the existing bridges present, for the new section of the channel, reduced dimensions. Within this component Replacement Works and Bridge Expansions which will allow for improving the current conditions of runoff, unobstructing the restrictions that the river possesses in the mid and low part of the basin.

▪ **Component 4: Environmental aspects and regional planning**

This component consists principally of the demarcation of the riverbank lines with the goal of: a) demarcating adequately the public domain from the private, and; b) determining with precision the flood zones to be subject to administrative restrictions or easements.

▪ **Component 5: Early Warning**

The proposal of the formulation of an Early Warning System (EWS) in the framework of the LRMP involves four systems: Monitoring and Oversight System, Warning and Alarm System, Communications System, and Evacuation System.

▪ **Component 6: Management, Inspection and Audit**

This includes the costs for the administration of the Project, the strengthening of the technical and environmental inspection and the contracting of the external audit.

Stage II

This corresponds principally to the section of the high basin of the Lujan River, and is divided in 7 components:

▪ **Component 1: River flow Works - Channel Expansion:**

These works aim at the improving conveyance capacity, and are linked to the possibility of implementing complementary canal, expansion and shaping of natural channels and/or expansion of interface construction.

▪ **Component 2: TORA Works (Temporary Overflow Retention Areas)**

This Includes the construction of TORA (Temporary Overflow Retention Areas), that must remain empty while awaiting retention of part of the volumes brought by the floods. These attenuations

result more effective in the elevated zones, avoiding the accumulation of overflows in mid and low areas, and giving sufficient time so that these excesses drain away.

▪ **Component 3: Replacement Works, Expansion and Cleaning of Bridges**

The expansion of the section of the channels (component 2), undoubtedly will determine that many of the existing bridges present, for the new section of the channel, reduced dimensions. It must also be taken into account that some bridges in the basin, currently are in a poor state of repair, manifesting the need to put into effect in the framework of the global systematization plan of the basin. Within this component Replacement, Expansion and Cleaning of Bridges Works are contemplated which will allow for improving the current runoff conditions, unblocking the restrictions that the river possesses in the mid and low part of the basin.

▪ **Component 4: Replacement of Floodgate Works**

This concerns the reconstruction which will allow for runoff in the floods and to continue fulfilling its current recreational function.

▪ **Component 5: Startup of the LRBC (Lujan River Basin Committee)**

The objective of this component is to provide the institutional capacity to face the responsibilities that the law confers on it.

▪ **Component 6: Environmental aspects and regional planning**

This component consists of:

- Continuation of the demarcation of the riverbank lines with the goal of: a) demarcating adequately the public domain from the private, and; b) determining with precision the flood zones to be subject to administrative restrictions or including easements;
- Integral revision of the master plans of the municipalities; and
- Creation of a network of protected areas at the basin level.

▪ **Component 7: Management, Inspection and Audit**

This Includes the costs for the administration of the Project, the strengthening of the technical and environmental inspection and the contracting of the external audit.

The execution of the structural and non-structural actions provided for in the Integrated Management Plan for the Lujan River Basin has a total estimated cost of USD \$313MM. For the implementation of these activities, the Province of Buenos Aires has divided the investment plan into two stages (I and II). Stage I comes to an amount of USD \$158MM and Stage II a total of USD \$155MM. The borrower of the project is the Province of Buenos Aires, with the Republic of Argentina as the its guarantor.

The project "Integrated Management Plan for the Lujan River Basin" does not yet have an approved Environmental License, however, the province of Buenos Aires [la República de Argentina], through a consultant, has developed a detailed Environmental Diagnosis study of the Lujan River Basin, which is found within the Study for "Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River" - File N°2406-2391/11/DIPSOH, dated August, 2015, which serves as a basis for the development of the Environmental Impact Study (EIS). In this sense, the project contemplates the elaboration of an EIS, and the attainment of the Environmental License and the establishment of an Environmental and Social Management Plan (ESMP) that takes into account, not only the results of the EIS and the Environmental conditions that are mandatory according to respective License, but also the Environmental and Social Safeguards of the DBLA and the results of the consultation of the LRBC; all this prior to the starting of construction.

The Lujan River Basin is considered a continental wetland, understanding as such an area that remains in flooded conditions or, at least, with water saturated ground over considerable periods of time. Of the distinct ecological services linked to the wetlands, these are considered to be relevant for the region: hydrological regulation; biodiversity sanctuary; water purification; and the expression of cultural, recreational and residential values.

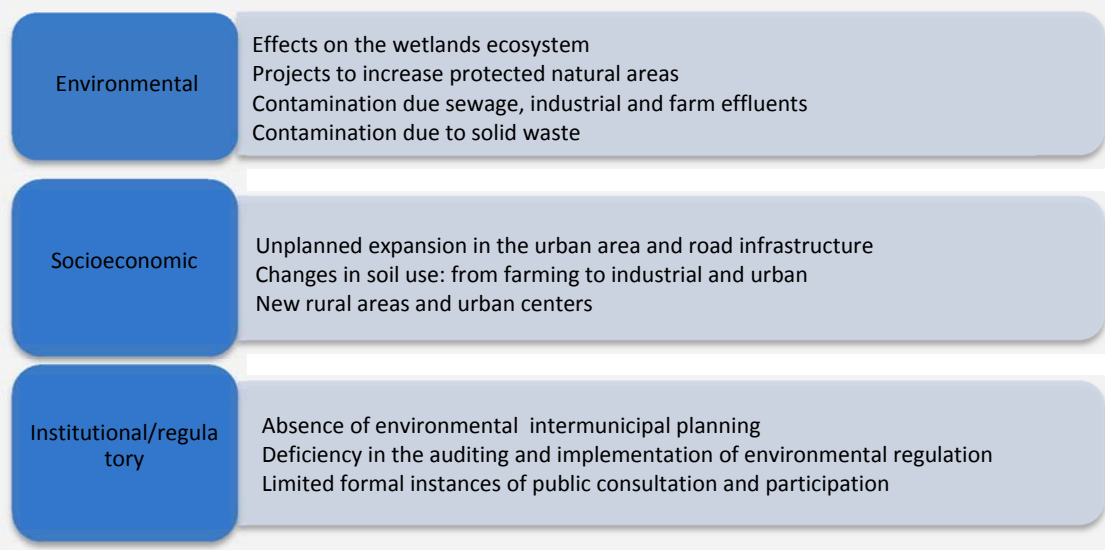
The basin is formed by 71 courses of water which jointly run through an extension of approximately 450 km. The principal streams (arroyos) are:

- Arroyos Durazno and Los Leones, in the district of Suipacha from whose confluence the Lujan River is born
- Arroyo Moyano in the area surrounding J.M. García
- Arroyo de los Ranchos between Suipacha and Mercedes
- Arroyos Leguizamón (or del Chimango), Grande and Oro to the north of the city of Mercedes
- Arroyo Balta to the west of the vicinity of Olivera
- Arroyo de las Acacias to the east of the vicinity of Olivera
- Arroyo del Campo to the east of the city of Luján
- Arroyos Gutiérrez, Pereyra, Chaña and El Haras in the vicinities of Villa Flandria and Luján
- Arroyo Las Flores between Open-Door and Manzanares
- Arroyo Carabassa in the vicinity of National Route N.8
- Arroyo Burgos and numerous lesser courses between the National Routes N.8 and N.9

After receiving the input from the Escobar, Garín, Claro, de las Tunas streams and from the Reconquista River and other streams on its left margin, it empties into the River Plate.

The total population of the districts involved in the basin is 2,795,648 persons, which represents 16.7% of the provincial population (16,659,931 inhabitants). The population density is 227.4 inhab/km², which represents a value approximately 4 times greater than the population density of the Province of Buenos Aires (50.8 inhab/km²).

In the figure below the principal socio-territorial characteristics of the Lujan River Basin are brought together:



The project has an “Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River” - File N°2406-2391/11/DIPSOH, dated August, 2015, which serves as a basis for the development of the Environmental Impact Study (EIS).

a. Environmental Physical Factors

Geological System:

The stratigraphic units that are present in the Lujan River Basin correspond to sediments from the Quaternary Period, with ages that extend from the Pleistocene until the Holocene.

Stratigraphic units of greatest antiquity than those referred to are found in the subsoil. In this case, the general stratigraphic characterization is completed with geological units of the Tertiary Age and mid Precambrian period, which do not outcrop in the study zone and only can be recognized through perforations. In the stratigraphic table in Figure N°2 is indicated the totality of the geological units in the Lujan River Basin and located in the subsoil, with their corresponding age.

Figure N°2

Periodo	Formaciones Continentales	Formaciones Marinas
Holoceno	Platense	Querandínense
	Lujanense	
Pleistoceno	Formación Buenos Aires	
	Geosuelo El Tala	Belgranense
	Formación Ensenada	
Plioceno Superior	Formación Puelches	
Mioceno Medio		Formación Parana
Eoceno-Mioceno	Formación Olivos	
Precámbrico Medio	Basamento Cristalino	

In the study zone and its neighboring areas are found geomorphic units of distinct order. These same ones were separated in the Regional Geomorphic Units and secondary Geomorphic Subunits.

Regional Geomorphic Units

They were determined starting with a Regional Survey of the Basin that allowed for obtaining a general vision of the landscape forms and their principal components. Under this analysis three geomorphic units defined were which are: Pampean Plain, Estuarine Plain and the Lujan River Valley, Figure N°3.

Figure N°3



Pampean Plain

This geomorphic unit is recognized regionally with the name of *Pampa Ondulada*. This geoform constitutes a surface composed of soft slopes where the interflows that separate the principal river basins are represented by flat areas, which are considered flowing and derived from the riverine dismantlement of the Loess Plain.

Estuarine Plain

It manifests as a uniform surface situated between the topographical level from 0 and 5 meters, of almost undetectable inclination toward the northeast, and over which are recognized constructional forms linked to previous environmental of shoreline accumulation of varying degrees of energy.

Lujan River Valley

The channel of the Lujan River corresponds in large measure to that of a lowland river. The slope variations present along the Lujan River, the morphogenetic potential of each sector, the structural control it has, the overlap of the geomorphic processes that acted and act on the basin in its fluvial evolution, the channel's habitat, the development of its floodplain and the presence of levels of alluvial terraces, among other particularities, permits separating this river, from the geomorphological point of view, in three well-defined sections: Superior, Intermediate and Inferior, which are described below.

Superior Section

This extends from the headwaters of the principal trunk until approximately 5 km upstream from its intersection with route 8, configuring in this way the fraction of greatest longitudinal mayor development. In the sections without evident human modifications, the cross section of the channel goes from rectangular to trapezoidal. In these sections there are localities with instability on the edge of the canal, this situation driven by the existence of pathways toward the fluvial course generated by cattle. These manifest themselves as indentations located on both sides of the channel.

Intermediate Section

The intermediate section of the Lujan River begins in a site located 5 km upstream of its intersection with route 8, and continues for 2400 m downstream from its contact with the Pan-American branch route, Campana. As an outstanding feature, this section is characterized by presenting a broad floodplain, its width progressively opening up, within which the Lujan River extends itself.

Floodplain

This has a flat surface, with slight inclination in its longitudinal profile. During the flood event, the totality of this surface, the geoforms that are found there and the lower terrace levels situated on the sides of the valley, end up below water. If the event is of a significant magnitude, including the most elevated parts of the riverbank hillocks that are overwhelmed by the flooding.

Hydrology

The Lujan River Basin is found to the northeast of the Province of Buenos Aires, and is born from the confluence of the Durazno and Los Leones streams in the county of Suipacha, presenting an axis of central flow with a southwest-northeast direction, where it twists toward a parallel southeast course

to the Paraná de las Palmas, finally, the river becomes confused with the Paraná delta, until emptying into the River Plate (Río de La Plata).

The basin occupies a total surface area of 3,379 Km² located in the counties/districts of Campana, Chacabuco, Escobar, Carmen de Areco, Exaltación de la Cruz, Gral. Rodríguez, José C. Paz, Luján, Malvinas Argentina, Mercedes, Moreno, Pilar, San Andrés de Giles, San Fernando, Suipacha and Tigre. The topography is predominantly uniform. It is defined as a sedimentary type pampean plain in the Buenos Aires sector and of an alluvial plain still in process of formation in the delta of the Paraná.

With relation to the water quality of the Lujan River, it is characterized by presenting a larger proportion of organic material in a state of decomposition, which was demonstrated in the high levels of Organic Material, Total Organic Carbon, and Sulphurs. In addition to the levels of organic content, the site housed upstream on the Lujan River was the only sector in which concentrations of total hydrocarbon and of copper were detected at levels above environmental standards.

Starting with the analysis carried out, it was possible to verify that the geomorphological units linked to the danger of flooding are those that correspond to the Floodplain and the Estuarine Plain. For both the extremely high Danger of Flooding category is considered.

The danger of flooding that these two geomorphic units show is inherent to them and the anthropogenic modifications detected (change in soil use) have favored and driven the aforementioned geological and hydrological peril. Another risk to consider are the effects related to natural phenomena, such as *El Niño* and *La Niña*, that can drive the risk of flooding already present in the area, events that are accentuated by climate change.

Climate

Within the Study for the “Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River”, an analysis is included on climate change, where the influence this aspect could have on precipitation is made manifest, through climate change scenarios (which are used to estimate future changes that could be experienced in this century), taking into account the contribution of human beings to global warming.

Through the Intergovernmental Panel on Climate Change (IPCC) emissions scenarios will be elaborated, based on suppositions about the world’s possible socio-economic evolution, producing projections of GHG concentrations (Greenhouse Gases). These constitute the basis on which the majority of future climate scenarios is elaborated.

This project used information provided by the report “Climate Change in Argentina; tendencies and projections” elaborated by the Center for Sea and Atmosphere Research (CIMA, for its initials in Spanish), as a contribution to the Third National Communication to the United Nations Framework Convention on Climate Change (UNFCCC) Project, from the office of the Sub-secretariat of the Environment and Sustainable Development of the Nation (SAyDS, for its initials in Spanish), with the object of presenting an assessment of the climate trends in the recent past (from the second half of the 20th Century) and a projection of the future climate (21st Century) in Argentina.

A large part of the general commentaries presented come from the aforementioned report.

In the case of the Province of Buenos Aires (humid region), the models selected for elaborating the climate scenarios were: CCSM4, CMCC-CM and NorESMI-M.

The climate scenarios for the 21st century were calculated on two time horizons: near future climate (2015-2039), of interest for the adaptation policies (case applicable to the design of flood control works in the current project), and distant future climate (2075-2099), that is considered informational over the long term.

Two climate scenarios, RCP 4.5 and 8.5, were elaborated. The first corresponds to moderate greenhouse gas emissions and scenario RCP8.5 to the case in which the emissions will continue to grow with the current trends until the end of the century, that is to say, the same is more conservative as regards the impacts of the greenhouse effect.

In figure N°4 the percentual change is shown in the yearly precipitation with respect to the period 1981-2005. Averages from 42 models considering an RCP8.5 scenario. The figure to the left, represents the near future (2015-2039) and the figure on the right, distant future (2075-2099). Source: CIMA (2015).

FigureN°4

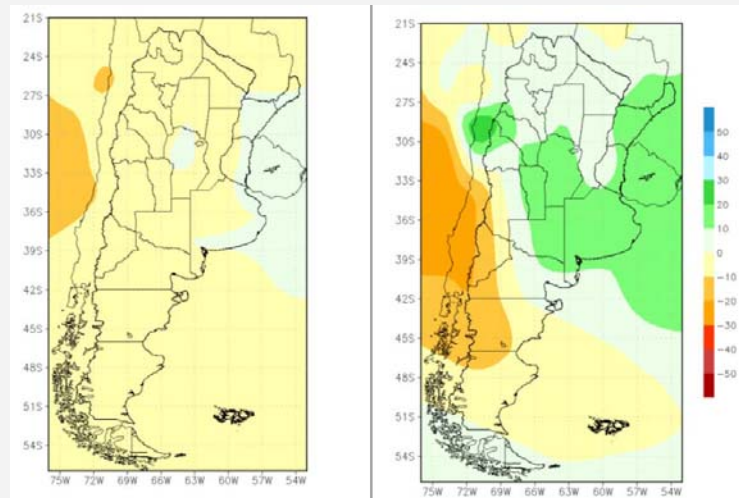
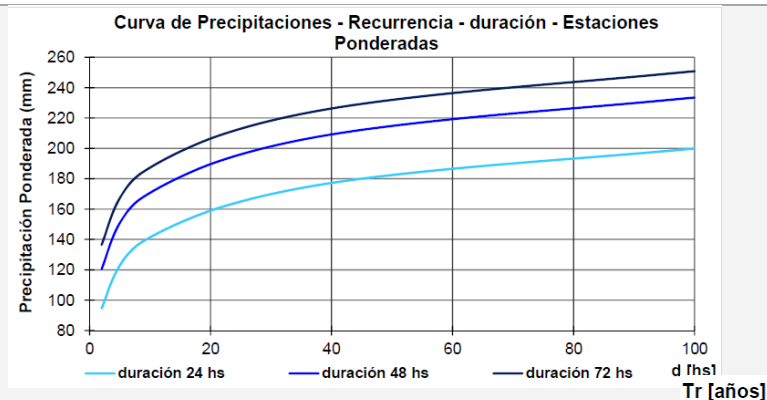


Figure N°5

Precipitations-Recurrences-duration curve for the weighted seasons in the Lujan River Basin with climate change effects.



The indices calculated indicate that there will be a tendency for extreme precipitations to increase over time and in a more pronounced manner with the RCP8.5 scenario. For the near future, although there may also be a general tendency toward greater extreme precipitations in almost all the models and scenarios, in some cases the differences with respect to the present are almost null.

Finally, the regional warming observed between 1960 and 2010 would accelerate in the 21st century and the increase in precipitation registered in that period would not revert and on the contrary there would be a tendency toward greater extreme precipitations, although still with a certain vagueness as to the magnitude of the change; it can be concluded that the probability of flooding increases.

b. Environmental Biotic Factors

Flora

The riverbank flora is described below, native to the Lujan River Basin, comprised of diverse vegetal communities, each very different in physiognomic terms: marginal jungle, forests, grasslands, scrubland and vegetation on the edge of lagoons, rivers and streams.

Plant communities along gullies

In this environment, the surface drainage of rainwater is facilitated by the slope of the terrain, for which reason it constitutes the best drained environment in the area. These are forests more or less parallel to the coast, whose arboreal layer is formed by *talas* (*Celtis tala*), *coronillos* (*Scutia buxifolia*), *molles* o *inciensos* (*Schinus longifolius*), *sombras de toro* or *quebracho* (*Jodina rhombifolia*) and broad-leaf privets (*Ligustrum lucidum* y *L. sinense*), among other species. There is an abundance of climbing plants, such as angel's hair (*Clematis denticulata*), the blue passionflower o *mburucuyá* (*Passiflora coerulea*) and the epiphytes, such as the air carnation (*Tillandsia aëranthos*). The herbaceous layer is dense and continuous, and is composed by species such as basket grass (*Oplismenus hirtellus*), pellitory (*Parietaria debilis*), and *la pichoga* (*Euphorbia caespitosa*), among many others.

Also, along the bottom of the gullies it is possible to find formations of Roman Cassie or *espinillos* (*Acacia caven*), also called *aromos*, that form groups within a plot of grassland.

Plant communities along embankments

The *ceibales* are forests whose arboreal layer is dominated by the cockspur coral tree or *ceibo* (*Erythrina crista-galli*), that can grow to a height of 12 m. Given that it grows in swampy areas, it tends to develop various trunks. In these forests, some bushes also grow such as the scarlet sesban or *sesbania* (*Sesbania punicea*) and climbing plants such as the bugle vine or *suspiro rosado* (*Calystegia sepium*), the Japanese honeysuckle or *madreselva* (*Lonicera japonica*), morning glory or *la campanilla* (*Ipomoea cairica*) and the Devil's Grape or *la uva del diablo* (*Cissus palmata*).

Scrublands

The scrublands tend to be dominated by one species, such as the breaks of white *sarandí* shrubs (*Phyllanthus sellowianus*), of red *sarandí* shrubs (*Cephalanthus glabratus*) or black *sarandí* shrubs (*Sebastiania schottiana*). In some cases they are mixed, such is the case of the scarlet sesbans (*Sesbania virgata* y *S. punicea*), striped hibiscus (*Hibiscus striatus*), the Argentina senna (*Senna corymbosa*), the giant sensitive tree (*Mimosa pigra*), the *espinillo manso* (*Mimosa pilulifera*) and the jointvetch or *algodonillo* (*Aeschynomene montevidensis*).

Among the bushes very often grows a profuse cover of sedges, grasses and other herbaceous plants such as the white cup or *chucho* (*Nierenbergia repens*) and the white windflower or *azucenita del campo* (*Zephyranthes candida*).

Fauna

The characteristics of the landscape shape the habitats available to the fauna and condition the use of the land. The riverbanks, which are characterized by their high biological diversity, have suffered, in the main, high levels of deterioration due to the intensive use of the river and its banks and to the exploitation of neighboring lands. In the Lujan River Basin, the expansion of urbanization and productive activities have caused a notable transformation of the natural environs, for which reason the native fauna is, in general, modified in terms of its diversity and reduced with respect to the number of individuals.

With regard to aquatic life, various species can be found along the basin, such as: suckermouth catfish, *dientudos*, catfish, silversides or *pejerreyes lacustres*, shad, chameleon cichlid or *chanchita*, mojarras, wolf fish or *tarariras*, eels, and one-sided livebearer or *madrecitas*. The amphibians are one of the most damaged groups by the alterations in the environment, however diverse species of frogs and toads can be found, representing the group. Among the reptiles there are river and lagoon turtles, the green lizards and black and white tegu and various species of lizards and snakes. The mammals are represented by the cavies, the nutria or *coipo*, the red and the black and white weasel, the ferret, the skunk and various species of voles or *lauchas*.

Finally in the area of study more than 180 bird species have been recognized, with the majority common species that inhabit urbanized areas, but also many of the aquatic environments and open grassland areas.

Threatened species

Among the principal species that present some degree of threat, are found:

- *Brycon orbignyanus* (Pirá pitá, or river salmon) - Species categorized as Endangered.
- *Zungaro jahu* (*Manguruyu*) - Species categorized as Vulnerable.
- *Tomodon ocellatus* - Species categorized as Vulnerable.
- *Ceratophrys ornata* - Species categorized as Vulnerable.
- *Porzana spiloptera* - Chilean flamingo.
- Marsh seedeater - In danger of extinction.

Natural Reserves:

In the area of influence of the Lujan River Basin 12 natural reserves were identified, however, the project does not propose any structural intervention in these. In Table N°1 the reserves located in the area of influence are listed.

Table N°1

Basin Section	Name
High Basin	1. Natural Reserve Arroyo Balta
Cuenca Baja	2. Urban Reserve Quinta Cigordia
	3. National Reserve Otamendi
	4. Natural Reserve Del Pilar (urban)
	5. Private Reserve Náutico Escobar Country Club
	6. Private Reserve El Talar de Belén
	7. Private Reserve Lalo Mandojana
	8. Reserve Guillermo Gibelli
	9. Municipal Reserve of the Biosphere
	10. Multiuse Prov. Reserve of the Lujan River
	11. Biosphere Reserve (BR)
	12. Delta of the Paraná

In the Master Plan the creation of the Protected Areas Network was defined as a non-structural measure of territorial and environmental management measure at the basin level, an action that would permit strengthening links with the civil society, for whose organizations the conservation of

biological diversity occupies a leading place in their management. The existence of reserves in the basin, some closely related to the river, is a value to be elevated with the goal of enriching the environmental value of the basin, facilitating spaces for environmental education and recreational activities, as well as also ensuring its biological diversity.

The project's area of influence is found in a zone with altered habitats due to the change in soil use, principally due to urban expansion in the areas neighboring the basin, agricultural, industrial and residential activities, for which reason the biological diversity in the zone has been affected. It is worth noting that in the area of influence there are 12 natural reserves, where the majority of the biodiversity in the Lujan river Basin is found. With respect to the project, part of the nearby plant cover will be affected, principally where the structural components are to be established (channel expansion, bridges, among other). Within the reserves, non-structural activities are planned.

c. Social, economic and cultural factors

Population status

The total population of the districts involved in the Lujan River Basin is 2,407,449 personas, which represents 15.4% of the provincial population (15,625,084 inhabitants). The largest number of inhabitants is concentrated in the urban areas of the municipalities in the lower basin and the downriver section. The population density of the districts involved in the basin is 227.4 inhab/km², which represents a value approximately 4 times higher than the population density of the Province of Buenos Aires (50.8 inhab/km²).

Housing situation

in Table N°2, the percentage of urban and rural dwellings is presented (grouped and disperse). Within the Basin, it can be observed that the extremes are represented by the High Basin and the Downriver Section under R9, where 18% of the dwellings are rural in the first case and only 0.5% in the second case.

Table N°2

Partido	Urbano (%)	Rural (%)	Total
Cuenca Alta	81,9	18,1	100%
Cuenca Media	94,8	5,2	100%
Cuenca Baja	94,6	5,4	100%
Aguas Debajo de R9	99,5	0,5	100%
Total	97,2	2,8	100%

Poverty levels

In the first measure, the Unmet Basic Needs (UBN) indicator is considered in the households in the basin. A household is considered as having UBN if at least one of the following indicators is present:

- Critical overcrowding. Homes housing more than three persons per room.
- Housing. Homes occupying an unsuitable type of residence (rented rooms, precarious housing or other kind).
- Sanitary Conditions. Homes occupying housing that do not have indoor plumbing or have a latrine.
- School attendance. Homes that have a school age child that does not attend school.
- Capacity for subsistence. Homes that have 4 or more persons per member employed and in which the head of household has a low level of education (only attended at least two years of primary school).

11.4% of the households in the basin have at least one of the UBN indicators. This is a proportion greater than that of the Province of Buenos Aires, which is 8.2%. The districts that possess a greater proportion of households with UBN in relation to the totality of households in each district are: Moreno (16.6%), Campana (15.6%), Pilar (13.0%), Malvinas Argentinas (12.8%) and José C. Paz (12.4%). Notwithstanding, this, the districts that contribute the greater proportion of households with UBN in the Basin (in relation to the total households with UBN in the Basin), in order, are: Pilar (23.6%), Malvinas Argentinas (19.6%), Escobar and José C. Paz (both at 15.3%). When taking into account the distribution of households with UBN according to the section of the Basin, it is observable that approximately 82% of the households with UBN in the Basin are found in the Downriver section. This is due to the fact that in this section where the majority of the population is found.

Soil Uses

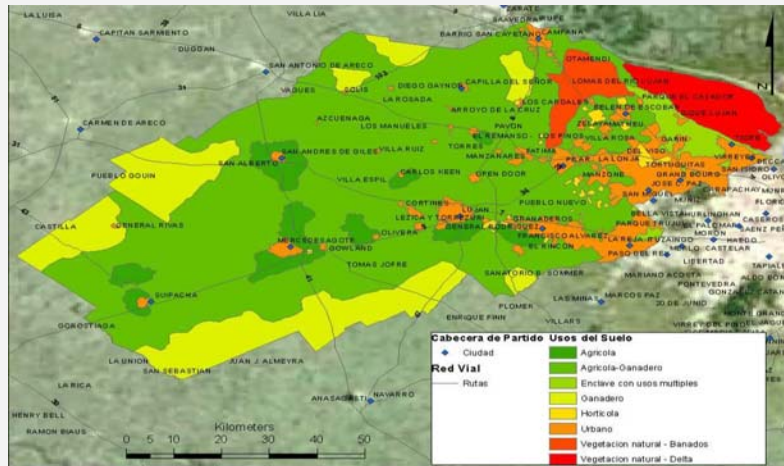
The districts of the Lower and Mid Basin, such as Luján, Pilar, General Rodríguez and Campana present a mixed composition between farm and industrial activities and an urban dynamic. Especially in the municipal seats of Pilar, Luján and Campana where the majority of the population is concentrated.

On the other hand, the districts in the Downriver section under R9, such as Escobar, Tigre Moreno, Malvinas Argentinas and José C. Paz have an eminently urban dynamic. They possess greater population density and a socioeconomic dynamic more closely associated with the Metropolitan Region of Buenos Aires (Greater Buenos Aires and its Urban Agglomeration). Below is presented a regional characterization of the territorial aspects and land uses at the Basin level as a whole. Among the uses under consideration are:

- Housing developments (exclusive, gated and suburban)
- Farm and industrial uses
- Roadways

The principal activity that is developed within the Lujan River Basin is agriculture. As can be observed in Figure N°6, the most extensive category of land use is mixed use for farming and livestock. The next in importance livestock raising, and then farm use. Horticultural, urban and natural vegetation are also identified, principally in the zone of the Paraná Delta islands in the mouth of the river.

Figure N°6



Cultural Heritage

The Lujan River Basin presents a notable historical cultural, archaeological and paleontological wealth, which is threatened by human pressures in general and the expansion of the urban ventures in particular (given that they tend to be placed in spaces unmodified by prior human activity).

Two protected areas have been identified which register archaeological and paleontological heritage sites.

- In the Estricta Otamendi Nature Reserve, located in Campana, seven archaeological sites have been detected: Canal Grande, Otamendi 1, Otamendi 2, Otamendi 3, Otamendi 4, Río Luján 1 and Río Luján 2 (Loponte, 2008).
- In the Arroyo Balta Nature Reserve, in the district of Mercedes, abundant fossil remains have been recovered (Bonaparte et al 2011).

The greatest environmental sensitivity, with respect to the cultural milieu, is represented by the historical, archaeological and paleontological heritage wealth in the Lujan River Basin. In this sense, any work that contemplates or has as a consequence the alteration of the sedimentary matrix of the gullies and/or bed of the principal channel or of the tributary streams, as well as of the geofoms associated with the fluvial action (ravines, levees), presents, a priori, an elevated potential for impact on the cultural heritage.

Likewise, the population neighboring the basin, where the structural works will be done, will become more vulnerable to impacts generated by the project, principally due to dust, noise, temporary roadblocks, among others.

d. Institutional and Organizational Aspects

The Executive Entity will be the Ministry of Economy of the Province of Buenos Aires, through the Sub-secretariat of Finance. The Ministry of Infrastructure of the Province of Buenos Aires, will be the entity responsible for the implementation and tracking of the Project. It is worth noting that the Province of Buenos Aires (PBA) has ample experience in the execution of projects and programs financed with resources from multilateral organizations.

An important stakeholder in the management of the Basin, is the Lujan River Basin Committee (LRBC), that has been implemented with file PE/1/16-17, May 19th, 2016, whose principal functions are: formulate policies, strategic guidelines, plans, programs and projects, in matters of sustainable development of economic and social activities that involve natural resources and health within the scope of the Basin. In this sense, the project contemplates the strengthening of the LRBC, as an important part of the development of the project.

III. Assessment of environmental and social impacts and risks

In accord with the Project's environmental evaluation, the occurrence of negative impacts principally during the construction stage can be noted; these impacts are related, primarily, to earth-moving and infrastructure works, which will generate a notable reduction in the vegetation neighboring the works and effects on the earth on the riverbanks, the place which is currently the habitat of some bird species. Likewise, due to the generation of noise and dust and interruption in circulation along certain routes due to infrastructure works, inconveniences could be brought about for the population located in the Project's area of influence.

In the Operation Stage, the final impact is principally positive, considering that the planned interventions in the Integrated Plan will avoid and/or minimize the effects of flooding on the affected human settlements, the very ones that will suppose a positive impact of greater magnitude on the quality of life of the populations affected by the flooding, as well as on the goods, services and urban infrastructure and architectural and historical heritage of the sector potentially affected by floods.

An important risk to consider are the effects of climate change, which can affect the project and its environs. In this sense, the project has elaborated climate scenarios, through mathematical models,

including the same ones within design of the components of the project, with the goal of preventing, mitigating and controlling the effects of climate change.

a. Impacts of the project on the physical component

Soil:

The actions which will be carried out during the construction stage for the execution of this project consist principally of initial earthmoving, excavation and removal of plant cover. The impacts that can be foreseen are related to effects on the flora and the fauna of the areas neighboring the basin, inconveniences for the population due to particulate matter and/or noise and generation of solid waste and waste material, as a result of the excavations.

The principal activities that generate effects on soil resources are:

- Earth extraction
- Self and contracted transport to the work site
- Washing of machinery
- Potential fuel spills

A potential source of effects on soil could be caused by the management and disposal of liquid and solid waste, to which must be added accidental fuel spills.

Air:

Among the environmental aspects that will cause effects on air quality, can be found: emission of exhaust fumes, generation of particulate matter and noise. These changes will be of a temporary nature and due principally to exhaust fumes from vehicles and equipment, vehicular traffic, earthmoving, transport, loading and unloading of materials.

These activities will result in a temporary change in air quality in the project sector and its surroundings, and the roads used for transportation.

Water:

The impact on water resources is registered in a concentrated manner due to diverse tasks consistent with the construction stage, arising principally from dust and earth as a result of the movement of vehicles and equipment, which would lead to an increase in suspended solids and turbidity in shallows waters. Likewise, due to effluents caused by washing machinery and vehicles and the solid waste generated in the work.

Another potential source of contamination in the physical components are possible accidents or accidental spills during the storage and transport of fuels, both on the part of the construction company as well as on the part of subcontractors or contractors.

b. Impacts of the project on the biotic component

Flora

The loss of plant cover and earth will be produced principally during earthmoving tasks and excavation. The landscape will be modified by the execution of the work, principally due to the installation of equipment, earthmoving, gathering of materials and circulation of heavy machinery.

Protected Areas: The Santa Maria Canal runs through part of the Otamendi Natural Reserve. It was built to channel overflow rainwater and convey it to the Paraná River, and it is approximately 7 km long, of which less than half is found within the Natural Reserve. This canal will be intervened in the framework of the Project, improving the purpose for which it was conceived and contributing to protecting the nearby terrain, which at present are affected with each flood and overflow in the canal, soaking the soils in the Natural Reserve. The area that will be affected, in order to repair and recondition the Santa Maria Canal, is expected to be very small in comparison to that already occupied by the canal.

It was possible to confirm that the Province of Buenos Aires has already made contact with the Protected Areas Administration (APN, for its acronym in Spanish) of the Republic of Argentina and has agreed that the PBA will be able to undertake these hydraulic improvements in the canal, not only will they not interfere with the objective of the Natural Reserve, but rather they will bolster it by reinforcing the efficacy of the drainage, which will diminish the problems of erosion and flooding that currently have arisen (the provision of 'environmental services' by the Natural Reserve will be improved, protecting the region's characteristic milieus, with an acceptable state of conservation, and indigenous species, threatened with extinction, in a landscape occupied by urban areas and production operations).

Additionally, between the APN and the PBA, it has been accorded that the latter, within the framework of the Project, will build interpretative paths for fauna, flora and natural resources, following the specifications of the APN, in accordance with the activities permitted in the Natural Reserve.

Fauna

Human presence, machinery and noise associated with the construction activities will cause the temporary abandonment by some bird species of the zone. The alteration of habitat produced by

the elimination of plant cover will cause changes in the ecosystem that could principally affect the birds.

c. Impacts of the project on the socioeconomic component

The construction stage is where the greatest social impact social of the project will be exercised, principally due to the movement of trucks, machinery, equipment, excavations and earthmoving, which will generate noise, dust and vibrations that may occasion some temporary inconveniences for the populations in the immediate vicinity of the Lujan River Basin.

The project foresees effects on plots located in the areas neighboring the Lujan River Basin, for which reason compensation measures and/or relocation have been considered, within the project's environmental and social management plan.

An identified impact is derived from the recommendation of relocation or resettlement of some residences that are generated by the Project, specifically due to the "Determination of the Riverbank Boundary", which has progressed 50% at present.

Regarding this, the following must be considered:

1. The likelihood of a relocation in the framework of this subactivity is small given that:
 - a. As has already been noted in this report, the percentage of rural homes is 2.8%
 - b. The urban areas will be the object of relocation given that there the 'riverbank boundary' coincides with the closest street and, as a consequence, the banks and slopes must be protected to avoid overflows;
 - c. 50% of the riverine boundary was already determined and, until now, there has been no need to relocate any infrastructure.
2. It was possible to confirm that the majority of the people who maintain a residence close to the riverbanks also have a 'dry' house, that is to say, that it does not flood due to routine flood or rainfall events, as is the custom among these disperse riverine communities, a situation which could be observed as well because many of the homes near the riverbanks are built on stilts. As a consequence it can be affirmed that were there damage to residences, these in large part will be a "second home", a situation that has an impact on the importance of the impact.
3. Were the need for relocation of some household to arise, this relocation **would not be** considered involuntary, but rather would perforce be considered as a family protection measure and thus mandatory, included, in order to preserve the physical safety of its members. In this sense is considered more appropriate to carry out a preventive resettlement, activating the corresponding safeguards, before undertaking this action as an emergency, when an climatic event occurs which threatens their safety.

All of the above leads us to hold this Operation as one of moderate risk, given that no involuntary resettlement is expected, only necessary and preventive ones.

d. Impacts of the project on the institutional and organizational component

The project will have a positive impact on the strengthening of the Lujan River Basin Committee (LRBC), that that has been implemented by file PE/1/16-17, May 19th, 2016, whose principal functions are: formulate policies, strategic guidelines, plans, programs and projects, in matters concerning sustainable development of the economic and social activities that involve natural resources and health in the environs of the Basin. In this sense, the project contemplates the strengthening of the LRBC, as an important part of the development of the project.

IV. Environmental and Social Management of the Operation

The “Integrated Management Plan for the Lujan River Basin” project does not yet have an approved Environmental License; however, the Province of the Republic of Argentina, through a consultant, has developed a detailed study of the Environmental Diagnosis of the Lujan River Basin, which is found within of the “Integrated Plan and Regulation and Sanitation Construction Project for the Lujan River” Study - File N°2406-2391/11/DIPSOH, dated August, 2015, which serves as a basis for the development of the Environmental Impact Study (EIS). In this sense, the project contemplate the management of an EIS, prior to the start of the works.

a. Preventive, mitigating and/or corrective measures

A brief summary is presented below of the principal environmental measures proposed in the “Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River” and in the Project Profile, presented to the CAF:

- Management Program for residues, emissions and effluents
- Emergency Prevention and Contingency Plan Program
- Safety and Hygiene Plan Tracking Program
- Program for the Environmental Control of the Work
- Environmental Monitoring Program
- Community Communications Program
- Measures for the Separation, Conservation and Repositioning of Topsoil
- Measures for the Control of Disposal of Solid and Liquid Effluents
- Measures for the Dust Control

- Measures for the Control of Gas Emissions

Without detriment to the aforementioned, CAF has agreed to require of the Executor Entity the creation of an Environmental and Social Management Plan (ESMP), whether done by the PBA or required of the contractors in the Bid Documents for each work. The Terms of Reference (ToFR) that the PBA would employ or the Technical Environmental and Social Specifications and that will be required of the bidders in each bidding process, within the respective Bid documents, will have to be sent to CAF for their consideration.

The ESMP for each work, regardless of whom elaborates it, will have to contain, at least, the following components:

- a. Community Relations (including Stakeholder Engagement Plan; Grievance Mechanism, and Consultation Process)
- b. Compliance with (i) the applicable environmental legislation, (ii) with the conditions established in the authorization granted by the competent entity, (iii) CAF Environmental and Social Safeguards, and (iv) GCF Safeguards.
- c. Expropriations Program or establishment of easements
- d. Prevention Measures for water and soil contamination
- e. Measures for the preservation of air quality
- f. Measures for erosion control
- g. Worksite Restoration Program, upon end of works
- h. Control Measures in sites favorable to the development of disease vectors
- i. Measures to guarantee the maintenance of the quantity of surface water for human consumption and irrigation
- j. Health and Safety Measures
- k. Waste and Refuse Management Program
- l. Preventive Signage Program on site
- m. Measures for the preservation of fish species
- n. Measures for the preservation of archaeological and paleontological patrimony
- o. Measures for the preservation of flora and fauna, agreed upon with the APN with regard to the Otamendi Natural Reserve.
- p. Unexpected impacts management (Contingencies Plan)

The ESMP will have to be subjected to the consideration and approval of CAF, who will ensure that the information is faithful and the scopes of the ESMP are adequate for the size of the works, in total compliance, not only with the legislation (including the conditions required by the competent Entity in environmental and social matters in the environmental and social permit or license that may have been granted) and the applicable safeguards, both of CAF as well as other co-financing entities.

Were the need to relocate someone arise due to their being in imminent danger, as determined by the Study for Establishing the Riverbank Boundary, CAF will have to be immediately informed and

the PBA will have to activate la the Involuntary Relocation and Resettlement Safeguard, established by CAF and the GCF Performance Standard 5 – Land Acquisition and Involuntary Resettlement.

b. Citizen Participation Mechanisms and communications strategy

Within the approval process of the Environmental Impact Study (EIS), consultation and citizen participation mechanisms must be included, in accord with the current regulations, principally through the LRBC. Likewise, in the “Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River”, it is indicated in a general manner, that a process of citizen participation and consultations will be done with the involved actors in the project’s area of influence, which has as its object maintaining a good relationship with the population of the project’s area of influence and avoid social conflicts.

V. Principal Risks and Critical Aspects

a. Principal Risks and Critical Aspects

The following are considered as aspects and/or risks that can give rise to critical situations:

- In the expansion works of the basin and infrastructure works (establishment of bridges, among others), there will be effects on vegetation and soils, principally in the zone neighboring the basin, which could generate conflicts or inconveniences for the population.
- There will be a reduction in plant cover, principally due to the expansion of the channel, generating a diminishment in the habitats of some species that inhabit the area of influence of the Lujan River Basin.
- In the Lujan River Basin there is an inadequate management of household solid waste on the part of the population located in the area of influence, being observed an accumulation of residues along the basin, in this sense, this accumulation could create the conditions for and contribute to an overflow.
- The project does not yet have an Environmental Impact Study, for which reason the periods required for the elaboration and approval can take more time than planned.
- Although the PRML project has been developed including the current trends related to climate change, it does cease to be a risk the fact that a substantial change in these can cause the adopted hypotheses end up outdated, as well as the provisions that have been taken in the elaboration of the studies.
- The execution of projects in urban and semirural areas presents a greater risk of criticism the part of the neighboring population, who even for personal reasons may oppose the Program. In this sense it is important to maintain good relations with the Community in order to identify those potential conflicts with sufficient anticipation prior to their occurrence, and thus to avoid their escalation.

VI. Principal environmental and social opportunities

Among the environmental and social opportunities identified, these can be mentioned:

- Support in the elaboration of a project for the ideal use of the biomass for generating energy.

VII. Environmental and Social Measures established by the CAF

Among the measures established by the CAF are:

- Compensation Plan due to effects of the project (property, vegetation, among others)
- Citizen Participation Plan: this must include citizen participation mechanisms and before during construction (informational workshops or others) for the population located in the project's area of influence, with an emphasis on the zones where the vegetation will be affected, areas with vehicular transit and/or private plots as applicable. Likewise, it must establish a communications strategy with respect the solid waste management in the basin, that includes the actors involved in this management, principally the population in the area of influence.
- The executive entity must provide a detailed environmental budget, in which all the environmental and social activities included in the Project are shown.

VIII. Environmental and Social Budget

Component	Amount (for entire project)	CAF (USD Mill)	Local contribution
Component 1: Engineering studies and other studies	1,18	0	1,18
Component 2: Water conveyance works - enlargement of the river channel and of water retention basins,	205,34	142,09	63,25
Component 3: Construction of the retention basins and replacement of lock gates	47,96	37,04	10,92
Component 4: Works for Bridges replacement and enlargement	22,66	15,3	7,36
Component 5: Environmental and land-use issues	15,95	9,85	6,1
Component 6: Early Warning System	10,71	10	0,71
Component 7: Strengthening, supervision and auditing	8,53	6,19	2,34
Component 8: Administrative Cost for CAF Financing	1,46	1,46	0
Total project financing	313,79	221,93	91,86

Total environmental and social budget w/o expropriation	23,5
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IX. Environmental and Social Viability of the Operation

In accord with the assessment done starting with the documentary and field information, carried out from the 9th to the 13th of May, 2016, it is considered that the operation is viable from the environmental and social point of view.

Especially if, as is the case, the LRBC will constitute itself, once strengthened, in an even decision-making entity for the future investments in the framework of the LRMP. In effect, given that the LRMP is a long-term Plan and given that while the works are being constructed and the individuals and institutions trained, the priorities can undergo changes, it is the LRBC the one called to define the road forward.

In this sense, with the goal of not compromising the environmental and social viability of the project, it must: (i) Elaborate Environmental Impact Study (EIS) including management programs that allow for preventing, mitigating and controlling the negative impacts and driving the positive impacts; (ii) Implement the set of environmental and social conditions established by the CAF in the current report; (iii) Implement management specific environmental and social plans for the works, including the associated costs; (iii) Comply with the current environmental and social regulations of the Republic of Argentina, as well as with the Environmental and Social Safeguards established by the CAF.

About the EIS, considering the magnitude of the program, the most practical way will be to develop an EIS for the total Program - PMRL – and then, in the course of the project's implementation, the works will be specified and detailed to the OPDS/ PBA, who will be consider the final building permission case by case.

<i>Environmental and Social Safeguards</i>				
<i>No.</i>	<i>Aspect</i>	<i>Complies</i>		<i>Observations (*)</i>
		<i>Yes</i>	<i>No</i>	
<i>i.</i>	<i>Legislación nacional</i>	<i>X</i>		<ul style="list-style-type: none"> - <i>Law Nº 25.675 and Decree Nº 2.413/2002 (General of the Environment) Establishes the minimum budgets for achieving a sustainable and adequate management of the environment, the preservation and protection of biological diversity and the implementation of sustainable development.</i> - <i>Law 25916 and Decree 1158/04 Management of Household Waste</i> - <i>Law 25612 Management of Industrial Waste</i> - <i>Law 24051 and Decree 831/93 Management of Hazardous Waste</i>

ii.	Assessment of impacts, risks and environmental and social opportunities	x		<p>The “Integrated Management Plan for the Lujan River Basin” project does not yet have an approved Environmental License, however, the Province of Buenos Aires, through a consultant, has developed a detailed study of the Environmental Diagnosis of the Lujan River Basin, which is found within of the “Integrated Plan and Regulation and Sanitation Construction Project for the Lujan River” Study - File N°2406-2391/11/DIPSOH, dated August, 2015, which serves as a basis for the development of the Environmental Impact Study (EIS). In this sense, the project contemplates the elaboration of an EIS, and the attainment of the Environmental License and the establishment of an Environmental and Social Management Plan (ESMP) that takes into account, not only the results of the EIS and the Environmental conditions that are mandatory according to respective License, but also the Environmental and Social Safeguards of the CAF and the results of the consultation of the LRBC; all this prior to the start of construction.</p>
iii.	Management measures and environmental and social budget	x		<p>Include an environmental budget that must adjusted and detailed in function of the activities required for the fulfillment of the Environmental Impact Study (EIS), the regulations and the recommendations of the CAF.</p>
iv.	Institutional strengthening, human resources training and information	x		<p>The Province of Buenos Aires (PBA) has ample experience in the execution of projects and programs financed with resources from multilateral organizations. An important stakeholder in the management of the Basin, is the Lujan River Basin Committee (LRBC), that has been implemented with file PE/1/16-17, May 19th, 2016, whose principal functions are: formulate policies, strategic guidelines, plans, programs and projects, in matters of</p>

				<i>sustainable development of economic and social activities that involve natural resources and health within the scope of the Basin In this sense, the project contemplates the strengthening of the LRBC, within component N°6, Management of the Project.</i>
v.	<i>Conservation of water resources.</i>	x		<i>General guidelines are established for the prevention, mitigation and control of impacts on water resources, however, the same must be detailed in the Environmental Impact Study in the Environmental and Social Plan of Action (ESPA), of the CAF, prior to the start of the work.</i>
vi.	<i>Nature Parks and protected natural areas</i>	x		<i>In the basin there are natural parks, however, this Project foresees very localized structural works and that, in fact, redound to the Benefit of the Otamendi Natural Reserve. In the same way, it has been agreed with the APN (National Parks Administration) the construction of interpretive paths, following the specifications of the APN.</i>
vii.	<i>Prevention of disaster risks</i>	x		<i>Within component N°5 of the project an Early Warning System (EWS) is included, with the goal of monitoring the Lujan River Basin, for early warning in the case of an extreme climate event that may cause a flood.</i>
viii.	<i>Pollution Prevention</i>	x		<i>General guidelines are established for the prevention, mitigation and control of environmental impacts, however, these must be detailed in the Environmental Impact Study and the Environmental and Social Plan of Action (ESPA), of the CAF, prior to the start of the work.</i>
ix.	<i>Cultural Heritage in the region</i>	x		<i>The project has as its principal object avoiding floods, which will aid in the conservation of the architectural and historical heritage in the zones neighboring the Lujan River Basin that at present suffer damage due to the floods. The works do not expect effects on cultural heritage.</i>

x.	<i>Ethnic groups and cultural diversity</i>	x		<i>Effects on ethnic groups and/or cultural diversity have not been identified.</i>
xi.	<i>Community participation and development</i>	x		<i>In the “Integrated Plan and Project of Regulation and Sanitation Works on the Lujan River”, it is indicated, in a general manner, that a consultation and participation process will be carried out with the actors involved in the project’s area of influence. Likewise, in the approval process for the Environmental Impact Study, citizen participation mechanisms must be included, where the characteristics of the projects and their impacts are communicated. Additionally, in the conditions of the CAF, a Citizen Participation Plan is requested, prior to the start of the work, with the goal of ensuring a good relationship with the population in the project’s area of influence.</i>
xii.	<i>Involuntary Resettlement and/or Relocation</i>	x		<i>As a consequence of land use and the definition of riverbank boundaries, together with the flood stains, the need for expropriation and resettlement could arise, not involuntary, but rather, it could be said, to rescue (although, as was said, given the progress in this study and given the fact that what remains are less populated areas, this likelihood is very low). In this sense, a compensation plan has been requested as a condition of CAF prior to the start of work, entirely in line with our safeguard.</i>
xiii.	<i>Child Protection</i>	x		<i>The legislation concerning work in Argentina prohibits child labor.</i>
xiv.	<i>Gender Equality</i>	x		<i>There is no evidence of any risk related to non-compliance with this safeguard.</i> <i>National Decree 254/98 - Equality of opportunities among men and women in the working world.</i> <i>Law 26.743 - Law of Gender Identity</i>

				<p><i>Decree 936/2011 - Integrated Protection of Women</i></p> <p><i>Convention on the elimination of all forms of discrimination against women Ratification, or adhesion, by the General Assembly in its resolution 34/180, on the 18th of December, 1979</i></p>
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Note: () In case of total or partial non-compliance, at the moment of the assessment, one must mark the “NO” column and as such, in the observations column, the measures to revert this situation must be established, measures that must be reflected in Section X. Plan of action. Environmental and social conditions for the financing.*

When the condition does not present itself, in observations it must be reported that there is no risk and no (YES/NO) column should be marked.

X. Plan of action. Environmental and social conditions for the financing

With the purpose of guaranteeing an adequate environmental and social management for the project; as well as compliance with the Environmental and Social Safeguards established by the CAF, the Client must, to the satisfaction of the CAF,:

Prior to the start of the construction bidding processes:

At least 10 business days before the start of the construction bidding process, the Client will deliver to the CAF For approval of environmental and social matters:

1. The bidding documents for the contracting of the work, including the general and particular technical specifications as well as the environmental and social ones. Likewise, the specifications related to the environmental and social supervision of the project.
2. Updated environmental and social budget , broken down per item, including provision of amounts for the measures identified by the CAF.

Prior to the start of the work

At least 15 business days before the start of works, the Client will deliver to the CAF:

1. The environmental permits or licenses required for the start of work or work stage (approved Environmental Management Instrument, archaeological permits, water use permits, among others).

2. A Environmental and Social Plan of Action (ESPA) or Environmental and Social Management Plan (ESMP) adjusted to the project's work, in which there must be included: *i)* Environmental Management Plan; *ii)* Prevention, Mitigation and Control Measures; *iii)* Contingencies Plan; *iv)* Plan for the closing of the construction phase; *v)* Compensation Plan for effects of the project; *vi)* Citizen Participation Plan: must include participation mechanisms under the responsibility of the Province of Buenos Aires, before and during the construction such as information workshops, for the population located in the project's area of influence, with an emphasis on the zones where the vegetation will be affected, vehicle transit areas or private plots, if applicable. Likewise, communications strategy must be established with respect to solid waste management in the basin, that includes the actors involved in the management, principally the population in the area of influence; and *vii)* Industrial Safety and Workplace Health Plan. The ESPA must establish, at a minimum: *a)* schedule and frequency; *b)* detailed environmental and social budgets; and *c)* human resources and those responsible for their execution.
3. Evidence that the environmental and social supervision is operational, with an independent company, national or international, of recognized experience, with the goal of verifying compliance with the environmental and social management measures established in the various environmental studies and administrative writs issued by the competent environmental authority (licenses, concessions, authorizations and other environmental and social permits) and the tracking of mitigation and/or compensation actions.
4. Evidence that the Client has included in the contract with the contractor: *i)* the obligation of assuming with a charge to their general expenses, all those costs that entail environmental, social and industrial safety management during the project development and that is not made explicit in the "Environmental Budget" in line items; and *ii)* the mechanisms for sanctioning non-compliance with all the environmental, social and contractual obligations, that allow the Audit and Supervision Entity to demand the proper compliance with the environmental regulations, including the environmental safeguards of the CAF and that which is established in the studies and other environmental management documents.

During the period of disbursements

Ensure compliance of:

1. The Environmental and Social Safeguards of the CAF, applicable to the Operation and the environmental regulations in force, which the Client affirms knowing.
2. In the case of any eventuality, present to the CAF a Plan of Corrective Actions in order to repair or remediate damages or attend to other adverse consequences due to any operational failure that may have occurred. This plan must include, at a minimum, the following: (i) the description and magnitude of the damage, environmental effect or failure; (ii) the actions proposed for its investigation, correction, remediation, mitigation of damage and other adverse consequences; (iii) the assignation of responsibilities for the corrective measures to be implemented; (iv) the estimated costs for the application of corrective measures; and (v) the actions proposed for

anticipating similar events in the future. The Plan can be updated as many times as necessary, as reportable situations present themselves.

3. Comply with the following requirements as regards reports related to the progress of each one of the projects, in the formats which the CAF has approved to that effect, having received the proposals from the Executive Entity.
4. Quarterly reports, in electronic format, analyzing the following: (i) the progress in the implementation of the project's Environmental and Social Plan of Action (ESPA); (ii) the execution of the project's environmental and social budget; y (iii) the assignation of human resources to the environmental and social management.
5. Report when there is any significant change in the characteristics of the project or of the natural or social milieu where it will be developed and that may generate new environmental and social impacts unexpected in the assessment originally done in the EIS presented to the CAF or activate those already expected. The Borrower must design and implement the management actions and measures necessary for controlling, mitigating and/or compensating said impacts, in such a way that the integrity of the communities and the ecosystems or natural resources involved are preserved.

All reports must be delivered to the CAF in digital format.

Annex 2. Report of the community consultations

Implementation Project for the Management Plan of the Lujan River Basin

Report on Opinions Expressed by Stakeholders

August 21, 2017

Marisa E. Díaz, Esq.

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Acronyms

ACC	: Adaptation to Climate Change
ADA	: Autoridad del Agua de la PBA (PBA Water Authority)
AICAs	: Áreas Importantes para la Conservación de las Aves (Important Fowl Conservation Areas)
APN	: Administración de Parques Nacionales (National Park Administration)
CAF	: Corporación Andina de Fomento / Development Bank of Latin America
CC	: Climate Change
COMILU	: Comité de Cuenca del Río Lujan (Lujan River Basin Committee)
COMIREC	: Comité de Cuenca del Río Reconquista (Reconquista River Basin Committee)
DÍA	: Declaración de Impacto Ambiental (Environmental Impact Statement)
DPOH	: Dirección Provincial de Obras Hidráulicas (Provincial Hydrological Work Department)
EIAS	: Estudio de Impacto Ambiental y Social (Environmental and Social Impact Study)
GCF	: Green Climate Fund
INA	: Instituto Nacional del Agua (National Water Institute)
MlySP	: Ministerio de Infraestructura y Servicios Públicos (Ministry of Infrastructure and Public Utilities)
NBI	: Necesidades Básicas Insatisfechas (Basic Unsatisfied Needs)
PAAS	: Plan de Acción Ambiental y Social (Environmental and Social Action Plan)
PBA	: Provincia de Buenos Aires (Province of Buenos Aires)
PGAS	: Plan de Gestión Ambiental y Social (Environmental and Social Management Plan)
PMICRL	: Plan de Manejo Integral de la Cuenca del Río Luján (Lujan River Basin Integral Management Plan)
SAT	: Sistema de Alerta Temprana (Early Warning System)
SMN	: Servicio Meteorológico Nacional (National Meteorological Service)
TDR	: Términos de Referencia (Terms of Reference)
UCEPO	: Unidad de Coordinación y Ejecución de Proyectos de Obra (Work Project Coordination and Execution Unit)

Introduction

Within the framework of the Project titled the “Implementation Project for the Management Plan of the Lujan River Basin” (PMICRL based on its acronym in Spanish), which objective is to promote measures aimed at reducing and/or preventing river flooding, as well as controlling stream-flows and mitigating the impact of floods in the Lujan River Basin, thus causing more resilience vis-à-vis climate change in the basin, a stakeholder opinion gathering process has been carried out for the stakeholders upon the request of CAF - development bank of Latin America (CAF) and the government of the Province of Buenos Aires (PBA based on its acronym in Spanish).

To execute the Project, the PBA has turned to the CAF and the Green Climate Fund (hereinafter GCF) to request the financing for the aforementioned Plan. With the assistance of the nation of Argentina as a guarantor, the PBA applied to the CAF for two loans, and to the GCF, through CAF as an accredited entity for a concessional loan and a grant to .

Within this context, the purpose of the “Opinion Gathering” has been to review the opinions of diverse stakeholders to provide an idea to the PBA and CAF on how the Project is valued, on the one hand, and on the other hand, to allow CAF and GCF to identify any possible risks faced by the Project to plan appropriate measures to respond to them.

Objective of the Consultancy

The main objective of the consultancy was to identify and gather the opinions of diverse stakeholders in relation to the PMICRL. Likewise, in-depth work was done on specifying any communication-related risks to which the PMICRL may be submitted and to lay the foundations (to be included in the pertinent TdR) so the parties responsible for preparing the executive projects and the contractors hired for each works may both properly consult and communicate the project specified by the PMICRL within the framework of the Environmental and Social Impact Studies (EIAS) and the Environmental and Social Impact Plans (PGAS based on their acronym in Spanish).

Methodology Used to Collect Opinions

Based on the Terms of Reference, a multiple methodology was used including document analysis, stakeholder mapping, and holding interviews, and focus groups.

Document analysis (desk study): the sources of relevant information were analyzed including documents from the project (profile of the Lujan River Basic Project, Presentation of Mission Section I, status of the application for financing for the PMIRL submitted to the GCF), institutional websites (CAF, GCF, PBA, and identified stakeholders), reports on the subject such as the “Proposals and Recommendations Document for Civil Society to Face Climate Change and Improve the Environmental Sustainability of the Lujan River Basin” that was prepared by Wetlands International and the Biosphere Foundation.

Stakeholder Mapping: this is a very useful tool for identifying stakeholders involved in an initiative, project, or program and also for identifying and analyzing their interests, importance, and

influence on the results of an intervention. As indicated by Antonio Pozo Solís,⁵ “stakeholder mapping” rests on the proposal that social reality may be viewed as though it were made up of social relationships where social stakeholders and social institutions participate. As suggested by Martín Gutiérrez, addressing social media is characterized by considering that society may be viewed in terms of structures that are manifested by different forms of relationships between social stakeholders (regardless of whether they are stakeholders, groups, organizations, classes, or individuals)⁶. These sets of links or social relationships form networks and, depending on the position of the different stakeholders occupying those networks, they are going to define their values, beliefs, and types of behavior. The idea behind mapping stakeholders is to not just have a list of the different stakeholders who participate in an initiative, but also to understand their actions and the objectives behind their participation. Stakeholder mapping must be considered as a first step to be able to convene civil society in participatory actions and to ensure the number and representativeness of the people or entities (associations, foundations, grassroots organizations, government institutions, etc.) that are being invited to participate. Stakeholder mapping helps to represent the social reality involved, to understand how complex it is, and to design intervention strategies with more elements other than just common sense or the single opinion of a qualified informant. Using social mapping is fundamental for designing and implementing any project as well as when the action program to follow is negotiated/constructed as a whole. Stakeholder mapping makes it possible to know the alliances, conflicts, and authorized spokespeople so the best stakeholders to address at any given moment may be selected.

For this consultancy it was agreed that the mapping would be based on actors identified by the PBA, specifically the Lujan River Basin Committee (COMILU), pinpointing the stakeholders in the territory. A figure provided by the PBA representatives is shown below that summarizes the main stakeholders.

Figure 1: Stakeholder Mapping for the Lujan River Basin - Province of Buenos Aires-



⁵ Pozo Solís, Antonio. “Mapeo de Actores Sociales”, Lima, Peru, February 2007. (<https://dpp2012.files.wordpress.com/2012/08/05-pozo-solc3ads.pdf>)

⁶ Martín Gutierrez, Pedro. “Mapas sociales: métodos y ejemplos prácticos”. webcasus.usal.es/edenred/documentos/Mapas_Sociales__Pedro_Mart_n_.rtf

Source: Stakeholders in the Lujan River Basin PPT Mission Stage 1, May 2016, the Ministry of Infrastructure and Public Utilities, Province of Buenos Aires.

Based on this scheme and after the desk work was done, a suggestion was made to complete stakeholder mapping with the following organizations/institutions:

Stakeholder Type	Suggested Organizations
National Government	<ul style="list-style-type: none"> - INA (National Water Institute) - Climate Change Department of the National Ministry of the Environment and Sustainable Development. - Secretary of Environmental Policy, Environment Climate Change and Sustainable Development - Sub-secretary of Water Resources, the National Ministry of the Interior, Public Works and Housing - National Parks Administration, National Conservation Department. - The Ministry of the Environment and Sustainable Development’s Hydrological and Aquatic Resource Area (National Ramsar Focal Point). - National Meteorological Service.
Provincial Government	<ul style="list-style-type: none"> - Civil Defense - Provincial Organization for Sustainable Development (OPDS based on its acronym in Spanish) - Provincial Hydrological Works Department - Hydrological-Environmental Monitoring department of the Sub-secretary of Hydrological Infrastructure.
COMILU	<ul style="list-style-type: none"> - Tomás Vanrell, Executive Director
Municipalities	<ul style="list-style-type: none"> - Civil Defense - Public works and environmental area and perhaps municipal international aid.
Private Sector	<ul style="list-style-type: none"> - Chambers of Commerce or entrepreneurs that represent the local sites.
Environment NGOs	<ul style="list-style-type: none"> - Wildlife Foundation - Friends of the Earth - Foundation for the Environment and Natural Resources (FARN based on its acronym in Spanish) - Greenpeace - Wetlands International - Representative of the UICN in Argentina (International Union for the Conservation of Nature) - CIIPME Conicet (National Council on Scientific and Technical Research) - FUNAFU - Habitat and Development Foundation
Territorial Institutions	<ul style="list-style-type: none"> - Neighborhood boards in each location. - Asociación Civil Vecinos Inundados de Luján (Civil Flooded Resident Association of Lujan). - Community organizations established by the municipalities - Volunteer Fire Departments (as a function of their knowledge of emergencies) - Red de Vecinos del Humedal (Wetland Residents’ Network). - Vecinos en defensa de Los Cardales y Rio Lujan (Residents in Defense of Los Cardales and the Lujan River) - Asociación Civil (Campana and Exaltación de la Cruz Civil Association) - Association for the protection of the natural heritage of the Province of Pilar (Pilar Natural Reserve).

Stakeholder Type	Suggested Organizations
	<ul style="list-style-type: none"> - FIPCA Fundación Interactiva para promover la cultura del agua (Interactive Foundation to Promote Water Culture in the Campana-Escobar region); ASOCIACION AMBIENTALISTA LOS TALARES (LOS TALARES ENVIRONMENTAL ASSOCIATION - Eng. Maschwitz). - Asociación ambientalista del partido de Escobar (Environmental Association of the Province of Escobar) - S.O.S. HABITAT (Mercedes) -CONCIENCIA CIUDADANA (Campana - CITIZEN AWARENESS).
Urban Developers / Real Estate Sector	<ul style="list-style-type: none"> - Cámara Inmobiliaria de Campana (Campana Real Estate Chamber)
Academia	<ul style="list-style-type: none"> - Patricia Pintos. Specialist in Urban Developments of the Lujan River Basin and a member of the Centro de Investigaciones Geográficas (Center for Geographic Research), Universidad Nacional de La Plata. -Universidad Nacional de Luján. Centro de Información Ambiental de la Cuenca del Río Luján (National University of Lujan. The Environmental Information Center for the Lujan River Basin). -Antonio De Nichilo, Faculty of Exact and Natural Sciences UBA STRP Focal Point Argentina - Independent Researcher, Consejo Nacional de Investigaciones Científicas y Técnicas (National Council on Scientific and Technical Research).

