[ENG]

LEGAL RIGHTS FOR THE URUGUAYAN SANCTUARY FOR WHALES AND DOLPHINS

1. What is Uruguayan Sanctuary for Whales and Dolphins?

The Law No. 19.128 of 2013 declares the territorial waters and the exclusive economic zone of the Eastern Republic of Uruguay a Sanctuary for Whales and Dolphins. The Law prohibits all harm and activities that may harm whales and dolphins within Uruguay's exclusive economic zone.

2. What is the importance of the Sanctuary?

The territorial waters of Uruguay maintain a unique ecosystem, with diversity and richness of life that is important for the natural and cultural heritage of Uruguay and the world. This ecosystem arises from the convergence of two major ocean currents, the Rio de la Plata estuary and the relatively shallow waters of the area, which combine to produce a unique hydrographic system

The Sanctuary:

- Houses more than 500 species of fish.
- Houses 102 threatened, vulnerable, endangered and critically endangered species.
- Hosts 31 species of cetacean species that swim, breed, and feed in these waters are vital for the stability of the delicate ocean ecosystem within which we find, Right Whale, Franciscana Dolphin, the Dolphin Bottlenose or Tonina, Orca Dolphin, Blue Whale, Minke Whale, Humpback Whale, Fin Whale, Northern Whale, and Sperm Whale among others.
- The marine and coastal ecosystem of Uruguay has many mineral reserves and is very important for marine biodiversity and multiple human uses such as fishing (artisanal and industrial), tourism and scientific interests.

3. What does "Legal Rights for the Sanctuary" mean?

The recognition of the Whale and Dolphin Sanctuary as a legal entity seeks to build a new relationship between nature, humanity and the development of its activities based on respect for the law of nature and its natural balance, recognizing humans and nature as an interconnected whole. Leaving behind the vision of the ocean as a resource to be exploited only for human benefit, this new framework adopts a holistic view of Sanctuary governance based on the recognition of intrinsic rights for the Sanctuary and the cetaceans within. This recognition seeks to establish a balance between human needs and the needs of the ocean.

Several countries have recognized legal rights for nature in their legislation and constitutions, seeking to give a solution to many complex socio-economic, cultural, or environmental problems. The recognition of rights for nature in the comparative law experience has been flexible, adopting a different combination of legal form, mode of creation, specific legal rights, and institutional arrangements.

For example, New Zealand granted legal personhood status to the Whanganui River (Te Awa Tupua) Te Urewera National Park and Mt. Taranaki, divesting ownership of the ecosystems and recognizing them as living entities with rights. Additionally, the Act appointed guardians for the Whanganui River, who are legally responsible to represent the rivers interests in decisions and disputes, including to "promote and protect the health and well-being" of the river and act in its interests. The Te Urewera legislation does similarly, explicitly identifying the "intrinsic worth" of Te Urewera. "Such guardianship ensures that all activities affecting Te Awa Tupua and Te Urewera are monitored, and at all stages the interests of Te Awa Tupua and Te Urewera are upheld by a body appointed to do solely that. It doesn't leave the protection of these interests to the chance that a person might want to take a role as guardian on behalf of the river, such as asserting standing in court. It requires the exercise of this role at all times and allows it to be exercised in other fora, not solely courts."[1] The lack of government ownership, also creates a new framework for management, comprised of relevant stakeholders (government and maori, and guardians) who are responsible for management decisions. The lack of government ownership allows the management board to have control of issues like permits and licenses.

On the other hand, Colombia through the jurisprudence of the Council of State and its Supreme Court has recognized both the river Atrato (2017) and the Colombian Amazon (2018) as a subject of rights, respectively. The jurisprudence established the institution of the guardians of the river Atrato, formed by government organisms and representatives of the communities of the Atrato river, recognizing the special connection of the river with its riverine communities. The decisions expressly recognize the rights of protection, conservation, maintenance, and restoration. The implementation of these sentences is currently in progress.

