

URUGUAYAN REPUBLIC

Legislative Branch - The Senate

No 187 - BOOK 447 - DECEMBER 4, 2007

REPÚBLICA ORIENTAL DEL URUGUAY

CONGRESSIONAL RECORD

FOR

THE SENATE

**THIRD ORDINARY PERIOD OF SESSIONS OF THE XLVI
LEGISLATURE**

48th. ORDINARY SESSION

PRESIDED OVER BY MR. RODOLFO NIN NOVOA, President

AND

THE ECONOMIST, SENATOR ISAAC ALFIE, First Vice President

SECRETARY: ARCHITECT HUGO RODRÍGUEZ FILIPPINI

**AND THE ASSISTANT SECRETARY NOTARY CLAUDIA
PALACIO**

D I G E S T

1) Notice Wording

2) Attendance

3 and 21) Agenda

4) Information Requested

- Senator Luis A. Heber, in line with the provisions set forth in Sect. 118 of the Constitution of the Republic of Uruguay, hereby requests the Ministry of Public Health to inform on the consultancy on institutional communications which was awarded to the advertising agency “Perfil”.
- Duly processed.

5) Previous Absences

6, 8, 24 and 26) Members of the House

- The Court with jurisdiction over Electoral Matters stated that the third nominee in the candidate list designated as sublema “Unidad y Pluralismo Frenteamplista” of the Encuentro Progresista – Frente Amplio – Nueva Mayoría Political Party, Mr. Manuel Laguarda, was appointed as Senator, and Mrs. Sara López and Rosario Alzugaray and Mr. Gastón Silberman were appointed in an alternate capacity. Such appointments are temporary and will last as long as Senator Mónica Xavier is on leave of absence.
- Refusals. Submitted by Messrs. Manuel Laguarda, Nora Castro, Héctor Tajam, Eduardo Muguruza, Saúl Posada, Enrique Pintado and León Lev, who informed that just on this occasion they would not be accepting the invitation tendered to them.

7, 23, 25 and 27) Leave of Absence Requested

- Leave of absence requested by Senators Da Rosa, Fernández Huidobro, Baráibar, Ríos, Korzeniak and Sanguinetti.
- Leaves of absence granted.

9) Installation of a Met Office Station in Fray Bentos

- Statements by Senator Lapaz.
- Upon the motion made by Senator Lapaz, the Senate resolved that the stenographic record of his words be forwarded to the President of the

Republic, to the Ministries of Housing, Cadastre and the Environment, of Defense, of Industry, Energy and Mining and to the Foreign Office, to the Planning and Budgetary Office, to the Environment and Meteorology Offices and their stations throughout the country, to Botnia, to the Municipalities and to the Río Negro and Soriano Department Government Boards.

10) No answer from the Executive Branch to the Parliament

- Statements by Senator López.
- Upon the motion made by Senator López, the Senate resolved that the stenographic record of his words be forwarded to the President of the Republic, to the Foreign Office to the Ministry of Housing, Cadastre and the Environment, to the Planning and Budgetary Office, to Botnia, to the Congress of Majors, to the Municipalities and to the Department Government Boards and independent Government Boards throughout the country.

11) Repairing Road No 21

- Statements by Senator Lapaz.
- Upon the motion made by Senator López, the Senate resolved that the stenographic record of his words be forwarded to the President of the Republic, to the Transport and Public Works Ministry, to the Municipalities and to the Colonia and Soriano Department Government Boards, and to the Nueva Palmira, Agraciada and Dolores Local Government Boards.

Yours truly,

Eleuterio Fernández Huidobro.”

MR. PRESIDENT: A vote will be taken on the leaves of absence and whether they are to be granted.

(Votes cast)

- 14 of 16. **Affirmative.**

8) MEMBERS OF THE HOUSE

MR. PRESIDENT: The House is asked to take note that Mrs. Nora Castro and Messrs. Héctor Tajam, Eduardo Muguruza and Saúl Posada have stated that just on this occasion they will not be accepting the invitation tendered to them by the House. Senator Carlos Gamou, who has already taken the oath, is therefore invited in.

9) INSTALLATION OF A MET OFFICE STATION IN FRAY BENTOS

MR. PRESIDENT: Prior-hour deliberations have began.

Senator Lapaz takes the floor.

MR. LAPAZ: Thank you, Mr. President.

“In the first place, I would like to refer to something that we keep noticing with some surprise, which once again has led me to claim the following: the National Meteorology Office must play its role and assume its legal competences regarding Botnia company activities, and install a station at Fray Bentos, at the same time that, as provided for by law, it must centralize all the information regarding any movements at the mill which may concern the agency.”

As Vice President of the Environment Commission of the House, I was taking part of said working group’s session when the Meteorology Director, Brig. Gral. (R) Ariel Pérez Rivella, visited the Commission. The Meteorology Director confessed that, as regards the installation of the Botnia mill and its connection with the agency, he knew “more about it as a citizen than as Meteorology Director” because he believed that the environment issue “is not within the agency’s specific duties.”

Mr. President, I must insist on something that has already been clearly pointed out given that, indeed, the Director’s words show that the Meteorology Office was not consulted by the Housing, Cadastre and Environment Ministry as to Botnia’s doings to date, and that Law 17,296 of January, 2001 has thus not been complied with or abided by.”