In-depth Interview: This is a qualitative method that makes it possible to delve into and explore the subjects. The interview always has two participants: the interviewer and the interviewee. In this case, the Executive Principal of the CAF Environmental and Climate Change Department, Engineer José Agustín Blanco, and a representative of the Province of Buenos Aires, Environmental Engineer Karina Campos, Giselle Saltarelli, Esq., of the UCEPO (Work Project Execution and Coordination Unit (UCEPO)), and/or Verónica Guerrero Borges, Esq., of the DPOH (the Provincial Hydrological Works Department) were present. Thirteen government officials were interviewed, three at the national level and ten at the provincial level.

Discussion Groups / Focus Groups: This tool was used to put together a group that generally oscillates between eight and ten participants; the purpose is to analyze the emerging elements in group interaction. It is important to emphasize that, from the conceptual point of view, the group functions as a unit so group activities propitiate a dynamic that does not result in the equivalent of an individual member study. Inside the group, internal interactions occur (projections, introjections, assumptions, and assignment of roles to the group members) that will generate offshoots during the full process. Three focus groups were held: one group was with environmental NGOs in Buenos Aires, another group was with stakeholders from the cities of Luján and Mercedes; and the third group was with stakeholders from the cities of Pilar and Campana.

The Lujan River Basin Committee (COMILU)

Due to its institutional importance within the Project’s framework, there is a need to clarify how the COMILU currently functions and its status.

Therefore, an explanation must be provided first of the existence of Regional Committee A for the Lujan River Hydrological Basin ⁷ (made up of Luján, Exaltación de la Cruz, Campana, San Andrés de Giles, Gral. Rodríguez, Mercedes, Suipacha, Pilar, Escobar, and San Antonio de Areco) and the existence of Regional Committee B for the Lujan River Hydrological Basin ⁸ (made up of Moreno, José C. Paz, Malvinas Argentinas, Gral. Rodríguez, Tigre, Pilar, and Escobar). The two committees were created by the Water Authority (ADA based on its acronym in Spanish). As a consultative body, an Advisory Council has been created, which facilitate the generation of a network of key organizations and stakeholders that, even today and even though this Advisory Council is no longer in operation, stay in contact. Several of the members participated in the meetings for this “Opinion Gathering” and have energetically stated their interest in being part of the Advisory Council of the COMILU and the need for it to be created as soon as possible.

According to the sanction in Law 14817⁹ (***Modification to Law 14.710 – Creation of the Lujan River Basin Committee (COMILU)***), the Lujan River Basin Committee is created (and the norms on the creation and ratification of the Lujan River Basin Committees A and B are cancelled) and it establishes that “the Board of Directors of the Lujan River Basin Committee will have seven (7) members, including one (1) President and one (1) Vice President. The Board members will be designated as follows: a. One (1) President designated by the Provincial Executive Branch. b. Three (3) Directors designated by the Provincial Executive Branch with each one being proposed by the Ministry of Public Coordination and Management, the Ministry of Infrastructure and Public Utilities, and the Provincial Organization for Sustainable Development, respectively. c. Three (3) Directors designated by the municipalities that make up the Basin, to which end the Municipalities will propose a procedure to the Provincial Executive Branch for electing and/or removing the municipal members. The Board members will remain in their positions for three (3) years and these terms may be renewed. Renewal of the terms for the members of the Executive Branch will be automatic unless dictated otherwise by the Executive Branch and renewal for the municipal representatives must be validated according to the procedure that they approve. When any vacancies occur, each replacement will be designated in the same way as the member being replaced until the end of the original mandate.” In relation to the Board, the law states that “... It will be made up of one (1) President designated according to Article 6 of the Creation Law, one (1) Vice President, one (1) Secretary, and four (4) members. In its first meeting, the Board will designate one (1) Vice President and one (1) Secretary from among its members.”

The article also states that the “Executive Branch will create, through regulations, an Honorary Advisory Council to guarantee community participation through representatives of the service users, intermediate entities, professionals, nongovernmental organizations, and the academic-university sector. The Council’s function will be to advise the Board without said advice being binding but it may also leave a record of its proposals and problems, which may be included in the agenda for the Board meetings”

It is important to mention that, as of the time that the opinions were collected, the COMILU “Honorary Advisory Council” was not in operation. Therefore, territorial organizations have not

⁷ Created on May 16, 2011, and its Ruling Number is: 03/01.

⁸ Created on June 26, 2008, and its Ruling Number is: 272/08.

⁹ Law 14.817, sanctioned on June 12, 2015.

participated in the stakeholder mapping as members of the Honorary Advisory Council, and no meeting has been able to be called through it except as key organizations for the Lujan River Basin. As expressed by the executive director of the COMILU, Architect Tomás Vanrell, the COMILU Advisory Council will be formally created in the upcoming months.

Meeting Announcement

The opinion gathering process was carried out during the week of August 14-18.

An agreement was reached for the COMILU to be responsible for announcing the meeting in the territory and for the PBA and the consultant to be responsible for announcing the meetings of national environmental organizations and for requesting interviews with national and provincial government organizations. Therefore, two notes were prepared for the meeting announcement/interview requests (APPENDIX I) that were sent by email from UCEPO with a later follow-up telephone call to answer any questions and encourage participation. Other interviews were scheduled directly by telephone due to the short period of time and the need to coordinate agendas.

In relation to meetings in the territory, the COMILU proposed holding a joint meeting in the upper part of the Luján River Basin, calling for stakeholders in Luján and Mercedes for Thursday, August 17; and a meeting was announced for stakeholders in the lower basin in Pilar, Campana, and Escobar for Friday, August 18. Therefore, the executive director also called on support from the host municipalities, Mercedes and Pilar, respectively

Since various institutions already had a commitment on the dates of the meetings and could not attend, the participants in the meetings agreed that it was important to call for dialogue and to collect opinions. The conclusion was that the meeting announcements made it possible to receive the opinion of the stakeholders' representatives. In that sense, it is noteworthy that environmental organizations, flooded residents' associations, representatives of different government organizations, and parties interested in caring for cultural and paleontological issues, etc. attended.

Project Presentation: "Lujan River Basin Integral Management Plan"

An informational document was prepared as visual support that contains a summary of the Project (Appendix II) and a presentation was made by the PBA representative and the CAF representative at each meeting, i.e.,



OBJETIVO GENERAL DEL PROYECTO

El Proyecto tiene por objetivo prevenir las crecidas, manejar controladamente los caudales, moderar el efecto de las inundaciones en la Cuenca del Río Luján, que en el último tiempo han sido de mayor magnitud y frecuencia, y por tanto incrementar la resiliencia de la población y el medio hacia eventos extremos climáticos.



BENEFICIARIOS

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Son beneficiarios directos de este proyecto 153.820 habitantes pertenecientes a los partidos de Chacabuco, Luján, Mercedes, San Andrés de Giles y Suipacha, incluidos en la presente etapa y afectados por la CRL.

Son beneficiarios indirectos los 111.841 habitantes restantes de los partidos mencionados anteriormente, más los 2.529.987 habitantes del resto de los partidos que conforman la CRL: Campana, Escobar, Exaltación de la Cruz, José C Paz, General Rodríguez, Malvinas Argentinas, Moreno, Pilar, San Fernando y Tigre.

Sumando los beneficiarios directos e indirectos da un total de 2.795.648 habitantes de los partidos de la CRL, que representan un 16,78 % de la población total de Provincia de Buenos Aires (16.659.931).



COMPONENTE 1 – Estudios de Ingeniería y otros

Incluye la elaboración de los proyectos ejecutivos, los pliegos de licitación para cada una de las obras del proyecto, así como la realización de los estudios de impacto ambiental y social para solicitar los permisos ambientales. La legislación argentina en materia ambiental, prevé la realización de Audiencias Públicas como un elemento primordial para la identificación y evaluación de los posibles impactos ambientales y sociales adversos.



COMPONENTE 2: Obras de construcción y ampliación de cauce

Permitirá el mejoramiento de la capacidad de conducción del río Luján, mediante la implementación de canales complementarios, la ampliación y perfilado de cauces naturales y ampliación de obras de cruce.

- El canal Santa María, que comunica el río Luján con el río Paraná de las Palmas, y que tendrá un aumento de sección en sus 7,1 km de longitud.
- El cauce del río Luján, desde la Ruta Provincial Nº 6 hasta el puente de la Ruta Nacional Nº 8 en Pilar, que se ampliará con secciones trapezoidales a lo largo de 12 km.
- El cauce del río Luján, desde la RN Nº 8 hasta el puente ferroviario de la línea Belgrano Norte, que se ampliará también con secciones trapezoidales compuestas a lo largo de 9,5 km.
- El mejoramiento de la capacidad del cauce mediante ampliación de su sección en: la localidad de Mercedes, en la zona de Olivera y en un tramo correspondiente a la propia localidad de Luján (15,5 km).



COMPONENTE 3 – Obras de retención de aguas y reemplazo de compuertas

Permitirá la construcción de áreas de retención temporaria de excedentes hídricos (ARTEH).

- Siete Áreas de Retención Temporaria de Excedentes Hídricos (ARTEH), dos en el río Luján y una en cada uno de los siguientes arroyos: Los Leones, Moyano, Leguizamón, Grande y del Oro.
- Reemplazo de compuertas por presas inflables en Luján y Mercedes.



COMPONENTE 4 – Obras de reemplazo y ampliación de puentes

Contempla obras de reemplazo y ampliación de puentes que permitirán mejorar las condiciones actuales del escurrimiento, desobstruyendo las restricciones que posee el río y que complementarán las obras de conducción.

Se intervendrán 15 puentes a través de toda la cuenca. En general, los puentes serán aumentados o reemplazados en función de las necesidades de ampliación y su estado estructural lo que se especificará al terminar los proyectos ejecutivos.

MINISTERIO INFRAESTRUCTURA Y SERVICIOS PÚBLICOS



COMPONENTE 5 – Aspectos ambientales y de ordenamiento del territorio

Se prevé la demarcación de las líneas de ribera con el fin de determinar la línea que marca una inundación en caso de un evento externo, aún con las obras del PMICRL implementadas, y determinar con precisión las zonas inundables que estarán sujetas a restricciones administrativas o servidumbres. Además, incluye la revisión y adecuación de los Planes Ordenadores Locales, y la definición de la Red de Áreas Protegidas. Este componente va a permitir generar las herramientas necesarias para la delimitación de la llanura de inundación y contribuir a los planes estratégicos territoriales y de desarrollo de cada municipio.

MINISTERIO INFRAESTRUCTURA Y SERVICIOS PÚBLICOS



COMPONENTE 6 – Sistema de Alerta Temprana (SAT)

El SAT estará integrado al Sistema Provincial de Alerta Temprana, el cual está siendo impulsado por el Ministerio de Infraestructura y Servicios Públicos de la provincia, a través de la Dirección Provincial de Monitoreo Hidroambiental que depende de la Subsecretaría de Infraestructura Hídrica. El SAT implementado en el marco del Proyecto involucra, a su vez, cuatro sistemas:

1. Sistema de monitoreo y vigilancia,
2. Sistema de alerta y alarma,
3. Sistema de comunicación,
4. Sistema de evacuación.

MINISTERIO INFRAESTRUCTURA Y SERVICIOS PÚBLICOS



COMPONENTE 7 – Fortalecimiento, supervisión y auditoría

El componente incluye el fortalecimiento institucional de los actores intervinientes en la ejecución del Proyecto y en especial del COMILU, mediante la contratación de consultorías, equipamiento mobiliario e informático, y gastos operativos. Asimismo, también comprende la contratación de la supervisión técnica, social y ambiental de la obra y de la auditoría externa del Proyecto.

MINISTERIO INFRAESTRUCTURA Y SERVICIOS PÚBLICOS



CAF es un banco de desarrollo constituido en 1970 y conformado por 19 países - 17 de América Latina y el Caribe, España y Portugal- y 13 bancos privados de la región.

Promueve un modelo de desarrollo sostenible, mediante operaciones de crédito, recursos no reembolsables y apoyo en la estructuración técnica y financiera de proyectos de los sectores público y privado de América Latina.

La visión integrada de CAF acerca del desarrollo sostenible es producto de un importante programa de investigación y difusión del conocimiento en temas de desarrollo y de políticas públicas.

La Agenda Integral de CAF para el desarrollo sostenible constituye un marco de referencia para la acción de la institución y apunta al logro de un crecimiento alto, sostenido, sostenible y de calidad en América Latina.

MINISTERIO INFRAESTRUCTURA Y SERVICIOS PÚBLICOS



Fondo Verde para el Clima



El Fondo Verde para el Clima, fue adoptado como mecanismo financiero de la Convención Marco de Naciones Unidas sobre el Cambio Climático en 2011.


Su objetivo es contribuir a la consecución de los objetivos de mitigación y adaptación al cambio climático de la comunidad internacional.

El Fondo promueve el cambio de paradigma hacia un desarrollo con bajas emisiones y resiliente al clima mediante el apoyo a los países en desarrollo para limitar o reducir sus emisiones de gases de efecto invernadero y adaptarse a los impactos del cambio climático.

El Fondo trata de maximizar el impacto de sus recursos para la adaptación y la mitigación, y buscar un equilibrio entre los dos, mientras que se promueven co-beneficios ambientales, sociales, económicos y de desarrollo y se adopta un enfoque sensible al género.

MINISTERIO INFRAESTRUCTURA Y SERVICIOS PÚBLICOS



COSTEO DEL PROYECTO	Espacio de Preguntas y Opiniones	
<p>La ejecución de las acciones estructurales y no estructurales previstas en el Plan de Manejo Integral de la Cuenca del Río Luján tiene un costo total estimado de US\$315.36MM.</p> <p>La Provincia de Buenos Aires ha incluido este proyecto dentro de las prioridades de inversión sin embargo, existen restricciones de presupuesto y financiación. Estas restricciones, llevaron a la PBA a dividir el proyecto en dos tramos (I y II) de financiamiento</p> <p>El tramo I, asciende a US\$ 158.37MM. De este monto, US\$ 100 MM corresponden al préstamo CAF (63%) y US\$ 58,37 MM son recursos de contrapartida local (37%). La contrapartida local será aportada por el gobierno de la provincia.</p> <p>El tramo II asciende a un monto de US\$ 155MM. Financiamiento CAF: USD 120.000.000; de los cuales USD 58.528,147 buscan ser movilizadas por parte del GCF - Aporte Local: USD 35.400.000.-</p>	<p>❖ ¿Cuál es su opinión respecto a las medidas de acción propuestas en el Plan de Manejo Integral de la Cuenca del Río Luján?</p> <p>❖ ¿Cómo piensa que beneficiará a su comunidad?</p> <p>❖ ¿Qué debe incluir este plan para lograr los resultados esperados?</p>	

Meeting and Interview Schedule

The following agenda with activities for the opinion collection process was finally prepared:

Date	Schedule	Party	Position / Organization	Site	Mode and Participants
14/08	11 am	Guillermo Martín	Regional Coordinator for the East National Parks Administration Center	Ancon 5340, CABA	<i>Interview in person</i> José Blanco Karina Campos Marisa Díaz
15/08	11 am	Carlos Bonalli and Juan Manuel Berrone	Hydrological-Environmental Monitoring Department, Hydrological Infrastructure Section	Street 5, No. 366, between 39 and 40	<i>Interview in person</i> José Blanco Gisell Saltarelli Marisa Díaz
15/08	1 pm	Virginia Laino and Martín De María	Provincial Risk and Emergency Department	Street 7, between 58 and 59, Floor 8, Office 819	<i>Interview in person</i> José Blanco Gisell Saltarelli Marisa Díaz
15/08	3 pm	Juan José Paladino, Patricio Marranghello, Enrique Anheben, Marcelo Bolaños, Carla.	Provincial Environmental Assessment Department	Street 12, Corner 53, Floor 15	<i>Interview in person</i> José Blanco Marisa Díaz
16/08	10:30 am	Meeting with National Environmental NGOs	Foundation for the Environment and Natural Resources (FARN): Santiago Cané Wetland Foundation (FH): Marta Andelman and Adriana Anzolin Wildlife Foundation (FVS): Manuel Jaramillo	Reconquista 46 Floor 9, CABA	<i>Focus Group - in person</i> José Blanco Verónica Guerrero Borges Marisa Díaz and Dolores J.
16/08	1:30 pm	Lucas Di Pietro and Sofía Salvo	Climate Change Adaptation Department	Reconquista 555, CABA	<i>In person</i> José Blanco Marisa Díaz
16/08	7 pm	Patricia Pintos	Geographic Research Center Researcher, UNLP	Individual telephone	<i>Interview by telephone</i> Marisa Díaz
17/08	11 am	Employees of local governments (Luján and Mercedes), residents' association, NGOs, voluntary fire fighter		Mercedes Municipal Palace	<i>Focus Group - in person</i> José Blanco Karina Campos Marisa Díaz and Ana Julia Sierra

Date	Schedule	Party	Position / Organization	Site	Mode and Participants
18/09	12:30 pm	Employees of local governments (Pilar) and environmental NGOs		Municipal Operations Center Route 8, km 42.500, Pilar	<i>Focus Group - in person</i> José Blanco Karina Campos Marisa Díaz and Dolores J.

Matrix of Opinion Expressed

In the matrix below, in addition to the opinions stated during this consultation, some comments and recommendations have been incorporated that were brought up in the “Proposals and Recommendations Document for Civil Society to Face Climate Change and Improve Environmental Sustainability for the Lujan River Basin” that was prepared by Wetlands International and the Biosphere Foundation based on the workshop called “Citizen Building for Proposals to Mitigate Flooding and Climate Change in the Lujan River Basin” held in the city of Luján on November 8, 2016. This material has been supplied by one of the members of Wetlands International to contribute to this process given that the aforementioned workshop was participatory in nature. The CAF and DPA representatives both were brought up-to-date and agreed to add this information to the document (Appendix IV).

Stakeholders	SUGGESTED SUBJECTS OF INTEREST					Consultations
	PMICRL	COMILU	Santa María Canal	Land Zoning	Relocations	
Environmental Organizations	Need for an update due to the dynamics of the setting of the new real estate projects. Need to measure water quality. It is a good idea to have a water model but it could be improved. work prioritization to begin with the works that have a consensus and expand the information about the more complex works. Bridges as cultural heritage. Need for a public consultation. Lack of an ecosystem-based vision in the suggested solutions.	The network of environmental organizations has still not been added to the Advisory Council. The water component is very present but other issues are missing. Need to add the COMILU Creation Law to the OPDS and	Not satisfied with the modifications and the lack of a consultation. Concerned about the disposal of earth due to their possible contamination and backfilling pfwetland.	Need for cumulative plans and for global and strategic EIAs. Lack of oversight.	The relocations would avoid canalizations. Consider private neighborhoods approved unusually and decide on which measures should be taken in such cases, including access to judicial offices where inappropriate	The consultations should be public and open and organized in advance with available information. Favor participation by all involved stakeholders.

		bylaws. Flooded residents, private sector, and the real estate sector should be incorporated and training and disclosure should be encouraged			permits were issued.	
Residents' Organizations	May be polished and limited. Only suggest conventional solution. The works provided in private neighborhoods are not included. The works protect real estate projects and not flooded residents. Prioritize high water reservoirs.	Need for regulations and participation by municipalities. Concern about the agility of consultation mechanisms. Proposal of a binding Advisory Council.	The cost-benefit is not coherent since the canal is an effluent and not an affluent. Stated concern due to modifications without consultation.	Priority for reducing the impact of floods in the low lying inhabited zones. Redefinition of the river bank line. Greater municipal and provincial articulation. The building approval processes are regular and systematic. Concern about conflicts of interest for authorities in the application and real estate endeavors.	Evaluate the cost-benefit ratio for relocation versus proposed works, listen to all the opinions.	As above. A kind of consultation with guarantee access should also be established.
Academic Sector	Consider fossil strata and archaeological issues in the area.	Does not fulfill its mission. All projects should focus on the basin. COMILU has been revitalized again but has not		Municipalities and provinces should apply legislation for real estate projects in wetlands Oversight should be strengthened. The municipalities view	At this point, the need for in-depth studies on both water and social issues was also brought up.	Consultations with specialists are needed during the design and if the designs are modified, the consultation should be re-created.

		fulfilled its mission. Need to provide it with political and technical capacity. A vision for the basin is required. The basin is a space for articulation between the municipalities. The academic sector should be involved.		problems from a municipal vision and the river exceeds them. The municipalities are responsible for applying zoning and land use laws and the Province is responsible for approving those projects.		
National Government Organizations	The OPDS needs to pronounce about the Integral Plan beyond the environmental impact statements based on the EIAs. It is general and should be delved into more deeply. More exhaustive, comprehensive PGAs with short- and long-term measures. The CCN and future scenarios should be considered. Think that it could be an experience that may be replicated in other provinces since the ACC is a priority for Argentina.	A basin authority needs to be created to approve projects.	The cumulative effects need to be considered.	The laws are not in alignment in different jurisdictions in the Basin. Consider land use and extreme land use. They also superimpose areas in land zoning and diverse ministries with different outlooks.		The nation-province relationship is fluid but a greater degree of interrelationship would be required to encapsulate the provincial actions in the national plans (e.g. in the National Climate Change Plan).

<p>Provincial Government Organizations</p>	<p>The integral approach to the PMICRL and ACC are noteworthy. They should make a pronouncement about the Integral Plan and about the EIEs in each particular work. The OPDS did not participate in designing the Project or any interest in pronouncing on the PMICRL.</p>	<p>Account committees as a good management tool. The COMILU should create the Advisory Council and deal with subjects such as water governance. It should be in the area with a budget and competencies.</p> <p>They need a different approach in provincial management. They are too concentrated on working hard.</p>		<p>They need to take a comprehensive look at the basin level and not at the municipal level.</p> <p>Municipal approval for works increase the problems.</p> <p>Review the outlook for land zoning in the municipalities (their outlooks should be compatible). At the provincial level they point out that the fact that four land zoning offices exist with four different approaches that are found in different ministries is a problem.</p>	<p>They mention the case of producers located where temporary retentions are being considered.</p>	<p>The relationship is articulated based out of offices that the province itself sets up for consultations with technicians from different areas.</p>
<p>Municipal Government Organizations</p>	<p>Need a maintenance plan, contingencies, and training. Need to control and oversee the water quality. Analyze</p>	<p>They have problems with integrating their technicians into</p>	<p>They propose moving forward with the works where there is a</p>	<p>Reassign meaning to the flood zones for recreation and tourism. Issue regulations on</p>	<p>An experience with relocating residents was mentioned but</p>	<p>The meeting announcement by the PBA is not always clear and it depends a great deal on how the municipalities</p>

	alternative solutions and an ecosystem-based vision. Incorporate future scenarios.	the COMILU. It's like an office that ends up not being consolidated.	consensus and start analyzing the more conflictive works more in-depth along the way	existing and future real estate endeavors.	that turned out to be riddled with problems.	articulate normally with the provincial technical areas.
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STAKEHOLDERS	SUBJECTS OF INTEREST MENTIONED					
	River Bank Line	Nonstructural Components	Work Prioritization	Temporary Retention Areas	SAT	Real Estate Endeavors
Environmental Organizations	Believe that it should be established and respected because of environmental and community reasons. <i>“Prioritizing determination of Water Risk Areas without being detrimental to the demarcation of the river bed line based on geomorphologic</i>	The importance of the nonstructural components in the Serman Study is noteworthy. Consider the set of social problems and rethink some works. <i>“Broaden the situational analysis of the basin by including other perspectives, in addition to water, considering intervention options that prioritize nonstructural measures before</i>	Prioritization of work to be able to make progress with those works that have a greater consensus while work is being done on those works that are more conflictive should be considered. Work should be done with people to explain why priorities are set (e.g., the changes in the Santa Maria Canal).	It is analyzed whether additional studies are required. The CAF mentioned it was a mean to avoid building dams and the organizations requested explanations.	It is very important for public opinion that this be disclosed properly and articulated with civil defense. <i>“The population needs to be informed about climate events, evacuation centers, etc. through mass media communications, toll-free telephone numbers, etc.” A Contingency Plan A consensus with civil society in the basin should be reached to prepare and implement a contingency plan that</i>	There are many criticisms involving special conditions where environmental permits were issued to big investors. They state that, when the municipalities received works, oftentimes it was not documented in the municipality or in the DPOH. Several examples are mentioned of private neighborhoods that have been built on wetlands using irregular administrative authorizations. The project evaluation, approval,

STAKEHOLDERS	SUBJECTS OF INTEREST MENTIONED					
	River Bank Line	Nonstructural Components	Work Prioritization	Temporary Retention Areas	SAT	Real Estate Endeavors
	<i>criteria and as established in Law 12.257 (Water Code and Regulatory Decree No. 3511).¹⁰</i>	<i>beginning structural works that will have a significant environmental impact, such as engorging the River basin for almost 50 kilometers.¹¹</i>			<i>would include simulation of runoff behavior in the urban centers by taking into consideration the traditional knowledge of the local residents.¹²</i>	participation, and oversight mechanisms should be strengthened, especially as they relate to their environmental aspects.
Residents' Organizations	They suggest that a new river bank line should be drawn (which is being taken arbitrarily) and that there should be more supervision.	Cleaning up the river and the possibility of it being used by communities for recreation should be included in the nonstructural measures.	Prioritization of work to be able to make progress with those works that have a greater consensus while work is being done on those works that are more conflictive should be considered. They propose building reservoirs to contain water upriver and not suffer the consequences and the work priorities should be defined: for the residents of Luján who were flooded, the			A greater exchange with the supervisors is requested in relation to urban development and that it should be "handled by a single authority and at the provincial level."

¹⁰Information in the "Proposals and Recommendations Document for Civil Society to Face Climate Change and Improve Environmental Sustainability for the Lujan River Basin," Coordination: Wetlands International and the Biosphere Foundation, based on the workshop called "Citizen Building for Proposals to Mitigate Flooding and Climate Change in the Lujan River Basin," in the city of Lujan on November 8, 2016

¹¹ Idem.

¹² Idem.

STAKEHOLDERS	SUBJECTS OF INTEREST MENTIONED					
	River Bank Line	Nonstructural Components	Work Prioritization	Temporary Retention Areas	SAT	Real Estate Endeavors
			work in the upper basin is fundamental so the people in Luján can be included.			
Academic Sector	In addition to the river bank line, the flooding evidence should be considered. Permits are issued to build in critical zones.		Great relevance is given to the integral outlook to deal with this set of problems. There is a need for inter-institutional participation spaces.		There are no specific mentions.	Developers took the most convenient route to have the projects enter the provincial circuit after they were approved. The municipalities do not exercise police power and the development companies have spread out because they enjoy a great deal of discretion.
National Government Organizations	Not just the low waterline should be considered, the land-use and extreme land use should be considered too.	When environmental issues are dealt with, the parties involved should exercise a comprehensive view and goodwill. Nonstructural measures should be implemented: e.g., encourage adding legislative proposals to the agreements with municipalities related to land zoning.	More exhaustive PGAS with a comprehensive outlook considering the short and long-term measures.		There is an articulated system between the nation, provinces, and the municipalities. The SAT should identify who manages the data, who processes it, who is going to manage it and propose involving the SMN as a sustainable measure for climate monitoring and maintenance of networks and for expertise in the matter.	Nothing was mentioned.

STAKEHOLDERS	SUBJECTS OF INTEREST MENTIONED					
	River Bank Line	Nonstructural Components	Work Prioritization	Temporary Retention Areas	SAT	Real Estate Endeavors
Provincial Government Organizations.	The importance of drawing the riverbed line since it will be useful for making decisions. Propose drawing the river bed line using municipal regulations.	There is not enough connection with nonstructural risk management dynamics and there is no social and/or production approach. The nonstructural components of the loan are very important (modifications in the standards, strengthen institutional offices such as the COMILU, the environmental issues and the land zoning that the PBA emphasizes in diverse aspects such as civil defense, population training, and institutional fortification).	The works are carefully analyzed based on the province's priorities. They are treated comprehensively with various provincial apportionments and deal with situations with a particular impact on the emergency. Structural weakness in the province because the outlook should be more comprehensive and not just revolve around difficult works.		There is no steady development in the province and the project and special components are established to consider in the loan from CAF and GCF. In relation to water monitoring, add the rest of the networks to the DPOH network (data networks with a NASA threat, the National Meteorological Service, some municipalities, the University of Luján, Hydro-ADA, of the CIC with the SIMPARH initiative).	The overlap of the DPOH with the ADA for work approval is indicated as "a complication." Different organizations exist with different outlooks that have an influence on work approval: the municipalities, DPOH, and ADA.
Municipal Government Organizations	Distinction between the river bed line and the flood evidence.	In the SAT, the need to not forget nonstructural components is emphasized. Greater integration between	Prioritization of work to be able to make progress with those works that have a greater consensus while work is being done on those works that are more conflictive should			In other cases, legal parameters were used. Plus some municipalities have taken on the power to approve if the rainwater drains are able to be done. Add to that the pressure

STAKEHOLDERS	SUBJECTS OF INTEREST MENTIONED					
	River Bank Line	Nonstructural Components	Work Prioritization	Temporary Retention Areas	SAT	Real Estate Endeavors
		the municipalities in the Lujan River Basin. Replicate programs such as the “Hydro Dialogues” in Pilar, experiences of the municipality of Campana that sanctioned an injunction through a regulation that does not allow construction in the low sectors in the wetland zone.	be considered (matching the environmental and residential organizations). They claim that if the problem is not solved in the Pilar Basin, it will not be solved for Mercedes and Luján.			by the real estate industry to access this approval.

STAKEHOLDERS	SUGGESTED SUBJECTS OF INTEREST				
	Environmental Management	Archaeological Heritage	Transparency	Reservoirs	Legislation
Environmental Organizations	A comprehensive vision is needed that includes all the issues to which the country is a signatory.	Perform specific studies. They believe that it is preferable to delay the works a little and first consider the intervention environment.	This is a critical subject for civil society and there is a great deal of suspicion about the large real estate investments. Some questions have arisen about	<i>“Review the location of their works proposed by the Plan, analyzing not just the water related issues, but also the environmental issues and any issues that conserve cultural heritage. An alternative to these reservoirs that has not been considered in the Plan is to restore wetlands that had been degraded</i>	<i>“Review the legal situation of the closed residential developments (in particular those areas that are protected by dams), industry, etc., constructed within the basin environment in the last several decades as a function of compliance</i>

STAKEHOLDERS	SUGGESTED SUBJECTS OF INTEREST				
	Environmental Management	Archaeological Heritage	Transparency	Reservoirs	Legislation
			designating employees linked to the real estate/construction sector.	<i>by different infrastructure work (closed residential developments, clandestine agricultural canals) and preservation of wetlands that are kept in good shape in the high part of the basin, which may fulfill the function proposed for the ARTEH works.</i> ¹³	<i>with the water-related, environmental, and urban development standards.</i> ¹⁴
Residents' Organizations	Need for environmental planning and maintenance.	Do a broad topographical study in the Baltar reserve.	Request for transparency in the data for all the parties involved.		Idem above.
Academic Sector	Comprehensive vision of the basin.	Specialized academic entities were not consulted about this set of issues.	Total transparency is needed to solve problems that affect the whole community.		Need a framework law at the provincial level about wetlands. Need to update certain laws and revisit exceptions that were approved at the municipal level. There are municipalities that have more appropriate instruments for approving new real estate developments and others that have fallen behind.

¹³ Idem.

¹⁴ Idem.

STAKEHOLDERS	SUGGESTED SUBJECTS OF INTEREST				
	Environmental Management	Archaeological Heritage	Transparency	Reservoirs	Legislation
National Government Organizations	Articulation with national plans such as biodiversity and climate change.	Application to all the project is considered to be inherent to the standards.	There was no in-depth mention.		In APN's case, its own standards are applicable in relation to what happens in the park territory and who specifically is able to intervene to authorize works.
Provincial Government Organizations.	They take care of monitoring and that all the national, provincial and financial organization standards are fulfilled.	Application to all the projects is considered to be inherent to the standard, the standards and safeguards issued by the GCF and CAF are analyzed.	All the criteria and all the transparency mechanisms that the state has and that are available to citizens are established using public requests for proposals.	They believe it is important for the project to be clear since flooding is not going to be avoided; instead they are going to be evacuated on time and the arrival of the water will be delayed. Reservoirs will give them time.	The provincial laws detailed the limits of intervention in each jurisdiction by each entity and also the participatory offices that should be subject to different offices for the populations to access the information, such as public hearings.
Municipal Government Organizations	Water quality monitoring is requested.	When executive projects are prepared, consider the archaeological sites. Reach an agreement with municipalities about taking care of the cultural heritage (bridges, archaeological sites in the basin, etc.) by means of laws.	Reinforcement for mechanisms that the municipalities use to intervene if there are any questions about the project. They agree with the request for data transparency for all involved stakeholders.	Prepare geological style studies because it may already be a water reservoir.	The municipalities have their own standards that should be incorporated when considering each project as well as in their own land zoning.

1. National Government Organizations

Interviewee: Engineer Guillermo Martín

Organization / position: Regional Coordinator for the East National Parks Administration Center

Comments:

After a brief introduction about the reasons for the meeting, Engineer Guillermo Martín mentioned the “STUDY FOR THE LUJAN RIVER INTEGRAL PLAN AND REGULATION AND SANITATION WORK PROJECT” carried out by Consultant SERMAN and indicated that he believed that it is a comprehensive plan that makes it possible to have a basin operating model. It also appears that the proposed measures would lead to an improvement. However, he also explained that he cannot vouch for the selected model because it is based on assumptions and basic information. He mentioned that the National Water Institute (INA based on its acronym in Spanish) did not issue a stance on the model and that it would be a good idea to have its opinion despite the fact that the applicable standards do not require it.¹⁵

On the other hand, he stated that he found it interesting that PMICRL still has not received approval as the master plan in the province. He believes that there is a lack of recognition on the part of the state that could be done using a decree or law that forces parties to comply with environmental issues. In that regard, he suggested that it would be a good idea for the integral management plan to be analyzed first of all by the OPDS (which is the provincial organization that issues statements of environmental aptitude) and to hand down a verdict prior to advancing with the plan beyond the Environmental Impact Studies that are carried out for each work in the Plan.¹⁶ He believes that it would have been pertinent for the environmental analysis to be performed prior to looking for funds. He pointed out that “considering the PBA’s experience on environmental matters, the more obligatory it is, the better.” He commented that, according to the background, and despite the environmental impact statements, construction work had been done that affected and has contributed to flooding and that there are also cases of work done without the right permits. In that regard, he agrees with the conclusions found in the SERMAN Study.

He also mentioned that no strategic impact study had been done and that the closest thing to it is the SERMAN Study. He considers it to be an instrument that may be used as a basis to promote dialogue and reflect on the issue. He pointed out that this study is the best thing that has been carried out to understand the integral nature of the basin so far.

He believes that the Plan should continue by studying accumulated effects. Although the APN has met with the Ministry of Infrastructure and Public Utilities and the Director of Water Works, it is difficult to access information to be able to perform a deeper analysis. He stated that the APN wants the work to be successful but, particularly in

¹⁵ The “STUDY FOR THE LUJAN RIVER INTEGRAL PLAN AND REGULATION AND SANITATION WORK PROJECT”, that was awarded to Serman & Asociados S.A., by means of a public bidding process under File No. 2406-2391/11 was finished in 2015 <https://naturalezayrecursos.files.wordpress.com/2017/02/pliego-lujan-objetivos.pdf>

¹⁶ It bears pointing out that the provincial regulations only require processing for the Environmental Impact Studies for each work but not for the Integral Plan.

this basin, they are subject to a very uncertain dynamic and decision-making is fragmented. He believes that no basin authority has been created.

He pointed out that the APN did not participate in designing the Project but must evaluate the Environmental Impact Study (in parallel with the work done by the OPDS) because it involves the Protected Area Work in the Otamendi reserve. In that regard, he commented that he and other APN representatives held meetings about the work on the Santa Maria Canal where the debate revolved fundamentally around the scope of the work. In addition, he emphasized that he would like to see the issues that have cumulative effects reflected, at least in the most relevant areas (e.g., in areas where the water arrives faster after the canal was built). He emphasized that he is suggesting it as a precautionary measure.

He mentioned as positive background in the basin, that the municipality of Campana had sanctioned an injunction through a regulation that does not allow construction in the low sectors in the wetland zone. To offset that, he observed that, in other land zoning regulations, in the province of Escobar for example, urban development is allowed without proper control (he mentioned that a reserve is set up 300 meters from the river but beyond that, even in areas that are found in the flood plain, construction of closed neighborhoods is allowed).

In line with the SERMAN study, he believes that nonstructural measures need to be implemented including reaching an agreement with the municipalities on land zoning restrictions so one law does not prejudice other laws. That is why he believes that it is key that the Project strengthen the nonstructural measure components and include proposed legislation (he suggests environmental and institutional chapters on the recommendations found in the Serman study).

Another subject that he pointed out is that not only the low water line (or edge) should be considered in land zoning, but basically the area marked by flooding. The interviewee sustained that land-use or extreme land-use has to be considered even though it is a delicate subject. He pointed out that what is observed in practice is the product of how decision-making fell apart. In other words, the municipalities perform Environmental Impact Studies using different criteria. Aside from the fact that it is legal for the municipalities to perform them, the provincial office has a more comprehensive vision.

In relation to governance by the Lujan River Basin authority, he explained that there is a technical-political problem. Development measures are taken that produce cumulative types of impact so, to know which measures are correct and which are damaging, a comprehensive analysis is needed. He believes that there is a need to prepare a proposal with a basin authority that has social authority, one that has the backing for the decisions to see positive results. "SOME decisions must take technical preeminence." For the COMILU, he suggested using experiences from other basins.

He pointed out that the municipalities should participate although their level of commitment is heterogeneous. The territorial and environmental treatments always have approval by the province. In that regard, he explained that each environmental study has a preliminary PGAS that is later processed with the OPDS and afterward is included in the insert. However, the PBA representative explained that this process is not always like this and that at times the preliminary PGAS is included in the insert without approval from the OPDS. The contractor should do the definitive PGAS. This office is where the OPDS opinions must be taken into account and where its observations are incorporated (provided by OPDS in the environmental impact statement). At times, this causes delays in starting up the work and has an impact on the foreseen costs. He mentioned that a case has occurred where the same office

that is promoting the project is the office that approves the environmental studies for the work to be done. This affects the outlook about the projects, but he pointed out that it is based more on considering the difference in the outlook in the short and long-term than the political and technical issues. Therefore, he recommended that the PGAS be more exhaustive, since, once the insert has been approved, mitigation measures may be taken but the executive project may not be changed completely. Therefore, it is important that the specifications needed in the PGAS be more in depth.

Summary of main comments: a) when dealing with environmental matters, the involved parties must want integration and show goodwill, otherwise “good people are confronting each other”; b) it is important for the provincial government, through the OPS, to recognize the PMICRL in terms of an Integral Management Plan for the basin beyond the Environmental Impact Studies for each work and thus consider performing strategic impact studies where the cumulative effects are reflected at least in the more relevant area; c) nonstructural measures should be implemented: e.g., encourage adding legislative proposals to the agreements with municipalities related to land zoning; d) not just the low waterline should be considered, the land-use and extreme land use should be considered too; e) strengthen the Lujan River Basin Committee (COMILU) with social authority and community backing; f) more exhaustive PGAS with a comprehensive outlook considering the short and long-term measures.

Other comments:

Currently there is a huge backup of water at the bridges which is planned to be opened and that may have an impact. This does not cross the Otamendi reserve but affects it so it would be a good idea for the APN to be consulted. The bridges were built 100 years ago and back up and become dangerous so the project is going to open up more space for the water to move through. There is a proposal that it would be a good idea to analyze future impact to be able to plan how to mitigate it and identify how the water flow should be distributed. There is a comment that the INA is thinking about a model to analyze these changes in the areas that need responses other than the project. A suggestion was made to contact the real estate chamber in Campana and the producer chambers.

2. Provincial Government Organizations

Interviewees: Mr. Carlos Antonio Bonalli and Mr. Juan Manuel Berrone

Organization / position: Provincial Director of Hydrological-Environment Monitoring and Coordination Director of Hydrological-Environmental Monitoring Networks and the Early Warning System

Comments:

In relation to their participation in the Project, they indicated that they participated in the work commission on the component involving the Early Warning System (SAT based on its acronym in Spanish) and in the documents that were sent to CAF. Considers that the hydrological area is advanced in relation to the past. Work is being done in an articulated fashion on the environmental commission where there is interaction with hydrometeorology, the Provincial Hydrological Work Department (DPOH in Spanish), the Water Authority (ADA in Spanish), the Risk and Emergency Management Department, and teams from the Ministry of the Economy.

They point out that they have had complete freedom to propose solutions and when they consulted the Development Bank of Latin America, the proposed suggestions were considered. They have 15 SAT projects and

they manage them with water basins in mind: “there are seven that are being considered by the province and one of those is the Luján.” The 15 projects have a single focus, for 15 requests for proposals to be made. A communications system with other nearby projects is used so they are going to be able to view the 15 integrated basins in the province of Buenos Aires on a single monitor. Follow-up should be provided to the basin. An agreement was reached that in 30 months they will have the know-how in the province to make the project sustainable and to strengthen the area. A transfer of knowledge is predicted with operating manuals since equipment maintenance, purchasing, and replacement will be overseen by the secretary.

They also point out the idea of synchronizing the type of sensor. Therefore, visits were paid to the field to detect telemetry and other works. Afterward, they wrote a report justifying the determination of the place where the sensors are going to be installed. The water, quality, and meteorological aspects will be analyzed. A point is established in the middle of the river and the ADA will call for bids on another complementary part for the 105 meteorological stations. The Luján River has 13 stations and one meteorological station for each municipality is added, approximately 11.

The National Meteorological Service (SMN in Spanish) has 40 sensors throughout the nation and PBA will have 30. There will be 240 stations if all the products work. They work with the National Meteorological Service and will work in an integrated fashion. Each municipality also will be integrated. Municipal, National, and Provincial Integration in addition to other organizations such as the INTA and the SMN. Articulation with the National Meteorological Radar System (SINARAME in Spanish) is also included to unify and integrate hydrological-meteorological functions. They point out that it will be very important like “sharpening the methodology.” They point out that the data will be public through a web portal. In relation to emergencies, the warnings may be identified, there will be other operators to “pass on information,” and another researcher to access data about flooding, i.e., to determine how much it rained. This way risk situations may be distinguished from other data. These actions will make it possible to establish an early warning, risk maps will be made available, and the impact on the production systems will be involved.

In relation to community links, contact will be established through the staff members deployed throughout in the province, by touring the system, and by interacting with the local inhabitants and authorities.

They indicated specifically that the relationship with the public is the responsibility of the Provincial Risk and Emergency Department, which also is in charge of emergency situations. The hydrological-environmental monitoring department will be responsible for how the network functions or if problems arise for the relief instruments. Articulation with the SMN is important since they are the only ones who are able to issue a citizen warning and publish validated information for the province. That is why they consider inter-institutional coordination and articulation to be very important.

As for their opinion about the benefits of collecting data, they commented on the case of San Antonio de Areco, where a system was implemented that made it possible to provide an ad hoc evaluation 12 hours in advance. For the Lujan River Basin, they consider that this project will make it possible for them to have a snapshot of the province to be able to promote early evacuation and other actions. At the operating level, the work may be the same, but in relation to the Lujan River Basin, this project “helped them to bring together the stakeholders such as the National University of Lujan (UNL In Spanish), which told them where they put the sensor.” The UNL installed a similar system (two sets of hardware). Pilar also did one and they pointed out that the project helped link UNL with Pilar. They agreed that they would provide them with the data that is being recorded and that the PBA would be in

charge of the hydro-metric network (contributing operational management, action measures, and maintenance measures). They believe that the actions will be more sustainable this way since, in the past, the networks that were set up fell down over time due to lack of resources and maintenance. Since they will be in the state’s hands, continuity may be assured.

They mentioned that “there is a lot of higher technology,” that they have implemented an industrial protocol and they put them in the Data Acquisition Points (PATs in Spanish). They have to go around every 10 days to review them. Jose Agustín shared his experience with the AYSA Project and the CAF’s VDS PASOS Program with them where maintenance squads were created and repairs were done by hiring local stakeholders. These squads charged the AYSA to make repairs and it worked. Now they provide their services to other water companies and nearby municipalities. It is important to work with the municipality to carry out awareness raising campaigns for maintenance; incorporating citizens is one more way of raising awareness.

Summary of main comments: a) the articulated work in the environmental commission is outstanding where they interact with hydrological-meteorology, the Provincial Hydrological Work Department (DPOH in Spanish), the Water Authority (ADA in Spanish), the Risk and Emergency Management Department, and teams for the Ministry of the Economy, and the possibility to associate with other stakeholders such as the National University of Luján, and the municipality of Pilar (in relation to monitoring sensors); b) establish articulated work with the National Meteorological Service (SMN in Spanish), which is responsible for issuing warnings and to which the PBA will provide input for future warnings; c) the focus on the basin will make it possible to comprehensively visualize the photo of operations; d) the idea of integrated work by the nation, province, and municipality, in addition to the SMN and INTA, etc., is outstanding. Articulation with the National Meteorological Radar System (SINARAME in Spanish) is also included to unify and integrate hydrological-meteorological functions; e) the importance of establishing a methodology to be able to synchronize the sensor system to analyze hydrological, quality, and meteorological issues is emphasized; f) these measures will make it possible to establish an early warning, risk maps will be made available, and the impact on the production systems will be involved; g) the stakeholders will provide the data that is being recorded and the PBA will be in charge of the hydro-metric network (contributing operational management, action, and maintenance measures).

3. Provincial Government Organizations

Interviewees: Virginia Laino and Martín De María

Organization / position: Provincial Risk and Emergency Director / Risk Analysis and Reduction Director

Comments:

The Provincial Risk and Emergency Director mentioned that they did not participate in the design stage for the PMICRL since it was not part of the Ministry of Infrastructure and Public Utilities¹⁷ at that time. They contacted it when they were working in parallel on reducing risks in the municipalities.

¹⁷ A year ago, the Provincial Risk and Emergency Department was part of the Ministry of Public Coordination and Management.

As part of its work in the territory on the risk management and reduction processes, it seeks to empower and inspire municipalities. They approach their territorial work in water basins with the thought in mind that it organizes the way they work. She indicated that the basin committees legally have the power to make decisions and are spaces with a political and technical work dynamic that would contribute to more efficient management. They prioritize work in basins with a political or structural decision. She mentioned that the Lujan River Basin is one of the basins that have the most emergencies.

She added that the basin committees need a push that is different than provincial management, that they are more concentrated on hard work, and that there is no water governance for the third sector. There is very little connection with nonstructural risk management dynamics. There is no social and/or productive approach. In many cases executive management and dialogue with the private sector have both failed which in many cases is highly legalistic. She indicated that there is no inter-institutional space and that the private sector is on the outside. Thus, for example, the industrial park directors did not participate. This is a failure by the state and by ADA management, “when this type of work is brought about they cannot be just doing the hard work and not involve the social, private, health, and other sectors.” She believes that there is a structural weakness in the province because the outlook should be more comprehensive. More transversal measures are pushed from below.

The Water Law and the ADA mandatorily have the responsibility to establish, manage, and follow up on the basin committees. The COMILU also has a creation law from last year made up of provincial and municipal authorities whose executive management depends on the province, which is the responsibility of Tomás Vanrell, who should create an advisory council. She indicated that the province only has subjects that have been judicialized by the subpoena for information that has not been provided.

She believes that within this framework for the basin committee, an agreement should be reached between what has been consummated and what comes hereafter. She believes that this is an important subject, right after sustainability: an approach and dialogue between the government, university, private, and social sectors should be propitiated. She identified the fact that more work is generated at the level of technical corps as a difficulty since not all of them have an environmental area in the municipalities.

For the Provincial Risk and Emergency Department, it was easier to work with the municipalities for them to be the parties that presented the basin committee’s concerns instead of doing it internally through the ADA. Based on the work done with the municipalities (regional workshops), she indicated that many of them are not familiar with the CRL Integral Management Plan.

In relation to the measures that she considers to be necessary, she mentioned: a) review the municipality’s land zoning outlook, b) draw the river bank line using municipal regulations for riverbank demarcation. She pointed out that the fact that four land zoning offices exist with four different approaches that are found in different ministries is a problem. Although an attempt was made to create a Land Zoning Group, it failed.

She emphasized that the “Water Dialog Program” in Pilar is an interesting program that could be replicated. That Program proposes holding a dialogue between the population in the areas affected by flooding and the population in the private neighborhoods. The Pilar Environmental Secretary sits on the board in both neighborhoods to

negotiate so the upcoming rains will not have an impact on the more vulnerable sectors of the population.¹⁸ She mentioned the Lujan case as another example of municipal measures. It decided to add more human resources to the local warning systems. Suipacha focused on working with the agricultural producers in relation to the subject of resettlement and easements.

She believes it is important to transfer the measurement tools and information with local management. Therefore, the municipality needs to be empowered to be able to use the emergency information and to warn its community. She believes that “the way COMILU thinks needs to be changed, so it goes beyond executing works; softer subjects need to be dealt with as well. Look to the advisory councils and participation by the other stakeholders.”

In relation to hydrological monitoring: she mentioned that there are various parallel initiatives (SMAT). They are: NASA threat data networks belonging to the National Meteorological Service (SMN in Spanish), some municipalities, the University of Luján, Hydraulic-ADA, the CIC, the SIMPARH initiative (underway, and complements other initiatives since it is focused on urban centers at the time). The other is the environmental monitoring network for environmental quality where a stakeholder is the OPDS.

The work done on preparing and validating risk maps with different municipal areas has made it possible to have a more direct, real link. She explained that, in emergency situations, they send the information to provincial organizations that are associated with the warning (20 organizations in the protocols, now they work with 5). To municipal reference points (they cannot change the population via the PBA, they send out warnings). The parties responsible for local communication about local risks are the municipalities. Then they communicate with organizations associated with agricultural production. They were the facilitators for dialogue and articulation spaces and, for example, they met with the SMN, the provincial entities, and the head of the cabinet to learn about the others’ initiatives and then they reach an agreement on the plan. In the long term, the meteorological service is supposed to help them set up a pyramid-shaped monitoring network with other reference centers. This way the National Meteorological Service helps with the setup which involves many man-hours.

She believes that it is important to integrate the DPOH network with the rest of the networks. She believes that it would be a good idea for one unit to report to the cabinet chief. They pushed for a provincial risk management law that is currently underway. Now an Environmental Impact Study is requested and the new law provides for an emergency risk analysis to be performed and to create a crisis and emergency observatory.

She commented on the importance of “finalizing the approach between stakeholders and institutions to reduce risk in the future.” Add an increase in risk to the impact studies.

The CIC proposal (urban center) complements the Hydrological-Environmental Monitoring Department and it would be a good idea for them to articulate. A structural change is needed in the provincial government to move forward with this integral, inter-institutional approach; otherwise everything depends on the goodwill of those that are executing it.

¹⁸ E.g.: a sluice arrangement was used to flood the golf course for a period to reduce the impact of flooding in the flooded neighborhood and then it is drained out. This way the neighborhoods that are more affected by flooding see that everybody pitches in so the impact is less. There is less flooding. This is a success case. The municipalities played a hand in the conflict over flooding, which could be viewed as a social conflict. In the basin workshops, the experience was shared with other municipalities. This implies many man hours to reach the point of dialogue and a shared purpose. Nobody else did it.

Need space and time for dialogue. There should be self-control with civil society as overseers. Self-regulated systems.

Summary of main comments: a) emphasizes that a basin-related approach should be taken since it organizes management in the territory; b) the basin committees need a push other than provincial management; they are too concentrated on the hard work and they need to include third-sector water governance so it is necessary to make a structural change in the provincial government to move forward with this inter-institutional, integral approach otherwise it rests on the goodwill of the executors; c) there is not enough connection with non-structural risk management dynamics and there is no social and/or production approach; d) there is no inter-institutional space in the COMILU and the private sector is on the outside; focus should be placed on softer subjects, the advisory council should be strengthened, and participation by other stakeholders should be promoted (think about a self-regulated system model), with the participation by civil society as overseers); e) an agreement should be reached within the framework of the COMILU about what has been consummated and what is still ahead, and propitiate an approach and dialogue between the government, university, private, and social sectors; f) structural weakness in the province because the outlook should be more comprehensive and not just revolve around difficult works. It was easier to work with the municipalities for them to be the parties that presented the basin committee's concerns instead of doing it internally through the ADA; g) review the municipalities' and the provincial offices' land zoning types of outlook on this subject (make the different types of outlook compatible); h) establish the riverbank line using municipal regulations; i) transfer the measurement tools and information with local management; therefore, the municipality needs to be empowered to be able to use the emergency information and to warn its community; j) in relation to hydro-monitoring, integrate the DPOH network with the rest of the networks (NASA data threat networks, networks belonging to the National Meteorological Service, to some municipalities, to the University of Luján, to Hydraulic-ADA, to the CIC with the SIMPARH initiative (in execution and complementary to others, since it is focused on urban centers, articulation with the DPOH is suggested); k) promote successful experience such as the Municipality of Pilar's "Hydro Dialog Program"; l) add increase in risk to the impact studies.

Other:

There are also proposals for taking advantage of the work being done by the PBA in the integral educational reform so risk and emergency management is included in the primary and secondary schools. The province has an infrastructure and educational quality program and this subject could be added to it.

The changes in management are complicated. For them it is more work with the municipalities but in turn they finish with the workshops, they do a technical follow-up. And they see where they link to provincial organizations.

4. Provincial Government Organizations

Interviewees: Juan José Paladino, Engineer Patricio Marranghello, Engineer Enrique Anheben, Marcelo Bolaños, Engineer Carla

Organization / position: Executive Coordinator of Environmental Oversight, Provincial Environmental Impact Evaluation Director, and Team of the Provincial Organization for Sustainable Development (OPDS).

Comments:

They indicate that the OPDS has very broad competencies and has a direct effect on work approval. Law 11.723 (the PBA environmental framework) still does not have any bylaws.

Although the municipalities are the provincial sustainable development organization, they are autonomous and hand down their own measures.

The Lujan River Basin is one of the Governor's priorities and she thinks it is the most paradigmatic since there have been problems with projects throughout history and construction work in private neighborhoods has increased. Oftentimes, this is due to pressure brought by business groups that convince the political sector to help in the approval process. There are also cases where land has been purchased and then nobody can build there.

In relation to the PMICRL, they think that the treatment of this subject has been interesting and especially that it is comprehensive (they indicate Law 12.257 as part of the regulatory framework, which establishes the water code, the water resource management and protection program, and basin-based management). This is what is overarching since they believe that a problem has existed with inter-institutional coordination where a compartmentalized approach has always been taken but currently they are closer to addressing subjects jointly with all areas. Work is being done on joint agreements with the Provincial Water Works Department and the ADA. They believe that there is political will in this sense and that is why there is a need to establish inter-institutional agreements and even more so with other government offices. They indicated that, with the change in management, an intention has been stated to generate processes that involve areas where these subjects are being worked on. They mentioned several times that the OPDS is viewed as an organization that obstructs processes. But actually, historically the projects reached the OPDS too late, with incomplete information and just days before the insert is to come out. This is one of the challenges that has to be resolved.

Sometimes political decisions are impulsive but the documentation needs to be as complete as possible. There are no written procedures and the framework law still has no established bylaws although work is being done on preparing them.

The Environmental Impact Statements are mandatory for the work but they may be applied by the municipality or the province. When a project exceeds more than one municipality, then the province is in charge. Previously each municipality approved the Environmental Impact Studies and they were not comprehensive.

In relation to the PMICRL, they stated that the CAF asked for the OPDS to be the organization that issues a pronouncement about the Environmental Impact Studies, other than the municipalities.

The comment made by Guillermo Martín (APN) that it would be important for the OPDS to issue a pronouncement on a integral project was revealed to the team. They responded that, if each work is not detailed, then the first step has already been taken because they consider the basin to be a study unit. They expressed their interest in analyzing and giving their opinion about the PMICRL, beyond the environmental statements about each work that required a better assessment. It should not be bound by approval of other works, like the Santa Maria Canal work. They emphasized the fact that a Climate Change Adaptation measure is created as a plan benefit.

They emphasized that this is the first time that the DPOH is presenting an integral plan, since it has never had a very regional outlook. They agreed that an outlook for everything should be used. On the other hand, they mentioned that there is a new ruling on private neighborhoods and the types of impact on the region, which is binding.

The authority that approves the work is the DPOH and they mentioned that it now overlaps with the ADA, which creates a complication. That approval should be accompanied by an Environmental Impact Statement, which is not seen by the OPDS but by the DPOH. Plus some municipalities have taken the power to approve whether the rainwater drains are able to be done. Add to that the pressure by the real estate industry to access this approval. They agree that the Lujan River Basin is involved in several of these situations. They also describe that, when municipalities used to receive works from the national government, oftentimes it was not documented in the municipality or in the DPOH either. Oftentimes the consequence of these actions was an increase in volume flow.

In relation to the COMILU, they believe that no progress had been made as expected. According to the OPDS team, the only basin committee that works well is the ACUMAR. They believe that the COMILU should be in the area with a budget and competencies. They insist on the value of the non-structural measures, such as risk and emergency management training. They point out the importance of taking advantage of this period of time where management is relieving all the stakeholders and they now have more entities. The committee needs to be implemented.

In relation to the Santa María Canal project, they indicated that the Environmental Impact Study is already being processed. They are currently working with the APN in relation to the work on this canal.

They believe it is important for the project to be clear since flooding is not going to be avoided; instead they are going to be evacuated on time and the arrival of the water will be delayed. Reservoirs will give them time.

The MlySP hired Consultant Serman to do a diagnostic study and the OPDS did not participate in the Project design stage. They point out that the OPDS generally receives already finished projects with pressure for approval and very little information and they enter it into the DPOH.

As for the relationship with the community, one of the communication channels is through the COMILU and another is through the affected parties. They mentioned the example of the Arroyo del Gato basin where the residents are the overseers and there is a work reporting office; offices were established with ties to the community with different types of approach. The subject of drawing the river bed line has been finished; it serves to make decisions. They also describe the Chilean experience in Antofagasta with lakes for the flooding and then the lakes are emptied into the town streets.

They pointed out that the works were they have thought about temporary holding areas are productive fields (high value land) and the producers need to be considered. They do not believe that they are expropriated but they think that the law of usufruct is applied. First they are going to negotiate the usufruct with the owners; if no agreement is reached, then they will use the expropriation law for the public good. (Easement).

Summary of main comments: a) they point out the PMICRL integral approach, the transcendent is linked to the office that deals with the problem based on inter-institutional coordination so the approach is compartmentalized; b) they point out the work after establishing inter-institutional agreements with the DPOH and the ADA (political will) and other government offices; c) they mention that historically the projects reached the OPDS too late, with incomplete information and just days before the insert was to come out; and this is one of the challenges that has to be resolved; d) they expressed their interest in analyzing and giving their opinion about the PMICRL, beyond the environmental statements about each work that required a better assessment; e) they point out the PMICRL as an ACC measure; f) the overlap of the DPOH with the ADA for work approval is indicated as “a complication”; g) different factors include approval of the works in the territories (municipal, DPOH, ADA vision); h) the COMILU has

not advanced as expected, it must be in the area with its budget and competencies and they insist on the value of non-structural measures, such as risk and emergency management training; h) the Santa María Canal Environmental Impact Statement is already being handled and they are working with the APN; i) communication about the project needs to be clear since floods are not going to be avoided, but they will be evacuated on time, the arrival of the water will be delayed, the reservoirs will give them time; j) relating to the community through the COMILU and through the affected parties (experience in the Arroyo del Gato basin where residents are the overseers and there is a work reporting office; offices were set up with ties to the community with different types of approach); k) drawing the riverbed line since it will be useful for making decisions; l) the works where they have thought about temporary holding areas are productive fields and the producers need to be considered (consider the usufruct law).

5. National Governmental Organism

Persons Interviewed: Lucas Di Pietro / Jorgelina Salvo

Organization / Position: Director, National Climate Change Adaptation / Project Formulation Management

Comments:

They underscore that currently they are implementing a new mechanism that permits the National Climate Change Adaptation Department to stay informed on projects on environmental topics that arise. Hence they contribute from a technical viewpoint in the presentation of projects and on where they will be presented. In addition, the Cabinet Head prioritizes the projects.

They indicate that TCNCC is the official document, but with very high resolution and they would have to make progress on more specific studies.

Accordingly, for example, they mention that there was not much information on the Uruguay River, there were no good disaster databases and no quantification of financial costs. Today there is only data from clippings from newspapers with the largest circulation, omitting small towns. The lack of official records is a great difficulty, with no possibility for quantifying costs.

They mention that the Law on the National Integrated Risk Management System (SINAGIR, Spanish acronym) was approved, for the Ministry of Safety. It will constitute an emergency cabinet for defense, transportation and emergency areas to sit down together to work with current scenarios.

In the Climate Change Area (CC) his cabinet works with future scenarios to avoid repeating the same errors. Infrastructure work cannot be based on historical data, otherwise three times the roads are built and bridges will collapse.

With respect to SAT, they suggest working with the Provincial Risk and Emergency Management Department to prepare a database, to solve the information vacuum oriented towards a national database. SINAGIR is beginning to quantify costs. Moreover, he discusses the need to consider the economic aspect, to dimension disasters, cost of the damage, to have an objective measurement avoiding lobbying on these matters and thus streamlining the proposal evaluation process (consider projected costs).

Take advantage of training and dissemination initiatives to link with municipalities. The Sub Secretary for Water Resources, included CC among its priorities, to consider it in evaluating each work. With respect to the TCNCC, he indicates that the document has a high degree of certainty.

He suggests using SAT to identify who handles the data and who processes it, who will manage it. He considers that the National Meteorological Service is the most sustainable, more than a university. They must have human resources for CC at SMN

Argentina has changed how they deal with this topic, before it was very difficult to deal with and to consider the topic of climate change. Today they value the existence of a national structure, with the presence of the Head of Cabinet on this issue and it is a tribute to them. That is why they are submitting projects to different offices.

They consider that the PMICRL is a good initiative with its adaptation policies (floods represent 80% of losses for the country). They say, that they would have liked to strengthen the proposal and give it some momentum, but they did not participate in its design. In this regard, he points out that this policy is reflected in the Ministries of the Interior, Transportation, Energy and Agroindustry, that consider it among their policies.

They mention that there is a project with support from the Green Climate Fund (GCF) on renewable energy, with a 130-million-dollar loan and 3 million dollars in donations: RenovAr Program

In December 2017, the Republic of Argentina will assume the G20 presidency for one year, which also benefits the CC roundtable. Another indicator, is that climate change was one of the topics on the Agenda during the visit of German Chancellor, Angela Merkel. At the Determined National Contribution for the Mitigation of Climate Change (NDC, Spanish acronym), they proposed a project on the Adaptation Fund in line with strategic priorities.

The CC cabinet, works on focus points at a ministerial level, with the cabinet of ministers and at the level of provinces through the Federal Environment Council (COFEMA, Spanish acronym) in the territory. It includes the provinces, plus CABA. PBA is the most active, together with the City of Buenos Aires.

He emphasizes the fluid work, frequent meetings and the national department reports its progress. For example, the Sub Secretary travelled to Chaco for a regional meeting and another time to Cordoba and reports on the cabinet's work on CC, with specific tools. e.g. the greenhouse gas inventory system, updated and available on the interactive web, with data by sector.

The National Climate Change Adaptation Department has an environmental land management unit and the Ministry of the Interior also has a unit that addresses this issue. There are different views and approaches. There is a sustainability viewpoint, they are not radical environmentalists. They are not against development, but the fact that development would be setback, if it does not consider issues to do it right. As in the case of progress on the agricultural frontier.

They consider that the national structure is more organized, there is political decision making, there are process to review projects for the Green Fund. They have projects that finance training at the provincial level (done by regions). Training at the province level, to build their provincial plans, and, if the provinces require it, they can also include municipalities. Today we can see an opening up on this issue for all stakeholders to attend, beyond their political preference. They like this, because it is a federal, non-partisan, approach.

Mendoza has made great strides on this issue (General Irrigation Department). Cordoba province has a Secretary of Climate Change.

Santa Fe has received significant training on risk; they are implementing a CC project in the regions of Chaco, Corrientes and Santa Fe. Another project to combat desertification, with the Adaptation Fund; another on capture and water in Mendoza with IDB support.

Currently, they consider that there is a strategic view, with an institutional structure taking the active role in negotiations with Brazil and Uruguay. They have many projects in their portfolio.