Legal Rights in practice means new and higher standards; criteria for decision making to guide implementation of the Sanctuary; such criteria are expanded on in the Earth Law Framework (pg 68):

- More protection: requiring "no— take" zones, areas where extractive activities are generally not allowed.[2] Studies show that no— take zones produce cost— benefit ratios where benefits far exceed the costs.[3] No— take MPAs also provide direct and indirect human benefits, such as those for jobs, research and cultural values.
- Aim for a level of health that is determined based on what allows the Sanctuary and its comprising elements to maintain "normal form and function"
- require governance meets the IUCN definition of a Protected Area, where the highest objective and priority in conflict is conservation, management must eliminate or prevent exploitation, and regulations aim to maintain or increase the degree of "naturalness" of

[1] Elgard Blog, A world where the rivers are people too, June 22th, 2018, https://elgar.blog/2017/06/22/rivers-as-people/
[2] National Geographic, No-Take Zones (Jul. 27, 2017), https://www.nationalgeographic.org/encyclopedia/no-take-zone/.
[3] OECD, *supra* at 7.

the ecosystem. Therefore, management must prove that conservation is indeed a product of regulations. If activities, either isolated or cumulative, impact the ecosystem's ability to maintain a status of "health" or "normal form and function," managers must identify and design alternative regulations that meet this criteria.

- ❖ Established guardians, who represents the Sanctuary and allows participation with voice and vote in the judicial, legislative, administrative, economic and social dimension, at national and/or international level.
- ❖ Rebalances the power, because it can participate in the decision making of acts, measures and public and private projects that could affect their rights directly or indirectly.
- ❖ The recognition of rights corrects the gaps in our traditional legal structures that allow short-sighted actors to abuse natural systems for a quick benefit.

4. Why is it important to recognize legal rights for the Sanctuary?

It is evident the severe impacts of the human activities on the ocean health and the cetacean life; consequently, under this understanding, it becomes imperative to regulate, limit, prohibit specific activities applying new limits managing them. The management plan and the proposed legal decree aspires to recognize how our lifestyle is affecting the ocean, take responsibility for that impact, and modify our behavior reconnecting and returning to nature, living in harmony as a whole in mutual respect.

Additionally:

- ❖ Experts and international organizations including the United Nations, the International Union for the Conservation of Nature and the National Oceanic and Atmospheric Administration all call upon us to transition to a more holistic and rights-based approach to ocean governance.
- ❖ Adopting this framework will help Uruguay achieve it's CBD and SDG 14 targets, including applying the ecosystem approach in all coastal marine protected areas by 2020 and conserving 2% of the marine surface area using SNAP by 2020.
- ❖ If we want to encourage the emergence of an economy that better recognises the real importance of nature and humans' place within it, then the legal framework that supports it will need to change. While such a re- prioritising will entail a paradigm shift, adoption of individual elements of law can help shift both mindsets and practice. Using legal personhood and state guardianship to uphold responsibilities is one such tool.

5. What is the difference between the current environmental legislation and Legal Rights for the Sanctuary?

Uruguay has developed an important environmental legislation and policies at a local level and through ratifying international conventions to protect the biodiversity, the environment, and the

marine ecosystem. Uruguay has a set of specific sectoral regulations in matters of fishing, tourism, ports, transport maritime, protected areas, ordering territorial, environmental impact assessment.

Legal Rights for the Sanctuary is intended to complement existing legislation, changing how we view and understand the ecosystem and species. It requires that all decisions, powers, and functions that involve or may affect the Sanctuary consider its inherent rights and adopt an Earth-systems approach.

The contribution of Legal Rights includes:

- **Law # 17.282, Law of Protection of the Environment.**

a. The Law of Protection of the Environment describes that in the 1st Article that sustainable development that meets the needs of the present without compromising the ability of future generations to meet their needs." Article 2 states that "the inhabitants of the Republic have the right to be protected in the enjoyment of a healthy and balanced environment"

Legal Rights for the Sanctuary, changes the human-centered perspective of sustainable development to a holistic approach, in which it not only recognizes the needs and rights of human entities, but also recognizes the needs of other species and ecosystems. The Sanctuary and its constituting elements and species would also have a rights to a healthy and balanced environment. This leads to a higher level of health than just what humans decide is needed.

Likewise, this new law understands that the right to a healthy environment is an autonomous right independent and disconnected from other rights of humanity, which is in harmony with what is stated in the Advisory Opinion of the Inter-American Court of Human Rights. Oc-23/17 of November 15th, 2017 that states in the paragraph 62 "this Court considers important to emphasize that the right to the healthy environment as an autonomous right, unlike other rights, protects the components of the environment, such as forests, rivers, seas, and others, as legal interests in themselves, even in the absence of certainty or evidence about the risk to individual persons. It is about protecting nature and the environment not only because of its connection with a utility for human beings or for the effects that its degradation could cause other people's rights, such as health, life or personal integrity, but because of its importance for the other living organisms with whom the planet is shared, also deserving of protection in themselves. In this sense, the Court notes a tendency to recognize legal status and, therefore, rights to nature not only in court decisions but also in constitutional orders".