Further, Pérez Rivella admitted that efforts such as “in-depth studies of another kind in which the meteorological factor is relevant” –as provided

for in the law which this Office has focussed on- have been placed “in a recess; they need to be restated (...), no sampling or analysis of contaminating elements, typical of any environmental investigation, are being carried out.” Truly amazing.

Another side of the issue is the station in the Botnia mill, owned by the company, which sends over its results to DINAMA directly; thus, both of them are ignoring the Meteorology Office, which has the only official word in this respect in Uruguay.

The station surveying and centralizing the information needs to be independent from Botnia and take part in monitoring Botnia activities from an environmental point of view. In the meantime, if we see it as a temporary solution, we could accept an in-house plant as long as it is operated by Meteorology Office officials under an agreement with the Ministry of Defense.”

In Río Negro the Meteorology Office has a station at Young, but there is another one nearer, in Mercedes, some thirty kilometers away. An agency as important as the latter, however, should have another station in Fray Bentos, guaranteeing official scientific control of the atmosphere – temperature, air, water, direction and strength of the wind-, and providing close surveillance of the activities at the pulp mill and of the vital elements in its environment, all of which has been clearly provided for by Law.

On the other hand, as regards the sodium sulphur leakage at the plant on August 14, and whether the Meteorology Office was consulted about the wind speed –a fundamental factor to find out about eventual repercussions of this and any other incidents which may occur- the Director’s answer leads us to think that the Director was not approached and that, though the Mercedes station could have been approached directly by DINAMA, this was not so.

I hereby request that the stenographic record of my words be forwarded to the President of the Republic, to the Ministries of Housing, Cadastre and the Environment, of Defense, of Industry, Energy and Mining and to the Foreign Office, to the Planning and Budgetary Office, to the Environment and Meteorology Offices and their stations throughout the country, to Botnia, to the Municipalities and to the Río Negro and Soriano Department Government Boards.”

10) NO ANSWER FROM THE EXECUTIVE BRANCH TO THE PARLIAMENT

MR. PRESIDENT: Senator Lapaz still has the floor as he will be addressing another issue during the prior-hour deliberations.

MR. LAPAZ: “Mr. President, I wish to put forth yet another issue which is not new; however, I believe that it is not useless to keep on insisting on it. I think that the Executive Branch has some sort of pejorative attitude towards Parliament which cannot be accounted for, which translates in that it does not answer when information is requested from the Administration and in that no senior officials appear when they are summoned by the Commission. The fact that the Administration is reluctant to hand in information requested by another branch of government is really annoying. This has happened recently with the Foreign Office and with DINAMA (Spanish acronym for National Environment Office). To use a fashionable expression, this is ‘belittling’ Parliament, in particular making little of the opposition, and I am tired of such lack of transparency, though they have promised it ever so many times.

For instance, on May 24, 2006, I requested information from the Foreign Office regarding how much it costs our country to defend our country’s national interests at the International Court at The Hague. My letter, addressed to the Speaker of the House, began by asking “how many individuals and legal persons member of your staff represent our country at the Court at The Hague, by forming part of the main working group, in the controversy with Argentina due to the cellulose mills, and who are they?” and “whether there are other adjunct members to the Group.” I also wanted to know whether “such members had been appointed after having first reached an agreement with them on their fees by way of their retribution, pro bono contributions or other, whether this had been agreed on in writing and on what date?”

All this information must be surely set forth in documents kept by the Foreign Secretary, which the Foreign Secretary must be pretty well acquainted with, and I see no reason to keep them from a Senator of the Republic who has requested them. Same thing with my concern about whether certain situations had been anticipated, such as resignations, abandonment or any other form of discontinuing the proceedings and, if so, how would each party’s damages be compensated.

Further, I wanted to know, in the event of an award of fees, who will award them and how will it be done. Whether by arbitration, through the international Court or otherwise, and under which framework? How are the per diems of the law firm defined? In that respect, ‘have such experts been

hired by paying them a fixed monthly sum all along the process, by means of a success fee, by paying them a percentage of the outcome or a by combination of the latter?’

In the case of DINAMA, we requested the presence of the head of such agency, Alicia Torres, to account for what happened when there was a leakage of sulphur dioxide in Botnia. She was summoned by us on September 12. Nevertheless, to date the Head of the Agency has managed not to appear and not to give any explanation.

We have only requested first hand information from those who, supposedly, follow up carefully and painstakingly on the issues concerning them, who have information that they should have made available to the Parliament when such information was requested from them.

I request that the stenographic record of my words be forwarded to the President of the Republic, to the Foreign Office and to the Ministry of Housing, Cadastre and the Environment, to the Planning and Budgetary Office, to Botnia, to the Congress of Majors, to the Municipalities and to the Department Government Boards and independent Government Boards throughout the country.

11) REPAIRING ROAD NO 21

MR. PRESIDENT: Senator Lapaz still has the floor as he will be addressing another issue during the prior-hour deliberations.

MR. LAPAZ: “Finally, Mr. President, I wish to echo the claims brought forward by the people that live near Highway No 21, in between Nueva Palmira and Dolores, who are decided to block off the road because the Ministry of Transport and Public Works has not carried out repairs which are necessary.