The basin perspective, also benefits the CC approach and identifies its effects, in such a way that involves all stakeholders. They consider that the basin committees are difficult to coordinate and sometimes complicated to bring them to the table, but they must move forward with confidence and be positive, so that it is less politicized and all sectors can participate.

For the early alert system component, they recommend involving the national meteorological system, to take advantage of their expertise and knowledge. PMICRL proposes a good tool, but it depends on for whom and for what. They feel that the NMS can provide a broader, more in depth view of a proposal. It would be good for them to be involved in terms of sustainability, to monitor climate for network maintenance. In addition, the National Meteorological Service is managed using WMO (World Meteorological Organization) protocols, it is the IPCC (CC scientific organisms) and contributes to standardize decision making. It facilitates contact with an NMS director.

Summary of the main comments: a) They consider that PMICRL is a good initiative, consistent with national policies on adaptation (since floods represent 80% of losses for the country), in addition the basin perspective favors the CC focus and considers the effects in a broader way; b) they believe that the experience could be replicated in other provinces because today, ACC is a priority for Argentina; c) proposes working in coordination with the Provincial Risk and Emergency Management Department in creating a database, because there is an information gap on the SAT component; d) suggest identifying in the SAT, who manages the data and who processes it, who will manage it and proposes involving NMS as a sustainable measure to monitor climate and network maintenance because of its expertise in the matter. Moreover, it is managed using WMO (World Meteorological Organization) protocols, it is the headquarters for IPCC (CC scientific organisms) and contributes to standardizing decision making; e) they emphasize the RenovAr Program on renewable energy being carried out with the support of GCF; f) the national and international context (G20 presidency) benefits this project, because ACC is a strategic priority and there are projects being carried out in this field; g) emphasize working in conjunction with PBA within the COFEMA sphere; h) also on a national level land management areas are superimposed in different ministries with different viewpoints. They indicate that they "are not against development, but rather that development will be setback, if they does not consider issues to do it right"; i) the national structure is well-organized, there is political decision, there are processes to review projects for the Green Fund; l) they have projects that finance training on a province level by regions and training on a province level to set up their provincial plans that can be used in PMICRL; ll) basin committees are difficult to coordinate, but they must be confident and positive so they are less politicized and all sectors can participate.

6. Academic Institution

Persons Interviewed: Patricia Pintos

Organization / Position: Geographer and researcher from the Geographical Research Center of the La Plata National University.

Comments:

She explains that her work has focused on research in the lower basin of the Lujan River (Pilar Campana, Escobar and Tigre), on a very specific issue: the link between the urban expansion phenomena in the wetlands and the river's floodplain.

She indicates that, naturally, it is the groups of real estate companies that carry out these developments, but the municipalities have the responsibility of applying zoning and land use ordinances and the responsibility of the Provinces is to approve these projects.

The first one involved is the municipality, which has the power to apply the ordinances and admit localization of these developments. Then the province gets involved with the environmental impact studies required by OPDS (Provincial Sustainable Development Organism). She mentions the recent amendment to Resolution 29/09 issued by OPDS under Article 3: "Establishes that all projects that entail one or more tasks or works that involve building dikes, dams and/or polders, dredging, refilling, excavations, creating lagoons, deviation of water courses, changing coastlines, natural drainage, surface contours associated with flood plains and water courses and island environments, will be subject to the Environmental Impact Assessment Process by the Provincial Environmental Authority within the framework of Appendix II. Item I of Law N° 11.723."¹⁹. Subsequently, the Urban Land Management Department will issue a declaration on urban feasibility and the ADA on water feasibility.

She indicates that first the municipality applies provincial law 8912/77, a decree that regulates land management matters and ordinances with respect to the law and application of the law, and then it passes the provincial requirements.

In her opinion, some municipalities have more appropriate instruments for approving these developments and others are lagging (with instruments from the 70's and 80's) "that were regulated for that time, and not currently". She further states that many municipalities have made their instruments substantially more flexible using exceptions and "to benefit investment in the territory, they made the territory look like patchwork." In addition, they do not exercise police powers and development companies have spread out at their discretion, e.g. the construction of lagoons where no land movement is permitted, without the corresponding permits.

Moreover, there are two ministers with land management competence, the Ministry of Government with respect to closed neighborhoods and country clubs and MIySP.

She states that some files enter through the ADA and they go through the provincial circuit. Developers have found the best route. "They find the loopholes to submit the project to their best advantage". There are many loopholes and developers recognize them and incorporate them as data.

¹⁹ <http://argentina.indymedia.org/news/2017/07/909095.php>

She suggests, first updating the regulatory frameworks, incorporating mechanisms for citizen participation in the regular processes for discussion of those real estate, industrial investments made near to or on the flood plain, because of the fragile nature of such places.

In addition, she says that COMILU was revitalized, but did not comply with its mission. Municipalities see the issues from a municipal viewpoint and if the river exceeds their limits, they need to have a basin viewpoint. The basin is a very important space for municipal cooperation. A decision on the lower basin, then affects the upper reaches. For example: Clandestine canals that carry excess water provide an additional volume of water that affects the basin at the mid and lower levels. These would not be analyzed by jurisdiction, but rather addressing the basin. COMILU must take the leading role and require a new foundation in this regard, and obtain support so that the municipalities will find a comprehensive understanding.

She suggests considering two aspects: COMILU must have greater political presence, in other words consider who participates at meetings. They must be officials with decision making authority, otherwise there is no true effectiveness. In addition to this political decision making, provide them with the technical capacity, through accompaniment from the consulting council. "Give it concrete expertise and the tools to advise the public sector from an integral perspective".

Moreover, they do not consult research centers, universities that liaise more with neighbors and social organizations. She considers that the universities contribute to problematization of some issues, but "but they sometimes see them as a *thorn in their side*". She has published books on the results of floods in 2014 and 2015, but they have never invited her to meetings. She believes that there is a division between expert and political knowledge.

She says that the Campana Municipality has taken very important actions in terms of social action. They prepared an ordinance prohibiting the construction of residential developments on wetlands or any type of productive investment that affects the absorbing surface of the wetlands. This will ensure that the problem does not get worse, because if they continue permitting neighborhoods on these surfaces, they will continue to flood. "Wetlands are a sponge, the area adjacent to the river is a sponge, if we put concrete in, it will be denatured."

She also mentions that some municipalities become aware of the need to preserve flood plains, restricting or prohibiting any type of real estate or productive investment on them. But she feels that if the province were to issue an instrument or decree similar to PMICRL proposals, it would be possible to compel municipalities to take measures to safeguard wetlands and not make the problem worse.

She argues that Law 8912/77²⁰ does not give municipalities autonomy with respect to land management, because the PBA must oversee balanced decisions, such that the decisions by one group to not affect other groups. She also points out the importance of OPDS being the organism that ensures harmonious development.

She considers that declarations on environmental impact for large scale works or private neighborhoods in critical zones, cannot be enforced by a municipality that only has two persons in the unit.

²⁰ <http://www.gob.gba.gov.ar/legislacion/legislacion/l-8912.html>

She underscores the successful experience in the municipality of Pilar, with the “Water Dialogues” program promoted by the environmental office, that considers that those who participate in worsening the situation, should take some responsibility and build, for example, some works to reduce this impact. The Pilar sector is a pilot case.

She indicates that Pilar, Escobar and Tigre were filled in, Tigre filled in 40%. There is no absorbent structure, the problem is moved upriver. That is why an integral basin perspective is needed. She calls for the involvement of the universities and the participation of COMILU.

Summary of main comments: a) the municipalities are responsible for applying zoning and land use ordinances and the Province is responsible for approving those projects, b) there are municipalities who have more appropriate instruments for approving new real estate developments and some are lagging behind; c) many municipalities have made their instruments more flexible through the use of exceptions, do not exercise police powers and the development companies have spread out without discretion, d) developers found the most convenient loopholes for permitting their projects in the provincial circuit; e) suggests updating regulatory frameworks, incorporating mechanisms for citizen participation in processes to discuss those real estate and industrial investments made near or on the flood plain; f) although COMILU was revitalized, it has not complied with its mission, they must build a space for cooperation between municipalities, prioritizing the basin perspective in analysis and decision-making; g) COMILU should have more political presence, with decision making capacity and provide technical training through accompaniment by consulting council. “Give it concrete expertise and the tools to advise the public sector from an integral perspective”; h) she calls for the involvement of universities and COMILU participation. There is a gap between expert and political knowledge; i) some municipalities have become aware of the need to preserve flood plains, restricting or prohibiting any type of real estate or productive investment on them. She considers that it would be appropriate for the province to prepare a binding instrument that will not permit municipalities to approve measures that affect or worsen PMICRL proposals; j) she argues that according to Law 8912/77, there is no municipal autonomy regarding land management, but rather PBA must oversee balanced decisions so that the decisions of one group do not damage another and underscores the role of OPDS to ensure harmonious development; k) she considers that the environmental impact declarations for large scale works or private neighborhoods in critical zones cannot be approved by municipalities; l) successful experience of “Water Dialogues” Program promoted by the Pilar environmental department.

Development of Meetings with Key Stakeholders

7. Civil Society and Municipal Governmental Organisms

Focus Group:

-Environmental and Natural Resources Foundation (FARN, Spanish acronym) – Santiago Cané.

-Wetlands Foundation (FH, Spanish acronym) – Marta Andelman and Adriana Anzolin.

-Wildlife Foundation (FVS, Spanish acronym) – Manuel Jaramillo.

-DPOH PBA – Verónica Guerrero Borges.

UCEPO PBA – Karina Campos.

-CAF – José Agustín Blanco.

During the presentation of the Preliminary Plan for Integral management of the Rio Lujan Basin, under the responsibility of Verónica Guerrero Borges, questions were answered and progress was made in the opinion survey. To facilitate reading the opinion survey, comments were systematized based on the topics addressed during the meeting.

Comments:

COMMUNITY CONSULTATIONS

The Provincial Water Works Department (DPOH, Spanish acronym) of the PBA reports that in addition to the preceding opinion survey, the Water Risk Unit (PBA) made a first consultation with Serman Consulting (before 2015) and again in 2016. They explain that they are currently attempting to expand consultations to compile more opinions.

José Agustín Blanco, in representation of CAF, pointed out this opportunity for opinion surveys and contacts with key stakeholders. In addition to complying with GCF safeguards when applying for a loan from this fund, it is an important basis for hearing opinions from civil society that will benefit the Green Climate Fund and CAF as well as PBA. The PBA representative confirmed that they will keep in mind the findings from this opinion survey for the execution of the Project.

RIO LUJAN INTEGRAL PLAN AND PROJECT REGULATION AND REMEDIATION STUDY BY SERMAN CONSULTING

While commenting on the PMICRL, the FARN representative asks about the year when the SERMAN study was conducted. In view of the response, and along the same lines, FH indicated its concern on the lack of review of the study and its models since 2005. PBA confirms that the plan was updated since then incorporating other events and future events with three scenarios. FH states that these were incorporated at the request of environmental organizations because it was not considered in the original document.

The organizations convened at the meeting express their interest in updating the document used to make decisions on works (Master Plan designed by the Serman company). They propose indicating that the plan prepared by Serman is extremely useful as a base plan, but it would be important to consider changes occurring in the region as they occur over time.

PBA indicates that the integral plan has a rigorous component in the environmental part of the project.

FVS expressed the need to intervene on issues regarding bridges, particularly because of safety issues with respect to maintenance. Further stating that they are interested in collaborating, particularly with respect to measures that have the most impact in the long term.

FH pointed out that while these works are being implemented, in the Rio Lujan Basin they continue making changes and hectares are being filled in. Accordingly, the water model will not work because it would be out of date. For example, there are plans for a shopping center next to the flood zones. Therefore, there are new works that change the initial plan.

FRN proposed the need to consider not only the quantity, but also the environmental quality, and include it in studies and monitoring (among other factors because the population continues to grow). PBA responded that the system will measure not only hydro meteorological variables, but also water quality. Water quality monitoring will be done within the MlySP at the Environmental Water Monitoring Department. Based on this, all those present concur on the importance of having good data and the relevance of including an SAT in the Project under analysis.

COMILU

FH described the process that COMILU went through from the time it was set up, indicating that, although ADA created it more than ten years ago, it was reactivated in 2011. At that time, it convened an advisory council composed of many environmental and community organizations. Currently, the law that created COMILU was sanctioned and in the opinion of the FH representative, this act could be considered non-constitutional, because the Water Authority is empowered to create basin-related committees. With respect to the Honorary Consulting Council that must be organized, as part of COMILU regulations, he states that the environmental organization network that participated in the former advisory committee for the Lujan River Basin Committee, has not been called to be part of the new consulting entity yet.

UCEPO discusses the importance of stipulating how COMILU was created to ensure that it is heard, and know what authorities comprise it. FH comments that the steering committee was severely criticized because it has an exclusively water-related perspective. A positive point to highlight is that the Serman water model constitutes significant progress but not all basins have it, nevertheless, this can be improved. In this regard, PBA comments that DPOH is seeking to introduce new measures, such as a comprehensive vision, that is being incorporated because today strategic plans are being evaluated and it is the only province in the country that does this.

CAF indicated that they requested the participation of OPDS to issue the Integral Management Plan for the entire Lujan River Basin. FH confirmed that they have also asked that OPDS be included actively to avoid issues, because COMILU was not present at the previous one and it is necessary for correct management because they are the ones that make the evaluation. FH proposes a strong position with respect to the insistence in dealing with COMILU nonstructural measures.

FH asked about the work of ADA on delimiting the boundary line, and if this work has been completed, the response was that it was not finished yet, still in progress.

FH presents its strong concern with respect to starting the works without having set up the Honorary Consulting Council, in other words without the natural sector where the project and its interventions must be consulted, which should be composed of industrial chambers, organizations from civil society and other stakeholders.

He asks about the date on which the first works will start and PBA reported that at this point, work included in the Integral Plan designed by SERMAN is at the preliminary stage, but not with detailed engineering to be able to open a tender round (executive project level) and that in fact they must have the executive project to be able to prepare the EIS and that this is being evaluated by OPDS. He further explains that they are in the process of contracting for performance of the executive projects for the work. The Santa Maria Canal is the only work that already has the executive project and the EIS submitted to APN and OPDS. PBA reports that within the executive projects, they

request those responsible for preparing it to include a unit for consulting with stakeholders, this was very well received by the meeting participants.

FH maintains that, if the works are started without setting up the consulting council and complete COMILU institutionality, the results would be considered informal by civil society. The FRN representative underscored the idea of indicating that the institutionalization of the committee would have to be prior to the works.

PBA indicated that COMILU has not been organized using PBA funds and that the loan agreed to with CAF includes a component for institutional strengthening, including strengthening of the Basin Committee. PBA confirms that the works will not begin without making the consultations requested by applicable law, but that it is urgent.

FH reports on the scope and capacities of the consulting council, indicating that that it not only has an environmental perspective, but also an integral perspective since it is composed of different institutions and in turn has the experience of having been part of the prior advisory council and the in-depth knowledge of the basins and their specific characteristics. They strongly insist on the fact that the consulting council must issue its opinion on the works. He emphasizes that COMILU does not have regulations, that is why it is so important to work on its institutionalization, keeping in mind that they stress that work cannot be started if the organism that will manage it, which should be COMILU, is not fully organized; if it does not have regulations, is not organized and correctly institutionalized, the possibility would be lost and the Ministry Infrastructure would manage it. *“We insist on in the institutional issue, because PBA’s concept is that the works manage themselves”.*

CAF indicated that, given the participation it has in the project, as a bank they only have the obligation to have the requirements under the law and that based on this, it is sufficient for the legal organisms to issue their ruling. In this sense, there are no contractual requirements that compel COMILU and / or the consulting council to be organized prior to work start up.

FH assumes that the opinion of the consulting council would unfortunately not be binding, but it is good from a social and respect standpoint. FRN in turn maintained that it does not have to be a mere formality, because there is an idea that it is not necessary.

FVS contributes that their organization does not have the possibility of participating more actively, due to lack of resources. They need to consider the participation expenses that the organizations and the voluntary advocates would have to cover.

SANTA MARIA CANAL²¹

FH expressed their strong disagreement with the change made to the initial Santa Maria Canal works with respect to the preliminary project included by the SERMAN Plan and the lack of convincing responses with respect to the basis for them. The proposed works included broadening it so that the Santa Maria could carry twice the amount, but the change proposes widening it just a small amount and adding a canal running parallel to the Santa Maria Canal. In this regard, they also question how the land removed would be used, and whether it would have to be

²¹ The Santa María Canal Works described in the SERMAN study, covered a widening of the canal to carry twice the water. However, the PMICRL Project, proposes minor widening and an additional canal parallel the Santa Maria Canal.

relocated and where. The environmental organizations expressed that even the National Parks Administration (APN, Spanish acronym) agreed with them, when they said that the mud could be polluted. With respect to land use, FVS contributes that INTA research shows that land use changed because of the current management given to these waters.

CAF reports that the project they received, already included the two canals and that the SERMAN Plan was considered a preliminary plan. Their only responsibility is to request the environmental permit required by law to be able to grant financing and in this sense, they rely on what the environmental authorities say.

FRN did not know that they had to fill in the wetlands (a fact alleged by other meeting participants, but with no grounds) and build a parallel canal, and they refer to a judicial process filed in Campana about filling in wetlands. Last year, because of this case Campana requested the suspension of the works on the Lujan River until PBA conducts the study. The case was appealed and FH confirmed that the study was never done, but the case is still active.

On its part, PBA commented that the works on the Santa Maria Canal have not started, and that land management is fundamentally a municipal responsibility. That San Martin University prepared the Santa Maria Project and it was then redone and the road that went across the reserve will not be built, nor will lands be incorporated, but PBA representatives did not know why there would be two canals, instead of one. They further confirmed that they have sent people to monitor soils in the region and the results (they are public) say that the soil is not polluted.

FRN requests, and FH supports the request, more information on the project. What are the reasons (environmental infrastructure) and why are they going to be filled in for nautical development, when one of the main causes was, in effect, filling in the wetlands? They request a cost-benefit analysis on the environmental, financial and social value. On its part, UCEPO recommends highlighting the importance of OPDS and requests analysis of the cumulative plan, overall strategic EIS, because if OPDS approves the master plan, there could be no later changes.

FH underscores the question of a social license to reduce the possibility of suspicion and avoid unplanned changes. For this reason, he reiterates his insistence on formalizing consultation through the COMILU consulting council. FRN admits that although there is no legal obligation to perform strategic environmental assessments, for a basin of this size it would be cutting-edge. PBA endorses this idea and proposes that it would be interesting to make such assessments based on the plans, because all works are evaluated equally and they do not distinguish the necessities of each. To that end, PBA is beginning to work on an integral approach. Based on this agreement, CAF indicates the importance of holding meetings with a representative of DPOH, as a lesson learned.

For the issue in question, FH summarizes saying that it is necessary to work on the cost-benefit analysis, transparency and the participation of civil society.

RELOCATION

FH admits that the legal framework is an important component in the SERMAN Plan. In addition, he insists that it can be improved. With respect to the canals, what they must do is detect the flood footprint and relocate certain critical sites. The city of Lujan itself is already constructed up river, nevertheless, there are places that by relocating

them they would avoid 48 km of canals because they would create space for water at the location of private neighborhoods that were approved in an irregular manner. FR proposed analyzing the option that perhaps they should not expropriate without State liability, because the fault lies with those that built the neighborhoods without correct authorization.

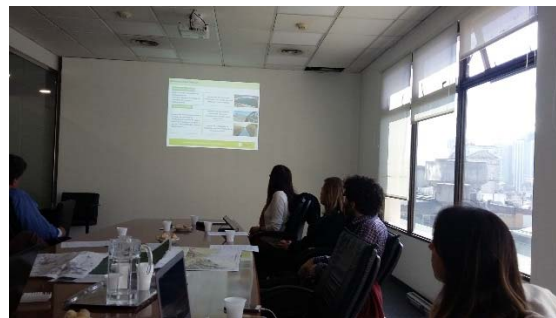
FH proposes, INSTITUTIONALITY as the core for work with social license. And in secondly that they should “not consider the SERMAN Plan as the bible”. In any case, they admit that there are works that they agree with and do not oppose them. They proposed starting with the works they agree with and at the same time begin discussions on canals, because the canal studies are lacking. There was no study on how they impact on aquifer recharge.

GREEN CLIMATE FUND – THE PROJECT

CAF explained the financing approval process, why the opinion survey should be ex ante and the role of CAF as a Green Climate Fund accredited entity. Beyond the results obtained from this request, PBA indicated that they consider that this is an important precedent before the Green Climate Fund, because in addition to the exercise of submitting it to external donors, they had to raise the bar for social components. While UCEPO indicated that FV does not act like a multilateral bank and they would be interested in learning the process for accessing funds.

Summary of main comments: a) environmental organizations request updating the SERMAN study used to make decisions on the works. This is a recurring topic proposed in terms of the usefulness of the base plan with respect to the changes in the region that are not considered; b) water quality monitoring will be done within MlySP at the Environmental Water Monitoring Department. Based on this, those in attendance agree in a future-related perspective they would expect to have good data; c) regarding COMILU, they comment that the steering committee was severely criticized because it had an exclusively water-related viewpoint. As a positive point, they say that the SERMAN water model constitutes significant progress and that not all basins have it, nevertheless, it could be improved; d) they request the inclusion of OPDS as an active part of COMILU to avoid problems, because it is necessary for correct management since they are the ones that make the assessment. They insist on a strong position on dealing with COMILU’s non-structural measures (institutional strengthening); e) the state that processes are undertaken before formally organizing COMILU with a consulting council for activities where there are chambers of industry, organizations of civil society and other stakeholders. If the institutionality is not respected, the results will be considered to be informal by civil society; f) PBA confirms that the works will not start up without consultations being made, but at the same time they are urgent; g) FH reports on the scope and capacities of the consulting council indicating that it does not merely have an environmental view, but also an integral view, because it is composed of different institutions and at the same time they have the experience of having been part of the prior advisory council and the in-depth knowledge of the basins and their particular characteristics. They strongly insist on, beyond what APN expresses, that the consulting council must give its opinion in advance; h) The also underscore that COMILU has no regulations, that it why it is a priority to work on its institutionalization, keeping in mind that they claim that work cannot start up if the organism that will manage it must be COMILU and it is not fully organized; i) FH assumes that the opinion of the consulting council will unfortunately not be binding, but it is good from a social and respect point of view. FRN in turn, maintains that it does not have to be a mere formality, because there is the idea that it is not necessary; j) FH expressed its strong disagreement with the changes made

to the initial work on the Santa Maria Canal and the lack of convincing responses²². They question how the land removed will be used, if it is necessary to remove it and where it would go; k) PBA comments that work on the Santa Maria Canal is stopped and that land management sometimes exceeds it. They further confirm that they have sent people to monitor soils in the region and the results (they are public) say that the soil is not polluted; l) FRN requests, and FH supports this request, more information on the project. What are the reasons and why will it be filled in to build a private neighborhood, when one of the main causes is filling in the wetlands; ll) UCEPO recommends highlighting the importance of OPDS and request that they analyze the cumulative plan, overall and strategic EIS, because if OPDS approves the master plan, it would not be able to make changes later; m) they confirm that there are places that, if relocated, it would avoid 48 km of canal building, because water would fill the space occupied by the private neighborhoods that were approved in an irregular manner, then why not do it. FR proposed analyzing the option of not expropriating under State liability, because the blame falls on those who created the neighborhoods without correct authorization, n) They propose beginning the works with those they agree with and at the same time begin discussions on canal building, because there is a lack of studies on canals, because there was no study on how it impacts aquifer recharge.



8. Civil Society and Municipal Governmental Organisms

Focus Group:

Mercedes Municipal Intendant - Juan Ignacio Ustarroz

Director of the Lujan River Basin Committee (COMILU, Spanish acronym) - Tomás Vanrell

Senior Executive of CAF Environment and Climate Change - José Agustín Blanco

President of the Lujan Association of Flooded neighbors - Sergio Frascaroli

Vice President of the Lujan Association of Flooded neighbors - Mariano Missio

Mercedes Councilman - Juan Badano

Mercedes Municipality - Agustín Simone

Councilman Mercedes Renovation Front - Carlos Milhomme

Cambemos Councilman - Oscar Albini

Resident and Fire Fighter - Juan José Alterino

²² The Works proposed was to widen the Santa Maria Canal to carry double the water, but the change proposes minor widening and additional canal parallel to the Santa Maria Canal.

SOS Habitant Civil Association – Jorge Petrocelli
SOS Habitat Civil Association - Macarena Pocaressi
SOS Habitat Civil Association – Hernan Borrajo
SOS Habitat Civil Association - María Celeste Pescio
Councilwoman Mercedes Renovation Front - Sabrina Selva
Mercedes Councilwoman - Patricia Prenitune
Environmental Unit, Mercedes Municipality – Maria Alejandra Erreca
Sub Director of Production – Lujan Development Agency, Lujan Municipality - Carina Morales
Civil Defense, Lujan Municipality - Ignacio Mattarollo
Sub Director of Civil Defense, Lujan Municipality - Antonio Graglia
Director of Environmental Management – Lujan Municipality - Corino Grifini
Heritage Curator of the Archaeological and Paleontological Research Team – Hector Arzani
Inspector, Mercedes Municipality - Agustín Barroca

The conference begins with the opening words from the **Intendant of the Mercedes Municipality, Juan Ignacio Ustarroz**, who describes the tragic consequences caused by flooding and the importance of more in-depth knowledge on this issue. He mentions that there is governmental will and the drive to move forward with the work needed for these locations and he expects them to begin quickly and efficiently. He further underscores the importance of learning from the exchange and knowledge lying at the heart of the community.

The **COMILU, Tomás Vanrell**, comments that the purpose is to find a final solution to the basic problems in the Basin, that are solved not only solved with structural work, such as bridges and water-related work, but also with non-structural measures concerning land use management, management of industrial effluents, being able to ensure that river expansion spaces can remain virgin and free. Definitely, integral and sustainable Basin management.

José Agustín Blanco, from CAF describes what the workshop dynamics would be, its purpose and comments on how project process began with the Government of Argentina and what the negotiations have been like, to finally approve the loan, which funding is now assured. He further explains that CAF is a Green Climate Fund (GCF) accredited entity and they took advantage of the juncture to request a loan from the Fund for part of the money required to carry out the project. The Fund agrees, but requires that an opinion survey be conducted prior to opening the Tender Round.

Ms. **Karina Campos, engineer**, UCEPO representative, presents the Project to the audience and answers questions and comments made.

The representatives of civil society all demonstrate their extensive knowledge of the Master Plan prepared by SERMAN Consulting and continually indicate that it can be improved. Throughout the meeting they discuss the works in the plan cause the most in conflict and others, on which they have few comments.

The organizations characterize the plan as limited. In addition to the fact that the basin undergoes permanent changes. For some the Plan appears to be limited because it does not propose any other possibility beyond conventional solutions.

SANTA MARIA CANAL

The environmental organization and flood neighbors coincide in mentioning that there is a problem with the Santa Maria Canal Project. They say that it is a practical matter, considering that that canal, instead of being a tributary, it is an effluent of the Lujan River. Therefore, it is not viable to make the planned expense for this canal, they consider it an exaggeration, because when the Parana River raises the situation is inverted.

They further express their concern regarding the change in the work scheme and without notice. They say that the scheme that they accessed recently, has nothing to do with the SERMAN Project, which proposes an initial expansion of the surface of the existing canal, that did not touch deposits at depth. However, afterwards they saw the new invitation to bid on a parallel canal, so they are asking about the scope of that new canal and state that they have doubts regarding the usefulness of the work in reducing the impact of flooding. One of the sources they consulted, told them that there are wetlands in this region where excess water would be deposited, because the Parana River may rise and flow into the basin.

They are most interested in reducing the impact of flooding on places where there are constructions in the river valley.

In response to this, José Agustín Blanco indicated that CAF received a project with two canals and the movement of muds was mentioned at the Wetlands Foundation meeting. At that meeting they agreed to request the reason for the change to the original plan for the Santa Maria Canal. Likewise, he explained that CAF is not an environmental authority, but it can require, which it in fact does, that the work to remove muds at depth cannot begin until they have the consent of the two environmental organisms or authorities (OPDS and APN). The representative of an environmental organizations says that he does not understand this proposal for two canals.

COMILU – CONSULTING COUNCIL

Some of the participating organizations coincided in questioning the organization and operation of COMILU, arguing that the regulations of the law must be established and have more participation from municipalities.

COMILU reports that it does not need regulations, but rather, the organization of a **Consulting Council**. In accordance with the Law, the Committee is administered by a Board composed of 7 members: 1. Chairman designated by the National Executive Branch, 3 Directors representatives of Provincial Governments (from the

Ministry of Public Coordination and Management, the Ministry of Infrastructure and Public Services and the Provincial Organism for Sustainable Development – OPDS (Spanish acronym) and 3 intendants (LUJAN, PILAR and MERCEDES). This Board will meet this week to organize the Consulting Committee (they are looking for dates on the agendas of the intendants), to sign the Organizational Minutes and designate the Executive Authority, that will then be elevated to the governor. He estimates that this will take from one month and half to three months.

The idea is that this Council will hear all opinions so that COMILU can then escalate them to the corresponding authorities.

The Municipality of Lujan expressed that the Consulting Council is the key for the result to be developed for the good of all. “That they all have a voice and are represented on COMILU.”

Some representatives complained about the time it takes for these mechanisms to submit consultations.

They also propose the possibility of making the consulting council binding and COMILU explains that this is not a decision for the board, that in principal they do not disagree with this.

LAND MANAGEMENT

The Lujan Association of Flood neighbors states its concern with respect to the provincial authority making a more fluid exchange with intendants to be able to manage urban development. They consider that this should be handled by one, province level authority. Because the actions of the different municipalities could have an impact on each other.

CAF responds that this topic of a single entity has been proposed, but that it clashes with the nature of “federalism” because they could not pass over the decisions of the municipalities, that have municipal autonomy.

COMILU states that any change in land use could be handled at the Deliberating Council (decree of law), requiring provincial validation, municipalities cannot do this for themselves. In addition, he points out that once the flood valley is defined, they should think about reaching an agreement with the municipalities on a land use policy through the land management plans. There are plans with innovative modern uses. He feels that this is a different scenario, because the municipalities have the will to do something more sustainable.

The different organizations, fire fighters and neighbors present at the meeting coincide in indicating that although municipal ordinances specify the kilometer limits to authorize buildings, these are systematically violated. They maintain that time passes and in practice the rules of play with respect to the limits are not met, because of specific financial and business interests.

PARADIGM CHANGE – SUSTAINABLE AND INTEGRAL MANAGEMENT OF THE BASIN

COMILU mentions the importance of learning from experiences in other places, such as France where they have carried out very significant water works, but subsequently verified that they had to correct this work and start

developing the along the course of the river. He therefore indicates the importance of managing the basin in a sustainable manner. His position is that the works themselves do not resolve structural problems. They appeal to them for a change in paradigm with an integral systematic vision.

The Institute for Archaeological Studies refers to this paradigm change as something necessary. With respect to the water retention works, and that instrumentation is necessary because it implies pollution. He assures them that the trash is the same as before, it is an ongoing problem and that paradigm change is necessary.

RIVER SHORELINES

Some neighbors warn about the construction of a new development (shopping Center) along the shoreline of the Lujan River, only 300 meters from it. They consider that they should not build anything along the shores of the Lujan River, because this interferes with flood mitigation. “The paradox is that they are still building in those places, that go against political decisions.”!

For that reason, they suggest a new river shoreline (the current one is taken arbitrarily) and they ask for more supervision of the latter.

Per **COMILU**, the river shoreline is almost completed and the study for topographical analysis is being prepared to define where the private shorelines reach and where the flood valley begins.

STRUCTURAL COMPONENTS

The Civil Defense Unit of the **Municipality of Lujan** indicates that the fact that there is a river with these characteristics is not a problem, but a blessing and they practically do not consider that. They request that they consider cleaning the River among the structural measures so that communities can use it for recreation.

Likewise, they believe that the issue of waste management should be considered and that base zones that are reserves for flora and fauna could be used for tourists to enjoy these areas, because today they are a natural and financial resource for these regions.

The Environmental Unit of the **Municipality of Mercedes** agrees with valuing the river for recreation and consider the Baltar Sream Project.

The Institute for Archaeological Studies also mentions the Baltar Reserve and that there are 2 lagoons, with an area of 18 ha, that are constantly suppressed. They ask that they consider a broader topographical study and they say that they have submitted the project to the Deliberating Council. Karina Campos will take them to the provincial authorities.

RELOCATION

The organizations present agree that the neighbors living along the basin should be relocated. And that “in any case, they would have to evaluate what costs less, carrying out the works or relocating the people.”

Some organizations say that they should not be afraid of relocation (they did it at the end of the 80’s and the area was released). The problem is that they did not carry out works immediately, and now it has been repopulated. They had a setback of 400 meters from the river bank, but now the opportunity is lost.

Jose Blanco says that CAF avoids financing relocations with funds from the loan, but, nevertheless, they do require strict compliance with the relevant safeguards. He mentions that relocation could be a solution agreed between the government and civil society, but it is not usually part of a project financed with multilateral funds.

Karina Campos, PBA representative, comments that they usually avoid this alternative and confirms that in this case no relocation has been defined.

REAL ESTATE DEVELOPMENTS

The **flood neighbors** mention that they respect the development of private neighborhoods, but they feel it is unfair for the neighbors to pay this price. They state that the SERMAN Study does not consider real estate issues and that there are already 85 developments of this type.

Moreover, they say that the provincial authority should manage urban development in conjunction with the intendants. They are concerned about the appointment as Director of Provincial Urban Management – an organism that among others, has the power to approve and regulate private neighborhoods – of a person that comes from an urban development on wetlands business. In their opinion, this appointment constitutes a conflict of interest.

The Association has requested an interview with the governor to obtain an explanation on this. **CAF** hears the comment, understands that it is suspicious but that it is not part of its competence or its Plan. In any event, they suggest that the PBA representative make note of this to escalate the request for a meeting with the Governor.

WORK PRIORITIZATION

Association of Lujan Flood Neighbors

Consider that it is important to construct reservoirs to hold water up river and not suffer the consequences, because this affects more persons than those affected by the works to be immediately started. They believe that they must define PRIORITIES for the works and for them. It is fundamental for people in Lujan to be included in Works in the upper basin. In the past, there was no State control, and that is why they suffered this flooding. They want reservoirs up river, more than the lower basin. **COMILU**, makes sure that both stages are done simultaneously, since there were delays in signing the loan. The work on both sectors will start up nearly at the same time. Most participants comment that if the Pilar Basin

problem is not solved, the Mercedes and Lujan problem will not be solved. **COMILU** agrees, the work cannot begin in backwards order. They cannot build canals in Mercedes, without solving the Pilar situation.

TEMPORARY RETENTION AREAS

An official from the Mercedes Municipality comments that they had proposed on a timely basis, to Anibal Fernandez in 2015, that they carry out the Master Plan on developed areas 6-meters from the Lujan River, with retention valves to slow down runoff. He asks what happened with that.

He comments that he found out about the 300 ha that have the Zoning to be able to use them.

Hydrological. Engineer, Mishuti from Lujan commented that they already had the solution, and said that it could be included in a second stage.

The official indicated that he has heard that the executive projects have not been defined yet and that they could make note of this and perform the geological soil studies, because it may already be a reservoir because of the water table. He asks if it could affect income for infrastructure work such as stone for sewers and other municipal works. He wants to know whether it is viable. He would like to know if this land use study could be conducted.

Jose Blanco responds that that by the time they submit the project to CAF, they were talking about replacing the large dams with temporary retention areas (ARTEH).

The PBA representative responds that that the Master Work Plan under the SERMAN Plan is ready (different types of works, such as retention valves at Moyano, Leones, etc.) There are analyses of 9 alternatives available and they have selected one (number 7) that will be concluded with this group of work.

COMILU states that signing the agreement with DPOH is still pending to see if they could implement the use of these 300 has, which they had referred to as being Regimented.

EARLY ALERT SYSTEM (SAT, Spanish acronym)

Whether they have considered the studies that the National University of Lujan (UNLU) is conducting, that discusses specific hydrological studies in the basin.

CAF and COMILU assure them that they are cooperating with UNLU and considering the incorporation of the Scientific Research Commission (CIC, Spanish acronym), that works in another area to implement the systems and homologate data into a single data base. Per **COMILU**, there is an agreement.

The Lujan Association of Flood Neighbors comments that they are in contact with Leonardo (From Camoleta Citizen Awareness), who is working with IMBAT that uses radar and is a low maintenance option and only needs State authorization to be installed. They would like to have volunteer citizen contribution to finance the low-cost maintenance and human resources. It works using a cellular application with parameters that provide information to direct hydro-environmental monitoring.

ENVIRONMENTAL MANAGEMENT

The **Municipality of Lujan** says that regarding the work, that because sedimentation is dynamic, along with the proliferation of clandestine canals, which also makes it dynamic, makes environmental maintenance and planning necessary (as in the case of COMIREC which has a work contingency plan). They ask if there is a contingency plan in this case for monitoring and if it includes training plans.

PBA responds that there is no parallel financing component for waste management such as the one for the Reconquista River Basin Committee. Perhaps they will make the request. With respect to contingencies, they report that during the construction of the work there is an Environmental and Social Management Plan (PGAS, Spanish acronym) that includes a contingency plan related to the work and that it is in the hands of whoever is responsible for maintenance of the work within the provincial framework using their own funds, which, in addition, must carry out the environmental and social management plan.

COMILU refers to Urban Integral Solid Waste Management (GIRSU, Spanish acronym) and reports that it was part of the work of the Reconquista River Basin Committee. Today COMILU is at the stage that the Reconquista River was 20 years ago. Today based on the experience of COMIREC, they passed the COMILU law and they can work.

The **Lujan Municipality** assures them that they are working with UNLU. They mention the Monte de Sigornia, Municipal Natural Flora and Fauna Reserve, and that based on it they are closing a distance monitoring project with support from the Ministry of Science and Technology (pollution and risk level alert). He asks for the support of COMILU.

There is concern in the environmental units of the Mercedes and Lujan municipalities, about water quality monitoring and they ask if PBA will undertake stronger controls on water for companies that discharge their waste into the water, because the absence of control by organisms competent on the matter at COMIREC meetings is repeated.

Jose Blanco responds that there is no guaranty of this, but that OPDS has said that that it is their intention, because they mentioned the irregularities they have observed on matters relating to industrial discharges into the river.

PBA assures them that COMILU will be a space for promoting this matter and that their priorities and basin evolution stages. That in this case, its the floods, but there were other priorities for the Reconquista River Basin, that were overcome and that they are currently working on pollution by companies.

COMILU assures them that the Law is starting off with strong motivation on this issue related to non-structural matters. There were changes in OPDS authorities and they consider that the new authorities are solvent and suitable. They have the advantage that they can do it, although it was not done before.

SOS Habitat asks if the Environmental Impact Assessment is only for the plan or if it is for all work involved. With respect to the EIA for the Santa Maria Canal, where can they find it and who does the study.

José Blanco responds that at the interview with OPDS, the officials indicated their intention of conducting an assessment of the entire Plan. He said that they want to assess the plan in an environmental strategic manner to determine the cumulative impact. The Law requires that all works have an environmental impact study.

PBA mentions that the EIS is public and that this time it was outsourced to UNSAM and then if OPDS agrees, it makes the declaration.

SOS HABITAT underscores the importance of time to study the project and that they have contact through public hearings prior to the environmental declaration.

ARCHAEOLOGICAL HERITAGE

The Civil Association, **SOS Habitat**, mentions that in the case of Mercedes, it has a paleontological tradition spanning more than 120 years. This activity was almost interrupted and eventually led to the creation of the Municipal Museum of Natural Sciences. They state that those strata of the Lujan River are fossil-rich and that the work will destroy these deposits. There is municipal legislation to protect natural reserves. They ask that they contact the company, calmly, to give them permission to enter their land.

That is why they are not in agreement with some structural work, but they approve of the integral vision that is better than the vision of each municipality. It is important to know the projects, such as the EIS's, because this will prepare them to protect this heritage and deposits spread throughout the basin. They would like to have an advance look at the project to compare it with the master plan. They would like broader participation (the people from LUJAN agree).

COMILU comments that the tender documents should include how to remove soils in areas where there are deposits.

PBA reports that there is no time now for this, but that they will escalate the question. But that PGAS is included in the documents and includes a series of protocols to be followed, there is a land movement model for archaeological issues.

José Blanco reports that CAF has required the inclusion of a findings protocol in PGAS, linked to this archaeological issue. The Green Fund also has safeguards for cultural and natural heritage of the territories.

Municipal ordinances could be included in the PGAS for this work so that will be done.

The environmental association mentions that there are 2 bridges in Mercedes that have a historical and cultural survey, one is Pasarela (this is preserved through a local project) and the other is the Cañon Bridge (this is being expanded). They expect to know what the level of historical-cultural surveying is.

A **Councilman** suggests submitting an ordinance project to safeguard the situation of the Cañon Bridge. That the NGO escalate the request to the Deliberating Council.

TRANSPARENCY

There is consensus among the organizations and neighbors present to request transparency in data for all those participating. They want to be able to see what references, studies, etc. are used. They ask that the Common Good be considered and provide an integral vision of the Basin. They complain that there is no effort to consult the community and explain the project.

PRIVATE RESERVOIRS

There is concern about the reservoirs that affect private ones. The question arises on to how to deal with this issue.

COMILU responds that they have still not reached agreement with owners. The key lies in where the limit will be. Later they will run a census on the lands and the project will be explained (cutoff date) They will discuss the restriction on temporary use of lands.

Jose Blanco reports that they are against payment. They consider that if they complied with the law, it should not be a simple expropriation by public will. PBA refers to a law on payment for usufruct.

PBA agrees that no agreement has been reached with each owner, because this will be done in the executive projects that require it (Law on Administrative Easements).

The Mercedes Councilman indicates that this takes time and can be complicated.

PBA says that they should do this very carefully, because they must know where to draw the line and the dimensions, they verify who the owners are once the specific delimitation is done. The cutoff date is key so that they do not take advantage and others occupy them.

Summary of main comments: a) Estimates that the organization will take approximately a month and a half to three months; e) some of the representatives complain about the time it takes for these consultation mechanisms; f) The Lujan Association of Flood Neighbors requests greater exchange with intendants with regard to urban development and that it should be “managed by a single authority at the provincial level”; g) they suggest marking a line along the river (taken arbitrarily) and better supervision of it; j) consider among nonstructural measures, cleaning up the River and that it be used for community recreation; i) Consider conducting a broad-based topographical study at the Baltar reserve (The project is submitted to PBA); j) the organizations present agree that they must relocate neighbors living along the basin and that “in any case, they would have to evaluate what costs less, carrying out the work or relocating the people); k) The Lujan flood neighbors consider that the works that will be done immediately do not benefit the neighbors, but rather protect real estate developments. They propose constructing reservoirs to contain the water up river and not suffer the consequences and that they would have to define PRIORITIES for the works: for them, the work on the upper basin is fundamental that the people of Lujan be included; l) the majority of participants state that if the problem of the Pilar basin is not solved, that of Mercedes and Lujan will not be solved either; ll) one of the local officials suggests “conducting geological soil studies, because it may already be a water reservoir, because of the water tables”; m) need for environmental maintenance and planning; n) there is concern in the Mercedes and Lujan environmental units with regard to water quality monitoring and they ask if PBA

will have more control on companies that discharge waste into the water; ñ) SOS HABITAT underscores the importance of time to study the project and for contact at public hearings before the environmental declaration; o) the representative of the Institute for Archaeological Studies refers to the paleontological tradition in Mercedes and discusses the fossil-rich strata of the Lujan River and that the works will destroy deposits. There is municipal legislation to protect natural reserves and they request considering it before the works. They propose submitting the project to save the situation of one of the bridges (historical heritage) to the Deliberating Council; p) they ask for transparency in information for all participants.



9. Civil Society and Municipal Governmental Organisms (Pilar)

Focus Group:

- Natural Heritage Foundation (FPN, Spanish acronym) - Graciela Capodoglio
- Neighbors in defense of Los Cardales and Lujan River Civil Association (wetland neighbors) - Jorge Suaton
- Environmental Association of the Escobar Party (AAPE, Spanish acronym) – Hector Hugo Magnani
- Wetlands Foundation (FH, Spanish acronym) –Adriana Anzolin.
- Climate Change and Water Dialogues of the Environmental Department of the Pilar Municipality - Jerónimo Valle
- Sub Secretary of Sustainable Development of the Pilar Municipality - Elena Garbesi
- Private Secretary of the Pilar Municipality - Rocío Hiltt
- Municipality of Pilar - Micaela Astorga
- Protected Areas of the Municipality of Pilar - Marina Lemos
- Environmental Secretary of the Pilar Municipality – Javier Coruera
- Civil Defense of the Municipality of Pilar – Gaston Monsalvo
- Civil Defense and Disasters, Municipality of Pilar - Ramón Pared

To facilitate the reading of opinions compiled at this conference, comments are systematized by topic addressed, as shown below:

COMMUNITY CONSULTATIONS

The meeting begins with comments from the **Natural Heritage Association** saying that they have locally organized the Rio Lujan Basin Network of Organizations and Neighbors. This network is based on the COMILU advisory commission that the neighbors involved joined.

The **Environmental Secretary of the Municipality of Pilar**, Javier Corcuera proposed the need to include representatives from the flood victims because they are the ones directly affected.

They all think that spaces for training are extremely necessary. The environmental organizations admit that the flood victims may not understand the scope of the response being made to solve the problem and quick performance of any work is not the solution. To that end, the organizations request that they pay attention to this point and to the need to finance spaces for participation to make real sense of participation. They comment on the usefulness of generating spaces, promoting them, editing bulletins, designing a real information plan before the works are done.

Those present agreed that invitations to consultations should be public to permit the participation of all those who consider themselves involved.

They give the example of the *Basura Cero* (Zero Trash) Project and the use of the format they implemented to generate a participative process to create the consulting council.

“They talk a lot about participation, but we (Network of Rio Lujan Basin Organizations and Neighbors) were never invited again. We look with horror when they talk about executive projects and we were never participants. There is a reserve involved, the Otamendi Reserve. It’s horrible to see how they are already opening tenders to do the work, when there was no participation and debate”.

COMILU

CAF, **Jose Blanco**, reports that at the meeting held on August 17 in the city of Mercedes, they questioned the COMILU organization process, because of the time involved. At the same meeting, the representative of COMILU reported that within 1 month and a half to 3 months, the Honorary Consulting Council would be set up and they are seeking to include the private and real estate sector. Afterwards, participants express concern on the regulation and operation of COMILU.

The interest in COMILU, its regulations, operation, participation and scope is repeated throughout the entire meeting and shared by all those present. In addition, they highlight the differences between the prior Basin Committee and COMILU. The Basin Committee had an advisory committee and could not receive money. While COMILU is a committee that can receive money. The issue of the Consulting Committee produces a gap for participants who await its organization as an appropriate area for participation.

The Municipality refers to the importance of institutional strengthening for COMILU and all the participative processes with respect to all aspects, broadening the range to academia, university, flood neighborhoods that are not at the table and government entities.

They see it as a “vicious cycle” between the lack of consultation and validation by civil society and the lack of institutionalization of COMILU.

With respect to the question by CAF about the need for control, all present agreed in underscoring the need to strengthen institutionalization and COMILU, as well as the relevant control entities.

With respect to strengthening COMILU, they refer to the case of COMIREC, but they also point out that these cases cannot be compared because these are basins with different levels of problems. The CAF representative commented that there was a visit by French technicians and among their outcomes they pointed out that the processes for the participation of civil society organizations were defective and should be improved.

PUBLIC HEARING

With respect to the participation in and circulation of the information, they ask about the possibility of holding a public hearing on the Project. They explain to the environmental organizations and to the Municipality that OPDS will evaluate the plan, but that the hearing will be for each of the works.

The **Wetlands Foundation** insists on emphasizing that the tender was carried out without knowing what the impact of the works would be.

This is a repeated concern by the organizations and the municipality about the need to hold a public hearing prior to work start up, where they can express opinions on the integral basin management plan and not on each of the works.

PBA states that there are two actions underway, but they are not definitive. On the one hand, DPOH requested OPDS, as the environmental organism, to issue an opinion on the entire group of interventions, beyond the fact that the each EIS would have to be processed separately.

Moreover, current legislation establishes that it is sufficient to submit an EIS and demonstrate that a public hearing was held. Based on this, the executive project is carried out, the EIS is prepared and submitted to OPDS and the tender is started at the same time. That is why, the work does not start until OPDS issues the declaration. Accordingly, the concern expressed is pertinent, because if there are important comments made at the public hearing that imply a change in the engineering, in effect it is too late and therefore useless.

For this project, through PBA, they were able to include within the tender documents for executive projects being tendered, that companies open spaces for consultation, which would be a second consultation, in addition to the one OPDS does (refers to each specific work).

The new clause on executive projects meets with their approval and they understand it as a positive that can be used for all projects. They see it as a step forward and those present appreciate it.

UNTAPPED POTENTIAL

AAPE shares that it has held a workshop in Lujan, and the document is derived from it (this was already discussed at the meeting on Wednesday, August 16 and they sent a copy). This study was sent to APN, because the AICA sites are places for species and bird migration and tourism centers.

One of the most important opinions derives from here. The organizations and the municipality consulted agreed that there is untapped tourism, scientific, archaeological and environmental education potential.

EARLY ALERT SYSTEM (SAT, Spanish acronym)

Regarding SAT, the director of Civil Defense of the Municipality of Pilar explains that there was a plan to relocate the neighbors, but it was very problematic to implement. In turn, they explained that there is a monitoring system for the entire basin, shared with other municipalities, and they set up a contact network throughout the basin including fire fighters and volunteers. The Municipality of Pilar donated sensors to those municipalities lacking them, but the Lujan sensor system has not been installed yet.

José Blanco asks about homologation with the national meteorological service regarding the devices used. The Municipality of Pilar confirmed that it participated at the meetings on the topic and that OMM does not have sufficient reach because the Municipality applies on a provincial and not national level.

The **Municipality** is passing resolutions on mechanisms to achieve homologation. However, they say, that in urgent cases they must act without homologation of devices.

NATIONAL GOVERNMENT REPRESENTATION

The **Municipality** indicates that it is necessary for representatives of the National Government to be present at these consultation meetings to be able to participate and discuss topics of common interest. They repeat the need to have an APN, because they have direct impact on the topic. They comment, that although they were invited, they could not attend that meeting, but that they have gone to meetings at other locations and have conducted an in-depth interview with a representative. The results are also included in that public document.

Once again, the **municipality with the support of the organizations**, underscores that they must set up institutionality that endorses processes and strengthens decisions on the project.

In addition to APN, they propose the need for participation by other government entities because of the scope that the problem could develop and the pertinence of different aspects.

SANTA MARIA CANAL

The **PBA** representative comments that the Santa Maria Canal Project has had the most progress.

The **organizations** are very concerned that the plan initially approved was changed and no explanation was given regarding the changes, they have not respected the consultation process with the community and have not offered any logical explanation to understand if it is financially and hydrologically appropriate to build two canals.

Some participants state that it is incoherent because to protect the wetlands the strategy is to remove land to dump it into the wetlands. Although this topic was discussed at another meeting with civil society, it is brought up because of a hydrological question and not only because of the pollution previously mentioned. The scope of the problem is greater and represents a concern for the residents of the region.

The organizations ask about the judicial procedure that justifies that they could change the works that were already approved. PBA states that there is no indication under the law that requires MlySP to give any explanation, and at the same time there is no indication that a hydrological plan must be approved by law. The Municipality states that if the question is brought before the Consulting Council, the Government has the obligation to answer in writing.

Another concern of the environmental organizations and residents is the existence of cases of conflict of interest with the hierarchical authorities consulted. They refer to specific cases of large investors with real estate interest in the region.

RIO LUJAN INTEGRAL PLAN AND PROJECT REGULATION AND REMEDIATION STUDY BY SERMAN CONSULTING

The Master Plan prepared by SERMAN Consulting is at the *preliminary project* stage, it is accessible to the public, with an interesting level of analysis regarding alternatives, but when it passes to *executive project* status there may be changes. A positive aspect is that the master plan was prepared incorporating innovations to ensure that interventions cause the least damage possible to the environment.

The representatives of civil society organizations all demonstrate their extensive knowledge of the Master Plan prepared by SERMAN Consulting and continually indicate that it can be improved. Throughout the meeting they discuss the stages of the plan that contain the most conflict and others, on which they have few comments.

The organizations say that the Plan is limited. In addition to the fact that the basin suffers permanent changes, the Plan appears to be limited because it does not propose any possibility, other than conventional solutions.

The Wetlands Residents Association refers to the fact that in Campana they decided to maintain the wetlands area. This decision is important and could serve as a precedent. The SERMAN study indicates that the river's flood valley could be maintained because it has no impact on flooding of the middle Lujan basin.

In addition, **Wetlands Residents**, ask about the text in the Master Plan that indicates that there should be a transfer to MlySP and training for personnel to carry out operations, so that it does not remain only in SERMAN. PBA agrees to corroborate this, because in general, they are given a password to use the database and later they can incorporate new data to continue improving it.

NEW MODELS

The **civil society organizations** propose the idea of generating a new model. They propose testing other alternatives, studying the impact they could have on the basin if it progresses onto certain territories used for recreation, such as the golf course in a private neighborhood, a portion of San Sebastian neighborhood which is illegally constructed or dealing with more expensive neighborhoods.

They point out that the causes for flooding are not considered, but they only plan patches to sustain negative impacts. The wetlands are fundamental to climate change, but they are damaged every day.

The different organizations endorse this opinion, and propose seeking different alternatives that do not involve building a 48-km river canal. And they refer to the National Constitution, which provides that in the event of environmental damage, they must remedy the negative impact and requires its application to wetlands.

The **environmental and resident organizations** require a study on refilling options with different variables, that would have to be analyzed before thinking of building the Santa Maria Canal.

The Wetlands Foundation summarizes the proposal that they must analyze critical areas of wetlands that are occupied and study whether it is necessary to relocate, without differentiating whether the neighborhoods are private or not. Using the hydrological model available, identify areas occupied by neighborhoods to consider if they should fill in the whole neighborhood or only part of it.

The **Municipality** also underscores that the same Master Plan admits that it did not analyze possible alternatives and this seems to be common sense, without needing to stop all the work, it would be possible to analyze other options at the same time.

In summary, they propose conducting a water study using different scenarios. these scenarios could be modeled and the models used to determine which of the polders must be eliminated, which not and where to make progress. They could use such technologies as drones, aircraft or satellite mapping to do this.

The Municipality of Pilar comments that they have signed an agreement with the Ministry of the Interior to produce a model of the hydrological-environmental impact. This agreement implies involving the Government in the matter. The agreement does not imply requesting funds to carry it out, but instead the government will directly do it. They have had several meetings with the National Water Institute on this matter. They indicate that this milestone could be used as a positive precedent.

AQUIFERS

The AAPE organization states that plans whose objective is that water flow to avoid flooding, do not take aquifer recharge into account.

STRUCTURAL COMPONENTS AND NON-STRUCTURAL COMPONENTS

During the presentation of the project the structural components stand out, but not the non-structural. The loan is very important for non-structural components (changes in the law, work on institutional aspects such as COMILU, environmental aspects, land management, etc.). CAF indicates that they have great expectations for the impact that the loan would have on non-structural components.

RELOCATION

The **Pilar Environmental Secretary** asks about relocations and how they are coordinated. The **PBA** representative confirms that in this case no relocation has been defined, and no populations have been identified that require relocation. They will avoid relocations during the entire project. They will only be done when there is no other option possible for the basins, these are complex to implement. I believe that this is an alternative that we are

trying to avoid as far as possible. It is only done when there is no other option. However, if there are any, the CAF safeguards with the highest standards will be applied.

CAF adds that the resettlement safeguards they use are consistent with applicable Green Fund policies. Among the project documents, they were required to present a Non-voluntary Resettlement Framework. They also indicate that CAF does not finance actions related to relocations and resettlements and that the presentation made to CAF to apply for funds for this project, did not contain any relocations. However, in the event this happens, CAF would be very concerned and they would oversee compliance with safeguards, accompanied by the technical courses and census necessary, but monies needed for such relocations will not be included in the budget. CAF requires appropriate management of a non-voluntary resettlement process, but does not finance it. They have developed a resettlement framework to clarify the principles from the start for the development of a resettlement plan in accordance with current law and CAF and Green Fund safeguards.

REAL ESTATE DEVELOPMENTS

AAPE presents the topic of real estate developments indicating that there are several developments implemented in natural public domain zones. In this case, it requires that the State implement the judicial and extra judicial actions that may be necessary to normalize cases of usurpation and undue constructions. They refer to the San Sebastian case where they held a public hearing called by the Municipality and not by the corresponding bodies that would apply them and that it was too late because it was held after they were done.

To repeat, the San Sebastian example is a poor precedent that should be avoided for this project.

PBA notes that this case was incorrectly applied and the EIS was issued incorrectly. They expect that this will not occur with this project and that they will take the actions required to avoid it.

CAF accepts that cases of irregularity have been discussed during the entire consultation process and that they are concerning. It also admits that the legal question could contained within the non-structural component to strengthen provincial legislation.

AAPE also refers to the topic of the line along the riverbank, because part of the authorizations granted were due to defects in delimiting this line because flood patches were not considered. CAF made the distinction between the line along the river that separates public from private administration and the flood line.

AAPE remarked that in San Sebastian the line along the river was the river itself, while the flood patches were the determining factor to carry out any other type of work in the basin.

PBA confirmed that ADA is working on this issue. AAPE also reported that in Escobar, real estate developments are taking over the sides of the river.

BASIN CHANGES

The **Natural Heritage Organization** indicated that one of the biggest problems with this project is that it is based on a study that could be slightly obsolete because the reality it revealed is constantly changing. The speed at which the composition of the basin is altered is faster than administrative and planning times to update the work.

They list among these changes the construction of a shopping center, industrial park and a polder to keep external water from entering the housing developments, but those constructions change the morphology of runoff to the river and therefore at some point they plug up runoff. Because of this, they consider that the Master Plan is neither real nor completely applicable to this case.

The participating **organizations** question the actions of the Municipality that endanger the wetlands with these constructions and fail to comply with the Master Plan.

The rest of the organizations endorse this point; in other words, *“the work will be palliative”*. PBA agrees to giving more importance to this and CAF indicates that this is a point to keep in mind for permanent new changes made or to be made

WORK PRIORITIZATION

The **Municipality** stresses the great expertise of the environmental and resident organizations on this issue. And highlights that the organization do not oppose carrying out the works, but that they are not ecologically understandable. In this regard, they reveal that whether to consider the suggestions from this consultation mechanism, because the OSCs request they consider prioritization of work implementation in accordance with the information they have on their impact.

The **organizations** have conducted a study of the works and they are working on putting together a list of works organized by dimension of the social and environmental impact they would have. They could present a list of the works with the least conflicts to start. They acknowledge that a large part of the works could start up with its endorsements with few delays. However, with respect to others there are still doubts, incoherent facts and the intention to seek other alternatives. Works on the lower and middle basin have the highest priority.

Nevertheless, the **Wetlands Foundation** reiterates that before presenting the work of the organizations they should strengthen their institutionalization. They again refer to the vicious cycle described above.

PBA reports on the retention works they will carry out shortly, because although the loan will be approved in two installments, the first does not have to be completed to start on the second.

Cultural Heritage refers to the case of the Pan-American highway, highway 8 over the Lujan River, where half the road is the old road with clearance and widened 20 years ago. They built two other branches of the road with half the clearance and therefore Lujan gets flooded.

AAPE presents the front page of the Clarine Newspaper for November 05, 2014.

https://www.clarin.com/sociedad/tapas-diarios-miercoles-noviembre_0_rk5Y-VdqvQl.html



LEGISLATION

The **organizations** ask the Municipality and PBA about the liability arising from signing the Ramsar Convention and at the same time building on the wetlands. The municipality explains that signing the Ramsar Convention is not binding.

During the discussion about the authority of the State with respect to commitments assumed, the CAF representative indicates that it is consistent with local legislation. In this regard, if APN and OPDS grant permits, CAF could progress and comply with the agreement and make the disbursement. The liability of the stakeholders and the bank that grants the loan is limited in this case.

THE PROJECT

CAF explains the detailed steps to follow for the loan and the deadlines for presentation to the Green Fund Board. They state that the documents will be published on the PBA, CAF and Green Fund web pages. CAF encourages those present to review the documents and let them know if any opinion or aspect is not correctly or completely reported.

Summary of the main comments: a) underscore the need to institutionalize the social license for works through COMILU, that since it is not organized and does not have regulations, impedes correct development; b) Likewise the environmental and resident organizations stress institutional strengthening to ensure their participation; c) they request expanding and including all stakeholders at meetings through public invitations; d) They propose prioritization of the works to be able to progress with those that have the most consensus, while working with those with conflicts; e) they express their dissatisfaction with the work approval and implementation procedures for the Santa Maria Canal and on the use that will be given to the land removed; f) They mention several examples of Private Neighborhoods that have been built on wetlands, through irregular administrative authorizations. They must strengthen evaluation, approval, participation and control mechanisms for projects, particularly with respect to environmental aspects; g) they refer to the possible environmental impact of the work proposed in the Master Plan and its possible prevention, mitigation and compensation. They underscore the need to include an ecosystem

approach into the Master Plan and into the work proposed, particularly regarding conservation of ecologically important wetlands (Ramsar, AICAS and other sites) and protected areas. The Master Plan is considered a good document, but subject to improvement and updating.



Annex 3. Resettlement Policy Framework

**Implementation Project for the Management Plan of the Lujan
River Basin.**

Resettlement Policy Framework

August 2017

ACRONYMS AND ABBREVIATIONS

PAA : Protected Areas Administration

CAF : Andean Development Corporation/ Development Bank of Latin America

IFC : International Finance Corporation

COMILU: Lujan River Basin Committee

EIA : Environmental Impact Assessment

I&PUM: Infrastructure and Public Utilities Ministry

RPF : Resettlement Policy Framework

UBN : Unsatisfied Basic Needs

ESAP : Environmental and Social Action Plan

RAP : Resettlement Action Plan

PBA: Buenos Aires Province

ESMP: Environmental and Social Management Plan

CMP: Comprehensive Environmental and Social Management Plan

UCEPO: Unit for Coordination and Execution of Works Projects

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Summary

The objective of the Comprehensive Plan and Project for Regulation and Sanitation Works on the Lujan River is to prevent flooding, control stream-flows and mitigate the adverse effects from in the Lujan River Basin, which have recently become stronger and more frequent, thus increasing resilience vis-à-vis climate change in the basin. These flooding events have in recent times greatly increased in size and frequency. This objective will be achieved by undertaking a combination of civil and land management works based on climate risks encompassing Campana, Chacabuco, Escobar, Exaltación de la Cruz, General Rodríguez, José C. Paz, Lujan, Malvinas Argentina, Mercedes, Moreno, Pilar, San Andrés de Giles, San Fernando, Suipacha and Tigre municipalities attached to the Province of Buenos Aires.

The project is divided into eight components. Components 1, 2, 3 and 4 seek to address physical issues in the basin; component 5 is focused on the solution of anthropic factors affecting the basin; component 6 focuses on monitoring sudden flooding events; component 7 includes capacity strengthening, monitoring, and audit issues; component 8 includes the evaluation expenses, and the funding fee for the CAF loan.

Civil works involve raising the height of the Santa Maria channel section to a final width of 80 meters; widening and profiling natural channels along a strip parallel to the river showing between 15m and 30m variations in each margin; replacement and enlargement of bridges, and installation of temporary water retention areas connected with tributary streams. Widening the channel and natural riverbeds profiles could likely imply reaching into privately owned properties, which will require to be released through the acquisition or expropriation of plot areas required to enforce easements or public domain strip area.

Climate-risk-based land-management activities will include the demarcation of riverbanks to accurately determine floodable areas to be subject to administrative restrictions or enforcement of easements involving some land-use restrictions.

At the current preliminary design stage of the works included in project, the inventory of potentially affected property based on the definition of the public domain strip area and / or easement has not yet been made. Since this information is not available, it is yet undefined whether the scope of works will give rise to: a) Displacement of population or loss of housing; b) Loss of assets, or access to them; or c) Loss of income or subsistence sources.

Considering the possibility for population resettlement, this Resettlement Policy Framework has been prepared, in line with the existing national and provincial regulatory and institutional framework, and

CAF safeguards, which are the procedural guidelines to be applied vis-à-vis formulation, implementation and monitoring of Resettlement Action Plans (RAPs).

The estimated total cost of the Comprehensive Management Plan of the Basin and Project for Regulation and Sanitation Works on the Lujan River amounts to US \$ 315.36MM. Notwithstanding the fact that the Buenos Aires Province has included this project within its investment priorities, budget and funding constraints have led the Buenos Aires Province (PBA) to split up the project into two funding tranches (I and II).

The borrower of this loan operation is the Buenos Aires Province, with the Argentine Republic guaranteeing this operation. The budget for environmental management during the implementation phase of the whole project amounts to about US \$ 23.5M (Tranche I and Tranche II).