Thus, also, the adoption of Legal Rights would allow compliance with international obligations derived from the ratification of the Inter-American Convention on Human Rights where the autonomous right to a healthy environment interpreted by the Court is recognized.

b. Article 5 of Law No. 17.283, states that the purpose of the law is the protection of the environment, in compliance with the mandate provided for article 47 of the Constitution of the Republic of Uruguay. Moreover, Article 4 requires that the State must promote, an environmentally sustainable development model, protecting the environment and, if it is deteriorated, recovering it or demanding that it be recovered.

Legal Rights for the Sanctuary is a law that implements Article 4 and 5, providing a model for development of the Sanctuary that protects and conserves it simultaneously. Its main objective is

the health of the ecosystem and therefore its protection, considering what science understands as healthy environment and not what is useful for people. The model establishes higher standards of protection because the Sanctuary and the natural entities that compose it are not objects of protection but subjects of rights that can demand the fulfillment of their fundamental rights, such as to be protected, conserved, maintained and recovered, as is the case of Colombia. The law speaks of the "duty of the State of Uruguay" and the law decree completes the the right correlative to these obligations and makes the protection of the Sanctuary effective because the Sanctuary and the Cetaceans may demand from the State of Uruguay the fulfillment of their legal and Constitutional duties with respect to them.

c. In Article 6a) it seeks to differentiate Uruguay from the other nations as a "Natural Country." The approval of the proposal that recognizes the Whale and Dolphin Sanctuary as a subject of rights, would make Uruguay the first country in the world that recognizes Marine Protected Areas as a subject of law. Uruguay will become a lead and a model in the region to promote a paradigm shift in the relationship of humanity and nature, leaving behind the paradigm that considers nature as an object of appropriation, a model that has progressively contributed to the destruction of the global ecosystems.

d. Article 6d) points out the protection of the environment constitutes a commitment that concerns society as a whole, so the people and representative organizations have the right-duty to participate in that process.

Sanctuary Rights encourages the participation of society in all instances of design, implementation, and compliance with environmental policies. It not only recognizes the right of community involvement, but also recognize the same right for natural entities. Nature as a subject of rights has the legal standing to participate in the processes as principal actor of environmental policy formulation and to appear in Court, before situations that directly or indirectly affect them, to have a voice through their legal representatives. Thus, the Whale and Dolphin Sanctuary would be an active entity (through human representation), for example, in the discussion about the environmental impact of industrial activities carried out in the exclusive economic zone of Uruguay, the increasing threats from shipping traffic, pollution and non-sustainable fisheries, the elaboration of the management plan for the Sanctuary, in the denunciation of harmful activities for the health of the Sanctuary and its ecosystem and the education of the population on initiatives to protect the ocean and cetaceans.

e. Article 3 states (Duty of persons) “Individuals and legal entities, public and private, have the duty to *refrain from any act that causes serious environmental predation, destruction or pollution”*. Likewise the law establishes in its article 15 administrative sanctions for infringement of environmental protection regulations.

The legal decree establishes minimum rights of the Sanctuary and Cetaceans, also sets a particular definition of what the realization of those rights means. The codification of rights and their significance allow to the State of Uruguay and the community having higher level of certitude articulating more efficiently their duties and responsibilities vis- a- vis de Ocean. It appears as a new and more explicit standard of ocean protection. The current law is limited to establish a duty of abstention to perform any act of destruction, degradation or serious contamination, however the realization of the minimum rights of the oceans require more than an abstention (of serious harm), but it is conducive to achieve a standard of a healthy ocean, so it is

necessary to clearly establish the illegality (criminal offenses) of actions or omissions that violate the minimum rights, and that degrades the ocean beyond its point of natural restoration.

- **Law No. 19.128 of 2013**

The Law Law No. 19.128 of 2013 establishes the exclusive economic zone of Uruguay as a whale and dolphin sanctuary. This law only states the threats that cetaceans and dolphins face when hunting, captivity and harassment. Five years after its promulgation, unfortunately, there is no sanctuary management plan.

Recent studies identify how the main risks to which cetaceans are exposed are not limited to hunting but that we can find incidental fishing, the growing industrial and extractive activity in the marine environment and in the coastal zone, as well as the change climatic, pollution, traffic of ships among others.

Although Law 19.128 was an important step in the protection of the ocean and cetaceans, it does not actually give the Whales and Dolphins a right to not be subjected to those activities. When only humans have rights, then legislation which seem to interfere with human property rights, have to be justified in human terms, so we still look at the benefit to us rather than to the species or ecosystem. Not surprisingly, human interests outweigh animal interests in most disputes.