1. Introduction

The Comprehensive Management Plan of the Basin and Project for Regulation and Sanitation Works on the Lujan River is currently in its pre-design stage, according to File No. 2406-2391/11/DIPSOH dated August 2015. Drafting up of executive projects and bidding documents, as well as conducting environmental and social impact assessments in order to request environmental permits for all works involved in the project, are included in the first project component. Environmental legislation in force in Argentina requires holding Public Hearings as a key element for identification and assessment of possible adverse environmental and social impacts. Point 4 in this document includes a thorough detailed explanation of Argentine legislation applicable to this case.

The Province of Buenos Aires, through a specialized consultancy, has conducted a detailed Environmental Assessment of the Lujan River basin, which is part of the Survey "Comprehensive Plan and Project for Regulation and Sanitation Works on the Lujan River"- File No. 2406-2391/11/DIPSOH, dated August 2015, being the above the basis for the implementation of Environmental and Social Impact Assessments (ESIAs) of each work.

At this pre-design stage, there is not yet precision on the type of property to be affected by the works. There is a likelihood that works to expand the cross-sectional natural and channel profiles will entail damages to private property, demanding the acquisition and / or expropriation (previous compensation) of land in the event that the latter is not State property. However, it is unlikely that, beyond the resettlement of existing real estate, these works call for resettlement of some population.

Temporary water retention areas will be set up on rural land, which will be selected while seeking to minimize affectation to properties on land containing infrastructure, housing, industrial or other constructed property, agricultural property or agricultural produce (fruit trees, olive groves, vines, planted forests, etc.) or farming land. The imposition of easement regulations should be required in these areas to allow for constraints to be imposed on eligible activities to be developed, and to restrict soil harnessing in times of drought. However, the likelihood for population resettlement to be undertaken is practically nil.

Within the framework of the comprehensive management of the Lujan River basin, the "Determination of the River Bank Line" is foreseen, which could lead to a recommendation for resettlement of population located in an high flooding risk area, and the implementation of occupation ban regulations.

As an outcome of land arrangement planning and the definition of river bank lines, together with flooding spots, a need for population resettlement may arise, although the number of families involved is not estimated to be significant.

In this regard, the following issues should be considered:

1. The likelihood for population resettlement is low because:
 - a. The percentage of rural dwellings is 2.8%
 - b. In the case of urban areas found to be located below the riverbank line, a flood protection plan, and adaptation measures will be implemented as infrastructures in place in the area will not be relocated. Thus, the riverbank line will be moved to coincide with the lower margin of the urban area.
 - c. Fifty percent (50%) of the riverbank line has already been determined and, so far, there has been no need for any infrastructure to be relocated.
2. Scattered riverside communities have adapted their homes to flood events (palafitte dwellings).

Considering the possibility that people could be resettled on account of the project works, it is important to have a Resettlement and Affected Properties Management Policy Framework. This Policy Framework will be the basis to safeguard, at all times, the rights and interests of people eventually affected in case the foreseen works and actions require unforeseen physical resettlement of population, or impair their economic activities or livelihood.

This RPF has been developed in line with the interim GCF environmental and social safeguards. The GCF has adopted the performance rules of the International Finance Corporation (GCF/B.07/11), an organism that belongs to the World Bank Group. As such, the RPF is aligned with Performance Rule No. 5, "Land Acquisition and Involuntary Resettlement," which recognizes that land acquisition and restrictions on land use which are related to a project may have adverse impacts on communities and on people harnessing these lands. This Rule is aligned with CAF safeguard Policy S07: Population resettlement. Involuntary resettlement refers to both physical displacement (resettlement or loss of housing) and to economic displacement (loss of property or access to property causing loss of income sources or other livelihood means) as a result of land acquisition, or project-related restrictions on land use. Resettlement is considered to be involuntary when affected persons or communities do not have the right to refuse land acquisition, or are forced to abide by land use restrictions resulting in physical or economic displacement²³. In turn, this RPF is consistent with the regulatory and institutional framework existing at national and provincial level, and CAF's own regulatory framework.

Accordingly, the RPF is a guide which includes the procedures for the formulation, implementation and monitoring of Resettlement Plans (RP), which could be required in case the project activities

²³ Environmental and Social Sustainability Performance Rules, IFC, 1st January 2012.

result in: a) Displacement of population, or loss of housing; b) Loss of assets or access to them; and c) Loss of income sources or subsistence means, beyond requiring a physical displacement of population.

2. Institutional Framework

The executing agency will be the Infrastructure and Public Utilities Ministry (I&PUM) of the Province of Buenos Aires, through the Unit for Coordination and Execution of Works Projects (I&PUM). The I&PUM will be the agency responsible for the project implementation and monitoring. The Province of Buenos Aires (PBA) has a strong background record in the execution of projects and programmes funded with multilateral organizations resources.

Execution Arrangements

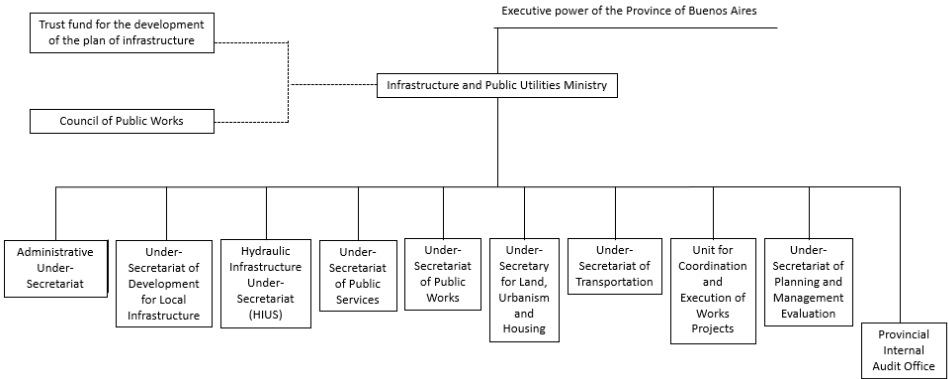
1. The Borrower

The operation Borrower is the province of Buenos Aires (PBA), and the Republic of Argentina is the operation Guarantor.

2. The Executing Agency

The Executing Agency will be the Infrastructure and Public Utilities Ministry (I&PUM) of the PBA, through the Unit for Coordination and Execution of Works Projects (UCEPO).

The I&PUM is responsible for policies addressing public works planning, execution and monitoring, urban arrangement, housing and the provision of Public Utilities in the province. The UCEPO is the management unit, with undersecretary rank, responsible for planning, administration, contracting, execution and control of external funding-based projects.



Source: Decree N° 306/16, 4 January 2017, La Plata City, Buenos Aires Province

3. Execution Scheme

The overall technical and operational coordination of the Project will be carried out by the IPUM through the UCEPO. The main duties of the Executing Agency will be, among others: (i) designing and planning Project actions and activities; (ii) overseeing and monitoring each of the Project components, both from a technical and a social and environmental stance; (iii) drafting up key Project scheduling, monitoring and evaluation documents; (iv) performing all procurement and hiring of works, goods, and services for the Project through the I&PUM's Provincial Procurement and Contracting Department; (v) requesting the Funding Undersecretary attached to the Economics Ministry of the PBA (SSF) the availability of loan funds required for payment of works, goods and services; and (vi) carrying out actions as required to abide by the loan agreement clauses.

To fulfil its duties, the UCEPO will count on the support of several technical areas within the I&PUM, such as the Provincial Hydraulic Works Directorate (PHWD), the Provincial Hydrological and Environmental Monitoring Directorate (PHEMD), the Provincial Risk and Emergency Management Directorate (PREMD), the Water Authority (WA) and the Provincial Maintenance Directorate (PMD).

The PHWD, under the Hydraulic Infrastructure Under-secretariat (HIUS), will be responsible for the preparation of technical specifications and terms of reference for execution of the Project's activities, preparation and approval of works progress certificates, supervision of oversight services and both provisional and final reception of Project works, signing the transfer agreements where appropriate, among other activities.

The PHEMD will work with the WA in the design and implementation of the Basin-related Monitoring and Early Warning System (MEWS), coordinating with PREMD the implementation of local risk management strategies through a joint work with municipalities.

The PMD will be in charge of implementing and executing the of maintenance, improvement and expansion of hydraulic infrastructure of the province. It will also be responsible for entering into and solving agreements for the provision of equipment and execution of maintenance tasks with municipalities, watershed committees and consortia.

An external consulting firm will be hired for the technical, environmental and social supervision of the works. This firm will be supervised by technician staff belonging to the HIUS. The financial audit will be externally hired by the SSF.

The COMILU, set up by Provincial Law No. 14,710 of May 5, 2015, is an autonomous entity linked to the PBA government through the I&PUM and its duties include planning, coordinating, executing and monitoring the comprehensive management plan of the basin and its comprehensive administration. COMILU's duties also include planning the respective environmental territorial arrangement. This Committee is made up by a Board whose members are representatives of the provincial executive branch and the municipalities in the basin. It is an advisory council with the purpose of promoting community participation and integrating the vision of all other public and private stakeholders in the basin and has an administrative structure that allows it to carry out the activities entrusted to it. In this sense, COMILU will have as its main responsibilities public policy-making and strengthening the institutional and regulatory framework that will support the PMRL execution, in coordination with all other provincial and municipal entities and, in particular, by means of Institutional strengthening, environmental issues and land arrangement components.

The financial administration of the Project, including submitting disbursement requests to CAF, contractors' payments, and substantiating funds requests, will be the responsibility of the SSF. Thus, a special dollar account will be kept where loan proceeds will be received, and an Argentinian Pesos currency bank account will be kept for payments.

The Operational Programme Manual (OPM) will include details on: (i) the organizational structure (job description, responsibilities and organizational chart); (ii) a detailed description of the Project; (iii) Programme administrative, coordination and supervision processes; (iv) procedures for environmental and social management of the Programme; (v) reporting and control mechanisms; (vi) follow-up, monitoring and evaluation of the Project; And (vii) administrative-financial management, among others.

3. The Project

3.1 Project description and scope

The project is divided into seven main components and one administrative component, as explained below:

- **Component 1: Engineering studies and others**

Includes preparing executive projects and bidding documents for all the works of the project.

- **Component 2: Water conveyance and river channel enlargement works**

This will improve the conveyance capacity of the Lujan River through the construction of supplementary channels, enlargement of channels and crossing works:

- Santa Maria channel communicating Lujan River with the Parana de las Palmas River, will increase its cross-section over a distance of 7.1Km.
- The Lujan River channel will be enlarged with trapezoidal sections over a distance of 12Km, from provincial route (PR) 6 until the bridge of the national route (NR) 8 in Pilar.
- The Lujan River channel will be enlarged with trapezoidal sections over a distance of 9.5Km, from NR 8 until the railway bridge of Belgrano North Line.
- River conveyance capacity will be improved by enlarging its cross-section in the locality of Mercedes, in the zone of Olivera and in a section corresponding to the locality of Lujan (15.5 Km).

- **Component 3: Water retention works and replacement of lock gates**

This component will enable the construction of temporary retention of surplus water areas (ARTEH)

- Seven (07) Areas for Temporary Retention of Surplus Water (ARTEH); two in the Lujan River and one in each of the following creeks: Los Leones, Moyano, Leguizamon, Grande and del Oro.
- Substitution of inflatable dams for lock gates in Lujan and Mercedes.

- **Component 4: Works for bridges replacement and enlargement**

This component considers works for replacement and enlargement of bridges to improve current runoff conditions, removing river obstructions and complementing conveyance works.

The work will be performed over 15 bridges across the river basin. Bridges will be enlarged or replaced depending on the need of enlargement and their structural conditions. This will be specified once the executive projects are finalized.

- **Component 5: Environmental and land-use issues**

This component foresees the establishment of the riverbank line in order to determine the line that marks a flood in case of an external event, even when the PMICRL works have been implemented, and accurately define the flooding areas that will be subject to administrative restrictions or easements. This component will give rise to tools for delimitation of floodplains and contribute to strategic territorial and development plans in each municipality.

- **Component 6: Early Warning System (EWS)**

The EWS will be integrated into the Provincial Early Warning System of the Infrastructure and Public Utilities Ministry of the Province, through the Provincial Hydrological and Environmental Monitoring Directorate, an organizational unit of the Water Infrastructure Under-Secretariat. The EWS of the Project has four systems:

- i. Monitoring and Surveillance System: consolidates information relating to weather and rain forecasts; responsible for the measurement and transmission network; responsible for data processing and follow-up to extreme events.
- ii. Warning and Alarm System: fixes alert threshold levels and develops actions in case an alert or warning is triggering, thus alerting the authorities and the community.
- iii. Communication System: responsible for communications with the National Meteorological Service, the measurement and transmission network, and institutions and stakeholders linked to the alert and evacuation system.
- iv. Evacuation System: involves EWS operators' efficacy to transmit alerts of extreme events to those persons responsible; skills of people responsible for implementing the Evacuation Plan; community's knowledge regarding the steps to follow in case of an evacuation.

This is one of the non- structural measures necessary to develop an integrated project that responds to adaptation needs

- **Component 7: Strengthening, supervision and auditing**

This component includes strengthening all institutions dealing with the Project implementation, mainly COMILU, through consulting services, installation of furniture and IT equipment, and operational expenditures. It also includes hiring technical, social, and environmental supervision of works, as well as the external audit for the Project.

- **Component 8: Administrative Cost for CAF Funding**

This component includes evaluation expenses and the CAF loan funding commission.

The execution of structural and non-structural actions programmed in the Comprehensive Management Plan of the Lujan River Basin has an estimated total cost of US \$ 315.36MM. Although the Buenos Aires Province has included this project in its investment priorities, there are budgetary and funding constraints. These constraints led the PBA to divide the project into two funding tranches (I and II).

Tranche I amounts to US \$ 158.37 million. Of this amount, US \$ 100 million correspond to the CAF loan (63%), and US \$ 58.37 million are local counterpart funds (37%). The local counterpart will be contributed by the provincial government. Tranche II amounts to US \$ 157MM (including FVC).

The borrower of this loan operation is the Province of Buenos Aires and the Argentine Republic is the operation's guarantor. The environmental management budget over the implementation phase amounts to some US \$ 23.5M (Tranche I and Tranche II).

3.2 Province of Buenos Aires background information

The Province of Buenos Aires is part to a large plain extending over an area of approximately 307,571 Km², where a third of the country's population is settled, consisting in approximately 16,659,931 people. It is a heterogeneous Province with rather large socioeconomic asymmetries and territorial complexities.

According to data from the last two censuses, the housing situation in the Province of Buenos Aires has shown a significant change over the last decade. In 2010, 16.6% of the Province's households lived in precarious conditions; the 2010 census indicated a household deficit amounting to 1,240,753 housing units in the Province of Buenos Aires. These figures accounts for 25.9% of deficient households on the provincial territory, which amounts to 4,789,484 households. This data on the

actual conditions in the province shows that the housing deficit (25.9%) is slightly lower than the national average (28%). However, the fact that 37% of the national deficit takes place in the provincial territory should be borne in mind.

On the other hand, a relative trend became apparent between 2001 and 2010, when there was a faster increase in the public water network coverage vis-à-vis the sewer network. Also, coverage was higher in the inner areas of the Province than in the Buenos Aires metropolitan area.

The Lujan River Basin is considered a continental wetland, meaning an area remaining in flooding conditions or, at least, with water saturated soil for rather long periods of time.

Seventy-one water courses covering some 450 Km altogether, flood into the basin. The main streams are:

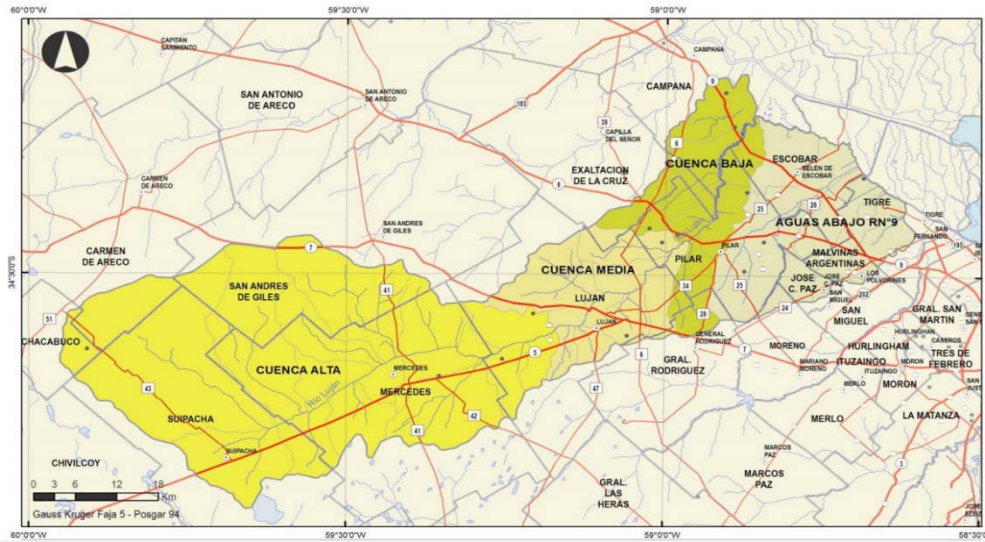
- Durazno and Los Leones, in the Suipacha province. The Lujan River is borne out of their confluence.
- Moyano stream, close to the J.M. García town
- Los Ranchos stream, between Suipacha and Mercedes
- Leguizamon (or Chimango), Grande and Oro streams, North of the city of Mercedes
- Balta stream, to the West of Olivera town
- Las Acacias stream, to the East of Olivera town
- Del Campo stream, to the East of the city of Lujan
- Gutiérrez, Pereyra, Chaña and El Haras streams in the towns of Villa Flandria and Lujan
- Las Flores stream between Open-Door and Manzanares
- Carabassa stream near National Route N.8
- Burgos stream and a large number of minor courses between National Routes N.8 and N.9

The Lujan River flows into La Plata River once the Reconquista river and the Escobar, Garin, Claro, Las Tunas, and other streams on its left bank have discharged their waterflows into it.

The total population of the towns and localities surrounding the basin area amounts to 2,795,648 people, representing 16.7% of the provincial population (16,659,931 inhabitants). Population density is 227.4 inhabitants / km², which is approximately four times greater than the population density of the province of Buenos Aires (50.8 inhabitants / km²).

The basin has been divided into four sections for this project, as follows: high basin, medium basin, low basin and downstream of route No 9, as shown in Figure 1 below:

FIGURE 1



Source: “Comprehensive Management Plan – Lujan River Basin”, by CAF Corporate Environment and Climate Change Directorate, July 2017.

3.3 Social and territorial characteristics

Figure 2 below shows a summary of the main social and territorial characteristics of the Lujan River Basin:

FIGURE 2

Environmental characteristics	<ul style="list-style-type: none"> - Impairment of the wetlands ecosystem - Projects to expand protected natural areas - Sewage, industrial and agricultural effluents contamination - Solid waste contamination
Socioeconomic characteristics	<ul style="list-style-type: none"> - Unplanned urban development and road infrastructure - Land use change: from agricultural and livestock activities to industrial and urban development - New rural traits and characteristics and urban centers - Coexistence of rural productive activities and housing developments
Institutional / regulatory characteristics	<ul style="list-style-type: none"> - Absence of inter-municipal environmental planning - Poor oversight and implementation of environmental regulations - Limited formal instances for public consultation and participation

Source: "Comprehensive Management Plan of the Lujan River Basin" Project, CAF Corporate Environment and Climate Change Directorate, July 2017.

Housing Status

Figure 3 below shows the percentage of urban and rural dwellings (grouped and dispersed) within the Basin. The extremes are represented by the Upper Basin, where 18% of dwellings are rural, and the Downstream Section of R9, where only 0.5% of the dwellings are rural.

FIGURE 3

Region	Urban (%)	Rural (%)	Total
Higher Basin	81.9	18.1	100%
Middle Basin	94.8	5.2	100%
Lower Basin	94.6	5.4	100%
Downstream	99.5	0.5	100%
Total	97.2	2.8	100%

Source: "Comprehensive Management Plan of the Lujan River Basin" Project, CAF Corporate Environment and Climate Change Directorate, July 2017.

Poverty Levels

The Unsatisfied Basic Needs (UBN) indicator is considered for households in the basin. A household is rated within the UBN category whenever at least one of the following indicators is present:

- **Critical overcrowding.** Households living in dwellings with more than three people per room.
- **Housing.** Households living in unsuitable dwelling (a leased room in a large house, precarious housing, or other type).
- **Health conditions.** Households living in homes with no toilet, or having a toilet without water.
- **School Attendance.** Households having a school-age child who does not attend school.
- **Subsistence capacity.** Households having four or more persons per one employed member and where the head of household has a low educational level (two years or less at the primary level).

At least one of the UBN indicators is present in 11.4% of households. This is higher than in the Province of Buenos Aires, which is 8.2%. The areas showing the highest participation of households with UBN vis-à-vis the total number of households in each region are Moreno (16.6%), Campana (15.6%), Pilar (13.0%), Malvinas Argentinas (8%) and José C. Paz (12.4%). However, areas with the highest participation of UBN households within the basin (vis-à-vis the total number of UBN households in the basin) are: Pilar (23.6%), Malvinas Argentinas (19, 6%), Escobar and José C. Paz

(both 15.3%). When the distribution of Households with UBN vis-à-vis the basin area, approximately 82% of households with UBN in the basin are in the downstream area. This is so because the largest population participation is found in this area.

Soil Use

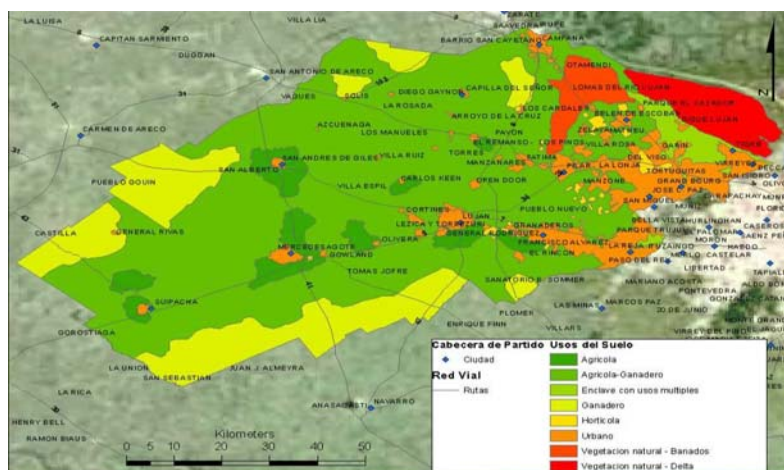
The Middle and Low Basin areas, such as Lujan, Pilar, General Rodríguez and Campana show a mixed composition between agricultural and industrial activity, and urban dynamics, in particular in the municipal capitals of Pilar, Lujan and Campana areas where most of their population is concentrated.

However, areas downstream the R9 sector, such as Escobar, Tigre Moreno, Malvinas Argentinas and José C. Paz areas show more urban dynamics: higher population density and socio-economic dynamics associated with the Metropolitan Buenos Aires Region (Greater Buenos Aires and its urban areas). A regional characterization of territorial issues and land uses in the Basin is shown below. Among land uses to consider are:

- Housing developments (high-income, gated and suburban)
- Farming and industrial uses
- Roads

Farming is the largest economic activity in the Lujan river basin. As shown in Figure 4, the most extensive soil use category is the mixed agricultural-livestock use, followed by cattle, and agriculture. Natural vegetation as well as horticultural and urban uses are also identified, mainly in the Paraná Delta islands at the River mouth.

FIGURE 4



Source: "Comprehensive Management Plan of the Lujan River Basin" Project, CAF Corporate Environment and Climate Change Directorate, July 2017.

Cultural Heritage

The Lujan River Basin hosts great historical, archaeological and paleontological wealth that is threatened by anthropic pressure in general and the advance of urban developments in particular (since these are usually located in previously untouched spaces). Two protected areas with archaeological and / or paleontological heritage have been identified:

- Seven large archaeological sites in the Otamendi Strict Natural Reserve, in the Campana county: Canal Grande, Otamendi 1, Otamendi 2, Otamendi 3, Otamendi 4, Río Lujan 1 and Río Lujan 2 (Loponte, 2008).
- In the Arroyo Balta Nature Reserve in Mercedes County, a large number of fossil remains has been recovered (Bonaparte et al 2011).

The most environmental sensitive area, as far as the cultural setting is concerned, is the historical, archaeological and paleontological wealth of the Lujan River basin. Thus, any work envisaging alteration of the sedimentary matrix of ravines and / or main channel or the tributary streams beds, as well as landforms linked with the fluvial action (canyons, riverbanks), entails a potential for high impact on cultural heritage. Chance find procedure will be developed as part of the ESIA specific to the works that will describe how the project will manage any findings of physical cultural properties during construction works.

Likewise, the population close to the basin, where structural works will be executed, will be more vulnerable to project-generated impacts mainly due to dust emissions, noise generation, temporary traffic and pedestrian blockades, among others.

3.4 Natural Reserve

Two Natural Reserves are located in the area: The Strict Natural Reserve of Otamendi and the Arroyo Balta Natural Reserve. It is important to point out the following characteristics of the basin, since they condition the possible actions to be carried out.

The Strict Natural Reserve refers to a Nation-owned area of great biological value and representative of the country's different ecosystems, or holding important native animal or plant species populations. The demarcation of these areas seeks to ensure preservation of biological diversity, understanding as such both the genetic, specific, and the ecosystem diversity; preservation of representative samples of main ecosystems in the country's different biogeographical regions; the comprehensive

perpetual preservation of the biotic communities they hold, and the physiographic characteristics of their settings, ensuring preservation without disturbance of vital biological and ecological processes.

The Wilderness Reserve, in turn, is made up by quite large areas retaining the wild quality of their natural environment, and whose contribution to the conservation of biological diversity is particularly meaningful because of their holding valid representations of one or more ecosystems, animal or plant populations valuable for that purpose, which should receive special protection so as to preserve this condition.

These Reserves are aimed at fostering preservation of biological diversity, understanding as such the genetic variability of each species populations, as well as the diversity of species and ecosystem. These Reserves also seek to maintain samples of main ecosystems of the different biogeographic areas or other ecosystems of particular concern for the country and ensure they are in minimum anthropic alteration conditions. Other objectives include comprehensive and perpetual preservation of the biotic communities contained in the Reserves and the physiographic characteristics of their settings; ensuring the development of the essential ecological and evolutionary processes therein; acting as protection areas for the adjacent Closed Natural Reserves, if any, by isolating them from possible disturbances caused by humans.

Both in the Strict Natural Reserves and Wilderness Reserves, all activities altering their natural characteristics, threatening to reduce their biological diversity, or in any way impairing their fauna, flora or geo elements are prohibited, with the exception of those that are deemed necessary for their management and monitoring²⁴.

In the Otamendi Nature Reserve, created on October 10, 1990, by National Executive Power Decree No. 2.149 / 90 as a Strict Natural Reserve, a tranche of the Santa Maria Channel was built in 1966 to channel the surplus rainwater and steer it to the Parana de las Palmas River. It is approximately 7Km long and a 2Km section is inside the Natural Reserve. This channel will be intervened within the framework of the Project, thus enhancing its initial objective and helping protect surrounding land areas, which are now impaired by each flood and channel overflow, which also floods the Natural Reserve. The area to be intervened to repair and recondition the Santa Maria Channel within the Otamendi Natural Reserve is estimated to be a very small area vis-à-vis the area already occupied by the channel. Nonetheless, there are no clearly defined figures yet available regarding this intervention and things will depend on the decision of the National Parks Administration, who should issue a permit.

²⁴ National Parks Administration, Argentina Website <https://www.parquesnacionales.gob.ar/areas-protegidas/>

<http://www.ec.gba.gov.ar/areas/finanzas/docs/caf/PCP-Rio%20Lujan%20Canal%20Santa%20Maria%20MAYO%202017%20FINAL.pdf>).

The Province of Buenos Aires has already contacted the National Protected Areas Administration (PAA) of the Argentine Republic and discussions are being held regarding the conditions that the PBA will have to undertake the works, to the extent that these improvements do not cause any damages to the natural reserve but, rather, reinforce the drainage effectiveness, thus reducing erosion and flooding problems currently being generated (thus enhancing the “environmental service” being supplied by the Natural Reserve, which is to protect the region's characteristic environmental settings, with an acceptable conservation status, and endemic and threatened species in a landscape taken over by housing developments and productive undertakings).

The PAA and the PBA are jointly evaluating options for compensatory measures that can help use and maintain the Protected Area. Pursuant to the Project’s Environmental Management Plan (presented to the PAA), fauna, flora and natural resources interpretation paths shall be built in the Natural Reserve, abiding by PAA specifications and according to the activities allowed in the Natural Reserve, and depending on the provisions this institution sets forth as an outcome of the Environmental Impact Assessment Process and public consultations.

3.5 Identification of project-related risks and environmental and social impacts

Floods are the largest natural disaster threatening Argentina, accounting for 60% of natural disasters and 95% of economic damage²⁵. In 2015, in the Buenos Aires province, heavy rainfall affected 800,000 hectares and nearly 6,000 cattle were lost, entailing a loss of 652 million dollars²⁶.

Between 1982 and mid-1983, prolonged rainfall linked to El Niño Phenomenon caused multiple overflows of the Uruguay and Paraná Rivers and their tributaries, originating combined economic losses of over USD 4 billion (USD 9.7 billion at present value, adjusted per growth rates). Only a few years later, in October 1985, heavy rains in the province of Buenos Aires caused rivers in the region to overflow. Reported losses exceeded US \$ 2.8 billion (US \$ 7 billion, at present value).

Over the last fifty years, seventy-five major floods have been reported in the country, affecting 13 million people and causing more than 500 deaths. Since 1980, with losses equivalent to USD 22.5

²⁵ Country Environmental Assessment: Argentina; 2016; The World Bank

²⁶ La Nacion Newspaper, interview with Ms. Catalina Ramirez, Water and Sanitation Specialist, The World Bank.

billion, the most expensive natural disaster affecting the country is flooding. Adjusted to Argentine GDP growth, these events would have caused accumulated losses of USD 43.5 billion today.

Today, one in three Argentinians lives in areas highly exposed to flooding, reaching a total of 14.2 million people throughout the country, with most of the population living in flooding-prone areas concentrated in the Greater Buenos Aires, Pampa and Gran Chaco regions, representing 65% of the most exposed population.

The origin of floods in the Lujan River basin are directly related to a decrease of floodplain areas throughout their upper, intermediate and lower sections, which has completely altered river dynamics. Main causes stated in the Environmental Assessment are:

- a. Development of several real estate projects protected with artificial waterproofing systems perpendicular to the river axis, with the purpose of preventing water from entering during a flood event.
- b. The embankments built along the previous flood plain surface to establish foundations above the local flood levels for housing development.
- c. The embankments along the Pan-American route, Campana branch, for the Mitre Railways and, in general, all road and railway embankments crossing the floodplain.
- d. Mining-related activities. In particular, limestone harnessing quarries that have not been remedied after the abandonment of extractive operations. These quarries show deep and huge excavations that in some cases marginally interfere with the fluvial system and in particular with the dynamics of the aquifer.

As it can be seen, the alterations typology is diverse and involves rather significant and non-reversible changes in the morphometry of the channel and the floodplain. Together, they have resulted in a generalized increase in geological hazards present in the Lujan River, especially in the magnitude and duration of the flood hazard before the detected interventions.

Also, variations have been incorporated in rates of transfer and deposit of the clastic load being transferred by the system of the Lujan River and its tributaries. These processes have had medium and long-term impacts and have increased the current flooding danger due to the slow but persistent degradation of the low and high basin.

According to the Project's Environmental Analysis (carried out by Serman Consulting, <https://www.dropbox.com/sh/ni8c34hclaq0o1v/AADr9bdyWBKcnQ4Tnp-1gJLRa?dl=0>), negative impacts mainly took place during the construction stage. These impacts are mainly related to

earthworks and infrastructure works leading to a significant reduction of the vegetation adjacent to the works and land affectation along current river banks, which are currently the habitat of some bird species. Also, the generation of noise and dust as well as closures along some routes for infrastructure works, could cause inconveniences to the population in the project's influence area.

The final impact of the Operation Stage is mainly positive, bearing in mind that interventions as set forth in the Comprehensive Plan will avoid and / or minimize flooding impacts on affected anthropic settlements. These interventions will have a large positive impact on risk reduction, quality of life of flood-affected populations, as well as their assets, urban infrastructure and services, and the architectural and historical heritage of the sector potentially affected by floods.

Most pressing risks are as follows:

- Soil: Actions to be implemented over the construction stage for execution of this project mainly involve the initial movement of soil, excavation and removal of the vegetation cover. Foreseen impacts are related to the affectation to flora and fauna in areas surrounding the basin; discomfort to the population due to emission of particulate matter and / or noise, and generation of solid waste and surplus material, as a result of excavation works.
- Air: Among environmental aspects that will impair air quality, are: emission of combustion gases, generation of particulate material and noise. These changes will be temporary and will be mainly due to exhaust gases from vehicles and equipment, vehicular traffic, soil movement, transportation, loading and unloading of materials.
- Water: The impact on water is due to a series of tasks involved in the construction stage and mainly having a bearing on dust and earth emissions resulting from the movement of vehicles and equipment, which would lead to higher suspended solids and surface water turbidity. Likewise, due to the effluents produced in machinery and vehicles washing, and solid waste generated on site. Another potential contamination source in the physical components is the likelihood for accidents or accidental spills during fuel storage and transportation.
- Flora: Loss of vegetation and land cover will occur mainly during soil movement and excavation. The landscape will be modified by work execution, mainly by installation of equipment, soil movement, collection of materials, and circulation of heavy machinery.
- Fauna: Human presence, machinery and emission noises associated with construction activities will cause the temporary abandonment of some avifauna species in the area. The alteration of their habitat resulting from the elimination of vegetation cover will produce ecosystem changes likely affecting birds in particular.

- Cultural Heritage: The Lujan River basin hosts a great historical, archaeological and paleontological heritage. Any work involving or resulting in the alteration of the sedimentary matrix of the ravines and / or bed of the main channel, or of the tributary streams, as well as of the geo-forms associated to the fluvial action (canyons, low ground areas), entails a high impact potential. As part of the ESIA specific to the particular works, that will describe how the project will manage any physical cultural properties during construction activities.
- Social Risks: Property damage caused by partial expropriation of land, imposition of easements and possible resettlement of populations in areas with high or critical environmental sensitivity vis-à-vis the determination of the shoreline. According to sensitivity maps in the Environmental Assessment referred to above, peripheral urban areas potentially affected by flooding in populated areas of Lujan, Mercedes and Fátima have been identified.
- Communities' safety and health: The construction phase is where the greatest social impact of the project will be exerted, mainly by the movement of trucks, machinery, equipment, excavations and soil movement generating noise, dust and vibrations bringing about a temporary inconvenience to population close to the Lujan River Basin.

A significant risk to be borne in mind is linked to climate change's impact on the project and its surroundings. Climate scenarios have been designed by the project through mathematical modelling, and they have been included within the design of project components, with an aim to preventing, mitigating and controlling climate change impacts.

4. Scope, objectives and principles of the Resettlement Policy Framework - RPF

The accumulated local and international experience on the impacts of involuntary displacement in the context of development projects, calls for detailed planning to anticipate direct and indirect potential impacts on the territory and the population.

The complexity of situations arising from these potential impacts require the formulation of comprehensive strategies aimed at preventing economic and social risks and, on the other hand, rebuilding the living conditions of people and communities affected.

Where displacement is unavoidable, the executing agency should plan and carry out resettlement as a sustainable development initiative, giving displaced persons or economic units the opportunity to participate in planning and implementing resettlement activities where their previous socioeconomic and legal conditions are restored and enhanced, if possible.

4.1 Resettlement Policy Framework (RPF) SCOPE

As mentioned above, at the time of project formulation, no physical or economic displacement of population is envisaged. A priori, works or other actions envisaged do not entail adverse impacts on the population in such a way as to require the physical displacement of households or economic activities of persons or firms, or to cause them economic harm due to inaccessibility, mobility obstruction, or spatial limitation problems.

This RPF is a preventive instrument to respond to the eventual case that any intervention may require the involuntary deprivation of land, resulting in displacement or loss of housing, loss of assets or access to assets, loss of income sources or subsistence means, regardless of whether those affected need to be relocated”.

This RPF will allow to safeguard the rights and concerns of people that are eventually affected if any of these impacts or damages are, either permanently or temporarily, produced.

4.2 Objectives

The RPF intends to achieve the following objectives:

- Avoiding or minimizing population displacement

Mitigating and compensating for the impacts likely to be caused by resettlement actions, according to the outcomes of the Riverbank Line Determination Project currently under execution. All of this aligned with the "IFC rule" for involuntary resettlement, pursuant to GCF requirements.

- Improving or, at least, restoring the livelihoods and quality of life of the displaced population.
- Contributing to ensure that resettlement is an opportunity for the sustainable development of the displaced population, enabling their participation in project benefits.

4.3 Principles

In line with GCF Performance Rule No. 5 addressing interim GCF environmental and social safeguards, which has adopted the International Finance Corporation's performance rules (GCF/B.07/11), and according to CAF environmental and social safeguards, the Involuntary Resettlement Plan (IRP) will be drafted up in accordance with concepts and principles as set forth below:

- *Reducing population displacement to a minimum:* Taking into account the adverse impacts of involuntary displacement, it will be avoided or minimized whenever possible. To do this, all viable options in the programme should be reviewed in detail, so as to suggest the option having the less possible bearing on people.
- *Restoring socio-economic conditions:* Economic compensation for loss of property and other tangible property does not in itself constitute a solution to displacement impacts, nor does it warrant the re-establishment of the socio-economic conditions of those affected. Consequently, resettlement plans will be designed and implemented, including a set of compensation and assistance actions to assist the displaced population in restoring or improving their living conditions.
- *Inclusion:* The right to be assisted in re-establishing living conditions includes all inhabitants at sites affected by programme activities, regardless of the form of tenure they can accredit.
- *Equity and recognition of differences in terms of impact:* Solutions included in the IRP proposed will respond to displacement-caused impacts. Any person, family or economic activity which is

subject to displacement will be granted the same treatment and will have equitable access to the different solution alternatives that are provided.

- *Information and people's participation:* Assurances should be given that affected population will receive clear, truthful and timely information about their rights, duties and the current situation of the resettlement process and the measures foreseen in the Resettlement Plan. Social units to be transferred will be convened around both, alternatives for resettlement solution (compensation and assistance) and relevant plans that are formulated.
- *Transparency:* Measures adopted in the RP will be disseminated so that all participants have access to adequate and truthful information about the process. Assurance should be given that the resettlement process includes the entire population affected, and that eligibility criteria and procedures for accessing benefits are clear, transparent and equitably applied for all people affected.
- *Urgency:* Agencies responsible for implementing resettlement-related actions and activities will allocate the necessary human, physical, administrative and financial resources for its execution, and within the envisaged terms .

5. Legal framework

5.1 National Legal Framework

Regulations have not been enacted in the Republic of Argentina specifically regulating an assistance and advisory service for the relocation, resettlement, reacquisition of buildings and restoration of the livelihood to those people who -as a consequence of the execution of infrastructure projects – should be moved from their usual place of residence, or economic activity²⁷.

However, there is a generic normative plexus made up of national and international rules, defining the obligations to be undertaken by the State so as to provide all inhabitants with opportunities for human development, a healthy environment, economic progress based on social justice, and access to decent housing. These rights, which have a bearing on matters being reviewed in this paper, are foreseen in the National Constitution -which has even incorporated, since its 1994 reform, a series of international treaties addressing human rights, and has awarded them a constitutional status- and lower regulations, such as the expropriation law, or the National Environmental Policy.

Each of this framework components will be based on these rules as well as on the Involuntary Resettlement Policy in force, which integrates the expropriation's legal procedure with a set of additional compensation and assistance actions not expressly included in this legal framework.

The RPF relies on applicable international regulations ratified by the Government of the Argentine Republic in constitutional declarations and guarantees and national and provincial regulations, as well as in the general principles of law, jurisprudence and doctrines that set forth guidelines for Acquisition of land, valuation of affected property, and protection of fundamental rights of people displaced by development projects.

Along this line of thought, the Argentine legal system recognizes, warrants and ensures the inviolability of private property, as set forth in the National Constitution. Therefore, a regulatory body is in place –at the national and provincial level – that establishes the expropriation procedure by means of which expropriating States or subjects can deprive and remove property from individuals, in the higher interest of public benefit and common good, so as not to undermine the constitutional guarantees referred to above.

²⁷ As mentioned in footnote above, it should be highlighted that the Action Protocol in Resettlement Instances has been recently enacted by the PBA. A clear and detailed explanation of this Protocol will be made later in this paper, when the provincial regulatory framework is reviewed.

5.1.1 International Human Rights Treaties

Article 75, Paragraph 22 of the Argentine Constitution grants constitutional status to human rights treaties ratified by the State. The constitutional hierarchy of international treaties necessarily implies conditioning the exercise of all public power, including that exercised by the Executive, to the full respect and guarantee of these instruments. The violation of human rights treaties, bearing in mind their constitutional hierarchy, entails a violation of the Constitution. For this reason, the different government sectors should ensure compliance with international obligations entered into by Argentina in the field of human rights.

TABLE 1- INTERNATIONAL HUMAN RIGHTS TREATIES

Treaty	Description	Ratification
<p>American Convention on Human Rights "Pact of San Jose, Costa Rica"</p>	<p>21. Everyone has the right to the use and enjoyment of his property. The law can subordinate such use and enjoyment to the interest of society.</p> <p>No one shall be deprived of his property except upon payment of just compensation, for reasons of public benefit or social interest, and in the cases and according to the forms established by law.</p>	<p>Ratified by the Republic of Argentina and endorsed by Law 23.054.</p>
<p>American Declaration of the Rights and Duties of Man</p>	<p>Article XI. Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources.</p> <p>Article XXIII. Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.</p>	<p>Approved at the IX American International Conference, in Bogotá, Colombia, 1948.</p> <p>The American Declaration on Human Rights has constitutional hierarchy since 1994 when it was included in Article 75, paragraph 22 of the National Constitution.</p>
<p>United Nations Universal Declaration of Human Rights</p>	<p>Article 17: (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.</p> <p>Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in</p>	<p>Adopted and proclaimed by resolution 217 A (III) of the United Nations General Assembly on December 10, 1948.</p> <p>The Universal Declaration of Human Rights has constitutional hierarchy since 1994 when it was included in Article 75,</p>

Treaty	Description	Ratification
	<p>accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality..</p> <p>Article 25: (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.</p>	<p>paragraph 22 of the National Constitution.</p>
<p>International Covenant on Economic, Social and Cultural Rights</p>	<p>Article 11: The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right</p>	<p>Ratified by the Republic of Argentina and endorsed by Law 23.313.</p>

5.1.2 National Constitution

Article 17 of the National Constitution sets forth the "inviolability of property" rule. In this respect, no inhabitant can be deprived of that property except by virtue of a law-based judgment. Likewise, in cases where expropriation is performed because of public benefit, it should be qualified by law and previously indemnified.

Meanwhile, Article 14 indicates that the rights recognized in the Constitution, including the right to property, should be exercised "in accordance with the laws regulating its exercise." Thus, regulations impose limitations, which in some cases are legally established for the purpose of reconciling the rights and obligations people have in their neighborhood relations, based on predominantly private interests, while in other cases they are established to harmonize the private or individual right with the general or collective interest.

Likewise, Article 41 stipulates the right to a healthy, balanced environment, suitable for human development, and for productive activities to meet current needs without compromising those of future generations, and the consequent duty to preserve that right.

Finally, regarding the Provincial Governments, Article 121 stipulates the following: "The provinces reserve to themselves all the powers not delegated to the Federal Government by this Constitution, as well as those powers expressly reserved to themselves by special pacts at the time of their incorporation." Thus, this Article stipulates that the provinces have the power to dispose on their lands and to establish limitations on lands located under their jurisdiction, as long as they are based on public benefit principles.

5.1.3 Civil Code

The Nation's Civil and Commercial Code protects the right to property by providing that its domain grants all the powers to use, enjoy and dispose, both materially and legally, a good which is presumed to be perfect and perpetual; which is not extinguished even if the owner does not exercise his / her powers, until someone else acquires the right by acquisitive prescription and, for this to happen, the normal term needed by the new owner of the property is the current term of (20) twenty years. The Code also stipulates that the domain is exclusive and excluding because the owner of the good can exclude strangers, remove by his / her own authority the objects placed therein, and lock their properties. The Code also sets forth that the domain comprises the objects forming a whole with the good and its accessories.

On the other hand, the domain of a property extends to the subsoil and to the airspace, insofar that its exploitation is possible; that all existing constructions, plantings or plantations belong to its owner who is presumed to have made them. These rights have been set to be real.

The right of ownership conforms the real right par excellence; it provides that the real right is the legal power, with a legal structure, which is directly and autonomously exercised over its object, and attributing to its owner the powers of persecution and preference, and all others as provided for in the Code. The real right is defined taking into account its essence, as a power. That power consists of the authority of the will and is exercised by its own authority, autonomously and independent of any other will. It is also clear that it is exercised directly on its object, be it movable or immovable. Consequently, the benefit of the real right is taken directly from the thing, so the economic aspect of the right lies in the profit that can be drawn from the thing. The immediacy with its object constitutes an outstanding note to characterize it; precisely, the right is acknowledged when there is no

intermediary between the person and the thing. And that right can be exercised and enforced vis-à-vis everyone.

The Argentinian Civil and Commercial Code establishes in its First Book, Title III, Chapter 3rd, called 'Housing' -which replaces the Family Property system created by Law 14.394- incorporating housing protection in favor of its holders. Notwithstanding the protection established, Article 255 of the aforementioned Code provides for the disqualification in case of expropriation, claim or execution authorized by this Chapter, within the limits indicated in Article 249 (according to subparagraph e).

It should be mentioned that the previous Civil Code of the Nation included Article 2511 -removed from the current wording of the regulatory body- stating that no one can be deprived of their property, except for public benefit declared prior to dispossession and fair compensation. "Fair compensation" being understood not only as payment of the real value of the good, but also as the direct damage that may arise from being deprived of his / her property.

The big difference with the family property regime is that Law 14.394 only protected the family and not the individual person, while the new National Civil and Commercial Code, every person, even when living alone, can affect the property. The important thing is that the beneficiary should live on the property. This is stated in the following articles:

- ARTICLE 246 National Civil and Commercial Code- Beneficiaries. The beneficiaries of the affectation are:
 - a. The constituent owner, his/her spouse, his/her cohabiting partner, his/her ascendants or descendants;
 - b. In their absence, their collateral relatives within the third degree who live with the constituent.
- ARTICLE 247 National Civil and Commercial Code- Effective dwelling. If the affectation is requested by the registrant, at least one of the beneficiaries should inhabit the property. In all cases, for the effects to subsist, it is sufficient that one of them remains in the property.

The amendment takes into account a trend that has been considered from a jurisprudential point of view. This is the case "CEBER, JUANA c / REGISTRY OF PROPERTY OF REAL ESTATE IN THE FEDERAL CAPITAL s /DIRECT RESOURCE TO CAMARA" (National Civil Chamber, Room M, May 2014).

In this case, the Court revoked the resolution issued by the Real Estate Property Registry, which denied the request for affectation of the property made by joint owners of the Family Property Regime. The Registry denied registration because the actors are concubines, without children. The Court

considered that "the purpose of the Family Property is not only to promote the social purpose of the family dwelling or economic unit, but especially that of the family itself. Therefore, the benefit of protection is especially aimed at the family as an institution and all its members, on an equal footing. Therefore, there is no reason to justify discrimination regarding the scope of the benefit of protection when the family is conventional and not matrimonial. Even less reason if the inequality occurs with respect to the type of family created by common-law marriage with no children in common ... "

5.1.4 National Law 21.499. Expropriations

This Law establishes that public benefit should serve as a legal basis for expropriation and, thus, includes all cases where the satisfaction of the common good is sought, be it of a material or spiritual nature.

As for the active subjects, the Law provides that the following may act as expropriators: a) The National State; b) The City of Buenos Aires; c) The national autarchic entities and National State companies, as long as they are expressly empowered to do so by their relevant organic or special laws; d) Individuals, whether they are natural or legal persons, as long as they are authorized by Law or by an administrative act based on the law (Article 2). As for passive persons, the Law establishes that the expropriation action may be promoted against any kind of public or private persons (Article 3).

The Law establishes that all determined property that is suitable or necessary for the satisfaction of the "public benefit", whatever their legal nature, belonging to the public domain or the private domain, whether they are goods or not, can be expropriated. In this sense, the expropriation may refer to the assets that are necessary for the construction of works or the execution of a plan or project, in which case the declaration of public benefit should be based on technical reports referring to descriptive plans, costs analysis, or other elements supporting the plans and programmes to be materialized through the expropriation of the goods at stake. The technical reports shall also state the direct link or connection between the goods to be expropriated and the works, plan or project to be implemented.

For its part, compensation will include: a) the objective value of the asset; b) damages that are a direct and immediate consequence of the expropriation; and (c) interest accrued. Then, compensation does not include: a) personal circumstances; b) emotional values; c) hypothetical gains; d) the higher value that the works to be executed can add to the good; e) loss of profits.

The Law provides that compensation shall be paid in cash, unless the expropriated person agrees that such payment shall be made in another type of value. No law can modify or subvert the

constitutional rationale principles that have been preserved even in the case of emergency laws and no "prior indemnity" can be understood as "credit receivable for expropriation". The "fair compensation" principle, based on the guarantee of ownership (Article 17 of the National Constitution) requires that the owner should be fully reimbursed the same value that he is deprived of.

The last articles of the Law refer to the judicial procedure, expropriation periods, and retrocession. Regarding the term, the law provides that expropriation (unless expressly provided for in a special law) is abandoned if the expropriator does not promote the judgment within three years of the law authorizing it, when the intention is to apply the law to individual goods. The terms are five years, in the case of goods within a given area; And ten years, in the case of goods included in a generic enumeration. This provision shall not apply in cases where the organic laws of the municipalities authorize them to expropriate the portion of the property affected to rectifications or widening of streets and corners, by virtue of the respective ordinances.

The person expropriated will have a retrocession action when the expropriated property is given a destination different from that provided for in the expropriations law, or when no use is given to the property within two years.

Likewise, the law provides for irregular expropriation cases, taking place in the following cases: a) when a law indeed exists declaring that a good is of public benefit, the State takes it without having paid the respective indemnity; b) when, as a result of the law of declaration of public benefit, a movable or immovable property is in fact unavailable because it is difficult or impossible to dispose of it under normal conditions; c) when the State imposes an undue restriction or limitation to the right of the owner of a good or thing, which damages the owner's property right.

5.2 Provincial Legal Framework

Provincial Expropriation is regulated by each jurisdiction. This figure is provided for in the Provincial Constitution and its procedure is governed by specific provincial laws on the subject, in exercise of the powers not delegated to the National Government.

5.2.1 Provincial Constitution

Article 31 of the Provincial Constitution establishes that property is inviolable and that no inhabitant of the Province of Buenos Aires may be deprived of it, except by virtue of a Law-based sentence. Expropriation based on public benefit, should be qualified by law and be previously indemnified.

5.2.2 General Expropriations Law 5.708

This Law establishes that all goods, whatever their legal nature, can be expropriated by reason of public benefit or general interest, and that the expropriations should be practiced by means of special law that explicitly determines the scope of each case and the qualification of public benefit or general interest.

As an exception, it is provided that properties affected by streets, roads, canals and railways and their accessory works, where the expropriation affectation is delimited and circumscribed to its layout, are declared as public benefit by Law 5.708.

According to the law, any expropriation initiative should have a comprehensive, planned study, including appraisals, a determination of the approximate indemnity values, and should include a provision of the resources for the respective expenditure.

The Law also foresees the need for the municipal authority's opinion regarding whether the property to be expropriated is affected by a regulatory plan ordinance, building ordinance and/or special zoning, allowing for a term of twenty days for that opinion to be issued by the authority.

As for compensation, it should be set in money and it should state the prices or values of each of the elements considered when setting it. This compensation shall include: a) the fair value of the thing or good at the time of dispossession, b) damages that are a direct and forced consequence of the expropriation; c) interests on the compensation amount, calculated from the time of dispossession, excluding the amount deposited on account thereof. The compensation will not include loss of profits.

It is important to consider related jurisprudence, which has established that: (...) *the guiding principle in expropriation is that which grants the expropriated person a complete compensation, ensuring the integrity of the fair value of the thing from which the person expropriated is dispossessed. That is, that the person's wealth should not sustain any loss (...)*²⁸. Likewise, the Law provides that the value of assets should be regulated by their worth if they had not been declared of public benefit, or if the works had not been executed or authorized.

In addition to the foregoing considerations, compensation for immovable property shall be the result of a concurrent analysis of the following elements:

²⁸ Supreme Court of Justice, in judicial proceedings – Tax Office of the Province of Buenos Aires vs. Francano de Campana, María A. and others /expropriation, dated 01/04/2004.

- The price that was paid the last time ownership was transferred;
- Value allocated for payment of the direct contribution;
- Proceedings involved in the last appraisal carried out by the Cadaster Office;
- Funded offers made by the expropriating and expropriated persons;
- Value of adjacent properties that are similar in terms of location, area and prices paid during the last five years;
- Values registered in official Banks in the locality;
- Values registered in judicial and private auctions by public auctioneer, in the area where the property is located;
- The value of the property's productivity during the last five years.

The expropriator obtains the possession of the property by consent of the expropriated agent, or once it is disposed of by judicial means in case the expropriation hearing has been promoted (Article 40). The expropriating agent, based on the urgency of the expropriation, may request the competent judge the immediate possession of the thing or the good, for which purpose a deposit should be made of the amount equivalent to the tax valuation (in case of immovable property) or of the appraisal initially carried out by the competent technical offices in the case of movable property.

The transfer of the property in favor of the expropriator is made once full payment of the compensation amount has been made (Article 43)²⁹.

5.2.3 Law 14.449 – Fair Access to Habitat

This Law defines the general habitat and housing policy guidelines and regulates actions aimed at gradually solving the urban housing deficit, giving priority to families in Buenos Aires with critical poverty and special needs.

Its specific objectives are:

²⁹ Article 43: - ... It is understood that the expropriation has been implemented when the transfer of ownership to the expropriation has been effected, by means of a final judgment, possession and payment of compensation. Until the above does not happen, any expropriation can be overruled... || (text according to Law 9836)

A) Promote the generation and facilitate the management of housing projects, social housing developments and legalization of informal neighborhoods.

B) Address and fully take care of the diversity and complexity of urban housing demand.

C) Generate new resources through instruments that also allow reducing speculative expectations involved in soil valorization.

Article 29 specifically addresses resettlement. In all possible cases, resettlements will only affect a portion of the neighborhood population and should meet the following criteria:

A) Urban rearrangement needs

B) Overcrowding in homes

C) Social, hydraulic or environmental risk factors

Action Protocol for Resettlements according to Law 14.449

Pursuant to Article 1 of Chapter I of the " Action Protocol for Resettlement Cases," the Social Under-Secretary for Land, Urbanism and Housing of the Province of Buenos Aires, insofar in charge of the Socio-Urban Integration Regime and in agreement with Article 29 of Law 14.449 and its Regulatory Decree No. 1,062/13, shall arbitrate the necessary measures to determine the populations to be relocated.

If deemed appropriate, it will request the IVBA and the corresponding Municipalities to jointly carry out the resettlement process based on the procedure established herein.

As stated in Article 2: Criteria for prioritization, it is clear that for the resettlement of households within the framework established by Law 14.449 and provided that the conditions of availability of suitable land are available, that necessary funding is available and the corresponding municipality agrees, those resettlements required by public works and situations of extreme social and/or environmental vulnerability will be prioritized, without prejudice to the cases provided for in Article 29 of the aforementioned legal rule.

Pursuant to the provisions of Article 3: Origin and temporary scope of application, the determination to relocate households will be the last resort and can only be arranged by a duly supported administrative act.

Article 4 of Chapter II presents the guidelines for citizen participation, starting with the constitution of a participatory management board, according to the provisions of Article 36 of the Law on Fair Access

to Habitat. The same chapter makes reference to the preparation of a Master Plan (Article 5) that will guide the resettlement process.

This Plan will determine the guidelines to be followed in terms of resettlement layout, size of plots and dwellings, location of green areas and reserve for equipment, road continuity and integration with the environment, necessary infrastructure and urban arrangement parameters, as well as estimates of the necessary budget for its implementation, management modality, deadlines and execution stages, according to the parameters and quality rules pursuant to Law 14.449 and its Regulatory Decree. Likewise, it should contemplate the use of the space that is freed up as a result of resettlement. The Master Plan can be adapted according to the particular aspects of each resettlement process, and at all times will take into account the contributions that emerge from the Participatory Management Board.

For its part, Article 6 establishes the characteristics of housing and/or housing solutions to be provided to households subject to resettlement. The location of the property where the families will be relocated will be as close as possible to the current location of the affected home, also contemplating effective and concrete access to health and education services. At the same time, the houses to be provided to the families to be relocated should comply with Articles 11 and 15 of the Fair Access to Habitat Law, and there should be a clear correspondence between the housing characteristics and the housing needs of relocated households.

5.2.4 Decree-Law 8.912 / 77

In case of acquisition of new properties and definition of new developments for mixed or residential use, Decree-Law 8.912/77, governing the territorial arrangement and regulating the use, occupation, subdivision and equipment of soil within the Province of Buenos Aires will be applied. Similarly, Law 14.449 guidelines and municipal regulations, regarding urban development codes and building codes will also be applied.

5.2.5 Municipalities' Organic Law (Decree-Law 6.769/58)

The Law provides that it is the responsibility of the Council (municipalities deliberative body) to authorize expropriations in accordance with the provisions of the Constitution and the current law governing the matter. In its interpretation, it is understood that the Council will be the entity to request the provincial Legislature to sanction the corresponding law when the expropriation is promoted by the Municipality.

Nevertheless, Article 58 establishes a generic declaration of public benefit for the subdivision and sale of fractions of land for the promotion of home ownership. The same treatment is established for

infrastructure works, as it declares affected land as of public benefit, when these infrastructure works are explicitly included in comprehensive urban development plans approved by ordinance (Article 59). In the case of works that are not included in the aforementioned plans, the only resort is to proceed to a pertinent declaration of public benefit, by means of a duly supported ordinance.

5.2.6. Regulation for Social Housing Land -Title Regularization

The framework of the regularization policy implemented by the Housing Institute of the Province of Buenos Aires is based on Provincial Law No. 13,342, amended by Laws No. 13,874 and No. 14,394, which sets forth the Operation for Land-Title Regularization of property funded by that Organism and a pending deed in favor of its adjudicators, whether they are the domain of the Housing Institute, the Province of Buenos Aires, the Buenos Aires Municipalities, the Argentine National State, or are property transferred to this Institute by entities promoting the different enterprises and whose domain is in the name of third parties.

These regulations are ruled by Decree No. 699/10, extended by Resolutions IVBA No. 1,809/12, 1687/14 and 890/16, through which the "Housing Institute of the Province of Buenos Aires' deed formalization plan" is created, thus "declaring as social interest the legalization of the land-titles of housing built, funded, and managed by the Housing Institute of the Province of Buenos Aires.

This legal framework meets the substantial needs for land-title legalization of families benefiting from these social housing, through the delivery of ownership deeds, thus generating not only legal security but also an improvement in community organization, through consortia in the case of housing complexes affected by the horizontal property regime - Title V - Chapters 1 to 10 - Articles 2037 to 2072 of the National Civil and Commercial Code - and on the population's quality of life.

Likewise, when the Housing Institute has transferred the ownership of the housing units to the respective contractors, and the latter to third parties, in cases in which they are unable to pay the deed costs through a private notary, Law No. 10,830 provides for the alternative of free deed procedures through the General Government Registry of the Province of Buenos Aires. To this end, it should be established that it is a family dwelling, unique and permanently occupied, and declare the social interest of the deed, through an act of competent authority.

In this sense, Law No. 24,374, as amended by Law No. 26,493, whose enforcement authority is the Social Under-Secretary for Land, Urbanism and Housing of the Province of Buenos Aires, establishes the free-of charge deed for housing, in favor of low income families who, with legal cause, prove public, peaceful and continuous possession for three (3) years, before 1-01-09. This possession

should be registered in the Property Registry of the Province of Buenos Aires, on behalf of the beneficiaries, who will consolidate the domain at the end of ten (10) years after the Registration date.

5.3 Review of the Regulatory Plexus in light of IFC Performance Rule N ° 5 (PS5) and CAF safeguard N ° 7 (S07).

In 2011, the World Bank (IBRD) carried out an analysis focusing on the gaps between operational safeguard policy and rules and practices related, inter alia, to expropriation procedures and treatment of people displaced by World Bank financed development projects in Argentina. Besides this report a gap analysis specifically prepared for this operation has been taken into account, since the GCF has adopted the performance rules of the Development Corporation which is part of the World Bank Group and, therefore, provides an adequate starting point for the review. In this sense, a study on the consistency between the objectives and principles of IFC³⁰ Performance Rule 5 and CAF Safeguard 7 has been prepared³¹.

It is concluded that there are similarities between Performance Rule 5 and Argentinian National Legislation regarding the treatment of persons affected by expropriation processes, who have clear property rights over expropriated property. The greatest identified asymmetries arise when expropriation processes displace people who have no recognized rights to the land they occupy, because the expropriation rules protect legal owners but do not cover losses of property, income and livelihoods of people with no rights to the land they occupy.

For their part, the expropriation processes do not formally include consultation processes and the use of the EIA procedure as the instance for citizen participation is common. Hence the importance of how the different processes linked to a development project are planned and coordinated.

TABLE 2- SUMMARY OF IDENTIFIED CORRESPONDENCE AND GAPS

Correspondences with Performance Rule 5 (PS5)	Gaps	Correspondences with CAF Safeguard N°07 (S07 CAF)	Gaps
Both the PS5 and the Argentine national and provincial legal framework acknowledge that	Although owners of expropriated property are properly protected pursuant to	Correspondence between CAF S07 and Argentine national legislation and the provincial regulations	Although according to Article 17 of the National Constitution, it is warranted that the owner will be fully

³⁰http://www.ifc.org/wps/wcm/connect/4adace804dd83633a88ca87a9dd66321/GN5_Spanish_2012.pdf?MOD=AJPERES

³¹ <https://www.caf.com/media/5614351/salvaviduas%20ambientales%20y%20sociales%20caf.pdf>

Correspondences with Performance Rule 5 (PS5)	Gaps	Correspondences with CAF Safeguard N°07 (S07 CAF)	Gaps
<p>persons whose property is expropriated are entitled to compensation for damages. The protection stipulated by Argentine law to persons who have formal legal rights to the expropriated property is similar to that offered by PS 5, stating that monetary compensation may be offered to people who are no longer interested in continuing with their land-dependent livelihood means, or who would rather acquire land for themselves.</p> <p>The environmental licensing process in Argentina requires that environmental damage and adverse socio-economic impacts of development projects, including involuntary resettlement, be minimized, and suitable measures to mitigate adverse impacts on displaced persons and recipient communities should be carefully planned and implemented.</p>	<p>Argentine law, application of the law greatly depends on the confluence of actions of several offices that are not subordinated to each other and often lack formal coordination for decision-making processes and administrative procedures.</p> <p>Expropriation regulations do not contemplate compensation in kind (land in return for land) in cases where cash compensation is not appropriate to solve the problem that the expropriation entails to the affected owner.</p> <p>In cases of expropriation, there is no general framework that protects informal occupiers from loss of property, income and livelihood.</p>	<p>admitted under the CN are based on similar expropriation concepts. Both understand that the expropriated subjects have rights to compensate for their losses and to receive compensated.</p> <p>Regarding the rights acquired by people whose lands have been expropriated, the Argentine legislation and CAF agree on the use of land and its ownership in relation to existing plantings or plantations.</p> <p>According to Law 14.449 on Fair Access to the Habitat, resettlements are undertaken in compliance with "Action Protocol for Resettlement Cases". Therefore, as stated therein, like CAF, priority will be attached to those resettlements required by public works and extreme social and/or environmental vulnerability situations.</p> <p>Likewise, in both of them, the design of participatory</p>	<p>reimbursed the same value as he/she is deprived of, this is limited to payment in cash (with exceptions). In this sense, CAF S07 indicates that economic compensation alone is not enough for people to be able to rebuild their lives and restore their socioeconomic conditions. CAF also raises the need to provide sustainable and inclusive resettlement alternatives.</p> <p>Thus, pursuant to the General Expropriations Law 5.708, the Law also contemplates the need for an opinion by the relevant municipal authority regarding whether the property to be expropriated is affected by any ordinance related to regulatory plan, building arrangement and/or special zoning, granting a twenty-day term for that authorization to be issued in this regard. According to CAF requirements, communication channels are opened as early as possible and remain active throughout the</p>

Correspondences with Performance Rule 5 (PS5)	Gaps	Correspondences with CAF Safeguard N°07 (S07 CAF)	Gaps
The licensing process includes, as part of the assessment of legal, social and reputational risks involved in land acquisition or restrictions of use, the requirement to identify and consult with individuals and communities who will be subject to displacement resulting from such land acquisition and/or restrictions to the use of those lands, as well as with the recipient communities, which will receive those relocated, in order to obtain adequate information on land titles, rights and uses.		mechanisms is foreseen, which for the case of the province of Buenos Aires, is implemented through the Participatory Management Board. CAF coincides in this regard and offers more detailed and in-depth requirements.	expropriation process, even in its final stages of evolution. Some other important gaps to be highlighted are that Argentine legislation, unlike CAF S07, does not contemplate actions regarding the population that will continue living there once the population living in the intervened area moves out; it does not include the definition of a Conflict Resolution Mechanism, nor does it mention the host population or the economic displacement.

TABLE 3- NATIONAL AND PROVINCIAL REGULATIONS CORRESPONDENCE WITH PS5

CC: Complete coincidence **SC:** Similar coincidence **PC:** Partial coincidence **NC:** No coincidence

Summary	CN	Nation	Jurisprudence	PBA
Expropriable object	CC	CC	SC	CC
Determination of the object to be expropriated	CC	CC	SC	CC
Expropriated rights	CC	CC	SC	CC
Scope of indemnity amount	SC	CC	SC	CC

Determination of indemnified amount	SC	CC	SC	CC
Transfer of expropriator property	CC	CC	SC	CC

TABLE 4-NATIONAL AND PROVINCIAL REGULATIONS CORRESPONDENCE WITH CAF SV07

CC: Complete coincidence **SC:** Similar coincidence **PC:** Partial coincidence **NC:** No coincidence

Summary	CN	Nation	Jurisprudence	PBA
Expropriable Object	CC	CC	CC	CC
Determination of object to be expropriated	CC	CC	SC	CC
Expropriatory Rights	CC	CC	CC	SC
Scope of Indemnity Amount	CC	PC	PC	CC
Determination of indemnified amount	CC	CC	SC	CC
Transfer of expropriator property	CC	CC	SC	CC

Overall, the study states that there are more similarities than differences between the Bank's involuntary resettlement rules and those of the Argentine legislation. The largest asymmetry between the Argentine system vis-à-vis the PS5 is that the conception of the Argentine system is oriented towards a protection of private property in its classic "civilistic" conception. The expropriation system fully protects all property forms recognized in the Civil Code, but does not state its stance with respect to other types of interests or expectations that, without becoming a property right, constitute the basis for a legitimate claim based on social and economic rights legal instruments, such as Human Rights treaties, or economic and social rights enshrined by the UN, including consideration of at-risk groups or communities, ethnic minorities or other vulnerable groups.

On the other hand, asymmetries associated with the expropriation system are basically, but not radically, related to: the concept of comprehensive reparation, depreciation, loss of profit, and, to a lesser extent, partial expropriation. The comprehensive reparation concept in the Argentine

expropriation system is broadly compatible with the definition in PS5 of total replacement and compensation costs.

In terms of requirements regarding information to the population or consultations prior to resettlement, the Bank does not generally identify them specifically in expropriation regimes, without prejudice to which many provinces establish a regime for processing projects through the EIA procedure, which includes a citizen participation instance. As mentioned, Article 4 (Chapter II) of the Action Protocol for Resettlement Cases in the Province of Buenos Aires incorporates guidelines for citizen participation, based on the implementation of a participatory management board, according to the Fair Access to the Habitat Law Article 36 provisions, stipulating the preparation of a Master Plan that guides the resettlement process.

It is worth mentioning that the aforementioned IBRD analysis was prepared prior to the enactment of Provincial Fair Access to the Habitat Law No. 14,449, which incorporates an action protocol specifically applicable to resettlement cases. This protocol will serve as a basis for the preparation of this RPF, which is in line with Article 12, which states that (the protocol) may be expanded, supplemented or modified by the Enforcement Authority. In this sense, asymmetries indicated are partially reduced, since all activities required by the donor and / or requested by the Project are not included in Law 14.449 protocol.

6. Preparation of the Resettlement Action Plan – RAP

6.1 Detailed responsibilities

As anticipated and in line with Article 1, Chapter I, "Action Protocol for Resettlement Cases", the Social Under-Secretary for Land, Urbanism and Housing of the Province of Buenos Aires, in charge of the Socio-Urban Integration Regime, in accordance with Article 29 of Law No. 14.449 and its Regulatory Decree No. 1062/13, will define the required measures to determine the populations to be relocated if necessary. Based on the Environmental and Social Impact Assessment of each of the works, a determination will be made whether or not it is necessary to carry out settlements and in what specific area they will be implemented.

6.2 Studies required for the preparation of the RAP

According to PS5, the Resettlement Action Plan should : (i) identify all persons who will be displaced; (ii) demonstrate that displacement cannot be avoided; (iii) describe efforts to minimize displacement; (iv) describe the regulatory framework; (v) describe the informed participation and consultation process with affected people regarding acceptable resettlement alternatives, as well as participation in the decision-making process; (vi) describe the rights of all categories of displaced persons, and assess the risks for vulnerable groups vis-à-vis the various rights; (vii) list compensation rates for lost property; describe how they were calculated, and demonstrate that such rates are adequate, i.e., they are at least equivalent to the replacement cost of lost property; (viii) provide details of replacement housing; (ix) outline plans for the restoration of livelihoods as appropriate; (x) describe the resettlement assistance to be provided for; (xi) outline the institutional responsibility for the implementation of the Resettlement Action Plan and complaints resolution procedures; (xii) provide details of arrangements for monitoring and evaluating the participation of Affected Communities at this stage; and (xiii) provide a timetable and budget for the implementation of the Resettlement Action Plan.

In case the need for physical or economic displacement of the population should arise, a series of studies will be conducted that are paramount for the formulation of the Resettlement Action Plan: Census and Socioeconomic Assessment, a topographic survey, a titles study; and a real estate appraisal. These studies are explained below:

6.2.1 Census and socioeconomic assessment

A detailed census of social units (individuals, families and economic units) settled on the premises in the area affected by the works will be carried out. The goal is to have access to information on the demographic, housing, social and economic characteristics of landowners and residents of the land required by the works. This census should involve all persons settled in or using any Real State that is settled on the programme-affected land.

The host population will also be diagnosed, since it is necessary to ensure that, on one hand, the resettled person arrives at a suitable place and, on the other hand, that the host population is not affected by the inclusion of new people in their communities. Since very few resettlements are foreseen, only information regarding the host population will be collected, once it is agreed by each resettled person.

Pursuant to the Action Protocol for Resettlement Cases, and in line with Performance Rule 5, the parameters below shall be taken into account:

- Number of households: identifying children, youngsters, adult men and women, and the elderly.
- Population that should receive specialized medical care such as the elderly, pregnant women, the disabled.
- Presence of people who should be specially transferred on account of psychophysical problems (for example, by an ambulance).
- Occupation, income.
- Presence of animals involved in work and food production activities for the household.
- Identification of the head of household and his/her management capacity.
- A thorough population count should be carried out in order to assess the magnitude of the project to thus determine the population that will be eligible for assistance and / or compensation.
- The simplified characterization of the dwelling or housing unit and the family living in it shall be addressed in the resettlement process: numbers of rooms, sanitary facilities, length of stay of the family group in that dwelling, distances considered acceptable vis-à-vis the current settlement, payment capacity, identification of factors facilitating or hindering the resettlement process.

Along this line, a recommendation is made to include at least the variables below, for the design of the census instrument:

- Complete identification of the property (address, area, neighborhood, cadastral identification, public utilities, and the property location in the place).
- Identification of furniture located in the building, in particular regarding economic, commercial and industrial activities, and service provision.
- Identification of resident social units, and commercial, industrial or residential economic activities in each of the properties: number of social units, composition and identification of each correlated member in each unit, typification (household, economic, socio-economic, other).
- Owner, tenant or occupants' status.
- Identification of property tenure (deeds, buying/selling promises, real estate tax, public utilities, etc., payment receipts) and the relationship of household units with the property regarding the uses being given to the property. This information will be linked with title surveys and will be recorded as such in the case of owners and holders.
- Identification of the use given to the property (housing, services, industry, commercial, rent, warehouse, others as may be suitable) and way of access to the property.
- Procedures directly linked to the property and its active condition (public utilities and taxes).
- Description of physical conditions and housing habitability (physical, spatial and functional characteristics, public utilities, others related to economic activities).
- Socioeconomic characteristics of the population, as well as those characteristics related to the spatial, demographic, economic, social, psychosocial and cultural dimensions.
- Expectations vis-à-vis resettlement.
- Geographic location of properties, and the latter's location vis-à-vis social and economic units.

It is suggested that the variables below be considered for the socio-economic survey:

- *Spatial dimension*: The historical development process of the settlement and / or neighborhood, its consolidation process, the dynamics of existing relationships and current uses of the settlement, in order to determine the space and population occupation dynamics.
- *Physical dimension*: In specific cases where the public space is used to carry out informal economic activities, the particular conditions in which those activities take place will be described,

detailing at least the total number of social units, the type of economic activities being carried out, the daily net income, and the existence of municipal permits for the implementation of these activities.

Infrastructure characteristics and basic equipment in the survey area and in each of the properties affected are addressed, (use and housing relationship, tenure condition, public utilities, means of transport, institutional or community services. and types of existing buildings).

- *Demographic dimension:* Includes structure by age, sex and gender, civil status, percentages and characteristics of the economically active population, type of families and kinship relations, educational levels, occupation and workplaces.
- *Economic dimension:* involves the economic income of each social unit, the income percentage that is derived from the affected property and the surrounding settings, the type of occupation, the place of work and its distance from the place of residence, and in general, the family livelihood strategies.

In the case of industries, shops or services, the type of activity, coverage area, customers type, number of workers and address, sales ratio and the possibility of resettlement will be analyzed. When there are informal sellers who occupy the public space, they should be accounted for. The collection of information related to permanent occupants of public space can be done through a survey and its format should be prepared beforehand.

- *Social dimension:* Living rules and social cohesion of social units (access to social, education, health, and social security services, educational level, participation and social organizations) of the vulnerable population (women, seniors, children under 5 years of age, persons who may be discriminated against on the basis of their sexual orientation or gender identity, disability status), access to and linkage with public or private welfare programmes, population mobility behavior, and neighborhood relations, among others.
- *Psychosocial dimension:* Data such as people's satisfaction with their settings, neighbors, housing and resettlement-focused expectations, will allow assessing people's willingness or reluctance to displacement, and the degree of stress that this will generate in people.
- *Cultural dimension:* Related to rules, customs and social and economic networks that may be relevant in the displacement and resettlement process.

In particular cases where public space is used for the implementation of informal economic activities, the conditions in which these activities take place will be described, detailing at least the total number

of social units, the type of economic activities carried out, the daily net income and the existence of municipal permits for the implementation of these activities.

Owners and residents of properties involved, should be informed before the survey is to be conducted. The Survey's purpose, dates and times of application should be detailed (dates and times should be agreed with the community), in order to ensure the presence of people affected the day the survey is scheduled to be conducted. In this sense, a gender mainstreaming approach is recommended, to allow for the most convenient schedules so as to warrant women's involvement in these meetings.

The survey sets up a cut-off date for the recognition of the right to receive assistance within the resettlement process, including the accounting of assets. For this reason, it is key that the population is informed beforehand of the deadline therein.

Once the outputs of the affected social registration are consolidated and validated, this listing will help define the population included in the Resettlement Plan, and will allow for the analysis of each particular situation to assess the compensation or relevant type of assistance.

6.2.2 Topographic survey

This survey is aimed at identifying the physical losses the programme will involve. With this goal in mind, an inventory should be made of all the land and physical assets that will be acquired. This inventory should include information on land use, a description of housing and related structures. For this, a review should be made of documentation collected over the design phase, and a listing of affected buildings will be drawn up. Topographic surveys will include an individual inventory of assets affected by each property.

6.2.3 Title study

The survey referred to above will allow collecting documents required for the title study (deeds, buying-sale promises, receipts for payment of real estate tax, public utilities, among others). The availability of these documents will be recorded in Minutes, specifying the document and delivery date. This work will enable the identification of real rights holders and to become aware of the diverse legal situations in place.

A title study of each of the affected buildings will be carried out, matching the legal and cadastral information. Thus, listings of real rights owners will be prepared, showing the properties limitations

and charges, the data coming from the titles study, topographical survey registry, appraisals and social data on each of the properties will be consolidated, and cases calling for special management will be identified (possessors, de facto usufructuaries, etc.).

6.2.4 Taxation and determination of the indemnifying amount

As mentioned above, in terms of national legislation, the procedure and methods to determine the amount corresponding to the expropriation indemnifying value of the property are provided for in Law 21,499, pursuant to rules issued by the Nation's Valuations Court, created by Law No. 21,626.

Regarding provincial regulations, the determination of the compensation value (provided for in Article 12) will be the result of the concurrent analysis of judgment elements as follows: a) price paid the last time ownership was transferred; b) value allocated for payment of the direct tax (fiscal value); c) Proceedings involved in the last appraisal carried out by the Cadaster Office; d) funded bids made by the expropriating and expropriated persons ; e) Value of adjacent properties that are similar in terms of location, area and prices paid during the last five years; (market value according to the legal framework analyzed); f) values registered in official Banks in the locality; g) values registered in judicial and private auctions by public auctioneer, in the area where the property is located; h) The value of the property's productivity during the last five years.

The purpose is to determine the commercial value of the required properties (refers to land / buildings) and income and revenue losses, if applicable.

With regard to compensation for land, domain owners will be notified and all applicable extrajudicial and judicial procedures will be complied with.

It is recommended that a professional in social sciences participate in appraisers' visits. The presence of the property owner is mandatory during these visits, which should be documented by means of relevant minutes signed by the officials and the owners or persons claiming rights over the property.

For the purposes of the appraisal to be carried out by the Public Prosecutor's Office, beyond the elements already mentioned, the actual situation of the property, its quota, its commercial aptitude, soil runoff statistics, the area of land being appraised, and the urban indicators established by the Municipality as the primary responsible for Territorial arrangement should be taken into account. The Public Prosecutor's Office shall assess the property subject to the appraisal through a visual inspection and, in turn, with a cartographic survey to get as close as possible to the property's target value.

Additionally, values of bids for other plots of land that are close to the plot of land at stake are assessed, weighing the issues that influence the local real estate market, based on the information provided by the different real estate companies consulted for this purpose.

The "Comparative Method" is used to set values; this is the most widespread and well-known method yielding the best results. Of course, values and background data should be homogenized for this purpose, using different correction coefficients (measures, form, use, offers, location and public utilities, etc.). For this reason, and based on the above and bearing in mind the intrinsic and extrinsic property characteristics, a unit \$ / m² value is adopted for the property in question and from this equation, the final value.

Values should represent the value of the current asset, so it is very important that indemnity periods are borne in mind so that such compensation is comprehensive. This is why each case and its particular nuances are analyzed thoroughly and no situations are left to chance.

In social interest cases, the same appraisal procedure will be carried out, which will be exempted from fees related to the payment of advisory and appraisal services provided by that agency, and taking into account the particular peculiarities arising from the informal character of the holdings and improvements therein.

6.3 Affectation types and categories of population affected

Once the studies have been conducted, adequate information will be available to identify, evaluate and analyze the different types of affectation and the categories of affected population. For the preparation of a RAP, there should be due awareness regarding tenure situations and the use of properties to be affected, which is also an input to detect displacement-originating impacts.

The affected population will be classified according to identified impacts. This classification will determine population groups, number of social units, as well as the magnitude and intensity of each impact and this will be used to plan each mitigation or compensation measure. Impacts on the affected population's social and economic support networks.

Displacement impacts, as well as the population groups that often endure those impacts are shown below, for guidance purposes:

TABLE 5-TYPES OF IMPACTS AND VARIABLES

Variables	Impacts	Categories
Partial affectation of the property	Partial loss of the property	Owners with partial affectation
Total affectation of the property	Total loss of the property	Owners, possessors
Living in the property	Loss of housing	Owners, possessors, tenants usufructuaries
Economic activity in the affected property, or in the affected area, or rent derived from the property	Partial or total loss of income	Rentiers, business, industries or services owners
Place of school attendance	Loss of access to education, or increased transportation costs to attend school	School-age population attending school near their homes, not using transportation to get to their educational center.
Place for health services provision	Loss of access to health services, or higher transportation costs to visit health centers	Population using Health Centers and Hospitals near their homes and who do not use transportation
Support and solidarity from relatives who live nearby or from neighbors	Loss of social networks, and higher costs to compensate for lack of support	Population granted support by relatives or neighbors
Community Involvement	Loss of community organizations	Population partaking in social organizations

Examples of type of treatment for each category will be specifically defined in the resettlement plan.

Regarding eligibility criteria for receiving compensation and / or assistance from the RAP, it will be essential to:

- Live and/or carry out an economic activity in the property required for the execution the programme.
- Be registered in the official survey prior to the corresponding deadline. Lists of eligible population should be submitted at information meetings following survey completion so that they can be reviewed. In this regard, and in order to avoid later amendments, a one-month (1) time limit will be given to submit objections to the list (in case of mistake or omission), which will be evaluated within the framework of the criteria that are defined and communicated prior to this survey. Exceptionally, in the event that a prolonged period could be present between the date of this deadline and the beginning of the work, the census should be updated.

7. Contents of the Resettlement Action Plan – RAP

Each plan should address the realities and socioeconomic conditions of the affected population. However, the plan's scope and implementation will depend on the type of affected population, the number of social units affected, the identification of impacts and their size, and the resettlement alternative. The following issues should be highlighted within this framework:

- *Description of the programme and the area where it will be implemented.* Including: the affectation polygon (identification of property and social units), territorial and population dynamics (land uses).
- *Location of affected properties*
- *Studies and survey outcomes* (topographic information of properties, titles study, census and socioeconomic survey).
- *Identification and assessment of impacts and vulnerabilities faced by the population to be displaced.*
- *Technical and social solution alternatives based on the type of impacts and the characteristics of the population*
- *Eligibility criteria for each solution alternative*
- *Acquisition programme for affected properties* (process description and schedule).
- *Programme for property replacement or relevant assistance. Programme for the restoration of economic conditions* (payment compensation for economic loss and advice for restoration)
- *Programme for restoration of social conditions.*
- *Information, outreach and consultation programme*
- *Complaints and grievances management and resolution programme*
- *Organizational structure responsible for the implementation of the plan*
- *Human and physical resources required to implement the plan*
- *Budget*
- *Schedule*
- *Follow-up and monitoring system*
- *Evaluation system*

8. Compensatory or Assistance Measures

In cases where population displacement and / or economic activities are unavoidable, the alternatives proposed to people affected will be adjusted to the factual reality of each affectation.

The RAP should implement measures to ensure that the affected population: (a) is informed of their resettlement options and rights; (b) is involved in the various viable technical and economic options; and (c) is granted prompt and effective compensation that is equivalent to the total replacement cost for the loss of assets directly attributable to the resettlement programme, if applicable.

If population displacement should be carried out, measures should be implemented to ensure that individual persons are granted: (a) assistance (such as economic and technical resources to facilitate their relocation, or related to procedures required; and (b) housing, or housing sites, or sites whose productive potential and location, among other factors, are at least equivalent to the characteristics of the original site, according to the legal and socio-economic evaluation that is conducted in each case. In these cases, the people affected should receive support during a transition period after their displacement, as necessary for the reestablishment of their livelihood and living standards.

When there are cases where public space is occupied, either with or without permission from the competent authority, actions should be undertaken to relocate such activities, with an aim at contributing to the improvement of working conditions of those people involved.

Loss of access to health, education and transportation services should also be considered. Therefore, measures should be designed so that the affected population enjoys equivalent access at the reception site. That is, if displacement is accompanied by relocated population's loss of access to health, education and transportation services, then key actions will be designed to warrant equivalent access in their new place of residence.

These measures should consider, in particular, the presence of individuals or groups that may be more vulnerable to displacement impacts, on account of a series of issues. For these cases, specific measures should be designed to ensure the restoration or improvement (in cases of vulnerability) of their socioeconomic conditions prior to the programme.

Particular actions for groups identified may include:

- Additional measures in order to avoid the physical or economic displacement of indigenous population.

- Credit facilities for these groups, when deemed appropriate.
- Facilitating articulation of these groups with existing provincial or national social programmes.
- Considering the implementation of measures necessary to ensure that children and young people can continue their education or that they will not be interrupted from attending school due to resettlement.
- Designing specific measures for the elderly during their transfer, considering health conditions.
- Prioritization of the land-for-land compensation for people whose livelihoods are land-dependent.
- Definition of clear alternatives for landowners or irregular land occupants.

The table below depicts compensation and assistance measures, as the cases correspond as detailed above.

TABLE 6- COMPENSATION AND ASSISTANCE ALTERNATIVES FOR FORMAL TENURE SITUATIONS

Types of Affection	Alternative
Owner of land with or without improvements, with total or partial affection	<p>Those stemming from the enforcement of relevant regulation. The following shall be facilitated, as a minimum:</p> <ul style="list-style-type: none"> • Acquisition of land at replacement cost that allows for its replacement by another land providing equivalent services. • Compensation for improvements.
Owner of housing with total affection	<p>If living in the house:</p> <ul style="list-style-type: none"> • Acquisition of the house at replacement cost, allowing for its replacement by a similar dwelling. • Real estate advice to search for a replacement property. • Legal advice for the acquisition of the replacement property.

Types of Affection	Alternative
	<ul style="list-style-type: none"> • Social advice to restore access to education and health services (if required). <p>If not living in the house:</p> <ul style="list-style-type: none"> • Acquisition of housing at replacement cost.
Owner of housing with partial affection	<p>Determination of housing habitability after partial affection.</p> <ul style="list-style-type: none"> • Cash compensation for the reduced value of the house due to impaired accessibility. • Technical support for facade repair (if necessary)
Owner or tenant with partial commercial affection	<ul style="list-style-type: none"> • Cash compensation for reduced value of the business due to factors such as impaired accessibility
Affection of economic activity carried out by the property owner	<ul style="list-style-type: none"> • Acquisition of the property at a replacement price that allows for its complete relocation and the continuation of the activity. • Real estate advice for the acquisition of new premises to relocate the activity. • Advice for income restoration in the new location.
Affection of economic activity carried out by the tenant of the property.	<ul style="list-style-type: none"> • Cash compensation and/or assistance allowing for its complete relocation and the continuation of the activity. • Real estate advice to lease a place where to move the business • Advice for income restoration in the new location.

Types of Affection	Alternative
Affectation of lessees or tenants	<ul style="list-style-type: none"> • Notification well in advance before the property affectation. • Advice on legal and real estate issues for the lease of new housing
Temporary affectation of economic activities carried out in the property	<ul style="list-style-type: none"> • Cash compensation to deal with the temporary move. • Real estate advice to search for premises for temporary move.
Permanent affectation of activities carried out on the street	<ul style="list-style-type: none"> • Assistance for relocation to sites with similar conditions.

After evaluation and diagnosis of the socio-economic situation of each particular case, the assistance alternatives to be provided to individuals or family groups affected by the execution of the programme will be looked into. Assistance alternatives may include financial assistance, delivery of construction materials, properties -with or without public utilities- or different housing solutions (housing, lodging, temporary rental of housing or commercial premises). As a necessary condition to access any of the aforementioned assistance, the affected person should have been registered in the survey to be conducted in a timely manner within the framework of the project, excluding settlers who will arrive afterwards.

Particular mention should be made of the fact that Article 9 of the PBA Protocol indicates that, once the resettlement date has been set, the resettlement itself should be carried out during daytime and in good weather. At the same time, this Article stipulates that all those affected should be informed in a reliable way of the date, time and conditions of resettlement. For this purpose, a notice will be left in each property included in the resettlement process.

9. Consultation and participation in resettlement cases

The end goal of consultation and participation processes in case of resettlement is:

- a) To inform inhabitants in the programme's area of influence about the resettlement characteristics, schedules for its construction, stakeholders involved, and the entity responsible for it.
- b) To inform about the studies and procedures to be implemented with owners, rights holders, and residents of the possible properties that are intended to be acquired.
- c) To prevent the intrusion of outsiders who may damage public interests and those of the affected population.
- d) To get people responsible for social management and resettlement acquainted with the community.
- e) To set up communication channels to address the concerns of the population to be resettled, as well as those of the host population; set up a place close to the affected area and a community service schedule.

The above will be done through the mechanism provided for in Article 4: Citizen Participation in the Action Protocol for Resettlement Cases. In all cases involving resettlements, a Participatory Management Board should be set up; this Board is an instance for "joint management" between the State and the neighbors involved in the resettlement through their representatives, as a space for citizen participation, reciprocal information and consensus-building in order to carry out the entire resettlement process, in accordance with parameters set forth in Law No. 14.449 and its Regulatory Decree.

The Participatory Management Boards will be set up according to the provisions of Article 36 of the Fair Access to Habitat Law. Representatives of the households to be relocated should be democratically elected among the people affected by the resettlement, warranting the free application of all interested parties. Each participatory management board will have at least one representative per each twenty-five (25) households. However, due to the particularities of each case, a different representation may be agreed upon.

The Legislative Power and the Ombudsman's Office should appoint one representative each to integrate the Participatory Management Board in an ongoing manner. In turn, the implementing authority and the Municipality should appoint representatives in a stable manner and may convene

to participate in the meetings representatives of the particular areas of agencies with concerns in the different issues that are being dealt with at the Participatory Management Board.

The implementing authority will coordinate the operation of the Participatory Management Boards and will therefore be in charge of convening the meetings, which will be held at least once every thirty (30) days, without prejudice to the operational schedule agreed upon by this Authority.

In the event that the resettlement process reaches a large number of households and begins with a fraction of those households, the implementing authority may, if necessary, call the representatives of the affected family group at the different stages, to designate for this instance one representative per each ten (10) households, without prejudice to the workings of the Participatory Management Board, involving all resettlement people.

In all cases, consensus will be the path to reach the improvement of habitat conditions for the group of people subject to resettlement. In this sense, and pursuant to the reasons set forth in Articles 2 and 3 of this document, the implementing authority -within the framework of the Participatory Management Board- will favor dialogue mechanisms and instances that generate the necessary consensus so that all the persons involved in the resettlement process are considered.

In all cases, minutes of the Participatory Management Board meetings shall be drafted up.

10. Complaints and Conflict Resolution Mechanisms (CCRM)

The complaints system in force in the Republic of Argentina comprises complaints before the Administration (Executive Branch) and before the Courts of Justice (Judicial Branch). The possibility of submitting complaints to the Ombudsman, appointed by the Legislative Branch is added to these instances.

Regarding complaints to an administrative act, these can be channeled to the Administration authority. In all cases, the National Administrative Procedures Law, enacted by Law No. 19,549 and its regulations are applicable. This procedure is overarching: its origin is the national administrative procedures law, and it is applicable to any public administration act.

Likewise, an individual may appeal directly before a court, applying the general system in force in the country, and based on the National Constitution provisions. In this regard, any conflict between adverse parties should be resolved by an impartial judge, based on competition regulations.

At the same time, complaints may be submitted to the Office of the Nation Ombudsman³², who has the obligation to process and resolve them. To do so, the Ombudsman Office may request relevant information and then, issue a recommendation.

For its part, the programme will have a Complaints and Conflict Resolution Mechanism (CCRM), which will be used for matters related to involuntary resettlement. The CCRM should use transparent means and mechanisms to facilitate reception of concerns and to respond to the concerns of the programme stakeholders in order to address those concerns and anticipate potential conflicts.

In cases where it is not possible to avoid conflicts, the Ombudsman should promote negotiation between the parties and strive for a solution so that all stakeholders involved (including the programme) will benefit from the solution.

The CCRM involves the following stages:

1) Receiving and registering complaints

- A complaints box will be installed on the programme locations and in the offices of the Municipality where the intervention is carried out.

³² Website: <http://www.dpn.gob.ar> - Telephone: 0810-333-3762 – Address: Suipacha 365, Ciudad de Buenos Aires.

- A specific phone will be enabled.
- A specific email address will be enabled to receive complaints.
- By participating in regular meetings deemed part of programme implementation.

These mechanisms should be informed and regularly published (i.e., brochures, posters, community reference spaces, etc.) and should always be available to any interested party who would like to bring a complaint.

Any claim coming from any channel should be registered and filed in a special folder located in each Municipality where the programme is being implemented.

2) Evaluating complaints

If the complaint submitted is about the programme, it should be dealt with and answered. In the event that the claim or complaint is rejected for any reason, the claimant should be informed of the decision and the reasons for it. To this end, suitable, relevant and understandable information should be supplied according to the complainant's sociocultural characteristics. The claimant should leave a record of being informed, which will be filed together with the claim.

3) Responding to complaints

Complaints relevant to this programme should be answered within a period of no more than ten (10) consecutive days. The information provided should be relevant and understandable according to the sociocultural characteristics of the person making the complaint. The latter should leave a record of having been informed, and his / her claim to have been addressed, and this record will be filed together with the claim.

Complaints should be answered by the Municipalities where interventions are carried out. If it is not possible, or if it is a specific complaint, it should be sent to the relevant provincial bodies that can solve it.

4) Monitoring

Any claim solved to the claimant's satisfaction should be monitored for a reasonable period of time in order to verify that the grounds for complaint or claim were effectively resolved. The estimated term for this purpose is six (6) months counted from the response and / or solution to the claim time.

5) Conflict Resolution

In the event that there is no agreement between the Project and the person who filed the claim, either for a rejected concern or for not reaching an agreement on the solution to be implemented, the means and efforts that will be implemented to reach a joint agreement between the parties should be defined. This may include, but not be limited to: promoting the participation of third-party technicians or other State stakeholders, inviting to dialogues, mediations, conciliations.

In the case where the complaint cannot be dealt with within the scope of the project, the interested party may file his/her complaint at administration headquarters and before the Province Courts of Justice.

In all cases, interested parties shall be informed that they may also communicate with project-related institutions, as below:

- *Social Under-Secretary for Land, Urbanism and Housing, Infrastructure and Public Utilities Ministry*: Phone 0221-4295000. Website: <http://www.mosp.gba.gov.ar>
- *Ombudsman's Office of the Province of Buenos Aires*: Phone: 0800 222-5262. Website: <http://www.defensorba.org.ar>

Likewise, it is possible that municipalities where interventions are carried out, have mechanisms in place for handling complaints and resolving their own conflicts. These mechanisms are intermediary instances between the CCRM (of the programme) and those complaints that could be made in administrative offices and in courts of law.

11. Relation between the resettlement process and the technical stages of the works

If physical or economic displacement among the population took place as a result of the programme, there will be a close relation between the work's technical stages and the formulation and execution of the RAP. This will ensure that once works begin, there will be access to resources necessary to deal with solutions to affectations that do not entail acquisition of real estate. This will leave sufficient time for the execution of the RAP. The relationship between the construction stages and the Plan activities are described below:

- Potential impacts will be identified in order to determine the social feasibility of the work and the main problems to be faced; there will be estimates on land affectation and population to be displaced; costs involved in the Resettlement Action Plan, including land, housing, basic infrastructure and the necessary equipment, if applicable.
- The technical, legal and socio-economic surveys of the required and/or affected properties and of the population to be displaced will be carried out.
- Based on these studies and surveys, the impacts and the number of social units to be resettled will be identified, and the RAP will be formulated, ensuring that its schedule is coordinated with those of the works generating the resettlement. Each subproject that generates resettlement should prepare a specific resettlement plan, to be submitted for consideration by CAF and the GCF authorities, who will assess and approve it before works are executed.

The Project will include an Environmental and Social Management Team (ESMT), made up of competent socio-environmental technical specialists hired within the Project framework. For the purposes of implementing the RPF, the following professionals are envisaged, who will be hired on a full-time basis, and who will be the responsibility of the UCEPO:

- Coordinator: a specialist in involuntary resettlement.
- Lawyer, with experience in expropriations and involuntary resettlement cases.
- Specialist in appraisals.
- Surveyor, with experience in measurement and expropriation.
- Social specialist with experience in involuntary resettlement.
- Technical specialists in the thematic areas corresponding to the project components.

Regarding the resources required for the different housing solutions and economic compensations, they will be looked into in each resettlement plan that is designed (if necessary). However, the possibility of designing other alternatives to reach the housing solutions likely to be required by the Programme is not ruled out.

12. Follow-up to the Resettlement Action Plan (RAP)

12.1 RAP Monitoring

During the implementation of the RAP, a team from the Ministry of Infrastructure and Public Utilities of the Province of Buenos Aires will be in charge of evaluating progress of all planned activities, through UCEPO and under CAF supervision, and GCF monitoring.

In this sense, the reestablishment of socioeconomic conditions of physically or economically displaced population should be verified, and an assessment of the situation of the displaced population shall be carried out, at least bearing in mind variables as follows:

- Housing (quality, location, area and relevant issues)
- Public infrastructure and public utilities
- Community, educational and health equipment instances
- Productive activities and sources of income (situation, income stability, working conditions, and transfer times, continuity of traditional activity, etc.)

For such work, the RAP should have indicators allowing to measure the variables described above, and the tools to carry out this work.

12.2 Ex post evaluation

After a year has elapsed after the resettlement of all social units and economic activities, an *ex post* evaluation of the effectiveness and efficiency of the implementation of the plan will be carried out, with a particular focus on restoring the socioeconomic conditions of the population involved.

Depending on the number of resettled social units, the final evaluation of this Plan will be carried out by a professional or a team of social science professionals who are not related to its execution. These professionals or team of professionals may belong to a local university, a civil society organization (CSO), or may be independent consultants who demonstrate experience in the evaluation of population resettlement processes.

This section is in line with the PBA Protocol, Article 11 which establishes that, once the resettlement is completed, the Implementation Authority, together with the Participatory Management Board, will continue to monitor the results and vicissitudes that it may generate, so as to meet the objective of

fulfilling them in a socially responsible way, in a comprehensive, participatory, joint way, and aiming to progressively achieve the parameters and rules as set forth in Law No. 14,449.

13. Disclosure of the RPF

This RPF will be disseminated through its publication on the web pages of the Ministry of Economy and the Ministry of Infrastructure and Public Utilities of the Province of Buenos Aires, and CAF website.

- <http://www.ec.gba.gov.ar/>
- <http://www.mosp.gba.gov.ar/>
- <https://www.caf.com/en/paises/argentina/>

As part of CAF Policy, the "Habitat Improvement Programme in Vulnerable Neighborhoods of Greater Buenos Aires (GBA)" guidelines should be socialized both to key stakeholders involved in the preparation of this Project (based on field observations, in-depth interviews and focus groups), and to raise participation of the target population with the project to be implemented. In addition to consultations with the public sector at the provincial level, consultations with civil society stakeholders are envisaged. These guidelines are quoted in documents: Social Assessment, Resettlement Policy Framework (RPF), Environmental and Social Management Framework (ESMF).

It is important to mention that, in case the Programme involves the physical resettlement of the population or affects their economic activities or livelihood, the Resettlement Plans developed during its implementation should also have a socialization process similar to the one carried out for the current RPF. The specific consultation and participation processes of each RP will take into account the guidelines of section 9 of this document, in line with Article 4: Citizen Participation of the Action Protocol for Relocation Cases. In turn, a physical copy of the final versions of each of the RP that are developed should be available in the offices of the municipal governments corresponding to where the interventions are executed.

14. ANNEXES

ANNEX I - LAW 14.449³³

LEY 14449

EL SENADO Y CÁMARA DE DIPUTADOS DE LA PROVINCIA DE BUENOS
AIRES, SANCIONAN CON FUERZA DE

LEY

LEY DE ACCESO JUSTO AL

HÁBITAT CAPÍTULO I

DISPOSICIONES
GENERALES

ARTÍCULO 1º: Objeto. La presente Ley tiene por objeto la promoción del derecho a la vivienda y a un hábitat digno y sustentable, conforme lo establece la Constitución de la Provincia de Buenos Aires. Sus objetivos específicos son:

- a) Promover la generación y facilitar la gestión de proyectos habitacionales, de urbanizaciones sociales y de procesos de regularización de barrios informales.
- b) Abordar y atender integralmente la diversidad y complejidad de la demanda urbano habitacional.
- c) Generar nuevos recursos a través de instrumentos que permitan, al mismo tiempo, reducir las expectativas especulativas de valorización del suelo.

ARTÍCULO 2º: Lineamientos generales. La presente Ley define los lineamientos generales de las políticas de hábitat y vivienda y regula las acciones dirigidas a resolver en forma paulatina el déficit urbano habitacional, dando prioridad a las familias bonaerenses con pobreza crítica y con necesidades especiales.

³³ <http://www.gob.gba.gov.ar/legislacion/legislacion/l-14449.html>

ARTÍCULO 3º: Derecho a la vivienda. Definición. El derecho a una vivienda y a un hábitat digno comporta la satisfacción de las necesidades urbanas y habitacionales de los ciudadanos de la Provincia, especialmente de quienes no logren resolverlas por medio de recursos propios, de forma de favorecer el ejercicio pleno de los derechos fundamentales.

ARTÍCULO 4º: Déficit urbano habitacional. A los fines de esta Ley, se denomina déficit urbano habitacional a la escasez, calidad insuficiente o inaccesibilidad a condiciones materiales, servicios y espacios aptos para satisfacer las necesidades y promover una mejor calidad de vida de la población en el marco de un hábitat ambientalmente sostenible.

ARTÍCULO 5º: Responsabilidades. El Estado Provincial será el encargado de la ejecución de las políticas necesarias para la satisfacción progresiva del derecho a una vivienda y a un hábitat digno, incluyendo la participación de los Gobiernos Municipales y de las Organizaciones no Gubernamentales sin fines de lucro que en su objeto social propendan al fomento de dichos objetivos y la iniciativa privada, teniendo prioritariamente en cuenta las demandas sociales de la población.

ARTÍCULO 6º: Registro de demanda habitacional. Los Municipios serán los responsables de registrar las demandas mencionadas en el artículo 1º inciso b) e informarlas a la Autoridad de Aplicación para su planificación.

ARTÍCULO 7º: Autoridad de Aplicación. Deberes. La Autoridad de Aplicación provincial será establecida por el Poder Ejecutivo en la reglamentación, asegurando que la misma cuente con la asignación presupuestaria, dotación de personal y capacidad técnica necesarias para cumplir con su deber de formular, implementar y evaluar las políticas, planes, programas, proyectos y normas de vivienda y hábitat, así como de velar por su cumplimiento, de conformidad con lo dispuesto en la presente Ley.

ARTÍCULO 8º: Lineamientos generales. La Autoridad de Aplicación y los Municipios deberán implementar en forma progresiva y según los medios disponibles, entre otras, actuaciones de diferente escala dirigidas a:

- a) Proveer suelo urbanizable en centros urbanos y zonas rurales.
- b) Desarrollar nuevas áreas residenciales en centros urbanos o en asentamientos rurales, mediante la construcción de conjuntos de viviendas o urbanísticos completos o de desarrollo progresivo que cuenten con la infraestructura y los servicios, las reservas de equipamiento comunitario y espacios verdes.
- c) Ejecutar proyectos de integración socio urbanística de villas y asentamientos precarios.
- d) Impulsar programas de construcción, autoconstrucción, reparación, remodelación o ampliación de viviendas tanto urbanas como rurales.

- e) Promover la recuperación, rehabilitación o refuncionalización de edificios y sectores urbanos residenciales en proceso de degradación, preservando el valor del patrimonio histórico y social.
- f) Ejecutar la construcción, ampliación y/o mejoramiento de servicios de infraestructura básicos, de equipamientos comunitarios y/o de espacios públicos recreativos.
- g) Asegurar, en coordinación con la Escribanía General de Gobierno, la regularización dominial y la gestión escrituraria de los inmuebles construidos con el fin de permitir el acceso al título de propiedad y su constitución como bien de familia.
- h) Atender la refuncionalización, rehabilitación y adecuación normativa de inmuebles fiscales aptos para finalidades de uso social y colectivo, en particular la provisión de suelo fiscal a los fines de su incorporación al Programa PRO.CRE.AR creado por Decreto del Poder Ejecutivo Nacional 902 de fecha

12 de junio de 2012, exceptuando a los bienes incorporados de la aplicación del Decreto-Ley 8.912/77.

ARTÍCULO 9º: Afectación de recursos. La totalidad de los recursos, sean estos en dinero, obras o tierras, obtenidos a través de la aplicación de los instrumentos de actuación y mecanismos de gestión reglamentados en la presente Ley, deben ser destinados a los fines determinados en el artículo precedente. La reglamentación establecerá los mecanismos de administración financiera adecuados para garantizar la intangibilidad de los mismos.

CAPÍTULO II

PRINCIPIOS

RECTORES

ARTÍCULO 10: Principios rectores. Las políticas de vivienda y hábitat que se implementan se encuentran regidas por los siguientes principios:

- a) El derecho a la ciudad y a la vivienda.
- b) La función social de la propiedad.
- c) La gestión democrática de la ciudad.
- d) El reparto equitativo de cargas y beneficios.

ARTÍCULO 11: Derecho a la Ciudad y a la Vivienda. Todos los habitantes de la Provincia tienen garantizado el derecho al uso y goce de la ciudad y de la vivienda, entendiendo a éstos como el derecho a:

- a) Un lugar adecuado para vivir en condiciones que favorezcan la integración plena a la vida urbana.
- b) Acceder a los equipamientos sociales, a las infraestructuras y a los servicios.
- c) Desarrollar apropiadamente las actividades sociales y económicas.
- d) Usufructuar de un hábitat culturalmente rico y diversificado.

ARTÍCULO 12: Función social de la propiedad inmueble. La propiedad inmueble cumple su función social cuando respeta las exigencias y determinaciones expresadas en las Leyes y normas generales, así como en los planes, proyectos y reglamentaciones que regulan la producción del hábitat, con el fin de garantizar la calidad de vida, el uso ambientalmente sostenible del territorio y la justicia social.

ARTÍCULO 13: Gestión democrática de la Ciudad. La gestión democrática de la ciudad se entiende como un proceso de toma de decisiones que asegure la participación activa, protagónica, deliberante y autogestionada de la comunidad en general y de los ciudadanos en particular y, en especial, de las organizaciones o asociaciones civiles que fomenten el acceso al hábitat y a la vivienda.

ARTÍCULO 14: Reparto equitativo de cargas y beneficios. La utilización justa y razonable de la facultad regulatoria por parte del Estado, a nivel Provincial y Municipal, en los procesos de planificación y ordenamiento urbano, con el objeto de evitar producir desigualdades que fomenten la concentración del suelo.

CAPÍTULO III

DIRECTRICES GENERALES DE LAS POLÍTICAS DEL HÁBITAT

ARTÍCULO 15: Parámetros de calidad. La vivienda y el hábitat dignos se definen según los siguientes parámetros de calidad:

- a) La localización de los proyectos habitacionales tendrá en cuenta criterios de densificación, consolidación y completamiento de las áreas urbanas, favoreciendo el aprovechamiento racional de las inversiones en equipamientos y redes de servicios, la integración socio espacial, la mixtura de usos y actividades y la riqueza y complejidad de la vida urbana. De tal forma, para su emplazamiento se priorizarán las siguientes condiciones:
 - I- La cercanía a las áreas de centralidad.

II- Las facilidades de accesibilidad y

conectividad. III- El nivel de consolidación

urbana.

IV- La cobertura de servicios y equipamientos urbanos básicos.

- b) Los niveles de habitabilidad de la vivienda en función de su calidad constructiva, de sus parámetros de ventilación e iluminación y de sus posibilidades de crecimiento progresivo y adaptabilidad al desarrollo futuro.
- c) La calidad en el tratamiento del espacio público y la integración a las áreas circundantes.
- d) Los niveles básicos de cobertura de la infraestructura, de los servicios, del equipamiento social y de accesibilidad del transporte público.
- e) El diseño edilicio bajo pautas de eficiencia y ahorro energético según los parámetros de la Ley 13059 con sus modificatorias y reglamentaciones o las normas legales que en el futuro las modifiquen o reemplacen.
- f) El respeto a las normas de diseño sobre accesibilidad para personas con necesidades especiales.

ARTÍCULO 16: Directrices Generales. Las políticas de vivienda y hábitat son una función y responsabilidad pública y, por lo tanto, deben garantizar la defensa de derechos colectivos por aplicación del principio de la función social de la propiedad. Los planes, estrategias, programas, operatorias, proyectos y normas que conforman dichas políticas se rigen por las siguientes directrices generales:

- a) Promoción de la justa distribución de las cargas y de los beneficios generados por el proceso de urbanización.
- b) Fortalecimiento de la regulación pública sobre el suelo urbano con la finalidad de desalentar prácticas especulativas, utilizando instrumentos de recuperación y redistribución social de la valorización de los inmuebles.
- c) Diseño e implementación de un abordaje integral mediante acciones que vinculen solidariamente instrumentos urbanísticos, herramientas de gestión del suelo y operatorias de urbanización y vivienda.
- d) Fomento de la participación permanente de la población y de las asociaciones representativas de los diferentes sectores de la comunidad tanto en las etapas de formulación y de ejecución, como en las de evaluación y seguimiento.

- e) Impulso a la integración socio-urbanística y a la regularización de la tenencia de la tierra en villas y asentamientos precarios con la finalidad de hacer efectiva la incorporación de la propiedad del suelo como un derecho de los habitantes.
- f) Diversificación y promoción de la pluralidad de las respuestas, en atención a las diferentes demandas y posibilidades de acceso a distintas soluciones habitacionales de los diversos grupos sociales.
- g) Incorporación y revalorización de las experiencias organizativas y las prácticas de los sectores populares, estimulando los procesos de autogestión del hábitat a través del cooperativismo y de otras formas asociativas, apoyando la investigación, experimentación y desarrollo de tecnologías apropiadas a dichos procesos.
- h) Evaluación constante de las políticas y acciones implementadas, analizando periódicamente su impacto.

CAPÍTULO IV INSTRUMENTOS

DE ACTUACIÓN SECCIÓN I

PROMOCIÓN DE PROCESOS DE PRODUCCIÓN SOCIAL DEL

HÁBITAT Y DE URBANIZACIONES PLANIFICADAS

ARTÍCULO 17: Programa de Lotes. Créase, en el ámbito de la Autoridad de Aplicación, el Programa de Lotes con Servicios con la finalidad de facilitar el acceso al suelo urbanizado de las familias bonaerenses.

ARTÍCULO 18: Promoción de procesos de organización colectiva. La Autoridad de Aplicación y los Municipios deben impulsar, a través de programas específicos, todos aquellos proyectos e iniciativas habitacionales y de urbanización que promuevan procesos de organización colectiva de esfuerzo propio, ayuda mutua y autogestión del hábitat, a través de cooperativas, mutuales o asociaciones civiles sin fines de lucro debidamente constituidas, incluyendo la gestión y administración cooperativa de los conjuntos habitacionales, una vez construidos.

ARTÍCULO 19: Definiciones. A los fines de esta Ley se entiende por:

- a) Producción Social del Hábitat, a todos aquellos procesos generadores de partes o de la totalidad de espacios habitacionales y de espacios y servicios urbanos que se realizan a través de modalidades de autogestión individual o colectiva;
- b) Lotes con Servicios, a los proyectos de intervención urbanística que incluyen la dotación de redes de infraestructura, con o sin la provisión

de un núcleo habitacional básico, y de facilitación de acceso a los servicios tanto en parcelas existentes como en nuevos parcelamientos;

- c) Vivienda de construcción y mejoramiento progresivo, a toda aquella unidad que, partiendo de un núcleo básico que permita su ocupación y habitabilidad en una etapa inicial, pueda crecer y mejorarse progresivamente, manteniendo la calidad constructiva, hasta alcanzar una superficie adecuada al tamaño y crecimiento de la familia;
- d) Urbanización progresiva, a aquellos emprendimientos en los que la construcción de las redes de agua y saneamiento, electricidad, drenaje pluvial, alumbrado público y mejoramiento vial se llevan a cabo de manera gradual, sucesiva y continua hasta alcanzar los estándares de cobertura y prestación de servicios exigidos por la legislación aplicable.

ARTÍCULO 20: Admisión de proyectos. Para la ejecución de los emprendimientos descriptos en los artículos anteriores de esta Sección, pueden admitirse parcelas, unidades rodeadas de calles, espacios circulatorios y dotaciones de estacionamientos, diferentes a los establecidos por el Decreto-Ley 8.912/77 T.O. por Decreto 3.389/87 y sus normas modificatorias, siempre que se cumplan las siguientes condiciones:

- a) Un proyecto integral debe asegurar que, de manera progresiva, se alcancen adecuadas condiciones físicas, de habitabilidad y de funcionalidad urbana y ambiental. A tal efecto, se procurará alcanzar los estándares y condicionamientos fijados por la mencionada legislación y las normas medioambientales y serán exigibles salvo que medie imposibilidad física de resolverlos, situación que será fundamentada expresamente.
- b) El emplazamiento del proyecto debe ser apto para uso residencial, ubicado dentro del área urbana, con preferencia en zonas de completamiento y consolidación de tejido o en sectores adyacentes a las áreas urbanas, aptos para producir una ampliación urbana.
- c) El proyecto debe contemplar la dotación progresiva de los servicios básicos de infraestructura.
- d) En los casos de urbanizaciones sociales planificadas, deben asegurarse las medidas necesarias para la inmediata ocupación del barrio por parte de los beneficiarios seleccionados y el inicio de la construcción de las unidades habitacionales una vez que se hayan concluido las obras de urbanización.
- e) En los casos de proyectos habitacionales y/o de urbanizaciones sociales planificadas, éstos deben ser promovidos por la Autoridad de Aplicación, por los Municipios, por autogestión de las familias beneficiarias o a través de una entidad sin fines de lucro debidamente constituida que los patrocinen y que las organicen para su ejecución por esfuerzo propio, ayuda mutua o cualquier otra forma de participación directa.

ARTÍCULO 21: Prohibición de admisión. En relación a lo dispuesto en el artículo precedente, en ningún caso pueden ser admitidos:

- a) Vías públicas vehiculares menores a catorce metros (14m.) de ancho, salvo en calles de servicio cuyo ancho mínimo será de once metros (11m.), con una longitud máxima de ciento cincuenta metros (150m.).
- b) La constitución de parcelas con una superficie no menor a doscientos metros cuadrados (200m2.) y un frente no menor a ocho metros (8,00m.).

ARTÍCULO 22: Casos especiales de admisión. Pueden admitirse parcelas con una superficie mínima de hasta ciento cincuenta metros cuadrados (150m2.) y con un frente de hasta siete metros (7m.) cuando el proyecto de urbanización contemple superficies de reservas destinadas a espacios verdes públicos y a equipamientos comunitarios mayores al treinta por ciento (30%) de las establecidas en el artículo 56 del Decreto-Ley 8.912/77 T.O. por Decreto 3.389/87 y sus normas modificatorias.

ARTÍCULO 23: Infraestructura mínima. Los proyectos de urbanización deben prever como mínimo las siguientes obras de infraestructura que se ejecutarán en forma progresiva:

- a) Apertura, tratamiento de calles y obras de escurrimiento de aguas superficiales y desagües pluviales.
- b) Energía eléctrica para alumbrado público y uso domiciliario.
- c) Provisión de agua potable en cantidad y calidad.
- d) Sistema de eliminación de excretas que asegure la no contaminación.
- e) Forestación y señalización urbana.

Estos proyectos de infraestructura deben ser aprobados, con carácter previo, por los organismos con competencia específica según corresponda.

ARTÍCULO 24: Acceso a agua potable. Los proyectos de urbanización deben incluir conexión a la red centralizada o colectiva de agua potable y/o de desagüe cloacal o construcción de plantas potabilizadoras y/o de tratamiento, cuando se determine que mediante sistemas individuales no se asegure un adecuado saneamiento en función de las condiciones hidrogeológicas del predio y la densidad de población propuesta.

ARTÍCULO 25: Ampliación del área urbana. Puede procederse a la aprobación de la ampliación de áreas urbanas para la ejecución de los proyectos

definidos en esta Sección en los casos en que la zona carezca de algunos de los servicios de agua corriente o cloacas o ambos, sin que sea exigible la provisión o tratamiento en forma centralizada o conexión a red, si se demuestra que las soluciones técnicas satisfactorias no exceden una inversión económica razonable y se condiciona al cumplimiento de los siguientes recaudos:

- a) Que no existan propuestas alternativas factibles dentro del área urbana.
- b) Que su entorno esté consolidado o semi-consolidado con uso predominantemente residencial y no existan localizaciones de actividades molestas, nocivas o peligrosas para la población a localizar y sus bienes materiales.
- c) Que se asegure la dotación de agua potable y un correcto sistema de desagüe cloacal o eliminación de los líquidos cloacales acordes con la densidad poblacional, con el fin de asegurar la no contaminación de los recursos acuíferos y la dotación sanitaria indispensable para el grupo habitacional.
- d) Que no se presenten barreras urbanísticas que impidan la accesibilidad a la zona de equipamiento y que, por su ubicación y distancia, no se genere la segregación espacial y social de los grupos a localizar.
- e) Que posea aptitud hidráulica o proyecto de saneamiento hidráulico aprobado por la autoridad competente;
- f) Que no se afecte el ejercicio de actividades ligadas a la agricultura familiar.

SECCIÓN II

INTEGRACIÓN SOCIO URBANA DE VILLAS Y ASENTAMIENTOS PRECARIOS

ARTÍCULO 26: Régimen de Integración socio-urbana. Créase el régimen de integración socio-urbana de villas y asentamientos precarios existentes a la fecha de promulgación de la presente ley, cuyos objetivos y criterios de aplicación se establecen en los artículos siguientes y resultan de interés prioritario para la Provincia de Buenos Aires.

ARTÍCULO 27: Integración socio-urbana de villas y asentamientos precarios. Definiciones. A los fines de la presente Ley se entiende por:

- a) Integración socio-urbana de villas y asentamientos precarios: al conjunto de acciones que de forma progresiva, integral y participativa, incluyan, entre otras, la construcción, mejora y ampliación de las viviendas, del equipamiento social y de la infraestructura, el acceso a los servicios, el tratamiento de los espacios libres y públicos, la eliminación de barreras urbanas, cuando existieran, la mejora en la accesibilidad y conectividad, el saneamiento y mitigación ambiental, el redimensionamiento parcelario y la regularización dominial.

b) Villas: a las urbanizaciones o autourbanizaciones informales producto de ocupaciones de tierra urbana vacante o de la afectación de tierras fiscales por el Estado para asentar a familias provisoriamente, cuyas características son que: producen tramas urbanas irregulares, no son barrios amanzanados sino organizados en intrincados pasillos, las viviendas son construidas con materiales precarios o de desecho, cuentan con alta densidad poblacional y con escaso o nulo espacio verde e infraestructura auto provista.

c) Asentamientos precarios: a aquellos barrios informales en los que sus trazados urbanos tienden a ser regulares y planificados, son generalmente decididos y organizados colectivamente, están ubicados en su mayoría sobre tierra degradada, los ocupantes buscan legitimarse como propietarios, las viviendas tienen algún nivel de firmeza, se han reservado espacios público para plazas y otros equipamientos y se han ido formalizando paulatinamente las redes de servicios públicos.

ARTÍCULO 28: Relevamiento de barrios y asentamientos. Créase el Registro Público Provincial de Villas y Asentamientos Precarios, en el ámbito de la Autoridad de Aplicación, que actúa con ajuste a los siguientes parámetros:

- a) Constituye la herramienta única y centralizada de relevamiento, captación y registro de datos para la implementación del régimen de integración socio-urbana de villas y asentamientos precarios.
- b) Desarrolla sus funciones en coordinación permanente con los Municipios.
- c) Releva, documenta, estudia y registra de modo pormenorizado la ubicación, características y condiciones de las villas y asentamientos precarios existentes a la fecha de promulgación de la presente ley.
- d) Actualiza periódicamente la información relevada y la integra a un Sistema de Información Geográfica.
- e) Elabora proyectos integrales para asegurar el establecimiento permanente de los ocupantes con acceso a los servicios básicos necesarios, pudiendo establecer restricciones al dominio en los títulos de propiedad.
- f) Cesa en sus funciones, de pleno derecho, una vez concluidos los procesos de integración socio-urbana de villas y asentamientos precarios relevados.

La Gerencia General de Desarrollo Territorial de ARBA, en su carácter de Autoridad de Aplicación de la Ley N° 10707, prestará su colaboración y suministrará en forma inmediata los datos que le sean requeridos por el Registro Público Provincial de Villas y Asentamientos Precarios relevados.

ARTÍCULO 29: Relocalización. En todos los casos que fuera posible, las relocalizaciones sólo afectarán a una porción de la población del barrio y deberán obedecer a los siguientes criterios:

- a) Necesidades de reordenamiento urbano.

- b) Hacinamiento de hogares.
- c) Factores de riesgo social, hidráulico o ambiental.

ARTÍCULO 30: Suelos degradados. En los casos de existencia de suelos degradados o decapitados cuyo origen sea resultado de producción extractiva, que en su estado actual no sean aptos para usos urbanos pero sí susceptibles de recuperación mediante obras o acciones adecuadas, y que por su localización se presenten como barreras urbanísticas en sectores de área urbana o semiurbanizada, pueden urbanizarse con parte de la infraestructura de servicios, potenciándose los indicadores de ocupación y densidad en función de los espacios verdes o libres públicos que en ellos se generen.

ARTÍCULO 31: Admisión de parcelas. Para los proyectos de integración socio urbana de villas y asentamientos precarios se pueden admitir parcelas, unidades rodeadas de

calles, espacios circulatorios, factores de ocupación de suelo, factores de ocupación total, densidades, estándares de espacios verdes, reservas para equipamiento comunitario, superficie cubierta mínima por habitante y dotaciones de estacionamientos, diferentes a los establecidos por el Decreto-Ley 8.912/77 T.O. por Decreto 3.389/87 y sus normas modificatorias.

ARTÍCULO 32: Estándares de calidad. Los proyectos de integración socio urbana de villas y asentamientos precarios deben procurar alcanzar los estándares y condicionamientos fijados por el Decreto-Ley 8.912/77 T.O. por Decreto 3.389/87 y sus normas modificatorias y son exigibles salvo que medie imposibilidad física de resolverlos, situación que debe ser fundamentada expresamente.

ARTÍCULO 33: Parcelas internas. Para los proyectos de integración socio urbana de villas y asentamientos precarios pueden autorizarse parcelas internas sólo cuando se originen para crear lotes independientes correspondientes a viviendas existentes recuperables, debiendo asegurar en todos los casos los accesos y salidas desde la vía pública.

ARTÍCULO 34: Redimensionamiento parcelario. Para los proyectos de integración socio urbana de villas y asentamientos precarios deben asegurar que el redimensionamiento parcelario para la regularización urbano dominial permita el adecuado desarrollo de la vivienda familiar y la correcta accesibilidad y circulación.

ARTÍCULO 35: Participación y elección de representantes. En cada proceso particular de integración socio-urbana de villas y asentamientos precarios se debe asegurar la plena participación de los habitantes, tanto en forma individual como colectiva. A tales fines, la Autoridad de Aplicación establecerá mecanismos para garantizar la expresión de los habitantes comprendidos en las acciones de integración socio-urbana, mediante la postulación y elección democrática de sus representantes.

ARTÍCULO 36: Planes de Integración Socio-Urbana. Mesa de Gestión. La Autoridad de Aplicación elaborará Planes particulares de Integración Socio-Urbana para llevar a cabo las acciones prescriptas en el artículo 27 inciso a), los que

debe someter a consideración y aprobación previa de una Mesa de Gestión participativa para la urbanización de villas y asentamientos, integrada por representantes de la autoridad de aplicación, del Municipio involucrado en la urbanización, del Poder Legislativo, de los representantes del barrio alcanzado por la misma y del Defensor del Pueblo. La ejecución de los planes quedará igualmente sujeta al seguimiento permanente por parte de la mesa de gestión participativa.

SECCIÓN III

FOMENTO DEL CRÉDITO PARA LA MEJORA DEL HÁBITAT

ARTÍCULO 37: Sistema de financiamiento y asistencia técnica. Créase, en el ámbito de la Autoridad de Aplicación, el Fondo Fiduciario Público "Sistema de Financiamiento y Asistencia Técnica para la Mejora del Hábitat", con el objeto de financiar, bajo cualquier modalidad, las necesidades de familias de bajos recursos con déficit urbano habitacional que no sean consideradas sujetos de crédito por la banca formal, ya sea por sus bajos ingresos o por carecer de garantías reales. El Poder Ejecutivo reglamentará su duración y funcionamiento debiendo cumplirse para su control con lo establecido por la Constitución de la Provincia y las leyes vigentes de administración financiera.

ARTÍCULO 38: Patrimonio. El patrimonio del Fondo Fiduciario Público "Sistema de Financiamiento y Asistencia Técnica para la Mejora del Hábitat" se integra por:

- a) Los recursos del Presupuesto General de Gastos y Cálculo de Recursos que específicamente se le asignen.
- b) Los recursos provenientes de planes nacionales para la mejora o solución habitacional que le sean afectados.
- c) Una contribución adicional específica sobre el impuesto inmobiliario correspondiente a predios baldíos, conforme se establece en la presente ley.
- d) El producido de sus operaciones y de la renta, frutos y venta de sus activos. e)

Contribuciones, subsidios, legados o donaciones.

ARTÍCULO 39: Fondeo del sistema de financiamiento. Establécese, a partir del ejercicio fiscal 2013, una contribución adicional del cincuenta por ciento (50%) sobre el impuesto inmobiliario total determinado que corresponda a la Planta Urbana Vacante o Baldíos por aplicación de la Ley Impositiva, cuya recaudación se destinará al Fondo Fiduciario Público "Sistema de Financiamiento y Asistencia Técnica para la Mejora del Hábitat".

La Agencia de Recaudación de la Provincia de Buenos Aires instrumentará las modificaciones necesarias en sus sistemas para identificar y transferir diariamente el porcentaje de la recaudación del impuesto inmobiliario establecido como de afectación específica en el presente artículo a una cuenta abierta en el Banco de la Provincia de Buenos Aires, que actuará como Fiduciario.

ARTÍCULO 40: Implementación y finalidad. El Fondo fiduciario operará a través de los Municipios y organizaciones gubernamentales, estimulando la participación de las organizaciones no gubernamentales sin fines de lucro o mixtas, en las condiciones que fije la reglamentación, que serán consideradas Organizaciones de Microcrédito para el otorgamiento de préstamos a las familias beneficiarias destinados al pago de mano de obra y a la compra de materiales e insumos para:

- a) Ampliación, refacción, terminación y/o mejora de la vivienda.
- b) Construcción o terminación de instalaciones internas, incluyendo la conexión a redes de servicios básicos.
- c) Construcción de redes públicas domiciliarias de servicios básicos.

ARTÍCULO 41: Asistencia técnica. El Fondo fiduciario debe ofrecer asistencia técnica, oportuna y ajustada a las necesidades concretas de las familias beneficiarias de los préstamos descritos en el artículo precedente, para que el proceso de mejoramiento habitacional se desarrolle de manera satisfactoria. Para el cumplimiento de estas funciones el Fiduciario asiste a las Organizaciones de Microcrédito por medio de préstamos subsidiados, recursos no reembolsables, capacitación y asistencia técnica, acorde al cumplimiento de las metas de evaluación y monitoreo, de fortalecimiento institucional y de capacitación de recursos humanos que previamente establezca

ARTÍCULO 42: Exención impositiva. Las operaciones de financiamiento que se realicen en el marco del sistema de financiamiento y asistencia técnica para la mejora del hábitat popular creado en la presente Sección se encuentran exentas de los impuestos a los ingresos brutos y de sellos y de las tasas retributivas de servicios.

ARTÍCULO 43: Apoyo a Cooperativas de Ahorro. La Autoridad de Aplicación, por sí o en forma asociada con otras instituciones públicas o privadas, debe apoyar todas aquellas iniciativas de cooperativas de ahorro y crédito en vivienda y hábitat, existentes o en formación, para que sus asociados puedan consolidar los recursos provenientes del ahorro, tengan acceso a servicios financieros y obtengan créditos hipotecarios para la producción, mejora, ampliación o adquisición de sus viviendas.

SECCIÓN IV

ZONAS DE PROMOCIÓN DEL HÁBITAT SOCIAL

ARTÍCULO 44: Zonas especiales y reservas de tierra. Los planes y normas urbanísticas municipales establecerán en forma explícita zonas especiales y reservas de tierras en predios vacantes u ocupados, con la finalidad de asegurar las condiciones legales para la puesta en marcha de procesos de regularización urbana y dominial, resguardar la permanencia de la población residente y promover la construcción de viviendas y urbanizaciones sociales planificadas.