In our society, the amount of protection one receives is a function of the legal rights one holds. Fundamentally, a legal right involves the assurance by society that when another person acts inconsistently with a right that you hold, an authoritative public body will give some amount of consideration to your protest. Real protection in our legal system, then, involves the right to be heard. Children, corporations, mentally ill even ships have all been granted legal identity and may argue their interests before courts through guardians.

The legal decree based in Earth Law principles with a rights- based approach, formalizes the legal rights of and principles for the Sanctuary of Whales and Dolphins. It establishes the legal and formal instruments necessary to achieve effective protection of the Sanctuary. Particularly, this includes guardians to represent the Sanctuary's interests in decisions and dispute, including providing strategies to address the problems of the Sanctuary, preparing and implementing the management plan, making recommendations on zoning and limitations, banning or controlling certain human activities, as well as establishing protected areas within the Sanctuary. This means that the Sanctuary does not depend on institutions for which it is not a priority, but its development and implementation is granted to an entity that has exclusive dedication to represent and protect their interests.

6. **How this recognition could affect the economy, coastal local business and foreign investment?**

The recognition of rights of the Sanctuary of Whale and Dolphin will not suppress the marine economic activities. In fact, studies show that expanding the coverage of MPAs that do not allow extractive activities to 10% and 30% of the global ocean area show benefits exceed the costs, with ratios in the range of 3.17 – 19.77; from the most conservative estimate of 2 US$490 billion

and 150,000 full-time jobs in MPA management, to the most optimistic estimate of US$920 billion and over 180,000 jobs by 2050.

Legal Rights for the Sanctuary promotes the transition to sustainable alternative livelihoods, including ecotourism and whale watching.

Whale Watching now practiced in more than 85 countries, in USA Whale Watching generates income of more than 1 billion dollars a year and is fast becoming an essential means of economic development for coastal communities worldwide. At the same time, Whale Watching contributes to the conservation of whales by fostering respect for cetacean species as an irreplaceable part of our national marine heritage.

With regard to Uruguay's economic situation, Whale Watching constitutes a viable alternative for economic development with direct benefit to communities where it is practiced, by creating new jobs and helping to diversify the local economy. "Services" contribute almost 70% to Uruguay's GDP, where the majority of that is from finance and tourism. Besides, Whale Watching represents an important educational tool through the promotion and development of local science programs, as well as by preserving the natural, cultural and historical heritage of countries traditionally tied to whales. At a regional level, the promise of Whale Watching is reflected by its rapid growth in Argentina, Brazil, and Uruguay.

The management plan aims to establish areas for different uses. However, in the event of a conflict between human activities and conservation, conservation will be the priority.

7. **Where else is this being implemented??**

- Ecuador, Bolivia and Mexico City now protect Rights of Nature in their constitutions or national law.
- Recent New Zealand treaty agreements declare a river, national park, and sacred mountain as legal entities with "all the rights of a legal person."
- Colombia declared both the Atrato River and Colombia Amazon as a "legal entity subject to basic rights."
- Galapagos Marine Reserve- includes the rights of nature as a guiding principle for management. Commercial fishing is prohibited, and fishing is limited to sustainable artisanal fishing. In Ecuador regulations have been passed as a result of the constitutional amendment, including the National Plan for the Conservation of Marine Turtles, the Protection of hammerhead sharks from bycatch and prohibitions on certain types of fishing gears. The Special Law of the Galapagos.
- Court cases in Ecuador highlight how rights of nature improves enforcement and supports conservation efforts, especially in regards to the Galapagos.
- Belize Barrier Reef recognized as subject of rights. Adoption of an indefinite moratorium signed into law on 29 December 2017 to preserve the World Heritage site reef builds on earlier recognition of Nature as subject of rights.

- 2018 Amendment to the Organic Law of the Municipality of Paudalho in the State of Pernambuco adopts Rights of Nature.
- Over 20 countries have some form of rights of nature law or judicial decision: http://www.harmonywithnatureun.org/rightsOfNature/

Sources for Implementation:

- Marco de Leyes de la Tierra para las Áreas Marinas Protegidas
- Derechos de la Naturaleza

8. The proposal for Legal Rights for the Whale and Dolphin Sanctuary?

- Uruguay would establish itself as a leader in ocean conservation by being the first country to implement the rights of the ocean.
- Developing a protected area umbrella legislation recognizing and protect the Sanctuary's inherent rights and intrinsic value.
- Developing a Sanctuary management plan in accordance with the capacity of natural laws.