ARTÍCULO 45: Zonas de Promoción del Hábitat Social. En los predios calificados como Zonas de Promoción del Hábitat Social, los Municipios podrán determinar parámetros urbanísticos, normas administrativas, incentivos fiscales y mecanismos de financiamiento específicos, a los efectos de facilitar el cumplimiento de las finalidades establecidas en el artículo anterior. La identificación de terrenos debe realizarse en función del déficit urbano habitacional y las proyecciones de crecimiento urbano y poblacional.

SECCIÓN V

ACCESO AL SUELO PARA LA PROMOCIÓN DEL HÁBITAT Y PARTICIPACIÓN EN LAS VALORIZACIONES INMOBILIARIAS GENERADAS POR LA ACCIÓN URBANÍSTICA

ARTÍCULO 46: Hechos generadores de la participación del municipio en las valorizaciones inmobiliarias. Constituyen hechos generadores de la participación del Municipio en las valorizaciones inmobiliarias en su ejido, los siguientes:

- a) La incorporación al Área Complementaria o al Área Urbana de inmuebles clasificados dentro del espacio territorial del Área Rural.
- b) La incorporación al Área Urbana de inmuebles clasificados dentro del espacio territorial del Área Complementaria;
- c) El establecimiento o la modificación del régimen de usos del suelo o la zonificación territorial.
- d) La autorización de un mayor aprovechamiento edificatorio de las parcelas, bien sea elevando el Factor de Ocupación del Suelo, el Factor de Ocupación Total y la Densidad en conjunto o individualmente.
- e) La ejecución de obras públicas cuando no se haya utilizado para su financiación el mecanismo de contribución por mejoras.
- f) Las autorizaciones administrativas que permitan o generen grandes desarrollos inmobiliarios.
- g) Todo otro hecho, obra, acción o decisión administrativa que permita, en conjunto o individualmente, el incremento del valor del inmueble motivo de la misma, por posibilitar su uso más rentable o por el incremento del aprovechamiento de las parcelas con un mayor volumen o área edificable.

ARTÍCULO 47: Carácter de la participación municipal en las valorizaciones inmobiliarias. Las participaciones de los Municipios en las valorizaciones inmobiliarias establecidas en la presente Ley, en los casos que corresponda, se hacen efectivas con carácter adicional y complementario a las cesiones establecidas en el artículo 56 del Decreto-Ley 8.912/77 T.O. por el Decreto N° 3.389/87 y sus normas modificatorias.

ARTÍCULO 48: Momentos de exigibilidad. La participación en las valorizaciones inmobiliarias sólo es exigible cuando se presente para el propietario o poseedor del inmueble cualquiera de las siguientes situaciones:

- a) Solicitud de permiso de urbanización o construcción, aplicable para el cobro de la participación en la renta generada por cualquiera de los hechos generadores de que trata el artículo 46 de la presente Ley.
- b) Cambio efectivo de uso del inmueble, aplicable para el cobro de la participación en la renta generada por la modificación del régimen o zonificación del suelo.
- c) Actos que impliquen transferencia del dominio sobre el inmueble en forma total o parcial, con excepción de aquéllos resultantes de herencias y donaciones sin cargo, aplicable al cobro de la participación en la renta de que trata el artículo 46.

ARTÍCULO 49: Formas de pago. La participación en la renta urbana puede efectivizarse mediante cualquiera de los siguientes medios, siendo ellos de aplicación en forma alternativa o combinada:

- a) En dinero efectivo, que será destinado exclusivamente a la construcción o mejoramiento de viviendas y/o construcción de obras de infraestructura de servicios públicos y/o de áreas de recreación y equipamientos sociales en sectores de asentamientos o viviendas de población de bajos recursos.
- b) Cediendo al Municipio una porción del inmueble objeto de la participación, de valor equivalente a su monto.
- c) Cediendo al Municipio inmuebles localizados en otras zonas del Área Urbana y/o Complementaria, accesibles desde la vía pública y conforme a los criterios de localización adecuada establecidos en el artículo 15, apartado a) de la presente ley, previo cálculo de equivalencia de valores entre ambos emplazamientos, incorporando las valorizaciones producidas por la aprobación del emprendimiento y por la modificación de la norma urbanística que se requiera.

ARTÍCULO 50: Contribución obligatoria sobre la valorización inmobiliaria. Los Municipios establecerán por una Ordenanza de carácter general una contribución obligatoria no inferior al diez por ciento (10%) de la valorización inmobiliaria generada por los hechos enunciados en el artículo 46 de la presente Ley, con ajuste a los criterios de exigibilidad y pago establecidos precedentemente. Dicha contribución no podrá ser superior al máximo establecido por la instancia superior de justicia en materia de constitucionalidad para la regulación de usos del suelo por parte del Estado.

ARTÍCULO 51: Grandes desarrollos inmobiliarios. Determinación presunta y pago a cuenta. Los sujetos obligados al pago de la contribución establecida por el Municipio en que se desarrollen los emprendimientos indicados en el artículo 46 inciso f) de la presente Ley, tales como emprendimientos de clubes de campo, barrios cerrados y toda otra forma de urbanización cerrada; o cementerios privados o de emprendimientos de grandes superficies comerciales,

quedando incluidos en esta última categoría los establecimientos que conformen una cadena de distribución según lo establecido en la Ley N° 12.573 y su reglamentación, siempre que ocupen predios de más de cinco mil metros cuadrados (5.000 m2.), sin importar el área o zona de ejido municipal en la que se instalen, de acuerdo a lo dispuesto en los incisos b) y c) del artículo 49, cederán como pago a cuenta de la determinación definitiva, sujeto al cómputo de equivalencia y valorización final, el 10% de la superficie total de los predios afectados o sus equivalentes en dinero o suelo urbanizable.

ARTÍCULO 52: Modificación del Decreto-Ley 6.769/58. Sustitúyese el inciso 31) del artículo 226 del Decreto-Ley 6.769/58, por el siguiente texto: "inciso 31) Participación del Municipio en las valorizaciones inmobiliarias originadas en todas aquellas decisiones y acciones urbanísticas que permitan, en conjunto o individualmente, el uso más rentable de un inmueble o bien el incremento del aprovechamiento de las parcelas con un mayor volumen y/o área edificable."

ARTÍCULO 53: Incorporación al Decreto-Ley 6769/58. Incorpórase como inciso 32) del artículo 226 del Decreto-Ley 6769/58, el siguiente texto: "inciso 32) Cualquier otra contribución, tasa, derecho o gravamen que imponga la Municipalidad con arreglo a las disposiciones de la Constitución."

ARTÍCULO 54: Instituto de la Vivienda. Facultades. La facultad establecida en el artículo 23 de la Ley N° 5396 General de la Vivienda, corresponde al Instituto de la Vivienda de la Provincia de Buenos Aires, con ajuste a los siguientes parámetros:

- a) Los bienes inmuebles afectados sólo podrán destinarse al cumplimiento de programas de vivienda social.
- b) La afectación de inmuebles se realizará por acto administrativo debidamente motivado que será dado a publicidad como mínimo a través del Boletín Oficial, dos diarios, uno de circulación provincial y otro local, y el sitio de Internet del Instituto de la Vivienda, y podrá efectuarse por zonas previamente identificadas de acuerdo a su criticidad, en base a un relevamiento obligatorio de todos los predios emplazados en la zona, que resulten aptos para la finalidad establecida en esta Ley.
- c) La adquisición de terrenos o constitución de servidumbres sobre terrenos podrán acordarse en forma directa con sus titulares dominiales, siempre que acrediten la posesión e inscripción dominial del inmueble a su nombre por un plazo no inferior a cinco (5) años previos al acuerdo, y que el precio pactado no supere el valor establecido en la tasación efectuada al efecto por bancos oficiales.
- d) Se considera que en todos los casos el acto administrativo que disponga la adquisición por acuerdo directo puede afectar derechos subjetivos o intereses legítimos, por lo que deberán observarse los requisitos esenciales y sustanciales previstos en el ordenamiento administrativo para dictar el acto, incluyendo la intervención de los organismos indicados en el artículo 38 y concordantes del Decreto Ley 7.543/69 T.O. por Decreto 969/87.

- e) Si fracasare el acuerdo directo con los titulares dominiales, deberá promoverse el juicio correspondiente por conducto de la Fiscalía de Estado, órgano que asumirá la representación del Instituto de la Vivienda en ejercicio de las atribuciones conferidas por el Decreto Ley 7.543/69 T.O. por Decreto 969/87.

SECCIÓN VI CONSORCIOS

URBANÍSTICOS

ARTÍCULO 55: Consorcios urbanísticos. A los fines de esta ley se denomina consorcio urbanístico a la forma de ejecución de proyectos de urbanización o edificación, conjuntamente entre organismos gubernamentales y actores privados, sean estos personas físicas o jurídicas, aportando cualquiera de ellos, inmuebles de su propiedad y el otro las obras de urbanización o de edificación, y que luego de la realización de las mismas cada parte recibe como compensación por su inversión, unidades inmobiliarias debidamente urbanizadas y/o edificadas.

ARTÍCULO 56: Valor de unidades inmobiliarias. El valor de las unidades inmobiliarias a ser entregadas al propietario del inmueble aportado, se debe corresponder con el valor del inmueble antes de la ejecución de las obras, más una razonable tasa de ganancia que surgirá de los convenios específicos que se suscriban al efecto.

SECCIÓN VII

GESTIÓN DEMOCRÁTICA Y PARTICIPACIÓN

ARTÍCULO 57: Promoción de la participación. En las diferentes instancias de planificación y gestión del hábitat, los organismos provinciales y municipales deben asegurar la participación de los ciudadanos y de las entidades por éstos constituidas, para la defensa de sus intereses y valores, así como velar por sus derechos de información e iniciativa.

Los ciudadanos tienen el derecho a participar en los diferentes procedimientos y también a exigir el cumplimiento de la legalidad, mediante el ejercicio de acciones y derechos ante los órganos administrativos y judiciales correspondientes.

ARTÍCULO 58. Instrumentos de participación. Para garantizar una gestión democrática de la Ciudad se deben utilizar, entre otros, los siguientes instrumentos:

- a) Órganos o instancias multiactorales formalizadas.
- b) Debates, audiencias y consultas públicas.

- c) Iniciativas populares para proyectos de normativas vinculadas con planes, programas y proyectos de hábitat y desarrollo urbano.

ARTÍCULO 59: Acceso a la información. Los organismos públicos deberán adoptar las medidas necesarias que garanticen el acceso y consulta a la información necesaria para garantizar la participación efectiva de la población en las instancias de planificación y gestión del hábitat.

SECCIÓN VIII

CONSEJO PROVINCIAL DE VIVIENDA Y HÁBITAT

ARTÍCULO 60: Creación. Créase, en el ámbito de la Autoridad de Aplicación, el Consejo Provincial de Vivienda y Hábitat, que debe actuar como órgano multiactoral de consulta y asesoramiento de las políticas y programas en el marco de la presente ley y de acuerdo con lo que establezca la reglamentación.

ARTÍCULO 61: Composición. La Autoridad de Aplicación designa al Presidente del Consejo Provincial de Vivienda y Hábitat y dicta las normas y requisitos para su integración, organización y funcionamiento, garantizando la participación de:

- a) Representantes de la Autoridad de Aplicación.
- b) Representantes de organizaciones no gubernamentales con incumbencias en temas vinculados en la presente Ley.
- c) Representantes de Colegios Profesionales afines a la materia de esta Ley.
- d) Representantes de los Municipios.
- e) Representantes de las Universidades públicas con sede en la Provincia de Buenos Aires y carreras vinculadas a las temáticas del hábitat.
- f) Representantes del Poder Legislativo: 3 por la mayoría y 2 por las minorías de ambas Cámaras.

ARTÍCULO 62: Integración ad-honorem. Los integrantes del Consejo Provincial de Vivienda y Hábitat participan en forma honoraria y ejercen su cargo durante dos (2) años pudiendo ser renovables por igual período por única vez.

ARTÍCULO 63: Convocatoria de instituciones. El Consejo Provincial de Vivienda y Hábitat puede convocar, en caso de considerarlo necesario, a aquellas instituciones o especialistas que pudieran contribuir a la mejor resolución de los temas de su competencia.

CAPÍTULO V NORMA

MODIFICATORIA

ARTÍCULO 64: Modificación del Decreto-Ley 8.912/77 T.O. por Decreto 3.389/87. Sustitúyense los artículos 84 al 90 inclusive y 92 del Decreto-Ley 8.912/77 T.O. por Decreto 3.389/87 y sus normas modificatorias, a tenor de los siguientes textos:

“Artículo 84: Los Municipios, a través de sus planes y mediante ordenanzas específicas, podrán declarar el parcelamiento y/o la edificación obligatorios de los inmuebles urbanos baldíos o con edificación derruida o paralizada según las siguientes definiciones:

- a) Baldío: Todo inmueble en cuyo terreno no existen edificaciones y no tiene uso para actividades económicas.
- b) Edificación derruida: Aquellos inmuebles cuyos edificios se encuentren en estado de deterioro avanzado y hayan sido declarados inhabitables por resolución municipal.
- c) Edificación paralizada: Aquellos inmuebles cuyas construcciones lleven más de cinco (5) años paralizadas.

El propietario del inmueble sujeto a la declaración establecida en el presente artículo deberá ser notificado por el Departamento Ejecutivo Municipal a través de un medio fehaciente, de la obligación según las normas aplicables. A tales efectos podrán conformarse consorcios urbanísticos.

Artículo 85: La implementación de la obligación a la que se refiere el artículo 84 de la presente Ley será establecida por los municipios de acuerdo a los siguientes parámetros:

- a) Los plazos para edificar o urbanizar no podrán ser inferiores a tres (3) ni superiores a cinco (5) años, contados a partir de la declaración.
- b) A partir de la aprobación del proyecto, el propietario tendrá un (1) año de plazo máximo para iniciar las obras.
- c) En emprendimientos de gran envergadura, con carácter excepcional, una ordenanza municipal específica podrá prever su conclusión en etapas, garantizándose que el proyecto aprobado comprenda el emprendimiento como un todo.
- d) Los plazos señalados no se alterarán aunque durante su transcurso se efectúen transmisiones de dominio y cuando esto ocurra deberá hacerse constar dicha circunstancia en la escritura traslativa de dominio e inscribirse en el Registro de la Propiedad Inmueble.

A los fines de este artículo, se entenderá por parcelamiento o edificación concluida al completamiento de las obras previstas con las conexiones a los servicios necesarios, para permitir su habilitación.

Artículo 86: En caso de incumplimiento de las condiciones y de los plazos previstos en el artículo anterior o no habiéndose cumplido las etapas previstas, el Municipio podrá aplicar un gravamen especial sobre el inmueble que será progresivo en el tiempo, mediante el aumento de la alícuota por un plazo de cinco (5) años consecutivos, y cuyo valor será fijado en la Ordenanza

Impositiva, no pudiendo el mismo ser superior al cincuenta por ciento (50%) de la tasa de alumbrado, barrido y limpieza para ese período de tiempo;

Transcurrido el plazo de cinco (5) años sin que la obligación de parcelar y/o edificar se hubiere cumplido, el Municipio continuará aplicando la alícuota máxima, hasta que se cumpla la citada obligación, garantizándose la prerrogativa prevista en el artículo 84 de la presente Ley.

Queda prohibido conceder exenciones o condonaciones de deudas relativas al gravamen progresivo a que alude este artículo.

Artículo 87: Transcurridos cinco (5) años de cobro del gravamen especial progresivo establecido en el artículo anterior, sin que el propietario haya cumplido la obligación de parcelamiento y/o edificación, el inmueble quedará declarado de utilidad pública y sujeto a expropiación por parte de la municipalidad respectiva. La Ordenanza que se dicte al efecto será remitida a la Legislatura a los efectos de dar cumplimiento a lo establecido en el artículo 31 de la Constitución de la Provincia.

Artículo 88: El Municipio procederá al adecuado aprovechamiento del inmueble en un plazo máximo de cinco (5) años, contados a partir de su incorporación a su patrimonio, con ajuste a los siguientes parámetros:

- a) El uso y destino que se realice podrá hacerse efectivo directamente por el organismo municipal al cual sea afectado o mediante la enajenación o concesión a terceros, observándose, en dichos casos, el debido procedimiento licitatorio.
- b) En el caso de enajenación o concesión a terceros se mantienen para el adquirente del inmueble, las mismas obligaciones de parcelamiento y/o edificación previstas en el artículo 84 de esta Ley.
- c) Producido el incumplimiento al que alude el inciso anterior, se revocará el dominio de la parcela respectiva a favor del Municipio.

Artículo 89: El Poder Ejecutivo provincial y los municipios podrán asociarse con otras entidades públicas y/o con personas físicas o jurídicas privadas por iniciativa de cualquiera de éstos, para desarrollar en conjunto áreas correspondientes al ejido municipal mediante el sistema de reajuste de tierras.

El mecanismo de reajuste de tierras será de utilización cuando se requiera la reconfiguración de la estructura parcelaria existente en los casos de creación o ampliación de núcleos urbanos y en los casos de renovación, reestructuración o transformación de sectores en áreas urbanas o complementarias, incluyendo los de regularización de villas y asentamientos precarios.

Artículo 90: Se entiende por reajuste de tierras al sistema mediante el cual los propietarios de predios en un área o zona debidamente determinada, transfieran su respectivo derecho de propiedad a una entidad gestora o le permiten que bajo cualquier modalidad jurídicamente posible, utilice y ocupe temporalmente sus inmuebles, con el fin exclusivo de que desarrolle y lleve a cabo un plan específico de construcción, ampliación, reposición y mejoramiento de edificios y/o de infraestructura urbana básica, con la

obligación, una vez concluidas las obras, de redefinir las unidades prediales y realizar las operaciones de transferencia de dominio de carácter compensatorio, que sean indispensables para ese mismo efecto.

Los proyectos que requieran la utilización del mecanismo de reajuste de tierras podrán ser desarrollados por grupos de propietarios asociados a través de un plan particularizado, directamente por entidades públicas o mediante formas mixtas de asociación entre el sector público y el sector privado.

Artículo 92: En cualquiera de los casos, el reajuste de tierras se encuadrará en un plan particularizado que determinará la metodología de valuación de las tierras e inmuebles aportados, la cual deberá tener en cuenta la normativa urbanística vigente antes de la delimitación del proyecto, así como los criterios de valoración de los predios resultantes, que se basarán en los usos y densidades previstos en dicho plan”.

CAPÍTULO VI

DISPOSICIONES COMPLEMENTARIAS Y TRANSITORIAS

ARTÍCULO 65: Priorización de inversiones. El Poder Ejecutivo, los Municipios y las empresas prestadoras de servicios públicos priorizarán en sus planes de obras y de inversión aquéllas destinadas a la mejora de las condiciones de hábitat de los sectores de menores recursos.

ARTÍCULO 66: Tramitación de expedientes. Los expedientes de tramitación de los proyectos de vivienda, urbanización o regularización urbana y dominial dirigidos a mejorar las condiciones de hábitat de los sectores populares se deben diligenciar eximiéndolos del pago de tasas y derechos y se deberán tramitar bajo la instrucción de "preferente despacho" en las distintas dependencias de la Administración Pública provincial, invitándose a los Municipios, como así también a las empresas prestadoras de servicios públicos, a proceder de igual manera.

ARTÍCULO 67: Programa de capacitación y difusión. La Autoridad de Aplicación debe implementar un programa de capacitación y difusión de los contenidos y de los aspectos instrumentales de la presente Ley. El programa debe abarcar a todos los organismos provinciales, municipios, organizaciones sociales, organizaciones profesionales e instituciones educativas o de investigación vinculados con la temática de la Ley.

ARTÍCULO 68: Valuación fiscal de los predios urbanos vacantes o baldíos. La base imponible para la determinación del impuesto inmobiliario correspondiente a la tierra urbana sin incorporación de edificios u otras mejoras justipreciables, de acuerdo a lo establecido por el artículo 170 del Código Fiscal, Ley N° 10.397 T.O. por Anexo I de la Resolución 39/11, se establecerá a partir del ejercicio fiscal 2013 aplicando, como mínimo, un coeficiente de uno con veinticinco (1,25) sobre la valuación fiscal asignada de conformidad con la Ley N° 10.707.

ARTÍCULO 69: Regularización dominial. Extiéndese la aplicación de la Ley N° 13.342 a todos los bienes inmuebles cuya construcción o financiamiento se realizará en el marco de la presente Ley dentro de los diez (10) años de su promulgación.

Las regularizaciones dominiales a ejecutar en el marco de esta Ley quedan comprendidas en el artículo 4º inciso d) de la Ley N° 10.830 y podrán ser requeridas directamente a la Escribanía General de Gobierno por la Autoridad de Aplicación.

ARTÍCULO 70: Suspensión de lanzamientos. En virtud de la necesidad de asegurar el derecho constitucional a la vivienda y la seguridad en la tenencia de la misma, a requerimiento de la Autoridad de Aplicación, la Legislatura Provincial, podrá suspender las medidas judiciales y o administrativas que impliquen el lanzamiento de familias que habiten en villas o asentamientos precarios que integren el Registro creado por el artículo 28 de la presente Ley, a partir del dictado del acto administrativo que incorpore al barrio al citado Registro.

ARTÍCULO 71: Invitación a adherir. Se invita a los Municipios a adherir a la eximición de todos los tributos aplicables en su jurisdicción.

ARTÍCULO 72: Comuníquese al Poder Ejecutivo.

Dada en la Sala de Sesiones de la Honorable Legislatura de la Provincia de Buenos Aires, en la ciudad de La Plata, a los veintinueve días del mes de noviembre del año dos mil doce.

ANNEX II – DECREE - LAW 8.912/77³⁴

DECRETO-LEY 8912/77

Texto Ordenado por Decreto 3389/87 con las modificaciones del Decreto-Ley N° 10128 y las Leyes N° 10653, 10764, 13127, 13342 y 14449.

LEY DE ORDENAMIENTO TERRITORIAL Y

USO DEL SUELO

TÍTULO I OBJETIVOS Y

PRINCIPIOS CAPÍTULO

ÚNICO

ARTÍCULO 1°.- La presente Ley rige el ordenamiento del territorio de la Provincia, y regula el uso, ocupación, subdivisión y equipamiento del suelo.

ARTÍCULO 2°.- Son objetivos fundamentales del ordenamiento territorial:

- a) Asegurar la preservación y el mejoramiento del medio ambiente, mediante una adecuada organización de las actividades en el espacio.
- b) La proscripción de acciones degradantes del ambiente y la corrección de los efectos de las ya producidas.
- c) La creación de condiciones físico-espaciales que posibiliten satisfacer al menor costo económico y social, los requerimientos y necesidades de la comunidad en materia de vivienda, industria, comercio, recreación, infraestructura, equipamiento, servicios esenciales y calidad del medio ambiente.
- d) La preservación de las áreas y sitios de interés natural, paisajístico, histórico o turístico, a los fines del uso racional y educativo de los mismos.
- e) La implantación de los mecanismos legales, administrativos y económico-financieros que doten al gobierno municipal de los medios que posibiliten la eliminación de los excesos especulativos, a fin de asegurar que el proceso de ordenamiento y renovación urbana se

³⁴ <http://www.gob.gba.gov.ar/legislacion/legislacion/l-8912.html>

lleve a cabo salvaguardando los intereses generales de la comunidad.

- f) Posibilitar la participación orgánica de la comunidad en el proceso de ordenamiento territorial, como medio de asegurar que tanto a nivel de la formulación propuesta, como de su realización, se procure satisfacer sus intereses, aspiraciones y necesidades.

- g) Propiciar y estimular la generación de una clara conciencia comunitaria sobre la necesidad vital de la preservación y recuperación de los valores ambientales.

ARTÍCULO 3°.- Establécense los siguientes principios en materia de ordenamiento territorial:

- a) Deberá concebirse como un proceso ininterrumpido en el que un conjunto de pautas y disposiciones normativas orienten las decisiones y acciones del sector público y encaucen las del sector privado, hacia el logro de objetivos predeterminados., reajustables en función de los cambios no previstos, que experimente la realidad sobre la que se actúa.

- b) Las comunas deberán realizarlo en concordancia con los objetivos y estrategias definidas por el Gobierno Provincial para el sector y con las orientaciones generales y particulares de los planes provinciales y regionales de desarrollo económico y social y de ordenamiento físico.

- c) En las aglomeraciones, conurbaciones y regiones urbanas será encarado con criterio integral, por cuanto rebasa las divisiones jurisdiccionales. Los municipios integrantes de las mismas, adecuarán el esquema territorial y la clasificación de sus áreas a la realidad que se presenta en su territorio. Esta acción deberá encararse en forma conjunta entre los municipios integrantes de cada región, con la coordinación a nivel provincial.

- d) Deberá tenerse fundamentalmente en cuenta el tipo e intensidad de las relaciones funcionales que vinculan a las distintas áreas entre sí.

- e) La localización de actividades y la intensidad y modalidad de la ocupación del suelo se hará con criterio racional, a fin de prevenir, y en lo posible revertir, situaciones críticas, evitando las interrelaciones de usos del suelo que resulten inconvenientes.

TÍTULO II

DEL ORDENAMIENTO TERRITORIAL

CAPÍTULO I

DEL CRITERIO GENERAL

ARTÍCULO 4°.- Estarán sometidos al cumplimiento de la presente Ley las personas físicas y jurídicas públicas o privadas, con la única excepción de razones de seguridad y defensa.

CAPÍTULO II

DE LA CLASIFICACION DEL TERRITORIO ARTÍCULO 5°.- I-

Los municipios delimitarán su territorio en:

- a) Áreas rurales.
- b) Áreas urbanas y áreas complementarias destinadas a emplazamientos de usos relacionados con la producción agropecuaria extensiva, forestal, minera y otros.

El área rural comprenderá las áreas destinadas a emplazamientos de usos relacionados con la producción agropecuaria extensiva, forestal, minera y otros.

El área urbana comprenderá dos subáreas: la urbanizada y la semiurbanizada.

Las áreas complementarias comprenderán las zonas circundantes o adyacentes al área urbana, relacionadas funcionalmente.

Las áreas urbanas y las complementarias conforman los centros de población y son partes integrantes de una unidad territorial.

II.- En las distintas áreas podrán localizarse zonas de usos específicos de acuerdo a la modalidad, tipo y características locales, y serán: residencial, urbana y extraurbana, comercial y administrativa, de producción agropecuaria, ictícola, industrial y extractiva, de esparcimiento ocioso y activo, de reserva, ensanche, transporte, comunicaciones, energía, defensa, seguridad, recuperación y demás usos específicos.

La existencia o no de áreas, subáreas o zonas determinadas, como así la ubicación de algunas de éstas, dependerá de las condiciones propias o necesidades de cada partido o de cada uno de sus núcleos urbanos.

Las áreas, subáreas y zonas, cuando así corresponda, se dividirán en espacios parcelarios, circulatorios y verdes y libres públicos.

DE LAS ÁREAS Y

SUBAREAS ARTÍCULO 6°.- Se entiende por:

Área Urbana: La destinada a asentamientos humanos intensivos, en la que se desarrollen usos vinculados con la residencia, las actividades terciarias y las de producción compatibles.

Subárea Urbanizada: El o los sectores del área urbana, continuos o discontinuos, donde existen servicios públicos y equipamiento comunitario como para garantizar su modo de vida pleno. El o los perímetros de esta subárea comprenderán todos los sectores servidos como mínimo con energía eléctrica, pavimento, agua corriente y cloacas.

Subárea Semiurbanizada: El o los sectores intermedios o periféricos del área urbana, que constituyen de hecho una parte del centro de población por su utilización como tal, con parte de la infraestructura de servicios y del equipamiento necesario, pero que una vez completados pasarán a constituirse en subáreas urbanizadas. A este efecto deberá lograrse como prioridad el completamiento de:

- a) La infraestructura de servicios y el equipamiento comunitario
- b) La edificación de las parcelas.

Áreas Complementarias: Los sectores circundantes o adyacentes al área urbana, en los que se delimiten zonas destinadas a reserva para ensanche de la misma o de sus partes constitutivas, y a otros usos específicos.

ZONAS Y ESPACIOS ARTÍCULO 7°.- Denomínanse:

- a) Zona residencial: La destinada a asentamientos humanos intensivos, de usos relacionados con la residencia permanente y sus compatibles, emplazadas en el área urbana.
- b) Zona residencial extraurbana: La destinada a asentamientos no intensivos de usos relacionados con la residencia no permanente, emplazada en pleno contacto con la naturaleza, en el área complementaria o en el área rural. Se incluyen en esta zona los clubes de campo.
- c) Zona comercial y administrativa: La destinada a usos relacionados con la actividad gubernamental y terciaria, emplazada en el área urbana.
- d) Zona de esparcimiento: La destinada principalmente a la actividad recreativa ociosa o activa, con el equipamiento adecuado a dichos usos. Podrá estar ubicada en cualquiera de las áreas.
- e) Zona industrial: La destinada a la localización de industrias agrupadas. Las zonas industriales se establecerán en cualquiera de las áreas. Al decidir su localización se tendrá particularmente en cuenta sus efectos sobre el medio ambiente, sus conexiones con la red vial principal, provisión de energía eléctrica, desagües industriales y agua potable.

Las industrias molestas, nocivas o peligrosas deberán establecerse obligatoriamente en zona industrial, ubicada en área complementaria o rural, y circundada por cortinas forestales. Parque industrial es el sector de la zona industrial dotado de la infraestructura, el equipamiento y los servicios públicos necesarios para el asentamiento de industrias agrupadas, debiendo estar circundado por cortinas forestales.

f) Zona de reserva: Al sector delimitado en razón de un interés específico orientado al bien común.

g) Zona de reserva para ensanche urbano: Al sector que el municipio delimite, si fuera necesario, en previsión de futuras ampliaciones del área urbana.

h) Zona de recuperación: La que, en su estado actual, no es apta para usos urbanos, pero resulta recuperable mediante obras o acciones adecuadas.

i) Zona de recuperación de dunas o médanos vivos: Las áreas que contienen formaciones de arenas no fijadas, ya sea provenientes del desgaste de la plataforma o de la erosión continental.

j) Zona de usos específicos: La delimitada para usos del transporte (terrestre, marítimo o fluvial y aéreo), de las comunicaciones, la producción o transmisión de energía, la defensa, la seguridad y otros usos específicos.

ARTÍCULO 8°.-

Denominanse:

a) Espacios circulatorios: Las vías de tránsito para vehículos y peatones, las que deberán establecerse claramente en los planos de ordenamiento.

Según la importancia de su tránsito, o función, el sistema de espacios circulatorios se dividirá en:

1.- Trama interna: Vías ferroviarias a nivel, elevadas y subterráneas; autopistas urbanas, avenidas principales, avenidas, calles principales, secundarias y de penetración y retorno; senderos peatonales; espacios públicos para estacionamiento de vehículos.

2.- Trama externa: Vías de la red troncal, acceso urbano, caminos principales o secundarios.

b) Espacios verdes y libres públicos: Los sectores públicos (en los que predomine la vegetación y el paisaje), cuya función principal sea servir a la recreación de la comunidad y contribuir a la depuración del medio ambiente.

c) Espacios parcelarios: Los sectores destinados a parcelas urbanas y rurales; los espacios destinados a parcelas urbanas, dada su finalidad, se denominarán espacios edificables.

CAPÍTULO III

DELIMITACIÓN Y DIMENSIONADO

ARTÍCULO 9°.- A los efectos de un mejor ordenamiento funcional, las zonas podrán ser divididas en distritos y subdistritos.

ARTÍCULO 10.- Las áreas, subáreas, zonas y espacios urbanos, deberán delimitarse según usos.

ARTÍCULO 11.- Para cada núcleo urbano se fijarán las metas poblacionales establecidas en el plan regional respectivo, adoptando, en caso de no haberlas, las que resulten del cálculo según las tendencias.

De acuerdo a tales metas se dimensionarán las subáreas y zonas que componen el núcleo urbano, regulándose la ocupación del suelo para cada distrito y manzana o macizo en base a las densidades poblacionales asignadas.

ARTÍCULO 12.- El diseño de la trama circulatoria tendrá como objetivo la vinculación e integración de los espacios parcelarios y verdes o libres públicos, procurando el más seguro y eficiente desplazamiento de los medios de transporte. Su trazado tendrá en cuenta la interrelación con áreas y zonas adyacentes, diferenciando la circulación vehicular de la peatonal. El sistema permitirá el tránsito vehicular diferenciado, estableciendo dimensiones según densidades y usos urbanos previstos, de acuerdo a los criterios del cálculo más apropiados.

ARTÍCULO 13.- Los espacios verdes o libres públicos de un núcleo urbano serán dimensionados en base a la población potencial tope establecida por el Plan de Ordenamiento para el mismo, adoptando un mínimo de diez metros cuadrados (10 m^2) de área verde o libre por habitante.

Dentro de esa superficie, deberán computarse las plazoletas, plazas y parques públicos, ya sean comunales o regionales.

Los espacios verdes serán convenientemente distribuidos y ubicados en cada área o zona, a razón de tres y medio metros cuadrados por habitante ($3,50 \text{ m}^2/\text{hab.}$) para plazoletas, plazas o espacios libres vecinales; dos u medio metros cuadrados por habitante ($2,50 \text{ m}^2/\text{hab.}$) para parques urbanos y cuatro metros cuadrados por habitante ($4 \text{ m}^2/\text{hab.}$) para parques comarcales o regionales.

A los efectos de computar los cuatro metros cuadrados (4 m^2) correspondientes a parques comerciales o regionales podrán incluirse los parques de dicha característica ubicados en un radio de sesenta kilómetros (60 Km).

CAPÍTULO IV

DEL PROCESO DE OCUPACION DEL TERRITORIO

A) Creación y ampliación de núcleos urbanos o centros de población.

ARTÍCULO 14.- (Decreto-Ley 10128/83) Se entenderá por creación de un núcleo urbano al proceso de acondicionamiento de un área con la finalidad de efectuar localizaciones humanas intensivas de usos vinculados con la residencia, las actividades de servicio y la producción y abastecimiento compatibles con la misma, más el conjunto de previsiones normativas destinadas

a orientar la ocupación de dicha área y el ejercicio de los usos mencionados, con el fin de garantizar el eficiente y armónico desarrollo de los mismos y la preservación de la calidad del medio ambiente.

Cuando la creación o ampliación de núcleos urbanos la propicia la Provincia o la Municipalidad en inmuebles que no le pertenezcan, y los respectivos propietarios no cedieren las correspondientes superficies o concretaren por sí el plan previsto, se declararán de utilidad pública las fracciones que resulten necesarias a esos fines a los efectos de su expropiación.

ARTÍCULO 15.- Toda creación de un núcleo urbano deberá responder a una necesidad debidamente fundada, ser aprobada por el Poder Ejecutivo, a propuesta del municipio respectivo, por iniciativa de entidades estatales o de promotores privados, y fundamentarse mediante un estudio que, además de tomar en cuenta las orientaciones y previsiones del respectivo plan regional, contenga como mínimo:

a) Justificación de los motivos y necesidades que indujeron a propiciar la creación del nuevo núcleo urbano, con una relación detallada de las principales funciones que habrá de cumplir dentro del sistema o subsistema urbano que pasará a integrar.

b) Análisis de las ventajas comparativas que ofrece la localización elegida en relación con otras posibles y la aptitud del sitio para recibir los asentamientos correspondientes a los diferentes usos.

c) Evaluación de la situación existente en el área afectada en lo relativo a uso, ocupación, subdivisión y equipamiento del suelo.

d) Demostración de la existencia de fuentes de aprovisionamiento de agua potable en calidad de cantidad para satisfacer las necesidades de la población potencial a servir.

e) Comprobación de la factibilidad real de dotar al nuevo núcleo urbano de los servicios esenciales para su normal funcionamiento.

f) Plan Director del nuevo núcleo urbano conteniendo como mínimo:

- Justificación de las dimensiones asignadas al mismo, así como a sus áreas y zonas constitutivas, con indicación de las densidades poblacionales propuestas.

- Trama circulatoria y su conexión con los asentamientos urbanos del sistema o subsistema al cual habrá de incorporarse.

- Normas sobre uso, ocupación, subdivisión, equipamiento y edificación del suelo para sus distintas zonas.

- Red primaria de servicios públicos.

- Localización de los espacios verdes y reservas de uso público y su dimensión según lo dispuesto por esta Ley.

g) Plan previsto para la prestación de los servicios esenciales y dotación de equipamiento comunitario.

ARTÍCULO 16.- Se entenderá por ampliación de un núcleo urbano al proceso de expansión ordenada de sus áreas o zonas, a fin de cumplimentar las necesidades insatisfechas, o satisfechas en forma deficiente de las actividades correspondientes a los distintos usos que en él se cumplen.

ARTÍCULO 17.- La ampliación de un área urbana deberá responder a una fundada necesidad, ser aprobada por el Poder Ejecutivo a propuesta del municipio respectivo y justificarse mediante un estudio que, sin apartarse de las previsiones y orientaciones del correspondiente plan de ordenamiento, cumplimente los siguientes recaudos:

a) Que la ampliación propuesta coincida con alguno de los ejes de crecimiento establecidos en el respectivo plan urbano y que las zonas o distritos adyacentes no cuenten con más de treinta (30) por ciento de sus parcelas sin edificar.

b) Demostración de la existencia de fuentes de aprovisionamiento de agua potable en calidad y cantidad para satisfacer las necesidades totales de la población potencial a servir.

c) Una cuidadosa evaluación de las disponibilidades de tierra para el desarrollo de los usos urbanos y una ajustada estimación de la demanda que la previsible evolución de dichos usos producirá en el futuro inmediato.

d) Aptitud del sitio elegido para el desarrollo de los usos urbanos.

e) Evaluación de la situación existente en el área afectada en lo relativo a uso, ocupación, subdivisión y equipamiento del suelo.

f) Demostración de la factibilidad real de dotar al área elegida de los servicios esenciales y equipamiento comunitario que establece esta Ley.

g) Plan Director del área de ampliación conteniendo como mínimo lo siguiente:

- Justificación de la magnitud de la ampliación propuesta.
- Densidad poblacional propuesta
- Trama circulatoria y su conexión con la red existente.
- Localización y dimensión de los espacios verdes y libres públicos y reservas fiscales.

h) Plan previsto para la prestación de los servicios esenciales y la dotación del equipamiento comunitario.

ARTÍCULO 18.- Podrá disponerse la ampliación sin que se cumpla lo establecido en la segunda parte del inciso a) del artículo 17, sin ella se llevara a cabo una operación de carácter integral, y la misma comprendiese, además de lo exigido en el artículo anterior:

- 1.- Habilitación de nuevas parcelas urbanas dotadas de todos los servicios esenciales y el equipamiento comunitario que establece esta Ley.
- 2.- Construcción de edificios en el total de las parcelas.
- 3.- Apertura y cesión de espacios varios dotados de equipo urbano completo (pavimento y redes de servicios)
- 4.- Construcción de vía principal pavimentada que vincule la ampliación con la trama circulatoria existente.

También podrán habilitarse nuevos espacios edificables sin haberse cubierto el grado de edificación establecido, cuando la Municipalidad constate situaciones generalizadas que deriven en la ausencia de oferta de inmuebles o excesivo precio de los ofrecidos. Igualmente podrá autorizarse la ampliación cuando se ofrezca urbanizar zonas no aprovechables para otros usos por sus condiciones físicas y mediante la aplicación de métodos de recuperación.

En las situaciones previstas en el párrafo anterior deberán satisfacerse los recaudos exigidos en la primera parte de este artículo, con excepción de la construcción de edificios en el total de las parcelas.

Sólo por excepción podrán habilitarse nuevos espacios edificables si los mismos implican superar el tope poblacional que hubiere previsto el plan de ordenamiento de cada núcleo urbano.

B) Creación y ampliación de zonas de usos e específicos.

ARTÍCULO 19.- La creación o ampliación de las zonas de usos específicos deberá responder a una necesidad fundada, ser aprobada por el Poder Ejecutivo a propuesta del municipio respectivo, localizarse en sitio apto para la finalidad, ajustarse a las orientaciones y previsiones del correspondiente Plan de Ordenamiento Municipal y cumplir con las normas de la legislación vigente relativas al uso de que se trate.

C) Reestructuración de núcleos urbanos.

ARTÍCULO 20.- Se entenderá por reestructuración de áreas o zonas de un núcleo urbano al proceso de adecuación del trazado de sus áreas constitutivas a una sustancial modificación de las normas que las regían en materia de uso, ocupación, subdivisión y equipamiento.

ARTÍCULO 21.- Todo proyecto de reestructuración de las áreas constitutivas de un núcleo urbano deberá fundamentarse debidamente y ser aprobado por el Poder Ejecutivo a propuesta del municipio.

D) Disposiciones varias.

ARTÍCULO 22.- Para la realización de ampliaciones futuras podrán delimitarse zonas de reserva. Dicho acto no implicará autorización automática para efectuar el cambio de uso, ni modificación o restricción del existente, en tanto su ejercicio no produzca efectos que dificulten el posterior cambio de uso del suelo.

La habilitación de las zonas previstas para ensanche se llevará a cabo gradualmente, mediante la afectación de sectores de extensión proporcionada a la necesidad prevista.

ARTÍCULO 23.- Sólo se podrán crear o ampliar núcleos urbanos y zonas de usos específicos en terrenos con médanos o dunas que los mismos se encuentren fijados y forestados de acuerdo con lo establecido en las normas provinciales sobre la materia.

En dichos casos se preservará la topografía natural del área y se adoptarán en el proyecto soluciones planialtimétricas que aseguren un correcto escurrimiento de las aguas pluviales. El tipo de uso, intensidad de ocupación y parcelamiento admitidos serán los que permitan garantizar la permanencia de la fijación y forestación.

ARTÍCULO 24.- (Ley 10764) La denominación de los nuevos núcleos urbanos la fijará el Poder Legislativo, prefiriendo a dichos efectos aquellas que refieran a la región geográfica, a hechos históricos vinculados con el lugar, a acontecimientos memorables, así como a nombres de personas que por sus servicios a la Nación, a la Provincia, al Municipio o a la Humanidad, se hayan hecho acreedoras a tal distinción.

El cambio o modificación en la denominación de los núcleos urbanos la fijará el Poder Legislativo a propuesta de la Municipalidad con jurisdicción sobre los mismos, respetando las pautas señaladas en el párrafo anterior.

TÍTULO III

DEL USO, OCUPACIÓN, SUBDIVISION

Y EQUIPAMIENTO DEL SUELO

CAPÍTULO I

DEL USO DEL SUELO

ARTÍCULO 25.- Se denominará uso del suelo, a los efectos de la presente Ley, el destino establecido para el mismo en relación al conjunto de actividades humanas que se desarrollen o tenga las máximas posibilidades de desarrollarse en un área territorial.

ARTÍCULO 26.- (Decreto Ley 10128/83) En el ordenamiento de cada Municipio se discriminará el uso de la tierra en usos urbanos, rurales y específicos. Se considerarán usos urbanos a los relacionados principalmente con la residencia, el esparcimiento, las actividades terciarias y las secundarias compatibles. Se considerarán usos rurales a los relacionados básicamente con la producción agropecuaria, forestal y minera. Se considerarán usos específicos a los vinculados con las actividades secundarias, el transporte, las comunicaciones,

la energía, la defensa y seguridad, etc., que se desarrollan en zonas o sectores destinados a los mismos en forma exclusiva o en los que resultan absolutamente preponderantes.

ARTÍCULO 27.- (Decreto Ley 10128/83) Para su afectación actual o futura a toda zona deberá asignarse uso o usos determinados.

En el momento de realizarse la afectación deberán establecerse las restricciones y condicionamientos a que quedará sujeto el ejercicio de dichos usos.

En las zonas del área urbana, así como en las residenciales extraurbanas, industriales y de usos específicos del área complementaria y rural, deberán fijarse las restricciones y condicionamientos resultantes de los aspectos que a continuación se detallan, que son independientes entre sí con la zona, con el todo urbano y con sus proyecciones externas;

- 1) Tipo de uso del suelo.
- 2) Extensión de ocupación del suelo (F.O.S.)
- 3) Intensidad de ocupación del suelo (F.O.T.) y, según el uso, densidad.
- 4) Subdivisión del suelo.
- 5) Infraestructura de servicios y equipamiento comunitario.

ARTÍCULO 28.- (Decreto-Ley 10128/83) En cada zona, cualquiera sea el área a que pertenezca, se permitirán todos los usos que sean compatibles entre sí. Los molestos nocivos o peligrosos serán localizados en distritos especiales, con separación mínima a determinar según su grado de peligrosidad, molestia o capacidad de contaminación del ambiente.

ARTÍCULO 29.- (Decreto-Ley 10128/83) Al delimitar zonas según usos se tomarán particularmente en cuenta la concentración de actividades afines en relación a su ubicación y la escala de servicios que presten.

ARTÍCULO 30.- (Decreto-Ley 10128/83) En las zonas de las distintas áreas el dimensionado de las parcelas estará condicionado por el tipo, intensidad y forma de ejercicio de los distintos usos admitidos en las mismas.

ARTÍCULO 31.- (Decreto-Ley 10128/83) Asignado el uso o usos a una zona del área urbana o a una zona residencial, extraurbana, se establecerá la densidad bruta promedio de la misma y la neta correspondiente a los espacios edificables. Asimismo, se establecerán las superficies mínimas que deben destinarse a áreas verdes de uso público, los servicios esenciales y el equipamiento social necesario, para que los usos asignados puedan ejercerse en el nivel permitido por las condiciones de tipo urbanístico.

CAPÍTULO II

DE LA INTENSIDAD DE LA OCUPACIÓN

ARTÍCULO 32.- Deberán distinguirse tres categorías en la intensidad del asentamiento humano en el territorio:

- 1.- Población dispersa.
- 2.- Población agrupada.
- 3.- Población semiagrupada.

La intensidad de ocupación se medirá por la densidad poblacional por metro cuadrado. Denomínase densidad poblacional bruta a la relación entre la población de un área o zona y la superficie total de la misma.

Denomínase densidad poblacional neta a la relación entre la población de un área o zona y la superficie de sus espacios edificables, es decir, libre de los espacios circulatorios y verdes públicos.

ARTÍCULO 33.- Las áreas de población dispersa corresponden al área rural, donde la edificación predominante es la vivienda y las construcciones propias de la explotación rural.

La densidad de población bruta promedio será menor a cinco (5) habitantes por hectárea.

Todo proyecto de construcción de viviendas en áreas rurales que ocasionen densidades mayores que la establecida, excepto cuando esté vinculado a la explotación rural, se considerará cambio de uso y sujeto a la aprobación previa correspondiente.

ARTÍCULO 34.- Las áreas de población semiagrupada corresponden a colonias rurales, y a otras localizaciones de muy baja densidad.

La densidad poblacional bruta podrá fluctuar entre cinco (5) y treinta (30) habitantes por hectárea.

ARTÍCULO 35.- Las áreas de población agrupada corresponden a las áreas urbanas y su edificación predominante es la vivienda individual o colectiva, con los edificios complementarios, servicios y equipamientos necesarios, que en conjunto conforman al alojamiento integral de la población

A cada zona integrante de un área urbana deberá asignársele densidad neta y densidad bruta.

ARTÍCULO 36.- La densidad bruta promedio para toda el área urbana, no podrá superar los ciento cincuenta (150) habitantes por hectárea.

ARTÍCULO 37.- La densidad poblacional neta máxima para las distintas zonas urbanas y complementarias, excepto clubes de campo será:

- 1.-Parcialmente dotadas de servicios:

Residencial y comercial urbano y extraurbano: sectores con parcelas existentes a la vigencia de esta Ley que carezcan de agua corriente y cloacas, la

resultante de una vivienda unifamiliar por parcela; cuando exista agua corriente pero no cloacas, cualquier uso, ciento cincuenta (150) habitantes por hectárea.

No obstante, cuando conviniere, el municipio podrá signar una densidad potencial superior, que sólo podrá concretarse con la prestación de los respectivos servicios.

2.- Totalmente dotadas de servicios esenciales:

Residencial: mil (1000) habitantes por hectárea.

Residencial extraurbano: ciento cincuenta (150) habitantes por hectárea.

Comercial, administrativa y áreas análogas, excluidos espacios para espectáculos públicos: dos mil (2000) habitantes por hectárea.

En áreas con cloacas, la densidad máxima estará limitada por la capacidad y calidad de la fuente de agua potable.

La densidad neta para cada manzana, se establecerá con independencia de la resultante de las edificaciones existentes y será de aplicación para cada parcela motivo de nuevas construcciones.

ARTÍCULO 38.- La densidad poblacional que se asigne a un área, subárea, zona o unidad rodeada de calles en cumplimiento del uso establecido estará asimismo en relación directa con la disponibilidad de áreas verdes o libres públicas y con la dotación de servicios públicos y lugares de estacionamiento que efectivamente cuente.

Podrá no obstante, preverse una densidad óptima mayor que la actual, que podrá efectivizarse en el momento que todos los condicionantes se cumplan.

ARTÍCULO 39.- En cada zona la edificación será regulada de tal forma que no agrupe en la misma una población mayor que la prevista en base a la densidad poblacional establecida, para lo cual se emplearán coeficientes que representen la relación población-suelo-edificio y surjan de vincular entre sí:

- 1.- Población.
- 2.- Densidad neta.
- 3.- El área neta de espacios edificables.
- 4.- La superficie edificada por habitante.
- 5.- Los factores de ocupación del suelo total.

ARTÍCULO 40.- La cantidad máxima de personas por parcelas será el resultado de multiplicar su superficie por la densidad neta máxima que se fije para la zona en que esté incluida.

El mínimo computable será de cuatro (4) personas por parcelas.

ARTÍCULO 41.- Establecida la población máxima para una parcela, la cantidad máxima de personas que podrá alojar cada edificio se computará de acuerdo a los siguientes índices:

Uso	Cantidad de Ambientes	Personas por Dormitorio	Sup.Cubierta Total mínima por persona
Residencial unifamiliar	Hasta 2	2	14 m2
	Más de 2	2	10 m2
Residencial multifamiliar	Hasta 2	2	15 m2
	Más de 2	2	12 m2
Comercial y análogos			10 m2

Espectáculos públicos, Industrias y otros casos	A definir por los municipios según características de cada uso y supuest
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En ningún caso, la superficie cubierta resultante podrá sumar un volumen de edificación mayor que el que establezca el F.O.T. para el caso.

ARTÍCULO 42.- Denomínase factor de ocupación total (F.O.T.) al coeficiente que debe multiplicarse por la superficie total de cada parcela para obtener la superficie cubierta máxima edificable en ella. Denomínase factor de ocupación del suelo (F.O.S.) a la relación entre la superficie máxima del suelo ocupada por el edificio y la superficie de la parcela.

Ambos factores determinarán los volúmenes edificables.

El volumen máximo edificable de nivel de suelo hacia arriba, en edificio de más de tres (3) plantas, será el resultante de aplicar el F.O.T. máximo establecido para la zona considerando la distancia mínima de piso a piso autorizada para vivienda con independencia de la cantidad de plantas proyectadas.

ARTÍCULO 43.- Se denomina superficie cubierta edificable en una parcela a la suma de todas las áreas cubiertas en cada planta, ubicados por encima del nivel de la vereda o su equivalente que al efecto establezca el municipio, incluyendo espesores de tabiques y muros interiores y exteriores.

ARTÍCULO 44.- El plan de ordenamiento establecerá para cada zona los máximos factores de ocupación total (F.O.T.) y de ocupación del suelo (F.O.S.) en función de usos permitidos, de la población prevista, de una adecuada relación entre los espacios edificables y los verdes y libres públicos, del grado de prestación de los servicios esenciales y de la superficie cubierta por habitante que se establezca. (Ley 10653): Toda superficie cubierta, construida o a construirse, destinada a albergar plantas de tratamiento de efluentes industriales en establecimientos existentes cuya antigüedad data con anterioridad a la vigencia del Decreto Ley 7229, no será considerada a los fines de determinar el cumplimiento de los índices urbanísticos F.O.S. y F.O.T.

ARTÍCULO 45.- Los valores del F.O.T. serán como máximo los siguientes:

- Uso residencial: 2,5.
- Uso comercial, administrativo y análogos: 3.
- Otros usos: serán fijados por la reglamentación.

ARTÍCULO 46.- Los valores del F.O.S. no podrán superar a 0,6.

ARTÍCULO 47.- Por sobre los valores máximos del F.O.T. y la densidad antes fijados y los máximos que el municipio establezca para cada zona, se establecerán en el plan de ordenamiento, incrementos o premios que en conjunto no podrán superar el setenta (70) por ciento de los valores máximos mencionados según la siguiente discriminación:

a) Por ancho de parcela: a partir de diez metros (10 m.), en forma proporcional y hasta un incremento máximo del veinticinco (25) por ciento del F.O.T. Para nuevas parcelas a partir de los anchos mínimos exigidos.

b) Por edificación separada de ejes divisores laterales, con un mínimo de cuatro metros (4 m.), se incrementará el F.O.T. entre el (10) por ciento y el quince (15) por ciento por cada eje divisorio como máximo, computándose hasta un treinta (30) por ciento en total.

c) Por edificación retirada voluntariamente de la línea de construcción establecida, a razón de tres (3) por ciento por cada metro de retiro, con un máximo de quince (15) por ciento.

d) Por menor superficie de suelo ocupada que la resultante del F.O.S. máximo establecido para cada caso, proporcional a la reducción y hasta un incremento máximo del F.O.T. en un diez (10) por ciento.

e) por espacio libre público existente al frente, medido desde la línea municipal hasta el eje de dicho espacio, cero cinco (0,5) por ciento por cada metro, a partir de los diez (10) metros y con un máximo del diez (10) por ciento.

La cantidad de personas que aloje cada edificio podrá aumentarse de acuerdo a los incrementos que en cada caso corresponda.

ARTÍCULO 48.- Los municipios fijarán para cada zona normas que garanticen la existencia de los centros de manzanas libres de edificación. Asimismo determinarán áreas y alturas edificables, retiros de edificación respecto de las líneas municipal y divisorias, con arreglo a lo establecido en el artículo anterior y tendientes a la preservación y continuidad del espacio libre urbano.

No se autorizará el patio interno como medio de ventilación e iluminación de locales de habitación y de trabajo. Podrán autorizarse para cocinas, baños y locales auxiliares.

ARTÍCULO 49.- En zonas con densidad mayor de ciento cincuenta (150) habitantes por hectárea y en la construcción de edificios multifamiliares será obligatoria la previsión de espacios para estacionamiento o de cocheras, cuando las parcelas tengan doce (12) metros o más de ancho, previéndose una superficie de tres y medio (3,50) metros cuadrados por persona como mínimo. Los municipios podrán establecer excepciones a esta disposición cuando las características de la zona y del proyecto así lo justifiquen.

CAPÍTULO III

DE LA SUBDIVISIÓN DEL SUELO

A) Subdivisiones

ARTÍCULO 50.- Una vez aprobada la creación de un núcleo urbano, o la creación, ampliación o restructuración de sus áreas, subáreas o zonas constitutivas, podrán efectuarse las operaciones de subdivisión necesarias, con el dimensionado que fija la presente Ley.

ARTÍCULO 51.- Las normas municipales sobre subdivisión no podrán establecer dimensiones inferiores a las que con carácter general establece la presente ley, que será de aplicación cuando el respectivo municipio carezca de normas específicas.

ARTÍCULO 52.- Las dimensiones en áreas urbanas y complementarias serán las siguientes:

a) Unidades rodeadas de calles: Para sectores a subdividir circundados por fracciones amanzanadas en tres (3) o más de sus lados, las que determine la municipalidad en cada caso. Para sectores a subdividir no comprendidos en el párrafo anterior: Lado mínimo sobre vía de circulación secundaria: cincuenta (50) metros.

Lado mínimo sobre vía de circulación principal: ciento cincuenta (150) metros.

Se podrá adoptar el trazado de una o más calles internas de penetración y retorno, preferentemente con accesos desde una vía de circulación secundaria.

b) Parcelas:

Area Urbana en general	Ancho Mínimo M.	Sup. Min. m2
Hasta 200 pers./ha	12	300
De 201 hasta 500	15	375
De 501 hasta 800	20	600
De 801 hasta 1500	25	750
Más de 1500 pers./ha	30	900

Area urbanas frente a litoral Río de la Plata y Océano Atlántico (hasta 5 Km. desde la ribera).

Hasta 200 pers./ha	15	400
De 201 hasta 500	20	500
De 501 hasta 800	25	750
Más de 800 pers./ha	30	900

Areas complementarias. Las dimensiones deberán guardar relación al tipo y la intensidad del uso asignado	40	2000
Residencial extra-urbana	20	600

En todos los casos la relación máxima entre ancho y fondo de parcela no será inferior a un tercio (1/3).

Dichas dimensiones mínimas no serán de aplicación cuando se trate de proyectos urbanísticos integrales que signifiquen la construcción de la totalidad de las edificaciones, dotación de infraestructura y equipamiento comunitario para los cuales la municipalidad mantenga la densidad establecida y fije normas específicas sobre F.O.S., F.O.T., aspectos constructivos, ubicación de áreas verdes y libres públicas y otras de aplicación para el caso. El dictado de disposiciones reglamentarias o la aprobación de proyectos exigirá el previo dictamen del Ministerio de Obras Públicas.

Los mínimos antes indicados no podrán utilizarse para disminuir las dimensiones de parcelas destinadas a uso residencial creadas mediante la aplicación de normas que establecían mínimos superiores.

Sólo podrán subdividirse manzanas o macizos existentes, sin parcelar o parcialmente parcelados, en nuevas parcelas, cuando se asegure a éstas la dotación de agua potable y que la eliminación de excretas no contamine la fuente de aprovechamiento de agua.

ARTÍCULO 52 bis.- (Artículo incorporado por Ley 13342) Como caso particular de la categoría de Proyectos Urbanísticos Integrales prevista en el artículo precedente, créase la figura de "Conjuntos Habitacionales Preexistentes". Quedarán encuadrados en ésta categoría los emprendimientos de viviendas promovidos por el Instituto de la Vivienda de la Provincia de Buenos Aires, cuya construcción fuera iniciada antes del 31 de Diciembre de 2004. En tales casos la autoridad de aplicación emitirá mediante Acto Administrativo fundado un Certificado de Aptitud Urbanístico, asignando indicadores adecuados para contener los usos y volumetrías existentes. Asimismo señalará en caso de verificarse situaciones inadecuadas, las medidas que la autoridad de aplicación en materia de viviendas deba aplicar para mitigar los perjuicios que estas urbanizaciones ocasionan.

ARTÍCULO 53.- En áreas rurales las parcelas no podrán ser inferiores a una unidad económica de explotación extensiva o intensiva, y sus dimensiones mínimas serán determinadas en la forma establecida por el Código Rural, como también las de aquellas parcelas destinadas a usos complementarios de la actividad rural.

ARTÍCULO 54.- En las subdivisiones dentro de áreas urbanas que no impliquen cambio de uso, podrán aceptarse dimensiones inferiores a las establecidas precedentemente, ya sea por englobamientos que permitan generar parcelas con dimensiones más acordes con las establecidas o por situaciones de hecho difícilmente reversibles, tales como invasión de linderos e incorporación de sobrantes.

ARTÍCULO 55.- Prohíbese realizar subdivisiones en áreas rurales que impliquen la creación de áreas urbanas con densidad bruta mayor de treinta (30) habitantes por hectárea a menos de un kilómetro de las rutas troncales nacionales y provinciales, y de trescientos (300) metros de los accesos a centros de población, con excepción de las necesarias para asentar actividades complementarias al uso viario y las industriales que establezca la zonificación correspondiente.

B) Cesiones

ARTÍCULO 56.- Al crear o ampliar núcleos urbanos, áreas y zonas, los propietarios de los predios involucrados deberán ceder gratuitamente al Estado Provincial las superficies destinadas a espacios circulatorios, verdes, libres y públicos y a

reservas para la localización de equipamiento comunitario de uso público, de acuerdo con los mínimos que a continuación se indican:

En nuevos centros de	Area verde	Reserva Uso Público
Hasta 60.000 habitantes	6 m2/hab. (mínimo 1	3 m2/hab.
Más de 60.000 hab.	(Será determinado por el M.O.P. mediante estudio especial	

En ampliaciones de áreas urbanas.

de hasta 2.000	3,5 m2/hab.	1 m2/hab.
de 2001 a 3.000 hab.	4 m2/hab.	1 m2/hab.
de 3.001 a 4.000 hab.	4,5 m2/hab.	1 m2/hab.
de 4.001 a 5.000 hab.	5 m2/hab.	1,5 m2/hab.
más de 5.000 hab.	6 m2/hab.	2 m2/hab.

En reestructuraciones dentro del área urbana
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Rigen los mismos índices del caso anterior, sin superar el diez (10) por ciento de la superficie a subdividir para áreas verdes y el cuatro (4) por ciento para reservas de uso público.

ARTÍCULO 57.- Al parcelarse manzanas originadas con anterioridad a la vigencia de esta Ley, la donación de áreas verdes y libres públicas y reservas fiscales, sin variar la densidad media bruta prevista para el sector, será compensada mediante el incremento proporcional de la densidad neta y el F.O.T. máximos.

ARTÍCULO 58.- (Decreto-Ley 10128/83) Al crear o ampliar núcleos urbanos que limiten con el Océano Atlántico deberá delimitarse una franja de cien (100) metros de ancho, medida desde la línea de pie de médano o de acantilado, lindera y paralela a las mismas, destinada a usos complementarios al de playa, que se cederá gratuitamente al Fisco de la Provincia, fijada, arbolada, parqueada y con espacio para estacionamiento de vehículos, mediante trabajos a cargo del propietario cedente si la creación o ampliación es propiciada por el mismo. Asimismo y sin perjuicio de lo anterior, dentro de las áreas verdes y libres públicas que corresponda ceder, según lo estipulado en el artículo 56, no menos del setenta (70) por ciento de ellas se localizarán en sectores adyacentes a la franja mencionada en el párrafo anterior, con un frente mínimo paralelo a la costa de cincuenta (50) metros y una profundidad mínima de trescientos (300) metros, debidamente fijada y forestada. La separación máxima entre estas áreas será de tres mil (3.000) metros.

ARTÍCULO 59.- (Decreto-Ley 10128/83) Al crear o ampliar núcleos urbanos se limiten con cursos o espejos de agua permanentes, naturales o artificiales, deberá delimitarse una franja que se cederá gratuitamente al Fisco Provincial arbolada y parqueada, mediante trabajos a cargo del propietario cedente si la creación o ampliación es propiciada por el mismo.

Tendrá un ancho de cincuenta (50 m) metros a contar de la línea de máxima creciente en el caso de cursos de agua y de cien (100 m) metros medidos desde el borde en el caso de espejos de agua. El borde y la línea de máxima creciente serán determinados por la Dirección Provincial de Hidráulica. Asimismo, cuando el espejo de agua esté total o parcialmente contenido en el predio motivo de la

subdivisión se excluirá del título la parte ocupada por el espejo de agua, a fin de delimitar el dominio estatal sobre el mismo. A los efectos de este artículo la zona del Delta del Paraná se registrará por normas específicas.

ARTÍCULO 60.- (Texto según Ley 13127) Por ninguna razón podrá modificarse el destino de las áreas verdes y libres públicas, pues constituyen bienes del dominio público del Estado, ni desafectarse para su transferencia a entidades o personas de existencia visible o personas jurídicas públicas o privadas, ni aún para cualquier tipo de edificación, aunque sea de dominio público, que altere su destino. Todo ello salvo el caso de permuta por otros bienes de similares características que permitan satisfacer de mejor forma el destino establecido.

ARTÍCULO 61.- Autorízase al Poder Ejecutivo para permutar reservas fiscales, una vez desafectadas de su destino original, por inmuebles de propiedad particular cuando se persiga la conformación de reservas de mayor dimensión que las preexistentes o ubicadas en mejor situación para satisfacer el interés público.

CAPÍTULO IV

DE LA INFRAESTRUCTURA, LOS SERVICIOS Y EL EQUIPAMIENTO COMUNITARIO

ARTÍCULO 62.- Las áreas o zonas que se originen como consecuencia de la creación, ampliación o reestructuración de núcleos urbanos y zonas de usos específicos, podrán habilitarse total o parcialmente sólo después que se haya completado la infraestructura y la instalación de los servicios esenciales fijados para el caso, y verificado el normal funcionamiento de los mismos.

A estos efectos, se consideran infraestructura y servicios esenciales.

A) Area Urbana:

Agua corriente, cloacas, pavimentos, energía eléctrica domiciliaria, alumbrado público y desagües pluviales.

B) Zonas residenciales extraurbanas:

Agua corriente; cloacas para sectores con densidades netas previstas mayores de ciento cincuenta (150) habitantes por hectárea; alumbrado público y energía eléctrica domiciliaria; pavimento en vías principales de circulación y tratamiento de estabilización o mejorados para vías secundarias; desagües pluviales de acuerdo a las características de cada caso.

Para los clubes de campo registrará lo dispuesto en el capítulo correspondiente.

C) Otras zonas:

Los que correspondan, por analogía con los exigidos para las áreas o zonas mencionadas precedentemente, y según las necesidades de cada caso, a establecer por los municipios.