VERSIÓN ABREVIADA PROYECTO DE DECRETO QUE RECONOCE EL SANTUARIO URUGUAYO DE BALLENAS Y DELFINES COMO UNA ENTIDAD JURÍDICA

Artículo 1: El Santuario de Ballenas y Delfines es declarado una entidad sujeto de derechos

1. Se declara al mar territorial y la zona económica exclusiva de la República de Uruguay, establecido como Santuario de Ballenas y Delfines por la Decreto 19.128 en 2013, como entidad sujeto de derechos.
2. Sin embargo:
   (a) los derechos y facultades del Santuario, serán ejercitados en su nombre y representación por el Consejo del Santuario de Ballenas y Delfines
   (b) El Consejo del Santuario de Ballenas y Delfines deberá asumir las responsabilidades correspondientes en el ejercicio de sus funciones.

Artículo 2: Se establece que el Santuario de Ballenas y Delfines debe poseer, como mínimo, los siguientes derechos fundamentales:

1. **A la vida:** El derecho a mantener la integridad de los sistemas vivos y los procesos naturales que sustentan el océano y la tierra en su conjunto, y las capacidades y condiciones para la regeneración. Todas las especies de los océanos, plantas, animales y

microorganismos, tienen el derecho a la vida. El derecho a tener áreas críticas y significativas reservadas para la continuación de los ciclos y procesos en los que ninguna actividad humana puede ocurrir (zonas de exclusión pesquera). El océano tiene derecho a vivir a perpetuidad y los seres humanos deben asegurar que la búsqueda del bienestar humano contribuye al bienestar del océano, ahora y en el futuro.

2. **A la salud y el bienestar:** La salud se define en términos del propio bienestar de los océanos y en relación a su estado natural. El derecho a vivir libre de tortura o de malos tratos por los seres humanos y existir en su estado natural y en su hábitat. El derecho a estar libre de contaminación (incluyendo el ruido y plástico) y los residuos tóxicos o radiactivos.

3. **A la diversidad de la vida:** El océano tiene el derecho a la biodiversidad y a evolucionar. Tiene derecho a la diferenciación y la variedad de los seres que componen el océano, sin que sean genéticamente alterados o modificados estructuralmente de forma artificial, sin lo cual su existencia, su funcionamiento o potencial futuro podrían verse amenazadas.

4. **Al agua:** El derecho al agua como fuente de vida. El derecho a preservar la funcionalidad del ciclo del agua, su existencia en la cantidad y calidad es necesaria para sostener los sistemas vivos y no vivos, y su protección contra la contaminación para la reproducción de la vida del océano y todos sus componentes. Esto incluye el derecho de mantener la temperatura del océano y la composición química (proporciones de dióxido de carbono) a un nivel que no amenace derecho a la integridad del océano y su funcionamiento vital y saludable.

5. **Al aire limpio:** El derecho a preservar la calidad y composición del aire, y la funcionalidad del ciclo del carbono, para el sostenimiento de la vida y de los sistemas y su protección contra la contaminación, para la reproducción de la vida del océano y todos sus componentes.

6. **Al equilibrio:** El derecho al mantenimiento y la restauración de la interrelación, interdependencia, complementariedad y funcionalidad de los componentes del océano de una manera equilibrada para la continuación de sus ciclos y procesos vitales. El océano tiene derecho a vivir en armonía con los seres humanos y muestran la forma y la función normal.

7. **A la restauración:** El derecho a la restauración oportuna y completa de los impactos de las actividades humanas directas o indirectas.

8. **A la representación:** El derecho a la representación ante la ley y previamente a la toma decisiones o realización de actividades, que puedan afectar el océano y sus derechos.

Artículo 3: Se establece que todos los cetáceos que vive en el Santuario deben poseer, como mínimo, los siguientes derechos fundamentales:

1. A la vida

2. Los cetáceos no deben ser mantenidos en cautiverio o servidumbre; estar sujeto a malos tratos o ser removido de su ambiente natural
3. Todos los cetáceos tienen el derecho a la libertad de movimiento y residencia dentro de su ambiente natural
4. Ningún cetáceo es propiedad del Estado, corporación, grupo humano o individuo.
5. Los cetáceos tienen derecho a la protección de su medio ambiente natural
6. Los cetáceos tienen el derecho a no ser sometido a la alteración de sus culturas
7. Los cetáceos tienen derecho a que esos derechos, libertades y las normas se hagan plenamente efectivos
8. Ningún Estado, corporación, grupo humano o individuo deben participar actividades que socaven estos derechos, las libertades y normas.