En cualquier caso, cuando las fuentes de agua potable estén contaminadas o pudieran contaminarse fácilmente por las características del subsuelo, se exigirá el servicio de cloacas.

ARTÍCULO 63.- Se entiende por equipamiento comunitario a las edificaciones e instalaciones destinadas a satisfacer las necesidades de la comunidad en materia de salud, seguridad, educación, cultura, administración pública, justicia, transporte, comunicaciones y recreación.

En cada caso la autoridad de aplicación fijará los requerimientos mínimos, que estarán en relación con la dimensión y funciones del área o zona de que se trate.

CAPÍTULO V

CLUBES DE

CAMPO

ARTÍCULO 64.- Se entiende por club de campo o complejo recreativo residencial a un área territorial de extensión limitada que no conforme un núcleo urbano y reúna las siguientes características básicas:

- a) Esté localizada en área no urbana.
- b) Una parte de la misma se encuentre equipada para la practica de actividades deportivas, sociales o culturales en pleno contacto con la naturaleza.
- c) La parte restante se encuentre acondicionada para la construcción de viviendas de uso transitorio.
- d) El área común de esparcimiento y el área de viviendas deben guardar una mutua e indisoluble relación funcional y jurídica, que las convierte en un todo inescindible. El uso recreativo del área común de esparcimiento no podrá ser modificado, pero podrán reemplazarse unas actividades por otras; tampoco podrá subdividirse dicha área ni enajenarse en forma independiente de las unidades que constituyen el área de viviendas.

ARTÍCULO 65.-La creación de clubes de campo, estará supeditada al cumplimiento de los siguientes requisitos:

1.- Contar con la previa aprobación municipal y posterior convalidación técnica de los organismos competentes del Ministerio de Obras Públicas. A estos efectos los municipios designarán y delimitarán zonas del área rural para la localización de clubes de campo, indicando la densidad máxima bruta para cada zona.

2.- El patrocinador del proyecto debe asumir la responsabilidad de realizar las obras de infraestructura de los servicios esenciales y de asegurar la prestación de los mismos, de efectuar el tratamiento de las vías de circulación y accesos, de parquear y arbolar el área en toda su extensión y de materializar las obras correspondientes al equipamiento deportivo, social y cultural.

2.1. Servicios esenciales:

2.1.1. Agua: Deberá asegurarse el suministro para consumo humano en la cantidad y calidad necesaria, a fin de satisfacer los requerimientos máximos previsibles, calculados en base a la población tope estimada para el club. Deberá garantizarse también la provisión de agua necesaria para atender los requerimientos de las instalaciones de uso común.

Podrá autorizarse el suministro mediante perforaciones individuales cuando:

a) La napa a explotar no esté comunicada ni pueda contaminarse fácilmente por las características del suelo.

b) Los pozos de captación se efectúen de acuerdo a las normas provinciales vigentes.

c) La densidad neta no supere doce (12) unidades de vivienda por hectárea.

2.1.2. Cloacas: se exigirá cuando las napas puedan contaminarse fácilmente como consecuencia de las particulares características del suelo o de la concentración de viviendas en un determinado sector.

2.1.3. Energía eléctrica: Se exigirá para las viviendas, locales de uso común y vías de circulación.

2.2. Tratamiento de calles y accesos;

2.2.1. Se exigirá la pavimentación de la vía de circulación que una el acceso principal con las instalaciones centrales del club, con una capacidad soporte de cinco mil (5.000) kilogramos por eje. Las vías de circulación secundaria deberán ser mejoradas con materiales o productos que en cada caso acepte el municipio.

2.2.2. El acceso que vincule al club con una vía externa pavimentada deberá ser tratado de modo que garantice su uso en cualquier circunstancia.

2.2.3. Forestación: La franja perimetral deberá arbolarse en su borde lindero al club.

2.3. Eliminación de residuos: Deberá utilizarse un sistema de eliminación de residuos que no provoque efectos secundarios perniciosos (humos, olores, proliferación de roedores, etc).

3. Deberá cederse una franja perimetral de ancho no inferior a siete cincuenta (7,50 m) metros con destino a vía de circulación. Dicha franja se ampliará cuando el municipio lo estime necesario. No se exigirá la cesión en los sectores del predio que tengan resuelta la circulación perimetral. Mientras la comuna no exija que dicha franja sea librada al uso público, la misma podrá ser utilizada por el club.

ARTÍCULO 66.- Los proyectos deberán ajustarse a los siguientes indicadores urbanísticos y especificaciones básicas:

a) La superficie total mínima del Club, la densidad media bruta máxima de unidades de vivienda por hectárea, la superficie mínima de las subparcelas o unidades funcionales y el porcentaje mínimo de área común de esparcimiento con relación a la superficie total se interrelacionarán del modo que establece el siguiente cuadro:

Cantidad Máxima	Densidad Bruta Máxima (Viv./Ha.)	Superficie Total Mínima Ha.	Superficie Mínima de Unidades Funcionale s (Lotes m2)	Area Esparcimiento Mínima sobre el Total de Superficie del Club
80	8	10	600	40

225	7,5	30	600	30
350	7	50	600	30

Los valores intermedios se obtienen por simple interpolación lineal, la superficie excedente que se obtiene al respetar la densidad bruta, la superficie mínima de unidad funcional configurada como lote y porcentaje mínimo de área común de esparcimiento o la que resulte de superar el proyecto de Club de Campo la superficie total mínima establecida, puede ser utilizada, según convenga en cada caso, para ampliar las unidades funcionales o el área común de esparcimiento.

b) Dimensiones mínimas de unidades funcionales: Regirán para las unidades funcionales cuando las mismas se configuren como lotes y variarán con la superficie total del club, debiendo tener veinte (20) metros de ancho como mínimo y la superficie que establece el cuadro del inciso a) del presente artículo. La relación ancho- profundidad no podrá ser inferior a un tercio (1/3).

c) Área común de esparcimiento: Deberá ser arbolada, parqueizada y equipada de acuerdo a la finalidad del club, y a la cantidad prevista de usuarios.

Podrá computarse los espejos de agua comprendidos dentro del título de dominio.

d) Red de circulación interna: Deberá proyectarse de modo que se eliminen al máximo los puntos de conflicto y se evite la circulación veloz. Las calles principales tendrán un ancho mínimo de quince (15) metros y las secundarias y las sin salida once (11) metros. En estas últimas el "cul de sac" deberá tener un diámetro de veinticinco (25) metros como mínimo.

e) Las construcciones podrán tener como máximo planta baja y dos (2) pisos altos y no podrán ubicarse a menos de cinco (5) metros de los límites de las vías de circulación.

f) Cuando se proyecten viviendas aisladas, la distancia de cada una de ellas a la línea divisoria entre las unidades funcionales configuradas como lotes, no podrá ser inferior al sesenta (60) por ciento de la altura del edificio, con un mínimo de tres (3) metros. En caso de techos inclinados, la altura se tomará desde el nivel del suelo hasta el baricentro del polígono formado por las líneas de máxima pendiente de la cubierta y el plano de arranque de ésta. En los casos en que las unidades funcionales no se generen como lotes se proyecten viviendas apareadas, en cualquiera de sus formas, la separación mínima entre volúmenes será igual a la suma de las alturas de cada uno de ellos.

g) Al proyectar un club de campo deberán respetarse los hechos naturales del valor paisajístico, tales como arboledas, particularidades topográficas, lagunas, ríos y arroyos, así como todo otro elemento de significación en los aspectos indicados.

ARTÍCULO 67.- En las situaciones existentes, cuando una misma entidad jurídica agrupe a los propietarios de parcelas ubicadas en un club de campo y existan calles públicas, podrán convenirse con la respectiva Municipalidad el cerramiento total del área y la prestación de los servicios habitualmente de carácter comunal bajo la responsabilidad de la institución peticionante.

En todos los casos se garantizará que los organismos públicos, en el ejercicio de su poder de policía, tengan libre acceso a las vías de circulación interna y control sobre los servicios comunes.

ARTÍCULO 68.- La infraestructura de servicios, así como el equipamiento comunitario propio de áreas urbanas serán siempre responsabilidad de los titulares del dominio de los clubes de campo.

ARTÍCULO 69.- No podrán erigirse nuevos clubes de campo dentro de un radio inferior a siete kilómetros (7 Km) de los existentes, contado desde los respectivos perímetros en sus puntos más cercanos.

TÍTULO IV

DE LA IMPLEMENTACION DEL ORDENAMIENTO TERRITORIAL

CAPÍTULO I

DEL PROCESO DE ORDENAMIENTO TERRITORIAL

ARTÍCULO 70.- La responsabilidad primaria del ordenamiento territorial recae en el nivel municipal y será obligatorio para cada partido como instrumento sectorial.

ARTÍCULO 71.- Se entiende, dentro del ordenamiento territorial, por proceso de planeamiento físico, al conjunto de acciones técnico-político-administrativas para la realización de estudios, la formulación de propuestas y la adopción de medidas específicas en relación con la organización de un territorio, a fin de adecuarlo a las políticas y objetivos de desarrollo general establecidos por los distintos niveles jurisdiccionales (Nación, Provincia, Municipio) y en concordancia con sus respectivas estrategias.

ARTÍCULO 72.- En todo proceso de ordenamiento se deberá considerar especialmente el sistema general de transporte y las vías de comunicación.

CAPÍTULO II

DE LOS ORGANISMOS INTERVINIENTES

ARTÍCULO 73.- Intervendrán en el proceso de ordenamiento territorial a nivel municipal sus oficinas de planeamiento, locales o intermunicipales, y a nivel provincial el Ministerio de Obras Públicas, la Secretaría de Planeamiento y Desarrollo y la Secretaría de Asuntos Municipales.

CAPÍTULO III

DE LOS INSTRUMENTOS DE APLICACIÓN

ARTÍCULO 74.- Los municipios contarán, dentro de la oficina de planeamiento, con un sector de planeamiento físico que tendrá a su cargo los aspectos técnicos del proceso de ordenamiento territorial del partido.

ARTÍCULO 75.- El proceso de planeamiento se instrumentará mediante la elaboración de etapas sucesivas que se considerarán como partes integrantes del plan de ordenamiento. A estos efectos se establecen las siguientes etapas:

- 1.- Delimitación preliminar de áreas.
- 2.- Zonificación según usos.
- 3.- Planes de ordenamiento municipal.
- 4.- Planes particularizados.

ARTÍCULO 76.- En cada una de las etapas del proceso de planeamiento establecido se procederá a la evaluación de las etapas precedentes (excepto en los casos de planes particularizados), a fin de realizar los ajustes que surjan como necesidad de la profundización de la investigación de los cambios producidos por la dinámica de crecimiento e impactos sectoriales, y por los resultados de la puesta en práctica de las medidas implementadas con anterioridad.

ARTÍCULO 77.- Se entiende por delimitación preliminar de áreas al instrumento técnico-jurídico de carácter preventivo que tiene como objetivo reconocer la situación física existente en el territorio de cada municipio, delimitando las áreas urbanas y rurales y eventualmente zonas de usos específicos. Permitirá dar en el corto plazo el marco de referencia para encauzar y controlar los cambios de uso, pudiendo establecer lineamientos generales sobre ocupación y subdivisión del suelo.

ARTÍCULO 78.- Se entiende por zonificación según usos al instrumento técnico-jurídico tendiente a cubrir las necesidades mínimas de ordenamiento físico territorial, determinando su estructura general, la de cada una de sus áreas y zonas constitutivas, en especial las de tipo urbano, estableciendo normas de uso, ocupación y subdivisión del suelo, dotación de infraestructura básica y morfología para cada una de ellas.

ARTÍCULO 79.- La zonificación según usos podrá realizarse por etapas preestablecidas, una vez producido el esquema de estructuración general, pudiendo incluir la prioridad de sectores o distritos para la provisión de infraestructura, servicios y equipamiento básicos como elemento indicativo para las inversiones públicas y privadas.

ARTÍCULO 80.- El plan de ordenamiento organizará físicamente el territorio, estructurándolo en áreas, subáreas, zonas y distritos vinculados por la trama circulatoria y programando su desarrollo a través de propuestas de acciones de promoción, regulación, previsión e inversiones, mediante métodos operativos de ejecución en el corto, mediano y largo plazo, en el cual deberán encuadrarse obligatoriamente los programas de obras municipales, siendo indicativo para el sector privado.

Fijará los sectores que deban ser promovidos, renovados, transformados, recuperados, restaurados, preservados, consolidados, o de reserva, determinando para cada uno de ellos uso, ocupación y subdivisión del suelo, propuesta de infraestructura, servicios y equipamiento, así como normas sobre características morfológicas.

ARTÍCULO 81.- Los planes de ordenamiento podrán tener escala intermunicipal cuando así se determine a nivel provincial o por iniciativa municipal, abarcando las jurisdicciones de aquellos partidos que teniendo límites comunes y problemas afines deban adoptar soluciones integradas. Las mismas se concentrarán de acuerdo con los mecanismos técnico-administrativos que se establezcan a nivel provincial y comunal.

ARTÍCULO 82.- Se entiende por plan particularizado al instrumento técnico-jurídico tendiente al ordenamiento y desarrollo físico parcial o sectorial de áreas, subáreas, zonas o distritos, pudiendo abarcar áreas pertenecientes a partidos linderos.

ARTÍCULO 83.- (Decreto-Ley 10128/83) Las Ordenanzas correspondientes a las distintas etapas de los planes de ordenamiento podrán sancionarse una vez que dichas etapas fueren aprobadas por el Poder Ejecutivo, el que tomará intervención, previo dictamen de los Organismos Provinciales competentes, a los siguientes efectos:

a) Verificar el grado de concordancia con los objetivos y estrategias definidos por el Gobierno de la Provincia para el sector y con las orientaciones generales y particulares de los Planes Provinciales y Regionales de desarrollo económico y social y de ordenamiento territorial (artículo 3, inciso b), así como el grado de compatibilidad de las mismas con las de los Municipios linderos

b) Verificar si se ajustan en un todo al marco normativo referencial dado por esta Ley y sus disposiciones reglamentarias, y si al prever ampliaciones de áreas urbanas, zonas residenciales extraurbanas e industriales se han cumplimentado las exigencias contenidas en la misma para admitir dichos actos.

ARTÍCULO 84.- (Texto según Ley 14449) Los Municipios, a través de sus planes y mediante ordenanzas específicas, podrán declarar el parcelamiento y/o la edificación obligatorios de los inmuebles urbanos baldíos o con edificación derruida o paralizada según las siguientes definiciones:

a) Baldío: Todo inmueble en cuyo terreno no existen edificaciones y no tiene uso para actividades económicas.

b) Edificación derruida: Aquellos inmuebles cuyos edificios se encuentren en estado de deterioro avanzado y hayan sido declarados inhabitables por resolución municipal.

c) Edificación paralizada: Aquellos inmuebles cuyas construcciones lleven más de cinco (5) años paralizadas.

El propietario del inmueble sujeto a la declaración establecida en el presente artículo deberá ser notificado por el Departamento Ejecutivo Municipal a través de un medio fehaciente, de la obligación según las normas aplicables. A tales efectos podrán conformarse consorcios urbanísticos.

ARTÍCULO 85.- (Texto según Ley 14449) La implementación de la obligación a la que se refiere el artículo 84 de la presente Ley será establecida por los municipios de acuerdo a los siguientes parámetros:

a) Los plazos para edificar o urbanizar no podrán ser inferiores a tres (3) ni superiores a cinco (5) años, contados a partir de la declaración.

b) A partir de la aprobación del proyecto, el propietario tendrá un (1) año de plazo máximo para iniciar las obras.

c) En emprendimientos de gran envergadura, con carácter excepcional, una ordenanza municipal específica podrá prever su conclusión en etapas, garantizándose que el proyecto aprobado comprenda el emprendimiento como un todo.

d) Los plazos señalados no se alterarán aunque durante su transcurso se efectúen transmisiones de dominio y cuando esto ocurra deberá hacerse constar dicha circunstancia en la escritura traslativa de dominio e inscribirse en el Registro de la Propiedad Inmueble.

A los fines de este artículo, se entenderá por parcelamiento o edificación concluida al completamiento de las obras previstas con las conexiones a los servicios necesarios, para permitir su habilitación.

ARTÍCULO 86.- (Texto según Ley 14449) En caso de incumplimiento de las condiciones y de los plazos previstos en el artículo anterior o no habiéndose cumplido las etapas previstas, el Municipio podrá aplicar un gravamen especial sobre el inmueble que será progresivo en el tiempo, mediante el aumento de la alícuota por un plazo de cinco (5) años consecutivos, y cuyo valor será fijado en la Ordenanza Impositiva, no pudiendo el mismo ser superior al cincuenta por ciento (50%) de la tasa de alumbrado, barrido y limpieza para ese período de tiempo.

Transcurrido el plazo de cinco (5) años sin que la obligación de parcelar y/o edificar se hubiere cumplido, el Municipio continuará aplicando la alícuota máxima, hasta que se cumpla la citada obligación, garantizándose la prerrogativa prevista en el artículo 84 de la presente Ley.

Queda prohibido conceder exenciones o condonaciones de deudas relativas al gravamen progresivo a que alude este artículo.

ARTÍCULO 87.- (Texto según Ley 14449) Transcurridos cinco (5) años de cobro del gravamen especial progresivo establecido en el artículo anterior, sin que el propietario haya cumplido la obligación de parcelamiento y/o edificación, el inmueble quedará declarado de utilidad pública y sujeto a expropiación por parte de la municipalidad respectiva. La Ordenanza que se dicte al efecto será remitida a la Legislatura a los efectos de dar cumplimiento a lo establecido en el artículo 31 de la Constitución de la Provincia.

ARTÍCULO 88.- (Texto según Ley 14449) El Municipio procederá al adecuado aprovechamiento del inmueble en un plazo máximo de cinco (5) años, contados a partir de su incorporación a su patrimonio, con ajuste a los siguientes parámetros:

a) El uso y destino que se realice podrá hacerse efectivo directamente por el organismo municipal al cual sea afectado o mediante la enajenación o concesión a terceros, observándose, en dichos casos, el debido procedimiento licitatorio.

b) En el caso de enajenación o concesión a terceros se mantienen para el adquirente del inmueble, las mismas obligaciones de parcelamiento y/o edificación previstas en el artículo 84 de esta Ley.

c) Producido el incumplimiento al que alude el inciso anterior, se revocará el dominio de la parcela respectiva a favor del Municipio.

ARTÍCULO 89.- (Texto según Ley 14449) El Poder Ejecutivo provincial y los municipios podrán asociarse con otras entidades públicas y/o con personas físicas o jurídicas privadas por iniciativa de cualquiera de éstos, para desarrollar en conjunto áreas correspondientes al ejido municipal mediante el sistema de reajuste de tierras.

El mecanismo de reajuste de tierras será de utilización cuando se requiera la reconfiguración de la estructura parcelaria existente en los casos de creación o ampliación de núcleos urbanos y en los casos de renovación, reestructuración o transformación de sectores en áreas urbanas o complementarias, incluyendo los de regularización de villas y asentamientos precarios.

ARTÍCULO 90.- (Texto según Ley 14449) Se entiende por reajuste de tierras al sistema mediante el cual los propietarios de predios en un área o zona debidamente determinada, transfieran su respectivo derecho de propiedad a una entidad gestora o le permiten que bajo cualquier modalidad jurídicamente posible, utilice y ocupe temporalmente sus inmuebles, con el fin exclusivo de que desarrolle y lleve a cabo un plan específico de construcción, ampliación, reposición y mejoramiento de edificios y/o de infraestructura urbana básica, con la obligación, una vez concluidas las obras, de redefinir las unidades prediales y realizar las operaciones de transferencia de dominio de carácter compensatorio, que sean indispensables para ese mismo efecto.

Los proyectos que requieran la utilización del mecanismo de reajuste de tierras podrán ser desarrollados por grupos de propietarios asociados a través de un plan particularizado, directamente por entidades públicas o mediante formas mixtas de asociación entre el sector público y el sector privado.

ARTÍCULO 91.- La declaración de englobamiento parcelario respecto de una determinada zona o área, a fin de posibilitar su cambio de uso o reconfiguración parcelaria, implicará por la presente ley su declaración de utilidad pública y sujeta a expropiación por parte de la municipalidad.

ARTÍCULO 92.- (Texto según Ley 14449) En cualquiera de los casos, el reajuste de tierras se encuadrará en un plan particularizado que determinará la metodología de valuación de las tierras e inmuebles aportados, la cual deberá tener en cuenta la normativa urbanística vigente antes de la delimitación del proyecto, así como los criterios de valoración de los predios resultantes, que se basarán en los usos y densidades previstos en dicho plan.

TÍTULO V

DE LAS RESPONSABILIDADES Y SANCIONES

ARTÍCULO 93.- Las infracciones a las obligaciones establecidas por la presente Ley y planes de ordenamiento comunales, serán sancionadas por las autoridades municipales, de conformidad a lo dispuesto en el Código de Faltas Municipales.

ARTÍCULO 94.- Las multas se graduarán según la importancia de la infracción cometida y serán:

1.- De hasta un sueldo mínimo de la administración municipal, cuando se trate de faltas meramente formales.

2.- De uno a cincuenta (50) sueldos mínimos de la administración municipal, si fueren faltas que no causaren perjuicios a terceros.

3.- De cincuenta (50) a quinientos (500) sueldos mínimos de la Administración municipal, en los supuestos de violación a los planes de ordenamiento territorial, que perjudiquen a terceros o infrinjan lo dispuesto en materia de infraestructura de servicios, dimensiones mínimas de parcelas, cambio de uso, factores de ocupación de suelo y ocupación total, densidad y alturas máximas de edificación.

Podrán disponerse, igualmente, las medidas accesorias previstas en el Código de Faltas Municipales y en especial disponer la suspensión de obras, remoción, demolición o adecuación de las construcciones erigidas indebidamente.

Los organismos competentes del Ministerio de Obras Públicas podrán constatar la comisión de infracciones y disponer medidas preventivas, remitiendo las actuaciones a la Municipalidad correspondiente para la aplicación de sanciones.

ARTÍCULO 95.- La falta de pago de las multas en el término de diez (10) días siguientes a la notificación, permitirá la actualización de su monto de acuerdo a la variación producida hasta el momento del efectivo pago, según los índices y procedimientos establecidos en el Código Fiscal.

ARTÍCULO 96.- Cuando fuere responsable de la infracción algún profesional, la autoridad administrativa enviará los antecedentes al Consejo o entidad profesional respectiva, a los efectos de su juzgamiento.

Sin perjuicio de ello, podrá disponerse la exclusión del infractor en las actuaciones donde se constate la falta.

ARTÍCULO 97.- Serán solidariamente responsables por las infracciones cometidas, el peticionante, propietarios, empresas promotoras o constructoras y profesionales, en su caso.

TÍTULO VI

DE LA APLICACIÓN DE LA PRESENTE LEY

ARTÍCULO 98.- Los municipios que no dispongan de planes aprobados y en vigencia, deberán ejecutar la etapa de delimitación preliminar de áreas y completarla en un plazo no superior a los ciento veinte (120) días, contados a partir de la vigencia de la presente Ley.

ARTÍCULO 99.- Los municipios que tengan en vigencia zonificaciones y normas de uso, ocupación, subdivisión y equipamiento del suelo, tendrán un plazo máximo de ciento ochenta (180) días para adecuarlas a las exigencias de la presente Ley.

Mientras tanto, podrán continuar aplicando las normas que tenían en vigencia, con excepción de las referidas a creación y ampliación de núcleos o centros de población, áreas y zonas y las relativas a subdivisiones que impliquen cambio de uso del suelo, para las que serán de aplicación inmediata las establecidas en esta Ley.

ARTÍCULO 100.- En tanto los municipios no cuenten con delimitación de áreas y zonificación según usos, no podrán proponer la creación ni la ampliación o restructuración de las áreas y zonas de sus núcleos urbanos, ni operaciones de subdivisión de suelo que impliquen cambio de uso urbano. Tampoco podrán autorizar densidades netas mayores de seiscientos habitantes por hectárea (600 hab/ha), en áreas urbanas que cuenten con todos los servicios esenciales fijados para las subáreas urbanizadas, ni densidades netas mayores de ciento cincuenta (150) habitantes por hectárea, en zonas o unidades rodeadas de calles y parcelas con frente a calles que carezcan de cloacas.

ARTÍCULO 101.- Todo parcelamiento originado en planos aprobados con anterioridad a la presente ley, que carezca de las condiciones de saneamiento y servicios de agua corriente o cloacas exigidos para el adecuado asentamiento poblacional, queda sujeto a las restricciones para el uso que implica la prohibición de erigir edificaciones hasta tanto se cumplieren las condiciones de saneamiento o infraestructuras necesarias. Igual limitación se aplicará cuando con posterioridad a la aprobación del parcelamiento, se produzca la modificación de las condiciones de hecho que determinaron su viabilidad.

El Poder Ejecutivo establecerá las parcelas o zona afectada por la restricción y la Municipalidad correspondiente denegará la aprobación de planos o impedirá la edificación, hasta tanto se efectúe la certificación de los organismos provinciales competentes que acredite el cumplimiento de las condiciones exigidas.

La restricción al uso que se establezca se anotará en el Registro de la Propiedad.

ARTÍCULO 102.- (Decreto-Ley 10128/83) Cuando el interés público lo requiera, el Poder Ejecutivo podrá regular, mediante Decreto, la autorización de proyectos referidos a situaciones particularizadas o zonas o distritos determinados, aún cuando no se satisfagan algunos de los recaudos o indicadores establecidos en la presente Ley.

Dichas autorizaciones deberán tener carácter general y ser compatibles con los objetivos y principios establecidos en la presente ley para el proceso de ordenamiento territorial.

El organismo Provincial o Municipal proponente deberá elevar la propuesta acompañada de los estudios que la fundamentan.

ARTÍCULO 103.- La presente Ley tiene carácter de orden público y regirá a partir de su publicación en el "Boletín Oficial", siendo aplicable a todo trámite o proyecto que no tuviere aprobación definitiva.

ARTÍCULO 104.- (Decreto-Ley 10128/83) Deróganse las Leyes 695, 3468, 3487, 4739, 8809, 8684, 9116 y toda otra disposición que se oponga a la presente

ANNEX III - Action Protocol for Resettlement Instances³⁵

Provincia de Buenos Aires

MINISTERIO DE INFRAESTRUCTURA Y SERVICIOS PÚBLICOS SUBSECRETARÍA
SOCIAL DE TIERRAS, URBANISMO Y VIVIENDA

Resolución N° 22/16

La Plata, 27 de mayo de 2016. VISTO El expediente 2423-4952/16 y lo previsto en el artículo 29 de la Ley 14.449 y su Decreto Reglamentario N° 1.062/13, y

CONSIDERANDO:

Que la presente tiene por objeto la promoción del acceso a la vivienda y a un hábitat digno y sustentable, que garantice la satisfacción de los derechos de aquellas personas y poblaciones afectadas a procesos de relocalización, llevados a cabo en el ámbito de la Provincia de Buenos Aires por cualquier organismo del Estado Nacional, Provincial y/o municipal, a fin de resolver en forma paulatina el déficit urbano habitacional, priorizando aquellas familias con pobreza crítica y necesidades extremas;

Que ello se encuadra en el marco de lo prescripto por el artículo 14 de la Constitución Nacional; por el artículo 36 de la Constitución de la Provincia de Buenos Aires; por los Tratados Internacionales con jerarquía constitucional y demás normas subordinadas, y de los objetivos de fondo que específicamente justifican la relocalización, en pos del interés público y el bienestar del conjunto de la sociedad;

Que asimismo, el derecho internacional de los derechos humanos ofrece un conjunto de estándares mínimos que fijan obligaciones y límites al accionar del Estado en este campo, especialmente en relación a los principios de progresividad y no regresividad (Artículo 11 del PIDESC y la Observación General N° 4 y N° 7 del Comité de Derechos Económicos, Sociales y Culturales);

Que por otra parte, la Ley 14.449 de la Provincia de Buenos Aires prevé en sus artículos 11 y 15 las condiciones de la vivienda y el hábitat dignos y, en su artículo 29 y respectivo decreto reglamentario las circunstancias que justifican un proceso de relocalización;

Que los procesos de relocalización se encuadran en el campo de los derechos humanos en relación a los escenarios concretos en que el derecho a una vivienda adecuada encuentra su cabal expresión, esto es, las localizaciones territoriales específicas y los modos de vida que despliegan las poblaciones en función del mayor o menor grado de satisfacción del mencionado derecho. Al respecto, investigaciones nacionales e internacionales, así como los más relevantes órganos supranacionales

(CEPAL, ONU, CIDH) coinciden en señalar la importancia de la dimensión territorial en el desarrollo de la vida humana, la construcción de identidades singulares y colectivas, el despliegue de redes de sociabilidad y cuidados, así como el florecimiento y

³⁵ <http://www.gob.gba.gov.ar/legislacion/legislacion/r-iyasp-16-22.html>

consolidación de los lazos comunitarios, fundamentales para la construcción de una sociedad justa y para una progresiva mejora en la calidad de vida de los sectores más vulnerables;

Que al respecto, se destaca especialmente la importancia de entender al lugar de radicación de toda vivienda en su vertiente socio-territorial, considerando en especial,

el efectivo acceso a los servicios y dispositivos que la vida cívica debe garantizar, tales como la escuela, el hospital, el transporte público, entre otros;

Que debe considerarse, entonces, que quienes se hallan radicados en determinado territorio, incluso cuando éste presentare condiciones sumamente adversas, presentarán un grado de arraigo a ese territorio específico que no ha de estimarse solamente en términos subjetivos, sino que debe presuponer la existencia de una trama vincular, social y material que de ninguna manera puede desconocerse cuando se procura mejorar la calidad de vida de las personas e implementar políticas de interés público;

Que de tal forma, la presente hace operativas las prescripciones contenidas en normas de mayor jerarquía a nivel nacional y provincial, frente a los cuatro escenarios posibles que engloban las circunstancias legítimamente causantes de un proceso de relocalización: la construcción de obras públicas, la necesidad de producir un reordenamiento urbanístico interno, situaciones de graves condiciones negativas de habitabilidad y situaciones de riesgo hidráulico y/o ambiental de villas y asentamientos precarios;

Que la norma a sancionar incluye invalorable importantes aportes de todos los estamentos integrantes del Consejo Provincial de Vivienda y Hábitat, quienes han realizado un prolífico trabajo al respecto en la comisión Instrumentos y Planificación del mencionado cuerpo y durante su funcionamiento en general;

Que con la sanción de la presente, esta Autoridad de Aplicación da pleno cumplimiento a lo de establecido en la Ley 14.449 y su Decreto Reglamentario

1.062/13, elaborando un Protocolo de Intervención en materia de Relocalización en coordinación con el Consejo Provincial de Vivienda y Hábitat. Al respecto, se han realizado numerosos intercambios entre el mencionado Consejo y la Subsecretaría Social de Tierras, Urbanismo y Vivienda, cuyos resultados nutren el cuerpo de la norma a dictar;

Que en tal sentido, deviene necesario regular los procedimientos específicos que deben tenerse en cuenta en los procesos de relocalización, con miras a interpretar el alcance e impacto de los mismos. Ello, toda vez que afectan de manera directa e inmediata las posibilidades de satisfacción del derecho a una vivienda adecuada y a un hábitat digno, teniendo en cuenta, asimismo, la disponibilidad presupuestaria, en el marco de la demanda habitacional de la Provincia;

Que la presente medida se dicta en uso de las atribuciones conferidas por Decreto N°360/16 y artículo 1° de la Resolución N° 24/16 del Ministro de Infraestructura y Servicios Públicos; Por ello,

**EL SUBSECRETARIO SOCIAL DE TIERRAS, URBANISMO Y VIVIENDA DEL
MINISTERIO DE INFRAESTRUCTURA Y SERVICIOS PÚBLICOS, RESUELVE:**

ARTÍCULO 1º: Aprobar el "PROTOCOLO DE ACTUACIÓN PARA CASOS DE RELOCALIZACIONES" previsto en el artículo 29 de la Ley de Acceso Justo al Hábitat N° 14.449 y su Decreto Reglamentario 1.062/13, que como Anexo forma parte de la presente.

ARTÍCULO 2º: El Protocolo operará a través de la Subsecretaría Social de Tierras, Urbanismo y Vivienda, quien actuará como ente coordinador entre los distintos organismos públicos provinciales intervinientes, municipios y hogares a ser relocalizados.

ARTÍCULO 3º: Registrar, publicar, dar al Boletín Oficial. Cumplido, archivar.

Mauricio Butera Subsecretario Social de Tierras, Urbanismo y Vivienda

ANEXO

CAPÍTULO I. DISPOSICIONES GENERALES

ARTÍCULO 1º: Autoridad de Aplicación. El presente Protocolo será aplicado por la Subsecretaría Social de Tierras, Urbanismo y Vivienda, quien coordinará todos los procesos de relocalización de familias en sus distintas etapas. Sin perjuicio de ello, podrá delegar su implementación en cualquiera de sus instancias al Instituto de la Vivienda de la Provincia de Buenos Aires. (IVBA). La Subsecretaría Social de Tierras, Urbanismo y Vivienda de la Provincia de Buenos Aires, en tanto encargada del Régimen de Integración Socio-Urbana, de acuerdo a lo prescripto en el artículo 29 de la Ley 14.449 y su Decreto Reglamentario N° 1.062/13, arbitrará las medidas necesarias tendientes a determinar las poblaciones a relocalizar. Asimismo, en caso de considerarlo procedente, solicitará que el IVBA, juntamente con los Municipios correspondientes, lleve adelante el proceso de relocalización en base al procedimiento establecido en el presente.

ARTÍCULO 2º: Criterios de priorización. Para la relocalización de hogares en el marco de lo establecido por la Ley 14.449 y siempre que estén dadas las condiciones de disponibilidad de tierras aptas, que se cuente con la financiación necesaria y el acuerdo del municipio correspondiente, se priorizarán aquellas relocalizaciones requeridas por obra pública y situaciones de extrema vulnerabilidad social y/o ambiental, sin perjuicio de los supuestos previstos en el artículo 29 de la citada norma.

ARTÍCULO 3º: Procedencia y ámbito temporal de aplicación. La determinación de relocalizar hogares será de última ratio y solamente podrá ser dispuesta por acto administrativo debidamente fundado. El presente protocolo se aplicará sin más trámite a partir de quedar firme el acto administrativo que disponga la relocalización y hasta la efectiva finalización del proceso, de acuerdo a las etapas previstas en el Plan Director.

CAPÍTULO II. ESTÁNDARES DE ACTUACIÓN

ARTÍCULO 4º: Participación Ciudadana. En todos los casos de relocalización se deberá constituir una Mesa de Gestión Participativa, la que constituye el ámbito de "gestión asociada" entre el Estado y los vecinos implicados en la relocalización a través de sus representantes, como espacio de participación ciudadana, de información recíproca y de elaboración de consensos a fin de llevar adelante la totalidad del proceso de relocalización, conforme a los parámetros establecidos por la Ley 14.449 y su Decreto Reglamentario.

Las Mesas de Gestión Participativa estarán conformadas de acuerdo a lo previsto en el artículo 36 de la Ley de Acceso Justo al Hábitat.

Los representantes de los hogares a relocalizar deberán ser elegidos democráticamente, entre las personas afectadas por la relocalización, garantizando la libre postulación de todos los interesados. Cada mesa de gestión participativa contará, como mínimo, con un representante cada 25 hogares. No obstante que, por particularidades de cada caso, podrá convenirse una representación distinta.

El Poder Legislativo y la Defensoría del Pueblo deberán designar un representante cada uno para integrar de modo estable la Mesa de Gestión Participativa.

A su vez, la Autoridad de Aplicación y el Municipio deberán designar representantes en forma estable y podrán convocar para participar de las reuniones a representantes de las áreas particulares de los organismos con implicancia en los diferentes temas que se vayan tratando en la Mesa de Gestión Participativa.

La Autoridad de Aplicación coordinará el funcionamiento las Mesas de Gestión Participativa y, por tanto, será la encargada de convocar a las reuniones, las que se celebrarán como mínimo una vez cada 30 días, sin perjuicio del cronograma de funcionamiento que la misma acuerde.

En caso de que el proceso de relocalización alcance a un número elevado de hogares y que comience por una parte de los mismos, la Autoridad de Aplicación podrá, de ser necesario, convocar a los representantes del grupo de familias afectado en las distintas etapas, pudiendo designar para esta instancia un representante cada 10 hogares, sin perjuicio del funcionamiento de la Mesa de Gestión Participativa que involucre a la totalidad de los integrantes de la relocalización.

En todos los casos el consenso será la vía para alcanzar la mejora de las condiciones de hábitat del conjunto de personas sujetas a relocalización.

Los intereses individuales estarán supeditados al beneficio del grupo. En ese sentido, en función de las razones establecidas en los artículos 2° y 3° del presente, la Autoridad de Aplicación -en el contexto de la Mesa de Gestión Participativa- favorecerá los mecanismos e instancias de diálogo que generen el consenso necesario para que la totalidad de las personas involucradas en el proceso de relocalización estén incluidas en el Plan Director que se detalla en el artículo siguiente.

En todos los casos se elaborarán actas de las reuniones de la Mesa de Gestión Participativa.

ARTÍCULO 5°: Plan Director. La Autoridad de Aplicación elaborará el Plan Director que guiará el proceso de relocalización, el que será expuesto y tratado en el ámbito de la Mesa de Gestión Participativa. Dicho Plan establecerá las pautas a seguir en materia de trazado, dimensiones de parcelas y viviendas, localización de espacios verdes y reserva para equipamientos, continuidad vial e integración con el entorno, infraestructura necesaria y parámetros urbanísticos de referencia, así como también cálculo del presupuesto necesario para su implementación, modalidad de gestión, plazos y etapas de ejecución, en un todo de acuerdo a los parámetros y estándares de calidad establecidos en la Ley 14.449 y su Decreto Reglamentario. Asimismo, deberá contemplar la utilización del espacio liberado de ocupación a raíz de la relocalización.

El Plan Director podrá ser adaptado en función a las vicisitudes que presente cada proceso de relocalización, y en todo momento tomará en cuenta los aportes que surjan de la Mesa de Gestión Participativa.

ARTÍCULO 6°: Características de las viviendas y/o soluciones habitacionales a proveer a los hogares sujetos a relocalización. La Autoridad de Aplicación y el municipio correspondiente deberán procurar que la ubicación del predio donde se relocalizará a las familias sea lo más próxima posible a la actual localización del hogar afectado, contemplando, además, el acceso efectivo y concreto a los servicios de salud y educación. A su vez, las viviendas a proveer a las familias a relocalizar, deberán adecuarse a lo establecido por los arts. 11 y 15 de la Ley de Acceso Justo al Hábitat debiendo existir una clara correspondencia entre las características edilicias de las viviendas y las necesidades de los hogares relocalizados.

ARTÍCULO 7°: Del Procedimiento. Ante la disposición de una relocalización, la Autoridad de Aplicación llevará adelante el siguiente procedimiento:

1. Estimaré en forma aproximada la cantidad de hogares a relocalizar, a través del mecanismo que estime conveniente, pudiendo delegar la tarea en el Municipio correspondiente.
2. Elaborará un proyecto de Plan Director para llevar a cabo el proceso de relocalización, respetando los parámetros previstos en los artículos 5° y 6° del presente protocolo.
3. Realizará un censo en conjunto con el Municipio, a fin de verificar la ocupación habitacional y las características socioeconómicas de los grupos familiares a relocalizar.
4. Supervisará la elección de representantes entre las familias censadas, de acuerdo a lo indicado en el artículo 4° del presente protocolo, para la conformación de la Mesa de Gestión Participativa.
5. Presentará los resultados del censo en la Mesa de Gestión Participativa y se publicarán los listados de los hogares censados.
6. Dispondrá la apertura de un plazo para presentar oposiciones, las que serán recepcionadas y resueltas en forma conjunta por la Autoridad de Aplicación y/o el Municipio.

Las oposiciones deberán ser puestas en conocimiento de la Mesa de Gestión Participativa.

7. Ajustará el Plan Director a los resultados obtenidos del censo y de las posibles oposiciones al mismo.
8. Una vez obtenido el universo de hogares a relocalizar, y teniendo en cuenta las características socioeconómicas de cada uno, se presentará el proyecto de Plan Director a la Mesa de Gestión Participativa. En tal sentido, se podrán constituir acuerdos en torno al mismo en el marco de las necesidades de la población afectada, el contexto de la relocalización y las posibilidades técnicas y presupuestarias. 9. Asimismo, se trabajará el proyecto sobre el macizo / terreno que eventualmente pueda afectarse al Programa de Lotes con Servicios de la Ley 14.449.
9. Se acordará un plan de trabajo y un cronograma flexible de reuniones de la Mesa de Gestión Participativa.

La mudanza de las familias a relocalizar se realizará en la medida que se vayan terminando las viviendas o sean entregadas las soluciones habitacionales. Se coordinará en la Mesa de Gestión Participativa el procedimiento, la fecha, horarios y recursos necesarios para poder efectivizar la misma, contemplando las vicisitudes,

características y necesidades particulares de las familias involucradas. Se deberá asegurar el recupero del predio relocalizado, según lo dispuesto por el Plan Director. Asimismo, las familias que se trasladen deberán dejar el inmueble libre de ocupantes y mobiliario.

ARTÍCULO 8°: Censo. Se censarán todas las familias que habitan la zona a relocalizar.

No podrán dejar de tenerse en cuenta los siguientes parámetros:

- Cantidad de hogares, identificando los niños, niñas, adolescentes, adultos y ancianos.
- Si existe población que debe recibir atención médica especial.
- Si existen personas que deban ser trasladadas en forma especial por problemas psicofísicos (por ejemplo vía ambulancia).
- La presencia de animales vinculados con la forma de trabajo o producción de alimentos para el hogar.
- Identificación de hogares pertenecientes a pueblos originarios y otros grupos donde deban tomarse especiales cuidados para respetar la diversidad cultural.

Se relocalizarán únicamente las familias que por diversos motivos requieran estrictamente el traslado y que hayan sido censadas, siempre que continúen habitando la zona a relocalizar al momento de iniciar el proceso.

Se realizará un censo por hogar, con los datos de todos sus habitantes en una única planilla, independientemente de la cantidad de personas y grupos familiares que convivan en el mismo.

Se considerará un hogar a aquel que tiene entrada desde el exterior y es el ámbito en el que sus habitantes duermen, comen y cocinan.

ARTÍCULO 9°: Notificación de la relocalización. Cumplidos los requisitos precedentes se fijará fecha de relocalización, que deberá ser de día y con buen clima. Luego se informará a todos los afectados en forma fehaciente de la fecha, hora y condiciones de relocalización.

Se dejará una notificación en cada inmueble incluido en el proceso de relocalización

ARTÍCULO 10: La Autoridad de Aplicación informará al Consejo Provincial de Vivienda y Hábitat sobre la determinación de relocalizar, como así también de los avances de los procesos de relocalización.

ARTÍCULO 11: Una vez cumplida la relocalización, la Autoridad de Aplicación, juntamente con la Mesa de Gestión Participativa, continuará supervisando los resultados y vicisitudes que la misma pueda generar, con el objetivo de cumplimentarlas de manera socialmente responsable, de forma integral, participativa, conjunta y procurando alcanzar, progresivamente, los parámetros y estándares previstos en la ley 14.449.

ARTÍCULO 12: El presente protocolo podrá ser ampliado, complementado o modificado por la Autoridad de Aplicación.

Annex 4. Gap Analysis

**Implementation Project for the Management Plan of the
Lujan River Basin**

Environmental and Social Safeguards Gap Analysis

August, 2017

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Acronyms

CAF	: CAF – development bank of Latin America
DPOH	: Provincial Direction of Sanitation and Hydraulic Works (in Spanish, Dirección Provincial de Saneamiento y Obras Hidráulicas)
EIS	: Environmental Impact Statement (EIS)
ESIA	: Environmental and Social Impact Assessment
ESMF	: Environmental and Social Management Framework
ESMP	: Environmental and Social Management Programme
ESMS	: Environmental and Social Management System
ESMT	: Environmental and Social Management Team
ESRAS	: Environmental and Social Risks Assessment System
GCF	: Green Climate Fund
MIYSP	: Ministry of Infrastructure and Public Utilities (in Spanish, Ministerio de Infraestructura y Servicios Públicos)
NPA	: National Park Administration
PASD	: Provincial Agency for Sustainable Development
PBA	: Province of Buenos Aires
PGAS	: Environmental and Social Management Plan
RPF	: Resettlement Plan Framework.
UCEPO	: Unit for Coordination and Execution of Construction Projects at the Ministry of Infrastructure and Public Utilities
WA	: Water Authority of the PBA (in Spanish, Autoridad del Agua de la PBA)

**Implementation Project for the Management Plan of the Lujan River Basin
Environmental and Social Safeguards Gap Analysis**

This document includes a gap analysis of environmental and social safeguards between the International Finance Corporation (IFC) Performance Standards, adopted as the interim environmental and social safeguards of the GCF (GCF/B.07/11), CAF Environmental and Social Safeguards, and the relevant legislation, related to the Project, in force in the Province of Buenos Aires and in Argentina. In case of gaps identified, measure are included to bridge the gaps or to maintain their consistency in case of their alignments.

1 Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
<ul style="list-style-type: none"> Environmental and social management system (ESMS) <p>The client will conduct an environmental and social assessment process, and establish and maintain an ESMS. The ESMS will incorporate the following elements: (i) policy; (ii) identification of risks and impacts; (iii) management programme; (iv) organisational capacity and competence; (v) emergency preparedness and response; (vi) social stakeholder engagement, and (vii) monitoring and review.</p> <p>The management programme will establish</p>	<p>In Safeguard S01 - Assessment and Management of Environmental and Social Impacts, CAF does not require the establishment and maintenance of an Environmental and Social Management System, except for financial intermediaries, which should have an Environmental and Social Risk Analysis System (ESRAS) in place.</p> <p>In all projects and programmes to be financed by CAF, the client shall:</p> <ul style="list-style-type: none"> Identify and assess the environmental and social impacts of the project to provide feedback for the 	<p><u>Province of Buenos Aires, Law 11.723: ARTICLE 10:</u> All projects consisting in the execution of works or activities having or likely to have any negative impact on the Province of Buenos Aires (PBA) environment and / or its natural resources, should have been granted an ENVIRONMENTAL IMPACT STATEMENT (EIS), issued by Provincial or Municipal environmental authority (P/MEA).</p> <p>ARTICLE 11 Any natural or legal, public or private person who is the owner of a project, is obliged to submit an Environmental Impact Assessment. (EIA).</p>	<p>The regulations address a significant number of aspects as set forth by both, GCF and CAF standards.</p> <p>Measures:</p> <p>1. To have a suitable specific team in charge of social and environmental management</p> <p>The Ministry of Infrastructure through the UCEPO, and the technical areas involved (for example, the Provincial Department of Hydraulic Works – DPOH- in hydraulic projects), will be responsible for an adequate management of environmental and social safeguards. The UCEPO will</p>	<p>The UCEPO guarantee a suitable team to carry out the environmental and social management of the project, and the monitoring activities. The required links are established with key stakeholders and institutions. The environmental and social management documents will serve guide the management of the project, and will be applied at all stages of implementation.</p>

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
<p>environmental and social Action Plans (PGAS), which will define desired outcomes and actions to address the issues raised in the risks and impacts identification process, as measurable events to the extent possible, with elements such as performance indicators, targets, or acceptance criteria that can be tracked over defined time periods, and with estimates of the resources and responsibilities for implementation. As appropriate, the management programme will recognize and incorporate the role of relevant actions and events controlled by third parties to address identified risks and impacts. Recognizing the dynamic nature of the project, the management programme will</p>	<p>project design. This process should be performed by personnel expert in each of the required specialisation fields;</p> <ul style="list-style-type: none"> • Formulate a measures plan aimed at preventing, avoiding, or minimizing impacts, and when residual impacts remain, compensating and restoring the project impacts to workers, communities and the environment, in the event that current environmental legislation does not stipulate such a plan to be a requirement; • Timely follow up on the implementation of management measures vis-à-vis project-related impacts, and adjust 		<p>have the role of supervising the proper compliance with local regulations and applicable policies (both CAF and GCF) as well as loan agreement and operation manual. The technical areas will implement the measures and procedures that emerge from there.</p> <p>For this, the project will have an Environmental and Social Management Team (ESMT) that will be the articulator between UCEPO and the technical areas (it will be dependent of the UCEPO in the organizational structure).</p> <p>The ESMT was created in UCEPO in the framework of the AMBA -BIRF Project (Urban Transformation Project of the Buenos Aires Metropolitan Area). It is</p>	

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<p>be responsive to changes in circumstances, unforeseen events, and the results of monitoring and review.</p> <p>Action plans may include a comprehensive environmental and social action plan necessary to implementing a set of mitigation measures or thematic action plans, such as resettlement action plans or biodiversity action plans. Action plans may be focused on filling vacuums in management programme in place to ensure consistency with Performance Standards, or may be independent plans specifying the project's mitigation strategy. For some professional circles, the term "action plan" refers to management plans or development plans. In this particular case, examples</p>	<p>those measures according to the evolution of impacts over the different project cycle phases;</p> <ul style="list-style-type: none"> • Promote informed, timely, effective and transparent participation of affected communities, provide the means to maintain such participation throughout the project cycle, and ensure that all relevant information is made available in a timely manner; • Have and, if necessary develop, institutional, technical and financial capacities to implement and follow up the measures of management strategy of project-related impacts. 		<p>important to consider that the ESMT is coordinated by the UCEPO but can have human resources working in the different technical areas responsible for implementing specific tasks. When appropriate, with loan proceeds, additional professionals may be hired for the ESMT who will work "in house" in the specific areas required.</p> <p>2. Conduct strategic environmental and social assessments:</p> <p>In addition, PASD will be requested to conduct strategic evaluations, where appropriate, in addition to the specific evaluation for works. For example, PADS should analyze the master plan of hydraulic works in order to guarantee the</p>	

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
<p>are manifold and include several types of environmental and social management plans.</p>	<ul style="list-style-type: none"> Identify and / or present, as possible, complementary actions addressing climatic risks aspects, and / or enhance actions addressing environmental and social improvement to the programme. 		<p>proper evaluation of the cumulative effects of the works.</p> <p>3. Strengthen participation:</p> <p>Currently the provincial legislation requires the holding of a non-binding public hearing before issuing the Environmental Impact Statement (EIS), which is necessary to initiate works. What happens in practice is that these instances of consultation are made when the work is already in the bidding process so it is very difficult to influence the engineering of it. To remedy this, consultation will be implemented while the Executive Project is in the design stage so that the socio-environmental considerations of the</p>	

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
			<p>community can be considered and can influence the project if pertinent.</p> <p>Moreover, the inter-institutional coordination bodies will be strengthened to guarantee an adequate participation of all the stakeholders. For this, the institutions like the Basin Committees will be strengthened and used when appropriate in order to articulate in the territory with key stakeholders.</p>	
<p>• Policy</p> <p>Policy is a framework involving the environmental and social assessment and management process, specifying that the project will abide by laws and regulations in force in the</p>	<p>In Safeguard S01 - Assessment and Management of Environmental and Social Impacts, CAF does not require the establishment and maintenance of an Environmental and Social Management System,</p>	<p>Province of Buenos Aires, Law 11.723: ARTICLE 1: Pursuant to Article 28 in the Constitution of the Province of Buenos Aires, this Law entails the protection, conservation, enhancement, and restoration of natural resources and the</p>	<p>The project will have an Operational Manual with a detailed description of general policy and modalities in which it will act as regards each of the works involved in the operation.</p> <p>Measures:</p>	<p>The ESMF as established is complied with.</p> <p>The Operational Manual to be designed by the MIYSP in its capacity as project executor through UCEPO systematizes the socio-environmental criteria that</p>

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<p>jurisdictions in which it operates.</p> <p>An overarching policy defining the objectives and principles directing the project to achieve a proper environmental and social performance.</p>	<p>except for financial intermediaries, which should have an Environmental and Social Risk Analysis System (ESRAS) in place.</p>	<p>environment as a whole in the Province of Buenos Aires area, to preserve life in its widest state; to ensure present and future generations the conservation of environmental quality and biological diversity.</p>	<ul style="list-style-type: none"> • This Operational Manual should specify the hierarchy of the legislation to be applied and, in turn, should also detail abidance by current local (national, provincial and municipal) legislation in all cases, avoiding at any time acting against such legislation. • In the ESMF and / or in the project’s Operational Manual, duties regarding Safeguards between UCEPO and technical areas should be clarified, considering the ESMT. 	<p>works and activities shall comply with in accordance with each project stage, identifying design stage, execution stage, operation and maintenance stage.</p>
<p>• Identification of Risks and Impacts</p> <p>The client will establish and follow a process to identify</p>	<p>In Safeguard S01 – Assessment and Management of Environmental and Social Impacts, the client should</p>	<p><u>Province of Buenos Aires, Law 11.723:</u> ARTICLE 11: Any natural or legal, public or private person, who is the owner of one of the projects</p>	<p>Local regulations are consistent with the wording of both GCF Standards and CAF Safeguards.</p>	<p>The ESMT interacts positively with local and civil society key stakeholders to carry out the tasks to identifying risks and impacts.</p>

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<p>the project’s environmental and social risks and impacts, and determine the assessment methods and tools. This process may include a comprehensive environmental and social assessment, a limited or focused assessment of environmental or social issues, or a direct implementation of environmental standards vis-à-vis site, pollution, design or construction criteria.</p>	<p>identify and evaluate the project’s environmental and social impacts to provide feedback to the project design.</p> <p>The identification and assessment of environmental and social impacts will take into account in a comprehensive manner all the direct, indirect and cumulative environmental and social impacts relevant to all activities associated with each stage of the project cycle (construction, operation, closure and abandonment) as well as on all natural and social environment components.</p> <p>Likewise, environmental liabilities should be identified in the area of influence, in</p>	<p>in the previous article, is obliged to submit, together with the project, an ENVIRONMENTAL IMPACT ASSESSMENT in accordance with the provisions as stipulated by the enforcement authority.</p> <p>ENVIRONMENTAL IMPACT ASSESSMENT: The procedure to identify and interpret, as well as to prevent, the aftermaths or effects that public or private actions or projects can cause to the ecological balance, the maintenance of the quality of life, and the preservation of existing natural resources.</p> <p>Resolution No. 538/1999. Establishes the general guidelines to be considered by the Municipal Authority, in the case of works projects or</p>	<p>Local legislation uses the Environmental and Social Impact Assessment as the main instrument for the identification and evaluation of the project’s adverse environmental and social impacts.</p> <p>However, PS01 and S01 have a broader scope, since they include in the risk identification process, the instruments to measuring those risks.</p> <p>At this assessment stage they also include social aspects, including within risks, not only ecological balance issues but also their relationship with the community, and how this could be affected in its own interaction.</p> <p>Measures:</p>	<p>The exercise yields good results that can be reflected in a wide-coverage document that allows for a safe work vis-à-vis environmental and social measures required by CAF, GCF and the Argentine legislation.</p>

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	<p>view of establishing responsibilities.</p> <p>Further, an assessment of climate change and climate variability-linked risk should be performed, when appropriate and relevant.</p>	<p>activities submitted to the ENVIRONMENTAL IMPACT ASSESSMENT process by the Municipal Environmental Authority. Currently, this Resolution is being reviewed and adjusted to work jointly with the DPOH, in order to produce a categorization of projects, according to size, degree of socio-environmental sensitivity and type of evaluation (expeditious, integral, regional, PGA only, etc.) and instances (provincial, technical areas, etc.).</p>	<p>In the ESIA, it is important to consider that both, the technical areas and PASD, have a greater environmental than social strength. Thus, this aspect will be strengthened during the project. The ESMT will ensure that each ESIA duly addresses social impact issues.</p> <p>In each EIAS, and once executive projects are confirmed, the determinations of specific measures required for each work will be defined according to the identified risks and impacts.</p> <p>For the development of the EIAS an external specialized firm will be contracted whenever it is relevant.</p>	

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<p>• Management programmes</p> <p>Environmental and social management plans will be defined in Environmental and Social Management Systems programme, which will define expected results and actions to address issues raised in the risks and impacts identification process. Insofar it is possible, this definition will be made in terms of quantifiable events, and on the basis of elements such as performance indicators, acceptance goals or criteria likely to be met over specific time deadlines, and with estimates of resources and responsibilities for their implementation. As appropriate, the management programme will recognize and incorporate the role that relevant actions</p>	<p>The client will establish an Environmental and Social Management Programme (ESMP) that, specifically, describes the measures and actions intended to prevent, mitigate, compensate and enhance the environmental and social impacts identified and evaluated that may be generated by the project, attaching priority to those most significant impacts. These measures will also include actions to address both, climate change and climate variability-related risks.</p> <p>The ESMP or equivalent, according to current local environmental regulations in force, shall include, at least, a set of sub-programmes or projects focused on the management of the assessed environmental</p>	<p>Province of Buenos Aires, Law 11.723: Article 5°: The Provincial Executive Authority and the municipalities shall warrant, in the implementation of Government Policy, abidance by the rights recognized in Article 2, as well as the enforcement of the environmental policy principles listed below: ... Paragraph b): Any undertaking implying actions or works that are likely to having negative effects on the environment and / or its components shall rely on a prior ENVIRONMENTAL IMPACT ASSESSMENT.</p>	<p>A Partial Coincidence exist.</p> <p>ND01 and SV01 are broader, as they include in anticipation the detail of mitigation and prevention measures for cases where these measures may be required to be implemented.</p> <p>They also incorporate actions for unforeseen risks, which should be assumed by the project at full cost.</p> <p>Measure:</p> <p>The analysis of prevention measures will be included in the Project Operational Manual, which will establish that each work shall include a PGAS.</p>	<p>Together with key stakeholders, the ESMT should determine how it is implemented in terms of each instance of the project cycle, relying on legal and political instruments in this regard.</p>

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<p>and events controlled by third parties to address identified risks and impacts. Taking into account the project’s dynamic nature, the management programme should be able to respond to changes in circumstances, unforeseen events, and the results of monitoring and review activities.</p> <p>Action plans may include a comprehensive environmental and social action plan necessary to carry out a set of mitigation measures or thematic action plans such as resettlement action plans or biodiversity action plans. Action plans may be designed to fill gaps in existing management programs to ensure consistency with the Performance Standards, or</p>	<p>impacts, and shall define the necessary measures for the management of environmental impacts, with their relevant dimensioning, budget, identification of source of resources, implementation schedule, and the evidence of the project’s technical, environmental and social feasibility for implementation vis-à-vis the project’s own nature and scale.</p> <p>The hierarchy of environmental and social measures to address identified impacts will prioritize impact prevention, over and above minimizing (mitigating) impacts, and when residual impacts persist, restore or compensate for impacts.</p>			

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<p>may be separate plans specifying the project's mitigation strategy. For some professional circles, the term "action plan" refers to management plans or development plans. In this case, examples are plentiful and include various types of environmental and social management plans.</p>	<p>For environmental liabilities previously identified, restoration measures should be proposed for those liabilities having the potential to affect funded works, or those liabilities located in areas actually intervened by the operation.</p> <p>The Environmental and social measures included in the ESMP, or its equivalent, will ensure that the operation is implemented in abidance with applicable laws and regulations, consider climate change and climate variability risks, and complies with the requirements of this Safeguard and any other CAF Safeguards that may apply.</p> <p>The ESMP will define the results expected, the</p>			

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	measures and actions to be implemented to achieve these results, the budget necessary for their implementation, as well as the organizational structure, the human and technical resources required for achieving those results, and the financial resources necessary for their execution.			
<p>• Emergency preparedness and response</p> <p>The ESMS will establish and maintain an emergency preparedness and response system so that the client, with the collaboration of appropriate and relevant third parties, is prepared to respond in a suitable manner. Such preparation will include identification of areas in which accidents and</p>	<p>In Safeguard S01 - Evaluation and Management of Environmental and Social Impacts, the contents of Follow-up Reports should at least include the following information: (v) reports on actual accidents and / or environmental emergencies; (Vi) measures applied to correct or remedy damages. or deal with any other adverse consequences due</p>	<p>Provincial Decree 12/17 approves the Ministry of Infrastructure and Public Services structure, which the Provincial Directorate for Risk and Emergency Management is part of. Among its duties, this Directorate is responsible for:</p> <ul style="list-style-type: none"> • Establishing and implementing mechanisms for risk awareness in the 	<p>This item is not included exclusively in the environmental policy and management instruments.</p> <p>Measures:</p> <p>As a part to the PGAS of each work, a "Protocol for action in cases of environmental emergency" shall be included</p>	<p>The country's early warning system and its articulation with provincial and local areas is working properly, and all its mechanisms are in place and permanently available to be activated in case of emergency.</p> <p>The provincial and municipal civil defence departments are articulated through their own system and, through the UCEPO, the project</p>

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<p>emergencies may occur, communities and persons likely to be affected.</p>	<p>to any possible operation failure.</p> <p>Pursuant to CAF Safeguard S04 -Pollution Prevention and Management, the client should design and implement an emergency plan to quickly and efficiently respond to accidents and emergencies that may cause environmental pollution. The emergency plan should set forth the organizational structure, the human, material and budgetary resources available, and the procedures to be applied to deal with accidents and emergencies in an orderly manner, mitigating their impacts on people and on the environment. This plan should address people protection, containment and control of pollutants, and minimize any adverse</p>	<p>Province of Buenos Aires, risk reduction and mitigation, providing basic information for decision making. Drawing up risk maps reflecting the vulnerabilities and threats affecting a community, and on the basis of which plans, procedures and protocols is designed vis-à-vis the threats listed, and to be able to anticipate any natural, anthropic or man-made or mixed phenomenon.</p> <ul style="list-style-type: none"> • Elaborate the activation and coordination plans and protocols to be implemented over an emergency or disaster, as well as provincial direct action plans for crisis management and early warning systems. • In the face of an emergency, the Directorate shall coordinate efforts in an 	<p>This document should be disseminated to all personnel involved in the project for prompt implementation if necessary. This document should be particularly adopted by companies contracted in each of the projects, and an effective mechanism for communication with the population and key stakeholders should be implemented.</p> <p>These actions will be monitored by UCEPO, as well as linked with other key actors involved in the emergency, such as the civil defence department in each municipality, or the emergency scheme of other key stakeholders, such as the NPA.</p>	<p>considers ways to assess these impacts vis-à-vis the project.</p>

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	<p>consequences on people and the environment.</p> <p>In Safeguard 08 - Working conditions and capacity-building, management of occupational safety and health risks prevention should be strengthened through inspections that help promote a safe behaviour over the tasks to be performed and, additionally, provide workers with training in occupational safety and health, with an emphasis on the risk factors to which they are exposed, preventive occupational health and emergency response.</p> <p>The project should have in place emergency prevention, preparedness and response measures, for which an emergency plan should be designed addressing</p>	<p>articulated manner with the different ministries and provincial agencies, as well as with national agencies, municipalities and third sector entities.</p> <p>Law No. 22,351, National parks, national monuments and nature reserves Law, and the regulation for ESIA in the administration of national parks (Ministerial Resolution 203-16) which manages the complexity of interrelationships between protected natural areas, local stakeholders and their environment.</p> <p>This is the only national standard of specific application to the project.</p>	<p>The NPA will be responsible for authorizing works within the legally established protected areas, for which all requirements must be met. This is related with the Santa Maria Channel, located in the territory of the Otamendi reserve, which is attached to the national government jurisdiction.</p> <p>The emergency plan will be designed as a part of the PGAS .</p>	

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	project’s main risks, first-aid brigades should be set up to deal with emergencies, and drills should be practiced.			
<p>•Monitoring and Evaluation</p> <p>Procedures to monitor the management programme and measure its effectiveness, as well as its compliance with any legal or contractual obligations and related regulatory requirements. In addition to register information to closely monitor performance and setting up relevant operational controls, the client should use dynamic mechanisms such as internal supervision and audits to verify compliance and progress.</p>	<p>The client should submit and implement an Environmental and Social Monitoring and Control Programme (ESMCP) including a description of measures, verification indicators, permissible limits, frequency of monitoring and relevant legal standards, where applicable, including the use of authorized / accredited laboratories when this should be required by national regulations.</p> <p>The ESMCP should be allocated its own budget, which should include the provision for financial resources as necessary for the hiring of personnel in</p>	<p>Resolution No. 538/99. ANNEX I. Law No. 11.723 (Annex II, Item 2). Instruction for the Environmental Impact Assessment Study, pursuant to Law 11,723.</p> <p>The Enforcement Authority (EA), should respond to comments made by individuals on the impact assessment of the project, prior to the Environmental Impact Statement (Art. 18). The submission of the Municipal Environmental Declaration, Guideline No. 4 (Article 20), is the result of all the previous process, determining, with respect to the foreseeable environmental effects, the</p>	<p>The PS01 and SV01 are more demanding since the Argentine Law, monitoring activities do not require to register the activities through monitoring; however, the Law does contemplate the possibility to conducting surveillance audits when considered necessary.</p> <p>Measures:</p> <p>The project should keep records of the monitoring updated for presentation and, at the same time, keep an active monitoring dynamics that is not audit-dependent.</p>	<p>The political-institutional relationship between the different areas involved, and the monitoring and evaluation are properly working, allowing for actions to be coordinated. Information is effectively cross-checked, allowing for improvements, delays and / or change requirements.</p>