Artículo 4: Se establece el Consejo del Santuario de Ballenas y Delfines para el gobierno y gestión del mar territorial y la zona económica exclusiva de la República de Uruguay.

Artículo 5: Los objetivos del Consejo del Santuario de Ballenas y Delfines son:
1. ser el rostro humano del Santuario y actuar en su nombre y representación, así como en nombre y representación de los cetáceos que habitan en él.
2. el Consejo tiene plena capacidad y todos los poderes que sean razonablemente necesarios para alcanzar sus objetivos y ejercer sus funciones, deberes y obligaciones de acuerdo con este Decreto.

Artículo 6: Las funciones del Consejo del Santuario para Ballenas y Delfines son:
1. **representación, promoción y defensa**
   (a) El Consejo debe actuar en interés del Santuario en cualquier proceso legal o en cualquier foro público.
   (b) El Consejo debe actuar y hablar en nombre y representación del Santuario.
   (c) El Consejo debe defender, promover y proteger la salud y el bienestar del Santuario.
2. **Estrategia y toma de acciones**
   (a) El Consejo debe identificar las problemáticas más relevantes relacionadas con la salud y el bienestar del Santuario
   (b) El Consejo debe proporcionar una estrategia para hacer frente a esos problemas y recomendar acciones para hacerles frente.
3. **Preparación y aplicación del plan de manejo**
   (a) El Consejo debe preparar el plan de manejo del Santuario.
   (b) El Consejo debe aconsejar a las personas que manejan el Santuario sobre la aplicación del plan de manejo, utilizando medios tales como;
      i. la emisión de una declaración anual de las prioridades para la ejecución del plan de manejo.
      ii. llevar a cabo cualquiera de las funciones especificadas en relación con el plan operativo anual para el Santuario.
      i. supervisar la aplicación del plan operativo anual.
4. **Consejos, informes, recomendaciones**
   (a) El Consejo debe realizar propuestas y hacer recomendaciones para el establecimiento de áreas especialmente protegidas, áreas silvestres y áreas de esparcimiento del Santuario

(b) El Consejo debe preparar o encargar informes, consejos o recomendaciones sobre cuestiones relativas a los objetivos del Consejo.
(c) El Consejo deberá informar pública y periódicamente sobre los asuntos relacionados con el Santuario;

5. **Colaborar y participar en procesos relevantes para el Santuario**
   (a) El Consejo colaborará con todo organismo pertinente, agente, o tomador de decisiones para ayudar a comprender, aplicar y poner en práctica el estatus del Santuario, incluyendo el desarrollo o revisión de directrices o reglas pertinentes,
   (b) El Consejo participará en todo proceso legal que afecte al Santuario en el que Consejo tendría derecho a participar de acuerdo a la legislación vigente.
   (c) El Consejo servirá de vínculo, asesorará o buscará asesoramiento con cualquier organismo, autoridad local u otra entidad respecto de asuntos relacionados a los objetivos del Consejo; y
   (d) El Consejo redactará los estatutos del Santuario

6. **Misceláneo**
   (a) El Consejo tomará cualquier otra acción que considere que es pertinente y apropiada para lograr sus propósitos.
   (b) El Consejo cumplirá las demás funciones que se especifiquen en este Decreto o en cualquier otra norma.

Artículo 7: Nombramiento del Consejo del Santuario de Ballenas y Delfines.

1. El Consejo se compondrá de 9 miembros, designados de la siguiente manera:
   (a) 3 miembros designados por _____ [las partes interesadas]
   (b) 4 miembros designados por _____ [grupo de investigación, los ecologistas y / o científicos]
   (c) 2 miembros designados por el Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente.

Artículo 8: Presupuesto del Consejo.

1. Antes del comienzo de cada ejercicio anual, el Consejo debe desarrollar y acordar un proyecto de presupuesto para el desempeño de las facultades del Consejo y el ejercicio de sus poderes para cada año de ejercicio, el cual debe ser aprobado por el Ministerio de Vivienda, Ordenamiento territorial y Medio Ambiente.

2. El Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente, de acuerdo con la Ley de Presupuesto Nacional, debe asegurar en su presupuesto anual un financiamiento adecuado para la operación del Santuario de Ballenas y Delfines y para el pleno desarrollo de sus funciones.

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