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	<p>charge of monitoring activities.</p> <p>The monitoring of compliance with the measures included in the ESMP will produce periodic monitoring reports that should be submitted to CAF, according to report delivery terms as set forth in the loan agreement.</p>	<p>convenience or not to executing the project and undertaking the definition of mitigating and preventive measures in time and form. This assessment by the Enforcement Authority resolves: 1. The approval of the project 1.a. A requirement for specific mitigation measures, or a monitoring plan over certain parameters. A periodic verification of compliance with what is established in the EIS (Article 22).</p> <p>Law No. 6021. Public Works in the Province of Buenos Aires Law, stipulates inspection of works and the minimum contents in bidding documents in which are included Specific Technical Specifications. This item establishes the guidelines required to carry out the</p>	<p>Inspections and audits will be specified in the Operational Manual, clearly identifying the entities which are responsible for each type of inspection and audit (i.e., which inspections are dependent on municipal, national authorities, etc.).</p> <p>Regular follow-up reports by the ESMT should be submitted. Monitoring programmes are included in the PGAS (in the minimum requirements section).</p>	

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		Environmental and Social Management Plan for the Project Works.		
<p>• Involvement of Social Stakeholders</p> <p>The involvement of social stakeholders is an on-going process which, to a varying degree, can involve the following components: Stakeholders assessment and planning of their involvement; dissemination of information; consultation and participation; complaints mechanism; and on-going provision of information to Affected Communities.</p>	<p>Establishes information disclosure requirements and participation of social stakeholders.</p> <p>The scope of each of the components of the participation strategy will depend on the type of project, its size, impacts and whether the social stakeholders will be exposed to any project impact, or whether they only have some kind of legitimate interest in the project. The participation strategy should be designed according to the characteristics of identified social stakeholders and should be free from</p>	<p>There is an important coincidence regarding the involvement of the population in projects' EIA.</p> <p>Province of Buenos Aires, Law 11.723: ARTICLE 2: The Provincial State warrants all its inhabitants the following rights: Subsection c): To participate in processes involving management of natural resources and the protection, conservation, improvement and restoration of the environment in general, pursuant to the wording in this regulation.</p> <p>Article 17: The provincial or municipal environmental authority, as appropriate,</p>	<p>Local regulations are consistent with the wording of both, GCF and CAF standards.</p> <p>Measures:</p> <p>Technical and environmental documents will be published on the Executing Unit website, so that it can be perused through by any stakeholders.</p> <p>Afterwards, and before the start of any work, a public consultation / citizen participation process will be undertaken with all community stakeholders affected by the project. The main characteristics of the projects and their positive</p>	<p>Political difficulties could arise in ensuring a permanent participation vis-à-vis local conflicts cycles which may prevent the implementation of the participatory plans established by the project. As an assumption, in case local conflicts could arise, the tools and instances established should be resorted to; thus, it is expected that those plans will be socially accepted and well received.</p>

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	<p>handling, interference, coercion, and intimidation.</p> <p>Once the social stakeholders are identified and according to their characteristics and those of the project, a Communication and Participation Plan will be designed to be executed throughout the project cycle. This Plan should be designed considering differences by gender, age, ethnic group and any other that is relevant, and the Plan should also contemplate special measures so that vulnerable population may participate.</p> <p>Through the Communications and Participation Plan, the Project Proponent will guarantee the participation of stakeholders involved,</p>	<p>shall determine the means for publication of the environmental impact assessments listing submitted for approval, as well as the contents therein</p> <p>Article 21: Environmental impact statements may also be consulted by any inhabitant of the Province of Buenos Aires, in the manner in which they were issued and distributed.</p>	<p>and negative environmental and social impacts shall be exposed in this process.</p> <p>As a comprehensive part to the PGAS, a dissemination and diffusion programme will be implemented during the execution of works. The PBA who will be responsible for this action, will follow CAF methodology.</p> <p>In addition, the relevant Basin Committees will be strengthened; with the objective that the Advisory Councils could provide a platform to include the opinions of diverse stakeholders.</p>	

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	with particular attention to women involvement, for which a comprehensive and inclusive participation strategy for the entire project cycle should be designed that includes: (i) identification of stakeholders; (ii) disclosure of information; (iii) consultation; (iv) settlement of petitions, complaints and grievances; and (v) conflict resolution.			
<p>• Dissemination of information</p> <p>The Client shall provide Affected Communities with access to relevant information on: (i) the project purpose, nature and scale; (ii) the duration of the proposed project activities; (iii) potential risks and impacts on those communities and relevant</p>	<p><u>Establishes information disclosure requirements and participation of social stakeholders.</u></p> <p>Local institutions and population living in the area should be informed about the objective and scope, as well as the potential positive and negative impacts that may be generated by the project; the management</p>	<p><u>Province of Buenos Aires, Law 11.723:</u> Article 16°: The inhabitants of the Province of Buenos Aires may request the EIAS submitted by the persons concerned pursuant to Article 11. The environmental authority shall respect the confidentiality of the information supplied by the project holder to which such character is granted.</p>	<p>Local regulations are consistent with the wording of both, GCF and CAF standards.</p> <p>While Argentinian Law addresses treatment of confidential information, neither the PS01 nor the SV01 do it.</p> <p>Measures:</p>	<p>The PBA Government could require confidentiality in some Project aspects. This could lead to a conflicting situation.</p>

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<p>mitigation measures; (iv) the stakeholder engagement process being envisaged, and (v) the grievance mechanism.</p>	<p>measures to be applied to prevent, mitigate or compensate for negative impacts, enhance positive impacts and their relevant outcomes, as from the project's pre-investment stage.</p> <p>Information is the key basis for social stakeholders' involvement. Therefore, the client will provide clear, relevant, timely and culturally appropriate information. The information contents and type will depend on the stage the project is in, that information will be provided in the project area and wherever concerned stakeholders are located.</p> <p>Information on relevant aspects of both the project and impact management will</p>	<p>Article 26: Entities shall have the obligation to provide the natural or legal, public or private persons who so request, the information they have in relation to the environment, natural resources, and environmental impact statements, as provided in Article 20, second part. Such information may only be denied when the entity deems it to be confidential.</p>	<p>In order to ensure this item, inter-institutional articulation instances will be strengthened.</p>	

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	be supplied on an ongoing basis throughout the project cycle.			
<p>• Consultations</p> <p>The client will undertake a consultation process so that Affected Communities are provided with an opportunity to make their own views on the project-related risks, impacts and mitigation measures. Effective consultation is a two-way process that should: (i) initiate at an early stage of the process to identifying environmental and social risks and impacts, (ii) be based on the previous disclosure and dissemination of information; (iii) focus inclusive participation on directly affected groups; (iv) be devoid of manipulation, interference, coercion; (V)</p>	<p>All Stakeholders that are affected by project-related actions should be informed and consulted about surveys to be undertaken to identify and evaluate project-generated impacts. In projects having significant impacts, this consultation may start from the preparation of the terms of reference of these surveys, and the events in which the surveys' progress and their results will be reported shall be scheduled accordingly.</p> <p>The complaints, opinions and suggestions of affected Stakeholders will be considered in order to</p>	<p>Law 11,723 on protection of environment and natural resources in the provinces establishes that the State warrants all inhabitants in the Province "...to participate in processes involving management of natural resources and the protection, conservation, improvement and amelioration of the environment in general, in accordance with the provisions of the regulation (Article 2, paragraph c)."</p> <p>On the other hand, the constitutional wording warranting education of its inhabitants, stipulates that</p>	<p>Local regulations are consistent with the wording of both, GCF and CAF standards.</p> <p>The PS01 and SV01 give a more detailed description of the consultation process and suppose greater requirements and demands regarding participation and relationship processes with the affected community.</p> <p>Measures:</p> <p>Consultation processes will be strengthened to ensure suitable mechanisms for the population, which are easily accessible to them, both to register a consultation, and</p>	<p>Political conflict issues could impair the relationship between consultations and their specific objectives, involving agendas that are not related to the project</p>

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<p>enable a meaningful participation; and (vi) be recorded.</p>	<p>complement the identification and evaluation of impacts, and the design of management measures, either for the reformulation of measures being envisaged, or the inclusion of other measures not yet considered. If conditions allows it, the involvement of social stakeholders in the monitoring and evaluation of impact management measures can be considered through the identification and implementation of joint mechanisms.</p> <p>Consultations may continue throughout the project as changes occur in the project’s framework, design, or identified impacts.</p>	<p>the provincial state shall seek (Article 29 subsections c and d, respectively) the promotion of environmental activities involving the community, popular education campaigns in urban and rural settings, respecting the characteristics of each region and the motivation of members of society to formulate suggestions and undertake initiatives for the protection of the environmental setting they live in.</p>	<p>to acknowledge receipt of a reply.</p> <p>CAF will guide consultation processes prior to the execution of the project as a whole; likewise, the ESMT will systematically carry out consultations on each work once the executive projects for each work are implemented. Consultation instances will be incorporated at the stage of executive design in order to have the possibility to influence the design and include the environmental and social considerations that are put forward by different stakeholders.</p>	

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
<p>• Complaints Mechanisms for affected Communities</p> <p>A complaints mechanism to acknowledge concerns and complaints of affected communities regarding the Client’s environmental and social performance, and to facilitate complaints resolution. This mechanism should get adapted to the Project’s adverse risks and impact and Affected Communities should be the Mechanism’s most important users. Complaints and grievances should be addressed at the earliest possible time, by abiding by a consultation process which is culturally appropriate and easily accessible, at no cost and without retaliation.</p>	<p>Attention of petitions, complaints and claims:</p> <p>In order to adequately and efficiently deal with requests, complaints or grievances that may arise within the framework of social stakeholders at any stage of the project cycle, the project proponent should design a mechanism to acknowledge and efficiently and quickly respond to them. The entire population should be informed about this mechanism, how to file a petition, complaint, or grievance, and the time and manner in which a response will be received by the complainant. This mechanism should be agreed upon with the local population, and transparency</p>	<p><u>Province of Buenos Aires, Law 11.723</u>: Article 18°: Prior to issuance of the ENVIRONMENTAL IMPACT STATEMENT, the corresponding environmental authority shall receive and respond within a period not exceeding thirty (30) days any substantiated observations that have been issued by natural or legal, public or private persons interested in giving an opinion on the project’s environmental impact. Likewise, when the provincial or municipal environmental authority deems it appropriate, a public hearing will be called accordingly.</p>	<p>The country’s legislation does not provide for a complaint mechanism with an early implementation design. While there is a possibility for consultation and complaints, there is no formal complaint Resolution procedure for affected communities.</p> <p>Measures:</p> <p>The Project will design a formal complaints and grievances procedure that will allow a rapid response to complaints, providing resolution options through virtual media made available to the public and regulated in the Operational Manual. As a part to regular reports, the UCEPO will send to CAF and the GCF information on the complaints and grievances acknowledged.</p>	<p>The project’s own complaints and grievances is fed by other existing mechanisms available to the public and those complaints and grievances be solved from the project. Priority should be attached to the complaints received and to the response they require, even if it entails the need to adapt an already established procedure.</p>

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
	<p>and privacy should be warranted if required.</p> <p>The results of cases addressed should be regularly disseminated, and this information will also be used as a feedback mechanism to improve project practices.</p> <p>Conflict resolution:</p> <p>A conflict resolution mechanism should be defined to address any conflict likely to arise over any project stage.</p> <p>Mechanisms already in place in the area or country where the project is being executed could be resorted to, insofar those mechanisms ensure impartiality and efficiency in conflict resolution.</p> <p>Stakeholders should be informed about the existence of this mechanism and how</p>		<p>Information on the complaints mechanism and Resolution times should be made explicit on the UCEPO website.</p> <p>In turn, a specific complaints and grievances mechanism will be set forth in each PGAS.</p>	

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
	<p>to access it should they require it. The use of these mechanisms should not involve any cost to the person who decides to use them. In order to access this mechanism, sufficient proof should be available that the person submitted his / her request, complaint or grievance to the Project Proponent through the mechanism designed for that purpose, and have received no response or this was not satisfactory according to his / her arguments.</p> <p>The grievance mechanism is also required to be implemented in the case of Safeguard S05 - Ethnic Groups and Diversity Culture; S07 - Population Resettlement; S08 –</p>			

PERFORMANCE STANDARD 1: Assessment and Management of Environmental and Social Risks and Impacts - IFC	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	CAF SAFEGUARDS SAFEGUARD S01 – Assessment and Management of Environmental and Social Risks and Impacts	Measures to bridge the gaps, or provide consistency	Assumptions
	Working Conditions Capacity-building.			

2 Performance standard requirements 3: Resource efficiency and pollution prevention

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
<p>Pollution Prevention</p> <p>Standard objectives are:</p> <ul style="list-style-type: none"> • To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities • To promote more sustainable use of resources, including energy and water • To reduce project-related GHG emissions. <p>The client will avoid the release of pollutants or, when avoidance is not feasible, minimize and/or control the intensity and mass flow of their release. This applies to the release of pollutants to air,</p>	<p>The objective of this Safeguard is:</p> <ul style="list-style-type: none"> • Avoid and minimize negative impacts on people's health, biodiversity and ecosystems caused by public and private operations funded by CAF. <p>Throughout the project cycle, the client shall apply pollution prevention and control measures, in accordance with the maximum permissible limits pursuant to national legislation. Measures will be technically and financially viable and cost-effective.</p> <p>The client shall design and apply the pollution prevention and</p>	<p>Constitution of the Province of Buenos Aires, Article 28: (...) Any natural or legal person the action or omission of which may degrade the environment is obliged to take all precautions to avoid it.</p> <p>WA (authority of the Water) has resolution number 333/17 under revision, it reconsider the hydrological aptitude for works.</p> <p>Gaseous and liquid effluents, Law No. 5,965 of 1958 and its Regulatory Decree and complementary and modification standards.</p> <p>This Law sets forth a framework for protection of water supply sources, and watercourses and</p>	<p>Local regulations are consistent with both, GCF and CAF standards.</p> <p>In PS03 and S04, responsibility for the project is also envisaged and it is expected that to calculate the impact, possible solutions and / or compensatory measures shall also be the project's own responsibility.</p> <p>Measures:</p> <p>These measures will be in the ESMP and further explicit in the bidding documents which will specify that the companies will have to comply with the</p>	<p>The inclusion of this standard in work Specifications will be key to warranting due attention is given to it. Because of the link between UCEPO's environmental technical teams and procurement teams, this standard is expected to be included</p>

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
<p>water, and land due to routine, non-routine, and accidental circumstances with the potential for local, regional, and transboundary impacts. Where historical pollution such as land or ground water contamination exists, the client will seek to determine whether it is responsible for mitigation measures. If it is determined that the client is legally responsible, then these liabilities will be resolved in accordance with national law, or where this is silent, with Good International Practices recommended for the industry in question.</p> <p>Principles and efficiency techniques in the use of resources and pollution prevention being applied will be adapted to hazards and risks associated with the</p>	<p>control measures in the following order of priority:</p> <ol style="list-style-type: none"> 1. Avoidance of negative environmental impacts. 2. Minimizing negative impacts through actions that reduce the intensity, duration or reach of direct, indirect or cumulative impacts that cannot be completely avoided. 3. Rehabilitating or restoring degraded habitats, or habitats altered by negative impacts that cannot be completely avoided or minimized. 4. Compensating for significant and adverse residual impacts on biodiversity, which cannot be avoided, minimized or rehabilitated / restored. Biodiversity compensation should achieve a zero Net 	<p>bodies receiving water, and the atmosphere. Regulatory Decree No. 2009/60 regulates effluents discharge, either to the sewage network, to the rainwater network, to water courses or to water sources, stipulating composition and authorization conditions. Decree No. 3.395 / 93 establishes the obligation to obtain a gaseous effluents discharge to the atmosphere Permit, as well as air quality and emission standards.</p> <p>Resolution No. 389/98 and its amendments in Annexes I and II establish quality standards for wastewater discharges and / or industrial effluents to the different receiving bodies in the Province of Buenos Aires. Further, they determine the "branches of activities" that shall not be allowed to dispose of their residual liquid and / or industrial effluents in absorbent</p>	<p>environmental legislation in force. These specifications should establish the pollution prevention and management requirements to be complied by contractors and their subcontractors in line with GCF and CAF standards.</p> <p>As part of the prevention tasks, actions will be taken in advance to avoid possible risks. The design and implementation of these actions should address all aspects being possibly polluting.</p>	

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<p>project's nature and shall be in line with good international standards recommended for industry, as shown in a number of internationally recognized sources, including the World Bank's Environment, Health and Safety Guidelines (MASS)</p>	<p>Loss and, preferably, a Net Biodiversity Gain.</p> <p>The client shall also identify whether there is a historical contamination in the area, including environmental liabilities. If the client has a legal responsibility to repair the historical pollution or remedy the environmental liabilities, this will be dealt with in accordance with relevant national legislation.</p> <p>If residual impacts are detected, the client must remedy them or compensate for them before project closure.</p>	<p>wells. The Resolution and its amendments include in the list of substances Organochlorines and Organophosphate Pesticides as specified in Provincial Law N° 11.720.</p> <p>Resolution No. 660/11 creates the Single Users of Water Resources Database Bank – BUDURH, for its acronym in Spanish - for mandatory registration of natural or legal persons of public or private law users of water resources in the provincial territory. Harnessing of water resources involves consumptive as well as non-consumptive uses.</p> <p>Resolution No. 257/14 implements charging the lease fee to users for use of public water in the territory of the Province of Buenos Aires.</p> <p>Resolution No. 734/14 implements the pre-feasibility</p>		

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
		<p>discharge emissions certificates and approves the documentation to order issuance of exploitation and discharge permits.</p> <p>Special Residues, Law No. 11,720 of 1995 and its Regulatory Decree and amendments</p> <p>This Law regulates the generation, handling, storage, transportation, treatment and final disposal of special waste in the territory of the Province of Buenos Aires. The Law establishes the obligation for those generating special waste, according to the regulation annexes, to carry out the transport and treatment of these wastes with authorised carriers and operators.</p> <p>Resolution No. 418/99 stipulates Certificated for Treatment,</p>		

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
		<p>Operation and Final Disposal of Special and Pathogenic Wastes</p> <p>Resolution No. 591/98 regulates Transport of Special and Pathogenic Wastes Declarations.</p> <p>Noise, Resolution N ° 159/96. This Resolution classifies annoying noises and regulates their volume, through the adoption of IRAM Standard 4062: 2001.</p> <p>Urban Solid Waste, Law No. 14,273 of 2011.</p> <p>This Law defines as "large generators" supermarkets and hypermarkets, malls and shopping centres, 4- and 5.star hotels; businesses, industries, services companies, private universities and all other private commercial activity and inherent to authorized activities located in the AMBA and generating more</p>		

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
		<p>than one thousand (1,000) kilogrammes of waste per month. These large generators will be included in the CEAMSE's private generator programme, and will be accountable for transportation costs and final disposal of the waste they produce.</p> <p>Municipalities will set forth particular conditions for large generators to which this Law is applicable, who will be able to hire transport services from household waste collection service providers which will invoice this service in a differentiated way and pursuant to relevant legislation in force.</p> <p>Hygiene and Safety, Law No. 14,408 of 2012 and its Regulatory Decree</p> <p>Through this Law, the Province of Buenos Aires has established the mandatory implementation</p>		

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		<p>of the Joint Occupational Health and Safety Committee for all companies with more than fifty (50) workers. In the case of companies with ten (10) to forty-nine (49) workers, they should have a Hygiene and Security delegate.</p> <p>Law No. 5.965 for protection of water supply sources, water courses and water reception bodies, and the atmosphere, and its Regulatory Decree and complementary standards and amendments. This Law sets forth the framework for protection of water supply sources, courses and bodies receiving water, and the atmosphere. Regulatory Decree No. 2009/60 regulates the discharge of effluents, either to the sewage network, to the rainwater network, to water courses, or to water sources,</p>		

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
		<p>setting forth composition and authorization conditions.</p> <p>Decree No. 3.395 / 93 establishes the obligation to obtain a Permit for Discharge of gaseous effluents to the atmosphere, as well as air quality and emission standards.</p> <p>Law No. 12,257. Water Code, its Regulatory Decree and amendments, establish the regulation for protection, conservation and management of the water resource in the Province of Buenos Aires.</p> <p>Resolution 336/03, establishes in relation to Resolution 389/98: 1- changes in the parameters of quality of the discharges of admissible limit tributaries; 2- Update of the list of products containing the liquid and / or industrial waste to absorbent wells, and 3- Update of the list of Pesticides Organochlorates and</p>		

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
		<p>Organophosphates listed in Provincial Law No. 11,720 of Special Residues.</p> <p>Resolution N ° 159/96. Noise This Resolution classifies annoying noises and regulates their measurement, through the adoption of IRAM Standard 4062: 2001.</p>		
<ul style="list-style-type: none"> • Waste <p>The client will avoid the generation of hazardous and non-hazardous waste materials. Where waste generation cannot be avoided, the client will reduce the generation of waste, and recover and reuse waste in a manner that is safe for human health and the environment. Where waste cannot be recovered or reused, the client will treat, destroy, or dispose of it in an environmentally sound manner that includes</p>	<p>The client will implement measures to minimize generation of non-hazardous waste. Waste generated will be safely recovered, reused and recycled. Final waste, which cannot be harnessed, will be treated, destroyed or disposed of in a safe and environmentally harmless manner, including adequate control of emissions, effluents and waste resulting from the handling and processing of waste material. Handling and final disposal of waste will comply with regulations in force in the country. In no way</p>	<p>Law 13592 and its Regulatory Decrees. Comprehensive urban solid waste management</p> <p>Law 14321. Establishes the set of guidelines, obligations and responsibilities for the sustainable management of electrical and electronic equipment wastes (EEEW) in the Province.</p> <p>Regulation 01/07. Create the Comprehensive Urban Solid</p>	<p>As required by Law, both standards include the treatment and reuse of wastes.</p> <p>Measures:</p> <p>Taking into account that no gap is apparent in this item, a close monitoring by the ESMT on this subject is envisaged, so that the public and private commitments are complied in accordance with the norm. The requirements</p>	<p>A suitable articulation with municipal areas responsible for waste-related issues is expected. In turn, an assumption is being made that against an eventuality, this area can provide backup, and this support can also be provided retroactively vis-à-vis those actions that</p>

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
the appropriate control of emissions and residues resulting from the handling and processing of the waste material.	will waste be disposed of in the environmental setting that could adversely affect people and biodiversity.	<p>Waste Management Programme Guidelines Form.</p> <p>Law 11720. Special Waste. And related regulatory decrees</p> <p>Resolution No. 418/99 establishes the Certificates for Treatment, Operation and Final Disposal of Special and Pathogenic Waste.</p> <p>Resolution No. 591/98 regulates the Transport Manifesto for Special and Pathogenic Waste</p> <p>LAW 11347. Treatment, handling, transport and final disposal of Pathogenic Wastes. and regulatory decrees.</p>	<p>related to environmental and social management of hazardous wastes and refuse / or non-hazardous waste / refuse should be defined in the specification of the tender documents or, failing this, in a sectorial manual which shall be mandatory for contractors and their subcontractors.</p> <p>Waste management will be a part to the PGAS.</p>	are the programme's own responsibility.
<ul style="list-style-type: none"> Management of hazardous waste materials <p>The client will avoid or, when avoidance is not possible, minimize and control the release of hazardous</p>	The client will avoid generating hazardous waste as far as possible. However, where this type of waste is required to be handled and disposed of, the client shall comply with current requirements for management of	<p>For Provincial enforcement:</p> <p>Industrial solid waste Law 11,459, pathogenic waste</p>	Local regulations are consistent with both the GCF and CAF standards: (i) the regulation calls for appropriate environmental and social management measures related to the	The selection of responsible companies is made including appropriate environmental criteria, and the

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
<p>materials. In this context, the production, transportation, handling, storage, and use of hazardous materials for project activities should be assessed. The client will avoid the manufacture, trade, and use of chemicals and hazardous materials subject to international bans or phase-outs due to their high toxicity to living entities, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer.</p>	<p>hazardous waste (including storage, transport and disposal) and the protection of personnel, as set forth in national regulations and enforceable international conventions, including those relating to transboundary movements of waste.</p> <p>When required, the client will hire contractors who demonstrate compliance with high performance standards in the field and legitimate enterprises authorized to handle these materials. The client will also ensure that the hazardous waste treatment and disposal sites are properly authorized and operate in line with appropriate standards.</p>	<p>11,347, special waste 11,720.</p>	<p>management of hazardous materials to be implemented; (li) the regulation covers the precautionary requirement; to minimize waste handling and production, storage and transfer.</p> <p>Measures:</p> <p>The responsibilities of the public and private sectors should be made explicit in the work specifications</p>	<p>highest quality standards.</p>
<ul style="list-style-type: none"> • Insurance coverage (IC) • IC - Not envisaged in PS06 	<p><i>IC –Not envisaged in SV04</i></p>	<p>Environmental Insurance, Resolution N ° 165/10</p> <p>This Resolution stipulates that industrial activities shall accredit the contracting of insurance coverage that is sufficient to</p>	<p>NO MATCHES.</p> <p>The Law of application to this case calls for contracting of insurance coverage that neither the</p>	<p>The most demanding standard is used: in this case it is the national standard. The requirement will</p>

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
		warrant funding of the reparation of environmental damage that those activities could generate. Further, natural or legal persons responsible for the generation, treatment, storage and final disposal of special waste are also obliged by Law accordingly.	<p>PS06 nor the SV04 considers.</p> <p>Measures: The project will analyse this legal requirement in order to cover the gap identified.</p> <p>Where appropriate, the above insurance should be included in the budget</p>	be assessed and applied as required.
<p>Emergency Preparedness and Response</p> <p><i>CP – No specific emergency plan is envisaged within this Standard. However, it would indeed be addressed by Performance Standard 01.</i></p> <p>The principles and techniques applied over the project life</p>	<p>The client should design and implement an emergency plan to respond quickly and effectively to accidents and emergencies that may cause environmental pollution.</p> <p>The emergency plan should establish the organizational structure, the set of human, material and budgetary resources available, and the procedures to be applied to deal with accidents and emergencies in an orderly</p>	Law No. 6021. Public Works Law, Province of Buenos Aires, stipulates inspection of Works and the minimum contents of tender documents among which the Particular Technical Specifications are found.	<p><i>Coincidence between the PS03 and the SV06 vis-a-vis the enforceable Law is partial.</i></p> <p>While the PSs consider the need to setting up an emergency recovery plan, those PSs are not included in PS03. PS01 details documents produced by the project, which includes the emergencies response, as it is requested that the</p>	In order to consolidate the emergency plan as required in PS01, the ESMT is expected to work in coordination with national and provincial integrated emergency system.

PERFORMANCE STANDARD REQUIREMENTS 03 Resource Efficiency and Pollution Prevention	CAF SAFEGUARDS SAFEGUARD S04 – Pollution Prevention and Management	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
<p>cycle will be suitable to the hazards and risks associated with the project's own nature and will conform to international best practices recommended for industry, as reflected in a number of internationally recognized sources, including the World Bank Group Guidelines on Environment, Health and Safety (MASS).</p>	<p>manner, mitigating their impacts on the environment and people. This plan should address the protection of people, containment and control of pollutants, and minimize negative consequences on people and the environment.</p>		<p>ESMS set up an emergency preparedness and response system. Since Performance Standards are not exclusive but, rather they cover all aspects, this item is deemed complete.</p> <p>Measures:</p> <p>An Emergency and Contingency Programme can be included in the PGAS.</p>	

3 Performance standard requirements 05: land acquisition and involuntary resettlement

PERFORMANCE STANDARD REQUIREMENTS 05 Land Acquisition and Involuntary Resettlement – IFC	CAF SAFEGUARDS SAFEGUARD S07 Population Resettlement	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
<p>Standard Objectives are as follows:</p> <ul style="list-style-type: none"> • To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs. • To avoid forced eviction. • To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost, and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of 	<p>Safeguard Objectives:</p> <ul style="list-style-type: none"> • Resettle the displaced population in order to improve or, at least, restore in a sustainable way, the socio-economic conditions and living standards of the displaced population, regardless of their tenure status. • Provide sustainable and inclusive resettlement alternatives that respond to the differential characteristics of the people to be displaced. • Prevent, mitigate and compensate for the negative impacts likely to be faced by people who will continue to live in the place where the population and the 	<p>Regulations are not enacted in the Argentine Republic specifically regulating an assistance and advisory service for the relocation, resettlement, reacquisition of buildings, and restoration of the means of subsistence to people who -as an outcome of the execution of infrastructure projects - should be transferred from their current place of residence or place of economic activity.</p> <p>The province has regulations related to expropriation and bondage</p> <p>However, a generic regulatory framework is in place, made up of both,</p>	<p>Some of the requirements of these standards are not addressed in the legal framework.</p> <p>Measures:</p> <p>Taking into account the negative impacts of involuntary displacement, it should be avoided or minimized. The project activities and work plan should be adapted to comply with preventive measures.</p> <p>The Resettlement Framework for this operation indicate how the Resettlement Plan and the Plan to re-establish Socioeconomic Conditions (Compensation) should be developed. This plan</p>	<p>No resettlements are being envisioned by the project. If any, they will be rather focalised. Experience in this issue is already in place in the province and, in particular in the UCEPO, and resettlement processes are expected not to generating any conflicts.</p>

PERFORMANCE STANDARD REQUIREMENTS 05 Land Acquisition and Involuntary Resettlement – IFC	CAF SAFEGUARDS SAFEGUARD S07 Population Resettlement	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
<p>information, consultation, and the informed participation of those affected.</p> <ul style="list-style-type: none"> To improve, or restore, the livelihoods and standards of living of displaced persons To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites. <p>In order to do so, different viable alternatives to the project will be considered so as to avoid or minimize physical or economic displacement, bearing in mind environmental, social and financial costs and benefits, with particular attention to impacts on poor and vulnerable groups.</p>	<p>receiving populations may be displaced to.</p> <ul style="list-style-type: none"> Integrating the resettled population with the recipient population. <p>The client will: (i) look into different project design alternatives to avoid or reduce mandatory population displacement, provided the latter is technically and economically feasible; and (ii) describe the alternatives perused through for decision making, to avoid or reduce the mandatory displacement and its outcomes.</p>	<p>national and international standards establishing the obligations taken over by the State to ensure all people the Rights conducive to human development, a healthy environment, economic progress with social justice, and access to decent housing.</p> <p>These Rights are envisaged in the National Constitution – which, in its 1944 Amendment, has even incorporated a series of international covenants and treaties in the field of Human Rights, and acknowledging them constitutional hierarchy - and in lower range standards, such as the Expropriation Law, or the national environmental policy Law.</p>	<p>describes the entire process for expropriation, indemnification and compensation.</p>	

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<p>• Compensation and benefits for displaced persons</p> <p>When displacement cannot be avoided, the client will offer displaced communities and people compensation for loss of assets at full replacement cost and other assistance to help them improve or restore their standards of living or livelihoods, as provided in this Performance Standard.</p>	<p>This Safeguard anticipates the preparation and implementation of a Plan for Restoration of Socioeconomic Conditions.</p> <p>This plan could be given the name assigned by the entity responsible for the Project. It is made up of a series of measures to prevent, mitigate or compensate for the loss of economic activity and income faced by people who carry out subsistence or income generation activities in the areas required or intervened by the Project, but who should not lose their housing place. This Plan should include a schedule and a budget for its execution.</p>	<p>This regulatory framework establishes:</p> <ol style="list-style-type: none"> 1. The expropriation procedure through which expropriating States or expropriating subjects may deprive and remove property to individuals, in the best interests of public avail and the common good, in a way that does not damage the above-mentioned constitutional guarantees; 2. No person may be deprived of his / her property but only because of public avail declared prior to the dispossession and fair compensation therefor. 3. The compensation shall comprise: (i) the objective value of the asset; (ii) damages that are a direct 	<p>The RPF sets forth the different alternatives for compensation and assistance, including for cases of damage to tenants and other both formal and informal occupants.</p> <p>The document mentioned includes details and procedures to be implemented should it prove necessary.</p> <p>Measures:</p> <p>The RPF shall have all relevant reviews and approvals to ensure that all compensation cases likely to be submitted through the specific plans are covered.</p>	<p>No real estate speculation around potential intervention areas is being foreseen.</p>

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		<p>and immediate consequence of the expropriation; And (iii) interest.</p> <p>4. Compensation does not therefore cover: (i) personal circumstances; (ii) affective values; (iii) hypothetical gains; (iv) higher value that the work to be executed can confer to the good; (v) loss of profits.</p> <p>5. Any initiative for expropriation shall have a comprehensive, planned Survey, with appraisals, determination of the approximate indemnity values, and with provision for resources arbitrated for the relevant expense (Law No. 5,708).</p>		
<ul style="list-style-type: none"> • Community Engagement 	<p>Regarding consultation and relationship:</p>	<p>Previous consultation is not envisaged in the specific Law 21.449 regime.</p>	<p>Local regulations are partially consistent with the wording of both, GCF and CAF standards.</p>	<p>The Resettlement Framework is used in each of the instances where it is necessary for a resettlement</p>

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<p>The client will engage with Affected Communities, including host communities, through the process of stakeholder engagement described in Performance Standard 1.</p> <p>Decision-making processes related to resettlement and livelihood restoration should include options and alternatives, where applicable.</p> <p>Disclosure of relevant information and participation of Affected Communities and persons will continue during the planning, implementation, monitoring, and evaluation of compensation payments, livelihood restoration activities, and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.</p>	<ul style="list-style-type: none"> • Conduct a consultation process exclusively with those affected by resettlement processes. • Provide clear, truthful and timely information to the people involved (residents, displaced, recipients) about the resettlement process and their options, rights and obligations. • Creating bilateral communication channels throughout all resettlement stages so that people involved can provide and receive information, submit their requests and queries and receive answers to them. • Consult displaced people about the identification and evaluation of displacement 	<p>(National Expropriations Law).</p> <p>The right to participation and access to environmental information could also be indirectly inferred from other regulations (Law 25.675, Decree 1172/03 on Access to Information). In a narrower sense, Law 25,831 also applies for environmental issues.</p> <p>This Law may be implemented as a means for participation of those affected by expropriations; in those cases in which a hearing or public consultation should be conducted within the framework of the ESIA procedure Law 11.723 or sectoral regulatory frameworks if a Social Management Plan or a similar assessment within</p>	<p>Information socialization is a key activity within the RPF scheme, where the document is shared with governmental entities, civil society organizations and the general public that could potentially be affected by the Programme.</p> <p>Measures:</p> <p>The socialization of information with the communities will be performed through mechanisms provided for both, in the ESMF and in this document.</p> <p>The goal will be to improve the decision-making process and to create mutual co-operation, informing individuals, groups and organizations with a</p>	<p>plan to be designed. This includes actions to promote community involvement as required.</p>

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<p>Additional provisions apply to consultations with Indigenous Peoples, in accordance with Performance Standard 7.</p>	<p>impacts, resettlement options and the objectives, scope and content of the resettlement plan.</p> <ul style="list-style-type: none"> • Consult the population that will continue to reside in the place on their evaluation of impacts they will face for the displacement of their neighbours, and on the measures that will be applied to prevent, mitigate or compensate for these impacts. • Consult the receiving population on the evaluation of the impacts they will face on account of the resettlement of the displaced population, on the measures that will be applied to prevent, mitigate or compensate for these impacts, and for the integration of this receiving 	<p>the project framework in particular is foreseen.</p> <p>In Article 4 (Chapter II) of the Protocol for Action in Relocation Cases in the Province of Buenos Aires, guidelines for citizen participation are included, starting with the creation of a participatory management board, as foreseen in Article 36 in the Fair Access to Habitat Law setting forth the preparation of a Master Plan that will guide the resettlement process.</p> <p>The right to participation and access to environmental information could also be indirectly inferred from other regulations (Law 25.675, Decree 1172/03 on Access to Information). In a narrower sense, Law 25,831 also</p>	<p>particular concern, so that progress in the preparation of the new Programme and its components is widely known. Socialization will seek to improve the long-term viability of future projects and increase the latter's benefits for those affected.</p>	

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	<p>population with resettled populations.</p> <ul style="list-style-type: none"> • Design consultation mechanisms that are inclusive in terms of gender and age, and guarantee a wide involvement of the individuals and social units involved. • Document the consultation outcomes and the agreements reached with groups involved. 	<p>applies for environmental issues.</p> <p>This Law may be implemented as a means for participation of those affected by expropriations; in those cases in which a hearing or public consultation should be conducted within the framework of the ESIA procedure Law 11.723 or sectoral regulatory frameworks if a Social Management Plan or a similar assessment within the project framework in particular is foreseen.</p> <p>In Article 4 (Chapter II) of the Protocol for Action in Relocation Cases in the Province of Buenos Aires, guidelines for citizen participation are included, starting with the creation of a participatory management</p>		

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		<p>board, as foreseen in Article 36 in the Fair Access to Habitat Law setting forth the preparation of a Master Plan that will guide the resettlement process.</p>		
<p>• Grievance Mechanism</p> <p>The client will establish a grievance mechanism consistent with Performance Standard 1 as early as possible in the project development phase. This will allow the client to receive and address specific concerns about compensation and resettlement raised by displaced persons or members of host communities in a timely fashion, further lodging an appeal mechanism designed to resolve disputes in an impartial manner.</p>	<p><u>Safeguard S01 - Evaluation and Management of Environmental and Social Impacts stipulates that, in order to adequately and efficiently address petitions, complaints or grievances that may arise in social stakeholders at any stage of the project cycle, the Proponent should design a mechanism allowing for those petitions, complaints or grievances to be acknowledged, and responding to them in an efficient and expedite manner.</u></p> <p>The entire population should be informed about this mechanism, how to file a</p>	<p>The claim system in force in the Argentine Republic refers to claims submitted to the Administration (Executive Branch) and to the Courts of Justice (Judicial Branch). Also, to the Nation Ombudsman, designated by the Legislative Power. As far as claims on account of an administrative act are concerned, they can be channelled to the Administration's competent authority. In all cases, the National Administrative Procedures Law, approved by Law 19,549 and its regulations, is enforceable.</p> <p>Likewise, an individual may appeal directly before a</p>	<p>Achievement of a wide community knowledge and participation in the different stages of the Project shall be fostered within the framework of the Project, the goal of which should be to ensure consensus among the different stakeholders.</p> <p>The requirement for the design of a complaint mechanism which is articulated from within the project is envisaged, regardless of whether it feeds on information from different State areas.</p> <p>Measures:</p>	<p>It is expected that complaints and grievances mechanisms will be properly activated and resolve all complaints and grievances in a propositional manner. For this goal to be reached, an assumption is made that all relevant conciliation instances will be addressed.</p>

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	<p>petition, complaint or grievance and the time and manner in which people will receive an answer The mechanism should be agreed upon with the local population and transparency and privacy should be warranted if required. The results of the cases addressed should be regularly disseminated and this information will also be used as a feedback mechanism to improve project practices.</p>	<p>Court, in this case applying the general system in force in the country, pursuant to provisions in the National Constitution. In this regard, any conflict between opposite parties shall be resolved by an impartial judge, on the basis of the rules of competition. At the same time, claims may be submitted to the Ombudsman office, which has the obligation to process and resolve them. To do so, the Ombudsman may make requests for information being deemed as relevant and then issue a recommendation. As a consequence of the adoption of a decentralized enforcement system, the complaint mechanism will be in line with that in force in each jurisdiction, pursuant to local regulations.</p>	<p>In all project instances an active system will be in place that allows for reception of complaints, and proposing actions for due attention of those complaints, and further return of information on the decisions made and actions undertaken.</p> <p>The PBA will be responsible for making available, during all stages of the activities implementation, the possibility of filing complaints and grievances. To do so, the programme should reserve resources as required to perform this task without hindrances, and should be including the ESMT duties in ToRs so as to establishing who is responsible for the dissemination of the mechanism, as well as for the collection of information, the response, and proper follow-up.</p>	

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			<p>The project will manage an information and disclosure mechanism and a complaint handling mechanism as set forth in its PGAS should be attached to each and every works.</p>	
<p>• Resettlement and Livelihood Restoration Planning and Implementation</p> <p>Where involuntary resettlement is unavoidable, either as a result of a negotiated settlement or expropriation, a census will be carried out to collect appropriate socio-economic baseline data to identify the persons who will be displaced by the project, determine who will be eligible for compensation and assistance, and discourage ineligible</p>	<p>About Planning:</p> <ul style="list-style-type: none"> • To design in a participatory way the resettlement plan, which should include measures to prevent, mitigate and compensate for the negative socioeconomic impacts that the displaced population, that remaining in the place, and the recipient population will have to endure. Each measure should define objectives, goals, activities, people responsible, schedule and budget. 	<p>Any expropriation initiative should have a comprehensive, planned analysis, with appraisals, determination of the approximate compensation values, and with provision for the resources being arbitrated for the relevant expense (Law No. 5,708).</p> <p>Regarding censuses, socioeconomic surveys and cut-off date, they are tackled with on the basis of the administrative practice, according to the type and nature of the project. The cut-off date for censuses is</p>	<p>Local regulations are consistent with both, the GCF and CAF standard.</p> <p>The RPF intends to undertake a detailed census of social units (people, families and economic units) living on the area affected by involuntary resettlement. The objective is to have access to information that allows becoming aware of the demographic, social, economic and cultural characteristics of owners and residents in the land area that the project demands, and who are</p>	<p>Survey mechanisms are used with technicians who have a first-hand knowledge of, and are acquainted with the social reality of the place, so as to collect the best and most reliable information.</p>

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<p>persons, such as opportunistic settlers, from claiming benefits.</p>	<ul style="list-style-type: none"> • To include measures to give particular attention to groups most vulnerable to displacement due to their condition, such as heads of single-parent households, heads of productive units the livelihood of which is derived from activities those people carry out on their plots of land which have been singled out for the project, and any other groups so requiring. • To define in a participatory way the date people who will be moving to their new place, in accordance with their economic, social, educational and cultural level, so that a successful resettlement is achieved. • To articulate the Resettlement Plan timetable with the schedule of the 	<p>dependent upon each particular project. They can be part to the EIAS to the extent that the ToRs so require.</p> <p>They may also result from administrative management measures by specialized social policy offices in articulation with expropriating bodies, at their request. Expropriations are not governed by a single standard.</p> <p>Expropriation procedure, whether by judgment or compromise, necessarily involves the interrelation of the physical, fiscal, legal and economic aspects informing the territorial cadastral systems in each province, arranged according to Law 26.209; local property registries (Law 17801); TTTN technical appraisal</p>	<p>affected by the involuntary resettlement.</p> <p>Measures:</p> <p>This census shall involve all persons residing or having rights over the affected property, whatever their legal status. Full coverage will be a prerequisite for proper assessment and should also include information about the receiving population once the exact location of the resettlement is determined.</p>	

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	<p>project causing the displacement, so that housing solutions and all necessary conditions for the reestablishment of people’s living conditions are in place at the place of resettlement, and to ensure that measures to prevent, mitigate and compensate for the impacts that will be faced by recipient populations who will continue to live in the area will be implemented in a timely manner.</p> <ul style="list-style-type: none"> • Include the resettlement plan budget within overall project costs, and ensure the timely availability of these resources. 	<p>processes; and the work design according to the client or the project promoter.</p>		
<ul style="list-style-type: none"> • Physical Displacement <p>Displaced persons may be classified as persons (i) who have formal legal rights to the land or assets they</p>	<p>In order to arrange and document actions to comply with requirements above, the proponent should prepare a document including: (i) Resettlement Plan when physical displacement</p>	<p>The rights of any person subject to expropriation are protected by the National Constitution (NC), Article 17 and Law 21.449. The jurisprudential and doctrinal interpretation is broad with</p>	<p>Local legislation is partially consistent with both, GCF and CAF standards, since provincial legislation does not contemplate informality situations.</p>	<p>A proper articulation with the territorial social services is expected.</p> <p>What is regulated by the RPF, together with the</p>

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<p>occupy or use; (ii) who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or (iii) who have no recognizable legal right or claim to the land or assets they occupy or use.</p> <p>In the case of physical displacement, the client will develop a Resettlement Action Plan that covers, at a minimum, the applicable requirements of this Performance Standard regardless of the number of people affected. This will include compensation at full replacement cost for land and other assets lost.</p>	<p>occurs, (ii) Reestablishment of Socioeconomic Conditions Plan when only economic displacement occurs; and (iii) In Situ Relocation Plan for people the properties of which are partially affected, and people can relocate their dwelling or activities in their remaining property area.</p> <p>The content and scope of this documents are described below. This document should contain two sections and chapters as follows:</p> <ul style="list-style-type: none"> • Part I. Census, socio-economic survey and impact assessment • Part II. Resettlement Plan <p>Once the operation is approved, the borrower will</p>	<p>respect to the concept of property.</p> <p>The National Expropriations Law 21.499 stipulates that public usefulness should serve as the legal basis for expropriation and thus, it includes all cases in which the satisfaction of the common good, be it of a material or a spiritual nature, is sought.</p> <p>Therefore, for the physical displacement to occur, the declaration of public usefulness is an essential requirement of the Law and the National Constitution.</p> <p>Negotiation with owners and affected persons is provided for in Law 21,449 as a settlement.</p>	<p>Measures:</p> <p>The ESMT will provide backup in all instances related to resettlement and economic compensation.</p> <p>The project should also seek coordination efforts with territorial social services involved in activities as established for each project, implementing follow-up mechanisms with these services, formalizing commitments if required, and reflecting them in the Operations Manual.</p> <p>The RPF establishes different compensation alternatives available, incorporating economic activity and livelihood cases (including lost profits) that should be implemented for both an owner and a lessee or informal holder.</p>	<p>implementation of information dissemination mechanisms, and complaint mechanisms, will serve as a support to facilitate displacement in the event of such an occurrence.</p>

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	<p>undertake actions to comply with the agreements entered into in relevant credit contract and will execute the Resettlement Plan and / or the Plan for Restoration of Socioeconomic Conditions. Further, a participatory monitoring of the Plan implementation should be undertaken to determine the progress made and the need for corrective action to be undertaken, if necessary.</p> <p>At project conclusion, the Executor should evaluate in a participatory manner the Ethnic Group Plan so as to determine if the proposed objectives were reached. The final evaluation report should be accessible to communities involved and stakeholders.</p>	<p>According to the Court of Valuations instructions, the replacement value criterion is considered as an approximation to market values.</p>	<p>The PBA will be directly responsible for the expropriations and compensation procedures for which the Resettlement Framework should be used.</p>	
<p>• Economic displacement Economically displaced persons who face loss of</p>		<p>The loss of profits does not include the compensable value. In some cases, a</p>	<p>Measures: In the case of social interest, the same appraisal</p>	

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<p>assets or access to assets will be compensated for such loss at full replacement cost.</p> <p>In the case of projects involving economic displacement only,</p> <p>In the case of projects only involving economic displacement, a livelihood restoration plan will be developed to compensate the affected Persons or Communities and will provide other assistance in fulfilment of the objectives of this Performance Standard.</p>		<p>price by "key" or "business in progress" value may be recognised.</p> <p>Regarding the valuation of affected assets, Article 12 Law 5708, considers the following judgment elements: a) Price that was paid in the last domain transfer; b) Valuation assigned for payment of the direct tax (fiscal value); c) proceedings of the last appraisal practiced by the Cadastre Office; d) The offers made by the expropriating and the expropriated; e) Value of similar boundary properties in terms of the location, areas and prices paid over the last five years (market value); f) Securities registered in official Banks in the locality (market value); g) Securities registered in judicial and private auctions by public auctioneer, in the area of location of the</p>	<p>procedure will be applied, which will be exempted from fees related to the payment of advisory and valuation services provided by the entity concerned. Bearing in mind the particularities arising from the informal character of holdings and improvements therein, the ESMT will be looking into the State structure that will be responsible for ensuring free access to this benefit.</p> <p>Provincial regulations are focused on cases in which economic formality is present, and in line with Safeguards and the resettlement framework, an informal approach is warranted vis-à-vis informal cases.</p>	

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		property; h) The value of the property's productivity over the last five years.		

4 Performance standard 06: Requirements biodiversity conservation and sustainable management of living natural resources

PERFORMANCE STANDARD 06 REQUIREMENTS Biodiversity Conservation and Sustainable Management of Living Natural Resources – IFC	CAF SAFEGUARD S03 Conservation of Biological Diversity	Legal Framework of the Province of Buenos Aires and the Argentine Nation	Measures to bridge the gaps, or provide consistency	Assumptions
<p>Standard Objectives:</p> <ul style="list-style-type: none"> • To protect and conserve biodiversity. • To maintain benefits from ecosystem services. • To promote the sustainable management of living natural resources through the adoption of practices those integrate conservation needs and development priorities. <p>Based on the risks and impacts identification process, the requirements of this Performance Standard are applied to projects (i) located</p>	<p>Safeguard Objectives:</p> <ul style="list-style-type: none"> • Preserving native biodiversity and ecosystem integrity. • To prevent and, when this is not possible, to minimize, and compensate for the negative impacts generated by CAF-funded public and private operations. <p>This Safeguard applies to all credit operations with public and private clients that may generate negative impacts on native biodiversity. The applicability of the Safeguard is determined over all phases of the CAF's credit cycle, with an emphasis</p>	<p>Resolution No. 267/96. Promotes the implementation of a Biodiversity Inventory.</p> <p>Promotes the implementation of an Inventory of the Specific Biodiversity thriving in the Buenos Aires Province area, which contributes to supplying key information for the Resolution of socio-economic and political-environmental aspects of the Province.</p>	<p>Local regulations are consistent with both, GCF and CAF standards.</p> <p>The ESMT will work in a comprehensive oversight of this Safeguard, considering all issues therein.</p> <p>Measures:</p> <p>The ESMT should generate modalities that are reflected in the operational regulation, and they should include detailed information on the scope of its</p>	<p>National and provincial entities in charge of biodiversity conservation design project-related schemes for joint work with the PBA. This joint effort involves strengthening up processes and ensuring better results.</p>

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<p>in modified, natural, and critical habitats; (ii) that potentially impact on or are dependent on ecosystem services over which the client has direct management control or significant influence; or (iii) that include the production of living natural resources (e.g., agriculture, animal husbandry, fisheries, forestry).</p>	<p>over all projects environmental and social impact assessment procedures (Safeguard 1).</p> <p>This Safeguard applies to operations in (i) natural habitats, (ii) critical habitats, and (iii) modified habitats with a significant biodiversity value that may adversely affect ecosystem services and functions.</p>	<p>Promotes, on a reciprocal basis, the exchange of information, fostering entering into agreements with other provincial, national, municipal and International and non-governmental sectors, strengthening up institutional relations with an aim to contributing to a better quality of life in the population.</p> <p>PBA Law No. 11,723, Comprehensive Environment and Natural Resources Law: Article 1: This Law, pursuant to Article 28 of the Constitution of the Province of Buenos Aires, aims at the protection, conservation,</p>	<p>applicability. Whenever it would be appropriate</p>	

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		<p>enhancement and restoration of natural resources and the environment in general in the Province of Buenos Aires, to preserve life in its broadest sense; warranting present and future generations the conservation of environmental quality and biological diversity.</p>		
<ul style="list-style-type: none"> General Requirements <p>The risks and impacts identification process as set out in Performance Standard 1 should consider direct and indirect project-related impacts on biodiversity and ecosystem services and identify any significant residual impacts. This process will consider</p>	<p>Along the social and environmental impacts assessment process, (Safeguard S01), the client will identify and evaluate the risks, threats and impacts that the project may have on biodiversity. Possible direct, indirect, synergistic and cumulative negative impacts will be identified. Critical factors to bear in mind are habitat fragmentation and degradation, loss of habitats, change of land use, alteration</p>	<p><u>Province of Buenos Aires, Law 11.723: ARTICLE 10°:</u> All projects involving works or activities producing, or likely having a negative impact on the PBA environment and / or its natural resources, should ensure the availability of an ENVIRONMENTAL IMPACT STATEMENT,</p>	<p>Local regulations are consistent with both, GCF and CAF standards.</p> <p>This responsibility shall be attached to the UCEPO and its ESMT, in articulation with key stakeholders such as NPA, PASD and the municipalities.</p>	<p>Conformity with all the country norms.</p> <p>The requirements to identify which standards apply to the case should be assessed since there are requirements corresponding to</p>

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<p>relevant threats to biodiversity and ecosystem services, especially focusing on habitat loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, and pollution. It will also consider the differing values attached to biodiversity and ecosystem services.</p> <p>The risks and impacts identification process as set out in Performance Standard 1 should consider direct and indirect project-related impacts on biodiversity and ecosystem services and identify any significant residual impacts. This process will consider relevant threats to biodiversity and ecosystem services,</p>	<p>of natural processes, overexploitation of living natural resources, introduction of exotic species, incorporation of barriers limiting movement of animals, and Ecosystem connectivity, use of traditional knowledge on native biodiversity.</p> <p>The key priority is to avoid the project’s potential negative impacts; thus. Effective measures should be included to prevent direct, indirect, synergistic and cumulative negative impacts.</p>	<p>issued by a Provincial or Municipal Environmental Authority (PASD).</p> <p>Province of Buenos Aires, Law 11.723: ARTICLE 11 Any natural or legal, public or private, person who is the owner of a project, is obliged to submit an ENVIRONMENTAL IMPACT ASSESSMENT.</p>	<p>Measures:</p> <p>EIAS requirements will be set up within the PESMF, and these will be released once each executive project for each work has been defined, agreed upon, and approved. An external company will be hired to perform the EIAS.</p>	<p>works and not to programmes.</p>

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<p>especially focusing on habitat loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, and pollution. It will also take into account the differing values that Affected Communities and, as appropriate, other social stakeholders attach to biodiversity and ecosystem services.</p> <p>As a matter of priority, the client should seek to avoid impacts on biodiversity and ecosystem services. Given the complexity in predicting project impacts on biodiversity and ecosystem services over the long term, the client should adopt a practice of adaptive</p>				

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management in which the implementation of mitigation and management measures are responsive to changing conditions and the results of monitoring throughout the project's lifecycle.				
<ul style="list-style-type: none"> • Protection and Conservation of Biodiversity <p>Modified Habitats</p> <p>In modified habitats including a significant biodiversity value, the client should minimise impacts on such biodiversity and implement mitigation measures as appropriate.</p> <p>Natural Habitats</p> <ul style="list-style-type: none"> • The client will not significantly convert or 	<p>Projects having an impact on natural habitats:</p> <p>Projects should not modify, fragment or degrade natural habitats unless the client can demonstrate that the following three instances are met:</p> <ol style="list-style-type: none"> 1. There are no other viable technical and cost-effective alternatives for project development within modified habitats. 	<p>Law No. 22,351, The national parks, national monuments and nature reserves Law, and the regulation for EIA in the national parks administration (Ministerial Resolution 203-16) managing the complexity of interrelations between protected natural areas, stakeholders, and their environmental setting.</p>	<p>Local regulations are consistent with both, GCF and CAF standards.</p> <p>Articulation with NPA and PASD implies availing of all regulations that both entities mention in compliance with national Law, and the National Parks and PASD regulations.</p> <p>Measures:</p>	<p>Risk mitigation mechanisms are escalated for each phase of the project cycle in the drafting of the Operational Manual.</p> <p>An appropriate dialogue is established with the national and provincial counterparts concerned with protected areas, and technical and financial resources are provided</p>

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<p>degrade natural habitats, unless all of the following are demonstrated:</p> <ul style="list-style-type: none"> - No other viable alternatives within the region exist for development of the project on modified habitat; - Consultation has established the views of stakeholders, including Affected Communities, with respect to the extent of conversion and degradation; and - Any conversion or degradation is mitigated according to the mitigation hierarchy. <p>Critical Habitats / Legally Protected and</p>	<p>2. Effective measures to prevent direct, indirect, synergistic and cumulative negative impacts have been designed and, if required, impact mitigation measures. When a net biodiversity loss is detected, the project developer should implement the biodiversity compensation scheme.</p> <p>3. The views and concerns of affected communities have been identified and addressed in the design of measures to prevent and mitigate direct, indirect, synergistic and cumulative negative impacts. The consultation process will be framed pursuant to Safeguard 1 requirements vis-à-vis evaluation and management of environmental and social impacts.</p>	<p>This is the only national standard for specific application to the project.</p>	<p>The ESMT will work with the above mentioned entities to ensure that all guarantees as provided for in the Safeguards and national legislation are warranted. They will be determined in each sub-project once the EIAs are available.</p> <p>The ESMT should monitor how negative impacts are avoided, and the conditions under which negative impacts are accepted, and mitigation measures are established in the absence of alternatives, shall be determined.</p>	<p>to ensure compliance with those measures.</p>

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<p>Internationally Recognised Areas:</p> <p>In critical habitat areas, the client will not implement any project activities unless all of the following are demonstrated:</p> <ul style="list-style-type: none"> • No other viable alternatives within the region exist for development of the project on modified or natural habitats that are not critical; • The project does not lead to measurable adverse impacts on those biodiversity values for which the critical habitat was designated, and on the ecological processes supporting those biodiversity values; 	<p>4. The risk of invasive or potentially invasive alien species scape and dispersion has been eliminated.</p> <p>Projects having an impact on critical habitats / protected areas:</p> <p>No projects that convert or permanently degrade critical habitats shall be funded by CAF. Projects should not intervene critical habitats or directly or indirectly affect them, unless the client can demonstrate that conditions as follows are met:</p> <p>1. No other viable technical and cost-effective alternatives are in place for project development within modified habitats. The likelihood for degradation should be determined</p>			

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<ul style="list-style-type: none"> • The project does not lead to a net reduction in the global and/or national/regional population of any Critically Endangered or Endangered species over a reasonable period of time; and • A robust, appropriately designed, and long-term biodiversity monitoring and evaluation programme comprehensive into the client's management programme 	<p>over the environmental and social assessment phase</p> <p>2. Legal requirements pursuant to national regulations and relevant international agreements which are mandatory for the country to authorize the project execution in a critical habitat or an adjacent area are fulfilled.</p> <p>3. The project does not generate a reduction of populations of endemic species, or species classified as vulnerable, endangered or critically endangered on the (national or world) IUCN Red List. In case of possible affectation on this type of species, effective in situ or ex situ conservation measures should be ensured to avoid affecting these species.</p>			

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	<p>4. Biodiversity compensation measures are applied that generate a net gain for the critical habitat affected. These measures include the creation of biological corridors that reduce a potential fragmentation of habitats.</p> <p>5. The project includes a strong quantitative baseline of biodiversity in the area, and a robust long-term monitoring programme to assess the status of biodiversity in the area.</p> <p>6. The views and concerns of affected communities have been identified and addressed. The consultation process will be framed into the wording of Safeguard 1: Evaluation and management of environmental and social impacts.</p>			

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	<p>7. The risk of escape and dispersal of invasive or potentially invasive alien species is eliminated.</p> <p>Projects having an impact on modified habitats:</p> <p>This Safeguard applies only in the case of projects affecting modified habitats of significant value for biodiversity. In this case the client should demonstrate that:</p> <p>1. There are no other viable technical and cost-effective alternatives for project development in other modified habitats.</p> <p>2. Effective measures to prevent direct, indirect and cumulative</p>			

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	<p>impacts, and, if required, impact mitigation measures, have been designed.</p> <p>3. The project does not adversely affect endemic species or which are categorized as vulnerable, endangered or critically endangered on the (regional or global) IUCN Red List that take advantage of the modified habitat. In case of possible involvement in this type of species, effective conservation measures in situ or ex situ should be ensured to avoid affecting these species.</p> <p>4. The risk of escape and dispersal of invasive or potentially invasive alien species is eliminated.</p>			
<ul style="list-style-type: none"> Compensation Measures <p>For biodiversity protection and conservation, the mitigation</p>	<p>Biodiversity compensation should be used as a last resort in case a conclusion has been reached that the</p>	<p>Law No. 22,351, The national parks, national monuments and nature</p>	<p>Compensatory measures which are the responsibility of the project will always be</p>	<p>Compensation funds are expected to be established within the</p>

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<p>hierarchy includes equivalent biodiversity compensation measures, which should only be considered once adequate prevention, minimization and restoration measures have been implemented.</p> <p>An equivalent biodiversity compensation measure should be designed and implemented in order for quantifiable conservation outcomes to be achieved that can reasonably be expected to generate no net loss but, rather, a net increase in biodiversity; However, a net increase in critical habitats is required.</p> <p>The design of a biodiversity equivalent compensation</p>	<p>original natural condition existing before the work or intervention is deemed to be irreversible to recover.</p> <p>The biodiversity compensation goal will be to achieve a net gain or zero net loss of negative impacts on biodiversity in natural habitats and critical habitats. Determination of biodiversity compensation will be made pursuant to relevant national legislation. If a national standard is not in place, biodiversity compensation will be based on the standard being applied by the Business and Biodiversity Offsets Program (BBOP), the International Union for Conservation of Nature (IUCN) and Organization for Economic Co-operation and Development (OECD) guidelines.</p>	<p>reserves Law, and the regulation for EIA in the national parks administration (Ministerial Resolution 203-16) managing the complexity of interrelations between protected natural areas, stakeholders, and their environmental setting.</p> <p>This is the only national standard for specific application to the project.</p>	<p>dealt with in the most efficient possible way, also applying the best practices that are already in force in the PBA in similar projects. Preventive actions will help make the compensation to be minimal or unnecessary.</p> <p>Measures:</p> <p>The ESMT should rely on experts who will assess the compensation measures should they be necessary. The ESMT should also articulate with experts from other State areas that can explain how contributions are set up vis-à-vis the Environmental Fund. These contributions will not be assumed by either the GCF or CAF funding, and these</p>	<p>project's contingency mechanisms, and these compensation funds should be taken into account when calculating the budget, as appropriate.</p>

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<p>measure should abide by the "equivalent or better" principle and should be carried out in accordance with the best available information and current best practices. When a client evaluates formulating compensation as part of the mitigation strategy, external experts who are knowledgeable in design and implementation of offsets should be involved in the process.</p>			<p>contributions will be the responsibility of the provincial counterpart.</p>	
<ul style="list-style-type: none"> Monitoring and Evaluation The client will establish procedures to monitor the management program and measure its effectiveness, as well as its compliance with any legal or contractual obligation and related regulatory 	<p>In the management and disbursement phase (during the implementation of the project), the client will implement measures as agreed upon, including the monitoring of compliance and performance indicators. Progress reports shall be submitted by the client as frequently as set forth in the contract. The report will be a public</p>	<p>Law 11.723 / 95 - The Environment and Natural Resources - not yet regulated</p> <p>The objective of this Law, which is essentially an Environmental Framework Law, is set forth in the Single Chapter of the Law's</p>	<p>Local regulations are consistent with both, GCF and CAF standards.</p> <p>Monitoring is included in all standards. Enhanced details are included for both, PS and SV.</p>	<p>Sufficient information is available for the baseline design, and the financial and technical resources are also available in case information from secondary sources is insufficient.</p>

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<p>requirement. In cases where the Government or a third party is responsible for the management of specific risks and impacts and the corresponding mitigation measures, the client will collaborate in the establishment and monitoring of such mitigation measures. Where appropriate, clients will consider involving Affected Communities representatives in follow-up activities. The client's monitoring program must be supervised by the appropriate instances within the organization. For projects having significant impacts, the client will hire outside experts to verify the monitoring information. Monitoring activities should be adequate to the project's environmental</p>	<p>document, which will be available to all parties concerned. CAF will review these reports and, if necessary, propose corrective or complementary measures as may be necessary.</p>	<p>Title I, as follows: "the protection, conservation, enhancement and restoration of natural resources and the environmental setting in general in the Province of Buenos Aires area, in order to preserve life in its broadest sense, warranting present and future generations the conservation of environmental quality and biological diversity</p> <p>. Annexes II and III define Projects involving works or activities to be submitted to EIAS by the provincial environmental authority and the municipalities, respectively.</p>	<p>Measures:</p> <p>The baseline will be set up within the project's monitoring system to allowing for a proper monitoring of each action the project involves. This baseline, measured at activity start-up, will be the main benchmark to measuring progress.</p> <p>As part of the PGAS the Contractors of the different works must define the socio-environmental baseline at the beginning of the same making the relevant samples</p>	<p>Government sources of information are expected to be available if necessary.</p>

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<p>and social risks and impacts, and compliance requirements.</p> <p>Other than recording information to monitor performance and setting up relevant operational controls, the client should use dynamic mechanisms, such as internal inspections and audits, where appropriate, to verify compliance and the progress made to achieve the desired results.</p>				

